Max Scharnberg **:**

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

vol. 2

Cases of Younger Children, Including a Cases of Alleged Necrophilia, and the Shortcomings of Judicial Logic

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Abstract

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21 cases are described involving children aged 1-10. Inter alia the famous Swedish *cutting-up trial*, where two medical doctors supposedly had murdered a prostitute, performed a sexual desecration of her corpse, eaten her eyes, and applied sexual vibrators in the anuses of each other, in the presence of 17-month-old Henriette (daughter of one of the doctors). The evidence was manufactured by Frank Lindblad, a Swedish counterpart of Lenore Terr. It consisted of psychoanalytic interpretations of trivial remarks made two years later by Henriette. The doctors were first convicted of murder, but later only of desecration, since the prostitute might well have died from natural causes.

Terr's theories, their aim and historical origin, is also traced. Primarily, they are based on the superstitious idea that *the cause is similar to the effect*, whence the cause of a symptom or a statement can be established by unearthing or inventing another event which is similar.

Frequently, the mother and a team of psychologists indoctrinate pre-school children. A large but *non-painful* virus infection of a 1-year-old girl was taken as a burn, hence a probable indication of sexual sadism. A list of recurrent features in indoctrinated allegations is presented. E.g., 4-year-old Corinna *mixed up* whether she had an ejaculation in daddy's mouth, or vice versa. In order to facilitate a false conviction, the judge forbade the expert witness for the defence to criticise the three expert witnesses for the prosecution.

A dozen Swedish psychologists claim to apply Elizabeth Loftus's method. Repeatedly, pseudo-Loftusians prove the father's guilt from “the fact” that a 4-year-old child *cannot* be indoctrinated. In one such case, Professor Loftus joined the defence.

A number of professions and roles are surveyed. Recurrent reactions of innocent defendants are described (e.g., *the beetle syndrome*). As for judges and jurors, the legal system in any country is poorly tuned to the cognitive

equipment of homo sapiens. Words are whirling around, and the decision makers will usually overlook the informative facts.

Since there is no jury in Sweden, and judges must produce written justifications of verdicts and punishments, the Swedish legal system is important to science. Much space is devoted to *court decision psychology*, inter alia to the empirical disclosure of *judicial logic*: the body of rules actually applied. 33 such rules have been identified. Each rule is manifestly invalid.

Key words: Sexual abuse of young children, necrophilia, Swedish cutting-up trial, psychoanalytic interpretations as legal evidence, Lenore Terr, principle of similarity, psychology of lying, textual analysis, defendants' mental reactions, court decision psychology, judges' actual reasoning, legal proceedings

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To

the men behind the pseudonyms
Dr. Laurence Autonne and Dr. Emil Gendel

Victims of the case of greatest judicial
corruption in
Sweden for 40 years

Tenth Book

The Psychoanalytic Framework of “The Cutting-Up Trial”

Chapter 69
The Essence of Psychoanalytic Methodology

The content of yesterday's metaphysics is today's common sense and tomorrow's nonsense.
Philipp Frank

§500. [To readers who are not familiar with the first volume a few specific aspects of the Swedish legal system must be replicated. I shall avoid the peculiar local terminology, which may confuse international readers. A witness can *testify* and can commit *perjury*. An injured party can only *semi-testify* and commit *semi-perjury.* The difference is that the punishment for semi-perjury is less, whence the court's certainty that an injured party told the truth should be less. The defendant is almost invariably interrogated during a trial, but can neither testify nor semi-testify and, hence, cannot be punished for lying.

The injured-party-lawyer or, for short, the i-p-lawyer, is not simply the lawyer of the injured party. He (or more often: she) is given the injured party - even one-year-old children - by the authorities. The i-p-lawyer is *not* bound to take the position of the injured party. Even if a 17-year-old girl claims that her father did nothing to her, the i-p-lawyer may deem it to be in the best interest of the girl that her father is sent to prison.

The i-p-lawyer functions as a second prosecutor. But her activity is not restricted by any considerations of the legal safety of the individual. She may spot the weak points of the case and train the girl to change her account. If the district court explicitly stated in the judgement that the father was acquitted because the girl said so and so, the i-p-lawyer may fabricate a better version and teach it to the girl. The version the judge[s] will listen to, and to which they will attribute “the stamp of an authentic account of something really experienced by the girl herself”, is, more often than not, manufactured by the i-p-lawyer.]

§501. A considerable part of the present volume is devoted to the case which is in Sweden known as “the cutting-up trial”. Two medical doctors (here named “Laurence Autonne” and “Emil Gendel”) were tried of having murdered a prostitute and performed a sexual desecration of her corpse, whereby they had eaten her eyes. The act was performed in the presence of Gendel's 17-month-old daughter (“Henriette”). A brief outline of the case was given in Scharnberg (1993, I, ch. 30). The entire evidence consisted of two categories: (a) *eyewitness identification* (where both witnesses repeatedly identified wrong persons until they learned whom they *should* have pointed out); (b) *psychoanalytic interpretations* by Frank Lindblad, of

trivial remarks really or allegedly made by Henriette two years later.

Other defendants have suffered more, and no one as much as Elvira's father. But in terms of the number of persons engaged in forging evidence on behalf of the prosecutor, it does not seem that any comparable case of judicial corruption can be found since the end of the second world war.

To prevent breaking off the thread in the middle of the presentation of the case, I shall first describe the psychoanalytic framework applied. What I am going to say on the latter would probably have appeared revolutionary, unbelievable, and perhaps even insane 20 years ago. Today, psychoanalytic propaganda has to no little extent been substituted with the scientific study of the historical and other facts. After the publication of such works as Macmillan (1991), Esterson (1993), Scharnberg (1993), Israëls (1993), Schatzman & Israëls (1993), Mahony (1984) etc., the real riddle is how thousands or millions of readers - quite of few of them chief physicians or professors of psychology - for almost a century managed to be blind of what is on the surface for everyone to see. Karl Popper has rightly stated that psychoanalysis is most true of the psychoanalysts themselves.

§502. Some readers may have access to the second but not the first volume. A few repetitions from the latter and from other writings of mine, are inescapable. First: *the canon of psychoanalytic methodology* as described in Scharnberg (1993, II, §764).

THE PRINCIPLE OF SIMILARITY. *The cause of a psychopathological phenomenon is similar to that phenomenon. And the fact that a certain (real or imaginary) phenomenon is similar to another, proves that the former is the cause of the other.*

THE ILLUSION OF SEPARATION. *When looking carelessly at a complex situation containing numerous intertwined and not yet disentangled causal relations, the idea might occur to you (by chance or because of a prejudice), that one phenomenon A is the cause of another phenomenon B. Although there is yet no logical or factual ground why numerous other known or unknown phenomena might not be the cause of B: pretend that all other causal relations are non-existent, so that it is a proven fact that A is really responsible for B.*

THE PSYCHOANALYTIC STANDARD OPERATION PROCEDURE *consists of five sub-rules:*

1. *Start with a preconceived interpretation.*
2. *Pick up a few details here and there on the criterion that they can be used or misused to support the interpretation.*
3. *Connect them with the interpretation by means of the principle of similarity.*
4. *Ignore all data which cannot be used as pseudo-support of any interpretation.*

5. *If data which contradict the interpretation have inadvertently been obtained, suppress them and conceal them from the reader.*

THE DOCTRINE OF OVER-CAUSALITY. *Each of two non-overlapping sets of causal factors may constitute the NECESSARY and SUFFICIENT condition of a phenomenon to be explained, in such a way that: the phenomenon will invariably occur when the former causal set is present and never when the former causal set is absent, regardless of the presence or absence of the latter causal set; while at the same time the phenomenon will invariably occur when the latter causal set is present and never when the latter causal set is absent, regardless of the presence or absence of the former causal set. In other words, there may exist several sets of causal explanations, each of which is the EXHAUSTIVE explanation. Moreover, regardless of the nature of the causal explanations, they could never contradict each other.*

THE POSTULATE OF THE OUTGROUP. *The ingroup consists of psychoanalysts and successfully psychoanalysed individuals. According to the postulate, psychoanalytic theory is valid solely of the outgroup. It has no bearing upon the behaviour, reactions and motivations of individuals belonging to the ingroup, and does no attempt to explain these phenomena.*

THE GOSSIP THEORY OF (PSYCHIC) DISEASE. *Sick people have deliberately (albeit by an unconscious act of will) produced their symptoms for the purpose of impressing or dominating others.*

THE PRINCIPLE OF PRESTIGE. *Psychoanalytic interpretations should always be so constructed that the prestige of the psychoanalyst will be enhanced and/or the prestige of the patient will be reduced.*

§503. It would be a matter of routine to show that these principles have been derived from traditional superstition or from primitive and vulgar lay thinking. The first three principles have been given extensive attention in Scharnberg (1993). Since I intend to produce two future volumes on the real and the alleged methodology of psychoanalysis, respectively, little space will be devoted to this subject here. One further example of the gossip theory will however be supplied. It is from 1839 and is concerned with the etiology and therapy of warts. The psychological insight of Charles Dickens is greatly underrated. He observed numerous highly interesting facts about the function of the human mind, which scientific (inter alia experimental) psychology did not discover until a century later.

> "'I can't help it, indeed, sir,` rejoined the boy crying. 'They will come; it's the dirty work I think, sir - at least, I don't know what it is, sir, but it's not my fault.`
>
> 'Bolder,` said Squeers, tucking up his wristbands, and moistening the palm of his right hand to get a good grip of the cane, 'you're an incorrigible young scoundrel, and, as the last thrashing did you no good, we must see what another will do towards

beating it out of you.`" Dickens, 1982:48) [Q-503:1]

The gossip theory may combine with the principle of over-causality. For instance, Dora's cough-attacks, which she had suffered from since she was 12, and which might last for 6 weeks, was an attempt at blackmailing her father into abandoning his mistress. Freud had established with certainty that they would immediately disappear if the father really did so, regardless of what happened between Dora and the husband of the mistress. At the same time, the cough attacks were caused by her unconscious wish of sucking the penis of this husband. And they would disappear if Dora was able to face her true feeling for the man whom she "erroneously" felt that she despised. Their disappearance would by no means be dependent upon whether her father left or retained his mistress.

As Scharnberg (1984) showed: if each detail of a case is interpreted in isolation, and if similarity is supposed to prove causality, then the principle of over-causality is a necessary corollary.

§504. Both Freud and head master Squeers applied the illusion of separation, in so far as both hit upon their very first etiological idea and never gave a thought to the possibility of a somatogenic etiology. The same methodological rule is illustrated by the psychoanalytic ideas on "psychosomatic medicine" of the 1940s and 1950s. Flanders Dunbar describes

> "a boy working in his father's flour mill who was allergic to flour. He was told to move to a different town and to take a job other than in a flour mill. He moved but, as things worked out, the new job offered was in a flour mill, yet he was no longer allergic to flour. However, when he returned home and worked for a brief period in his father's mill the allergy returned" (Dunbar, 1948:28) [Q-504:1]

Dunbar concludes that the allergy was psychogenic and had something to do with the boy's relation to his father. Dunbar does not pay any attention to other possible difference between the two mills such as (a) construction material, e.g. stone or wood, and sort of both; (b) age; (c) air ventilation; (d) cleaning habits; (e) nature of micro-organisms; (f) genetic differences between the grains; and so on.

§505. For obvious reasons, the psychoanalysts could not tell the truth. Instead, they have invented an impressive series of propagandistic claims about what method they apply: (a) the experimental method or a method which is closely related to experimentation (Fromm, 1968:175, Deutsch, 1945:II:9, Hartmann, 1959:21, Kubie, 1960); (b) the sign-interpretation method of the police doctor disclosing the cause of the death of a corpse; (c) the method of the jigsaw puzzle (the latter two are postulated in Freud's third

seduction paper, and for a century no one detected that they are logically incompatible). (d) The so-called hermeneutic method was invented some 70 years after the birth of psychoanalysis. It had two purposes: to make psychoanalysis immune to refutation; and to permit psychoanalysts to postulate causal relations without providing any empirical support - they just need add that their postulation *is no causal relation.* Things will merely become *"intelligible"* if the postulation is treated as if it is one.

A psychiatrist may commit perjury in the court and claim that oral eczema *proves* that the defendant practised oral sex upon the injured party. On the basis of this testimony, the defendant may be sent to prison for a decade. When the very same psychiatrist is later asked to defend his conclusion at a seminary, he will make a volte-face: it was never his view that the event ever occurred in empirical reality or that the defendant had actually committed the crime. The event was just (a) *a fiction* which brought about a pattern which gave (b) *the psychiatrist himself* (c) *a feeling of understanding*.

§506. Sherwood (1969) bears the impressive title *The Logic of Explanation in Psychoanalysis*. I would not waste space on this work, except because prominent writers - inter alia Michael Scriven - have documented their lack of critical sense. Sherwood splits Freudian quotations and places the two sections on different pages (pp. 78 and 108, respectively) in order to conceal that they do not fit together, but contradicts Sherwood's analysis. - He cannot deny that the interpretations found in most of Freud's writings are arbitrary and based upon only a few observations. But he invents the following explanation: Freud really based his interpretations upon a wealth of observations. But he left out 95-99% of them *because of pedagogical reasons*. The reader may try to imagine a chemist who will actually use complex and sophisticated techniques for establishing that a certain substance is terramycin, but who will in a textbook, *because of pedagogical reasons*, inform his students that they can be sure that any substance is terramycin if it is a little yellowish.

In the 1950s and 1960s it was a wide-spread device to prove that psychoanalysis is scientific, on the ground that it shares certain methodological features with the best natural sciences - viz. such trivial features which the latter also share with almost any pseudo-science. Sherwood's aim is to prove that Freud's logic in the case-study of the rat man is satisfactory. (Scharnberg, 1984, §§138ff., arrived at the opposite conclusion.) He applies, inter alia, the following scheme: Chemistry gives explanations; astrology gives explanations; consequently, astrology is as scientific as chemistry. -Substitute astrology with psychoanalysis, and Sherwood's most central argument will result.

§507. Three texts will be juxtaposed. First a typical argument from the case of the rat man. Freud's interpretation of "dung" is based upon *Karakter und Anal-Erotik* from 1908, a paper extensively analysed in Scharnberg (1993, II, *sixth book*). Second, Sherwood's misrepresentation of this and comparable interpretations. Third, Scriven's evaluation of Sherwood's analysis.

> [The patient dreamt that] "he saw my daughter in front of him, but she has two patches of dung instead of eyes. NO ONE WHO UNDERSTANDS THE LANGUAGE OF DREAMS WILL FIND MUCH DIFFICULTY IN

TRANSLATING THIS ONE: it declared that *he was marrying my daughter not for her 'beaux yeux`* but for her money." (GW-VII:421/SE-X:200; capitals added) [Q-507:1]

> "FREUD DOES NOT ARGUE THAT BECAUSE HIS GENERAL THEORY IS CORRECT, THEN ITS APPLICATION TO THIS PARTICULAR INDIVIDUAL MUST LIKEWISE BE CORRECT. We are asked first to evaluate his explanation of that particular individual alone. The argument is from the explanation of the individual's behavior to the general theory." (Sherwood, 1969:189f.; capitals added) [Q-507:2]

> [Sherwood's] "book is of very great interest and importance, and would be of value to anyone concerned with the methodology of the psychoanalytic or indeed the psychiatric field." (Scriven, s.a., 1970?) [Q-507:3]

§508. Next Sherwood's systematic description of the kind of explanations he claims to have found in the case-study:

> "[Question] Explain the water pipe's bursting last night (a winter night with the temperature well below freezing).
> [Answer] Because the underground main valve was not shut off, a full head of water filled the main pipe running along the outside wall of the house to the first floor. As the temperature fell the water cooled to its freezing point where a molecular rearrangement formed a stable, solid mass. The solid crystalline structure of water requires approximately 10% more volume for equivalent masses than in liquid state. Hence, as the water froze its volume expanded. Being held by the pressure of the central reservoir and the closed taps within the house there was no space within the pipe for expansion and it burst at the right-angle joint, its weakest point." (Sherwood, 1969:32f.) [Q-508:1]

Sherwood missed all the crucial points. *How* do we know the existence and relevancy of the following facts: (a) the valve was shut off; (b) the temperature; (c) water will freeze at low temperature; (d) frozen water will need more volume; (e) pressure will increase when volume increases; (f) the pipe may burst when pressure increases; (g) the pipe will tend to burst at its weakest point; (h) its weakest point is the right-angle joint. We can know them solely from *prolonged previous* observations.
The real analogy of Freud's deduction would be a Martian ignorant of all physical laws on our planet, who would observe a conglomeration of facts such as the following ones: half the pipe is red and the other half is white; near the bursting point the text is found on the wall "John loves Mary"; a dead bird is lying under the burst point; etc. And by reflecting upon such facts, the Martian would hit upon the true explanation.

The task confronting the Martian might not be insoluble. In fact, Scharnberg (1993, I, §§376-390) constructed a pattern of observations which, if ever encountered, would indeed prove the seduction theory. The crucial fact is that there is a radical discrepancy between Sherwood's water pipe explanation and any method Freud (a) actually applied, (b) falsely claimed to have applied, or (c) could at all have applied. Any single case method for

disclosing causal relations not established in advance, must necessarily be based upon parallel order relations.

§509. So many examples of *the principle of similarity* are provided throughout the present report, that this topic may be skipped here. The same is true of the fact that *repression* and *lifted repression* (*"de-repression"*) are deliberately faked observations. No psychoanalyst has ever observed anything even remotely akin to these phenomena.

From the methodological point of view, ch. 57 of the first volume is extremely important.

Chapter 70

The Distinction Between the Symptom and the Underlying Disease

Crank science is the excrements of true science.
Victor Hugo

§510. Few aspects of Freud's edifice have been more admired for its originality than his distinction between the symptom and the underlying cause, and few aspects are less original. - Most of the content of the present chapter is borrowed from Winckle (1989), while a few facts are taken from Barz (1986) and Scharnberg (1995).

Probably, the distinction can be traced back to classical Roman medicine. Still around the middle 18th century, most physicians would not distinguish between syphilis, gonorrhoea and scabies: all of them could be transmitted by sexual intercourse. Since scabies was an "immoral" disease, many victims were imprisoned at penitentiaries. They had to swallow mercury, which made them vomit incessantly. The fundamental theoretical framework was this: (a) The symptom is just the outward manifestation or effect of the disease. (b) The underlying disease consists of imbalance of deeply lying dynamic forces. (c) If the disease is cured (is spit out), the symptom will disappear by itself. (d) If the symptom is cured but the disease left unimpaired, the latter will still need expressing itself in some symptom. (e) The intervention directed against the disease must be violent, eruptive, and painful. (f) *A symptomatic cure will necessarily lead to relapse or to symptom substitution*.

This "scabies-dynamic" theory is so easily recognised in psychoanalysis, that readers who know little of the history of science might suspect I have made it up. Actually, a considerable number of diseases was explained and treated in the same way. In the 1890s the "dynamic" framework had not disappeared altogether. One reason why Freud (in contrast to, say, experimental psychology) never met much resistance, was his pervasive lack of originality: his readers *recognised* all his ideas.

§511. When Napoleon was in Vienna in 1809, he suffered from scabies on his neck. The physician-in-ordinary to the empress advised him to do nothing about it. If the symptom was cured, the disease might grow inwards, and he might become psychotic.

No one was cured by the mercury treatment. Some became invalids, and some died. But "even if the patient doesn't get better, you know you're doing the right thing", as Frank (1961:125) quotes a psychiatrist to have said. The struggle between the "scabies dynamists" and the "scabies

behaviourists" was a perfect counterpart to what took place within psychological therapy two centuries later.

In 1762 *Johann Friedrich Struensee* cured more than 500 soldiers of scabies by means of sulphuric ointment, which had no unfortunate side-effects at all. Struensee belonged to a far-seeing realistic minority. His scientific contributions as regards numerous diseases would probably have given him a name as one of the utmost greatest names in the history of medicine, if his *political* fate had been different.

§512. *Digression.* Since we are in the present two volumes concerned with one of the major irrational crazes in history, it may not be inappropriate to supply some information on another irrational pattern of events, viz. Struensee's abortive political attempts. In the entire history of mankind there have been two and only two attempts at creating paradise on this earth. Both were partially successful, and both were destroyed by external enemies. One of them was the Jesuit state in Paraguay. The other was Denmark in the 1770s. During the reign of the psychotic king Christian VII, the physician-in-the-ordinary to the King usurped the power and, at a rate of four new laws a day, transformed Voltaire's ideas into concrete practice.

Torture was abolished as a means of making suspected criminals confess. So were all the cruel methods of execution. Soldiers were allowed to marry. No punishment was met out for voluntary sex. No unmarried mother was put in the pillory. Unmarried mothers were permitted to leave their children to specific institutions while preserving their anonymity. Such institutions ceased to be places where children would slowly starve to death: they were now given genuine economic resources, paid by a tax of 1% on all lotteries. Freedom of press was secured, and so were equal rights for Jews. Slavery was abolished in the Danish colonies. Latin was substituted with Danish as the language used in schools. Corporal punishment at school was prohibited. When epidemic illnesses approached the Danish border, Struensee had the population inoculated. In years of overproduction of grains, the peasants were commanded to sell a fixed proportion to the state at a fixed price; hence they were not ruined by uncontrolled drop in prices. In years of failure of the crop, famine was prevented by means of the public storehouses. The enormous budget deficit of the state, amounting to more than five times the gross national product and growing at a rate of 20% a year, was in 2½ years reduced to less than thrice the GNP.

§513. This is just a small selection of what Struensee did. After 2½ years he was decapitated at the age of 34. His enemies returned to the old policy of cruelty and poor finances. In a sham trial Struensee was accused of attempting to murder the king and of having slept with the queen. It is conclusively proved that both accusations were false, but he was convicted of the latter. Actually, he considerably improved the king's mental health, and succeeded in re-starting the sexual life of the couple. Having understood the king's homosexual inclinations, he realised that the queen would be more attractive if she was as far as possible clothed in a man's dress.

One might expect the Danish people to be proud of having participated in such a social experiment 235 years ago. But still today, when each of Struensee's ideas constitutes self-evident aspects of our democratic heritage, he is despised. I myself am originally Danish, but it would be a tough job to find half a dozen Danes who has anything positive to say about Struensee.

§514. It seems not to be a well-known fact that *associationism* was a prominent trend in psychology during the late 19th century. Freud joined the popular vogue, and claimed to have gathered from patient observations, what numerous people were familiar with from numerous books. But there is no scientific basis for the belief that ideas occurring in close temporal proximity, must be causally related.

§515. Another fundamental constituent of psychoanalytic methodology was borrowed from mythical thinking (Cassirer, 1977), viz. *causal hypertrophy.* If rain is falling upon me on my birthday, the causal hypertrophist will demand more than a physical causal explanation. Why was MS involved rather than any other person? Why did it occur exactly on his birthday? The weather is, as it were, conceived of as *a person* who has a special interest in MS.

Chapter 71
The Wolf Man's Observing Parental Coitus at the Age of 18 Months

> *I like also the men who study the Great Pyramid, with a view to deciphering its mystical lore. It is a singular fact that the Great Pyramid always predicts the history of the world accurately up to the date of publication of the book in question, but after that date it becomes less reliable.*
>
> Bertrand Russel

§516. Masson (1984) has shown that there was much interest in sexual abuse of children throughout the 19th century. But he conceals Freud's primary source of inspiration. The seduction theory did not emerge from clinical observations. On April 18th Stekel (1895) published in *Wiener Medizinische Blätter* an article “On Coitus in Early Childhood”. In order to prove Freud's originality, psychoanalysts claimed that Freud and Stekel did not know about each other's existence until 1901.

Stekel had had two adult psychotherapeutic patients who had practised coitus during pre-school age. One of them did so once a week for a year. But then the girl started school and thought that such “childish” behaviour was no longer appropriate. Half a year later, November 2nd, Freud (1985:149) wrote to Wilhelm Fliess for the first time that he had found evidence of “infantile abuse”. No trace is found in his letter of October 31st. His *first* seduction paper clearly shows that he was not thinking of adults abusing children, but of pre-school children “abusing” each other. This paper - posted in 1896, February 2nd - includes no less than *13* (*thirteen*) out of the 18 patients which were presented in 1896, April 21st. The idea of adults abusing children emerged very gradually and in accordance with the Falstaff principle. Moreover, the majority of the 18 patients were fabricated out of thin air. Probably, only 4 of them really existed (Scharnberg, 1993)

§517. It is a propaganda myth that Freud eventually retracted the seduction theory because it aroused opposition. But Freud did think that he himself had been abused by his father. He rejected the theory 32 days before the first anniversary of his father's dead. In a letter to Fliess, Freud (1985:264) found it unthinkable that so many *fathers* could be so perverse. - The hypothesis which Scharnberg (1993) primarily favoured, is that Freud eventually got followers, who wondered why *they* never observed any patient who recalled events of sexual abuse.

Although Freud had retracted the seduction theory (in private in 1897, in public partially in 1906 and completely in 1914), he continued to apply it

in his own practice as late as in 1922, cf. ch. 28 on Maryse Choisy's cat dream.

§518. The seduction theory was eventually substituted with the coitus theory: the patient had during infancy woke up and seen his or her parents involved in sexual intercourse. This horrifying experience (called “the primal scene”) had laid the ground for his or her neurosis. This interpretation was particularly popular among the ego-analysts, whose theoretical leaders were Heinz Hartmann, David Rapaport, and Erik Homburger Erikson.

> “Mania, depression, paranoia, hebephrenia, phobia, hysteria, compulsive neurosis, character disorder, learning disturbance, asthma, headache, delinquency - all have been explained as reactions to single or multiple exposure to the primal scene. One is moved to wonder whether we are here confronted by one of those situations in which a theory, by explaining everything, succeeds in explaining nothing.” (Esman, 1973:64f.) [Q-518:1]

The utmost best example of a supposedly verified primal scene which Hartmann (1959) could find, was Bonaparte (1945). A detailed criticism of her deduction is presented in Scharnberg (1993, I, §115).

Since Henry James wrote novels on sex, it is unsurprising that the psychoanalyst Mauritz Katan (1962) - the husband of Anny Katan, whom we met in §§361ff. - explained his authorship as the result of the observation of parental coitus.

§519. The following presentation concerning Freud's most famous patient, the wolf man, is taken from Mahony (1984) and Esterson (1993). From a dream the patient had at the age of 26, Freud deduced that he had witnessed parental coitus at the age of 18 months (note that Henriette was 17 months old when she supposedly watched the act of sexual desecration).

The dream was not about 7 white wolves, but about 5 white dogs. Freud concealed the fact that it was *he and not the patient* who connected the dream with the fairy-tale about the wolf and the seven goatlings; the wolf ate all goatlings except one. And the wolf deceived the goatling by dipping his hand in flour so that it became *white* - just like the “wolves” in the dream.

Freud distorted the dream so that it fitted his interpretation. He also fabricated that the patient had given the association to this fairy-tale. Note also the following excerpt. Flagrantly, it is replete with Freud's own associations, which he put into the patient's mouth:

> “I was struck by the fact that from time to time he turned his face towards me, looked at me in a very friendly way as though to propitiate me, and then turned his look away from me to the clock. I thought at the time that he was in this way showing his eagerness for the end of the hour. A long time afterwards the patient

> reminded me of this piece of dumb show, and gave me an explanation of it; for he recalled that the youngest of the seven little goats hid himself in the case of the grandfather clock while his six brothers were eaten up by the wolf. So what he had meant was: 'Be kind to me! Must I be frightened of you? Are you going to eat me up? Shall I hide myself from you in the clock-case like the youngest little goat?`" (GW-XII:67f./SE-XVII:40) [Q-519:1]

The reader may find it worthwhile also to compare this excerpt with the lady with the stain on the table-cloth in *Table 97:1*.

§520. Freud was a virtuoso in lying techniques. He explains how the wolf man searched in second-hand bookshops, until he found the very same edition he had read as a child. This is a twin lie.

Allegedly, the patient had had the very same dream 20 years earlier, and repeated it during the treatment. I shall anticipate an unpublished result of my own. It is a deliberate untruth that Dora ever claimed to have dreamt the fire-dream during four consecutive nights 1½ years before the start of the treatment, viz. immediately after the seduction attempt by a man who was very much older than she. Consequently, there is reason to doubt the isomorphic claim about the wolf man.

Freud habitually asserted that this or that fact emerged only after prolonged treatment. Unsurprisingly, he (GW-XII:59/SE-XVII:33) claims that he did not find the true interpretation of the wolf dream until after almost four years.

§521. This interpretation is as follows:

At the age of 18 months, when little Sergey suffered from malaria, he woke up and saw his parents engaged in coitus in the dog's position. He watched with strained attention, and his father performed three complete acts during half an hour. Until that moment, Sergey had believed there was no anatomical difference between males and females; and that coitus is normally performed in the anus. But now he discovered two horrible truths for the first time in his life. He desired to be himself used by his father as a female. But he realised that this would only be possible if he was first castrated. Hence, the desire for an orgasm also filled him with fright of castration. Therefore he repressed the desire. And this laid the basis for his life-long neurosis.

§522. Mahony (1984:50ff.) list five conclusive proofs as to why the event cannot have occurred:

A. *The event is dated by means of the time when Sergey had malaria. On one page Freud writes that he was 18 months old; and on another page that he was 4 years old.*
B. *It is no ordinary human achievement to perform three coital acts in half an hour.*

C. *For all we know about malaria, an infant lying for half an hour with “strained attention” without crying, while being in a paroxysmal feverish state, is a sheer impossibility.*

D. *A child of very rich Russian aristocrats would never sleep in his parents' bedroom, but in the child nurse's room.*

E. *The dog's position is the least favourable for observing the female sex organ, and the most favourable for confusing the vagina and the anus. Unless the child was lying between the legs of the parents, “the Wolf baby's angle of vision would exceed the ingenious staging of any pornographic film producer”.*

The reason why human beings have no memories before 2 years of age, is that the brain is simply not sufficiently developed for retaining impressions (Nilsson, 1995). Psychoanalysts show an extremely limited familiarity with human memory. Not even their most recent contributions are compatible with what was known a century ago.

Chapter 72

Recent Psychoanalytic Speculation on Memory Traces from Childhood: Scott Dowling and Janice de Saussure

> *Upon completion of the treatment, the patient comes into possession of his true biography.*
> Stephen Marcus

§523. Let us assume that a psychoanalyst inferred from a dream an event which the 23-year-old patient supposedly experienced at the age of 3; and that the parents confirmed the nature and time of the event. This pattern would prove nothing. The original event might have been *totally* forgotten; the patient might at the age of 13 have overheard the parents describing the event; this description might have been normally forgotten; and the therapist might have stimulated recall of the latter.

On the other hand, if true independence is secured, it does not matter whether the person confirming the event is trustworthy or a mythomaniac or a psychotic. A more extensive account of this problem is found in Scharnberg (1993, I, §§276-281).

Note also that our dreams are much more suggestible than our waking life.

§524. Some psychoanalysts still claim to observe recollection of parental coitus. But we are provided with no information as to *how* it was known (e.g., from the patient's dream) (a) that he or she had had such a experience, and (b) that the experience was traumatic.

> "In the dreams of someone 'turning into` something frightening, a central aspect of a traumatic experience is revived; in this instance, the physical and emotional transformations which she [Emma] witnessed and experienced in the primal scene are repetitively restated in a constant aspect of the content of otherwise usual dreams. This dream type has descriptive similarities to the Wolfman's dream and. like that dream, refers to a traumatic primal scene experience." (Dowling, 1982:160f.) [Q-524:1]

Around 1970 a Swedish authoress advocated an unusually high degree of free upbringing. Asked in TV whether her 3-year-old son was permitted to be present when she made love, she answered that she and her boyfriend had to stop it, because the boy was laughing so much that they could not concentrate on what they were doing. - The universal traumatic reactions postulated by the psychoanalysts is simply unbelievable.

§525. Saussure (1982) presents a case of a 37-year-old female who

during the first session recounted an event from her second birthday (cf. §522, but also §108). The act of photographing her had filled her with fury and outrage. She also recounted a dream from the age of 4½ to 5. I shall quote only the last part. It is easy to read the text aloud so that the "pornographic" meaning will be apparent.

> "Inside each **box** a man was sitting, **completely enclosed** except for his head which protruded **through the hole**. As the **boxes** became **hotter** the men's faces got very **red**. They were all **fat men** and she thought they were there to *lose weight by* **sweating**. In the last room she saw that the box was **violently shaking** the man inside. *Suddenly* **the heat was turned off** and **the vibrating stopped**. The doors opened and the man stepped out. *To her horror* she saw **an emaciated looking man, just skin and bones**, who wore only a loin cloth. The sight of him *terrified her* so much that she woke up trembling and with her heart pounding." (Saussure, 1982:170, italics and bold types added) [Q-525:1]

§526. Saussure promises to show that the patient's neurotic symptoms "seems to have been crystallised and given permanent form and organisation by the dream". But her promise is substituted with dogmatic assertions. The patient recalled that her father was away from home for about a week when she had the dream. In the third (!) year of treatment she asked her mother what happened *on the very day before the dream*. The mother had never been told the dream, and the age of the patient at the time of the dream could be ascertained with a range of 6 months. Nonetheless, the mother had a phenomenal memory. She recounted that she and the child had taken a nap when a thief broke in. She had screamed and chased him out of the house. Saussure concludes that repression was involved: the fact that the patient had forgotten the thief event but not the photographing event, "hints at a connection" between both.

§527. As regards the dream, "a penis can disappear by shrinking or melting away". The patient's "terror in the dream and afterwards indicated a repressed fear that her child sexual feelings and activities [=masturbation?] had led to her castration, i.e. to the loss of a visible sexual organ". "The sight of her father in erection" had aroused a certain kind of desire: "Her wish in the dream had been to satisfy her curiosity about his body and to have some kind of sexual pleasure with him."

Saussure's interpretation seems to be a mechanical plagiaration of Freud's deductions about the wolf man's dream.

Chapter 73

Lenore Terr's Attempt at Remedying Freud's Flaws About the Wolf Man's Dream

At the time we convicted Pyrot we had no evidence against him. But we have later made up for the omission.

Anatole France

§528. Lenore Terr is primarily known to international readers because of her contribution in the Paul Ingram case. Frank Lindblad invoked her authority in the Swedish cutting-up trial, and has held many lectures on her sham research. Both Terr and Lindblad testified that: even if they had not known the nature of the crime, they would have been able to deduce the latter from the words of Eileen Franklin and Henriette, respectively. So did Bosaeus, cf. §223. We have here three clear-cut instances of perjury. (*I hereby invite Frank Lindblad to prove his capacity in an experiment, where I shall present him with indisputable cases from some distant country.*)

Ofshe & Watters (1994) are much more competent than I of evaluating Terr's role in the Ingram case. But I shall say much about the cutting-up trial.

§529. Each and all attempts at remedying the shortcomings of psychoanalysis, do not in the least reduce the original defect. They merely add new and larger ones (Scharnberg, 1993, I, ch. 10). Terr (1988) is no exception.

Freud's logical scheme has three constituents: (a) a present event; (b) a past event; (c) the relation of similarity between both. For the sake of argument I shall take the first constituent at face value. But similarity proves neither that the past event occurred, nor that it was causally responsible for the present event.

Terr's logical scheme has the same three constituents, but she proceeded along the opposite road. She located 20 instances of absolutely certified events from early ages. And then she looked for present events which were similar to the past event. Like Freud she concluded that if both events are similar, the present event must be a memory trace of the past one.

§530. Three very different aspects of her events should be distinguished: the central features (a 23-month-old girl injured her face by falling into a boat motor); the non-central features (someone said that the boat had exploded); the degree of trauma (what could 0 to 6-month-old baby

have felt when pornographic photos were taken?) In each and every case, Terr presents clear-cut evidence solely as regards the central features. She seems to be unaware of the existence of the two last aspects.

I shall discuss 8 of the 20 children. Their ages at the event was 6-7-18-23-24-25-27-34 months. All children younger than 28 months will discussed. The 34-month-old girl is included because of methodological considerations. Henriette was 17 months old, which means that only three of Terr's children were of her age or younger.

§531. When Tama was 34 months old, her big brother had been driving a forklift truck. The latter toppled over onto the child who was severely injured. One leg was amputated when she was 10. She was 15 when Terr saw her. She claimed to have a clear recollection. The toddler had shouted “Stop!” to the brother. He had shouted back “Shut up stupid” almost at the moment he toppled. - This non-central information may be authentic, but was apparently not independently verified. And Terr is not aware of the problems described in §523.

The missing data are crucial if the aim is to prove Freud's theory, or to supply judicial evidence. They are even more crucial if the “memory” consists of symbolic interpretations of dreams, symptoms, and behaviours. The central aspects were not repressed. But Terr tries to prove that the event had left a trace in Tama's unconscious, which had emerged in a dream:

> “'My dreams of forklift trucks started to disappear when I was 6,` she said. 'I can't remember when I had the last one.` 'Can you give me a recent dream about anything at all?` I asked. 'My boyfriend proposes marriage,` she blushed. 'We walk along a beach to an 18th century house. Characters from the movie 'The Shining` are there. They're waiting to axe me. I go over to the beach with my boyfriend. Giant crabs with huge legs are there, ready to attack.`
>
> I cannot imagine anything more like a killer forklift than a runamok Alaska King Crab. The dream, in part, tells the tale of terror from age 34 months. [...] and the threat of an axing [symbolizes] (the amputation).” (Terr, 1988:102) [Q-531:1]

Dreaming of being hunted by giant crabs after having seen a movie about giant crabs, is poor evidence of an unconscious memory trace. Childhood accidents will not protect the individual from dreams directly caused by movies. And if the truck toppled onto the two-year-old, she might have perceived it as *a heavy and massive colossus*. The fork may have played no role in what frightened her. Terr interpreted *her own* rather than the patient's associations.

§532. The next case will be quoted in toto:

> “Sarah was 15 to 18 months old in the day care home [where she had been abused

by someone(s) taking pornographic photos of her]. She was 5 when she entered my office jauntily. First she drew a picture of a naked baby. She explained: 'This is my doll. She is lying on the bed naked (she hesitated), but covered up. I'm playing and yelling at my doll. She was bad! I yell at my doll (she hesitated again, looking up at me for some response) - not really yell - yet get to bed, you!`

I asked whether Sarah ever felt scared. 'I'm afraid of some things but I don't know what they are. I used to be scared of a cow. I never saw one. Moooooo! I thought that part (the udder) was really scary too. It looked some kind of monster to me when I was little. I also remember (when) we went on a boat in Disneyland - an animal boat - some have stripes...there were some little Indians with spears pointed at us. I was scared of that.` The child fingered her upper abdomen. I asked, 'Did anybody ever scare you?` 'Somebody scared me once,` she said, 'with a finger part.`

A few weeks later I saw the pornographic photos. Expecting to find a man's penis in or at the baby's genitals, I saw instead an erect penis (to this child with a 15 to 18 month old vocabulary at the time of experience, a 'finger part`) on Sarah's upper abdomen - jabbing at the very spot she touched in my office." (Terr, 1988:100f.) [Q-532:1]

§533. The session cannot have been so brief that nothing more happened. Psychotherapists systematically conceal their own suggestive influence (cf. ninth book on adults and §353 on Winding's, 1986, 5-year-old patient). The symbol "a finger part" for an erect penis would hardly occur to such a young child. A competent psychiatrist would have wanted to know more about the scaring finger part; some mothers threaten their children with the index finger.

Causal hypertrophy is assumed. Sarah's fingering might be an unrelated act, and it is natural to point with spears at the upper abdomen. We cannot be sure that the police secured all pornographic photos, and on lost photos the penis might have been directed against other body parts. (The insinuations about the naked doll merit no comment.)

§534. Three other girls were exposed to photographic abuse. Gloria was 0-6 months old then, and Terr saw her at the age of 2 years 11 months. She had no verbal recollections, but showed four "behavioural recollections": (a) she looked under the dress of a doll; (b) she piled dolls on top of other dolls, in pairs; (c) "she took off all clothes of a doll (Little Bo Beep). 'We are taking a bath.' she announced, and then she watched me. I turned slightly, *feeling that she was waiting for me to look somewhere else.*" (d) "She poked Bo Peep suddenly and violently in the vagina."

No competent psychiatrist would see any evidence of memory traces in this perfectly normal behaviour.

§535. Brent was abused when he was 3-24 months old. He attained some speech at 12-15 months, but turned entirely mute by 24 months. Therefore, he was removed from the day care where he had been abused.

Terr saw him when he was 4 years 5 months old. He had no verbal recollections. - We are not told (a) at what age mutism disappeared; (b) whether he had any previous therapy; (c) whether a previous therapist saw any causal connection between the abuse and mutism; (d) how old he was when the abuse was exposed; (e) what occurred during the first two sessions with Terr, who only described the third session.

§536. The omitted information is particularly important, because Brent does not talk like a child victim. His words seem to derive from an adult psychotherapist:

> "In his first two psychiatric sessions, Brent did not play much, but in the third, he took up some small cars.
>
> 'They're going to the hotel,` he said of the cars. 'They like it. They're going in. They like the doors and the movies. 'They get to watch movies?` I asked. 'No, stupid. They *make* movies. A man - the person who does the movies - he is going to make the children's pictures. I don't know what they do. They take pictures with their clothes off. They like to... The children fight and play around. The parents also have their clothes off. They sometimes take their picture, too, without clothes. They like each other. They are Gumdrop Mummy and Gumdrop Daddy (the owners of the day care home kept gumdrop around). I don't know the children's names. They all have gumdrops.
>
> [...]
>
> 'They get excited! Then their penis unties - looses off - it comes off their bodies...This thing on your car *goes up and down* [italics added]. See. When the children stop playing, fussing, and taking pictures, their penis gets very softer.`" (Terr, 1988:99f.) [Q-536:1]

§537. A 1-year-old child would hardly on his own have detected any connection between the cameras in the "studio" and the screen in a cinema.

Manifestly, Terr was eager to obtain support for her theory. Since the boy had no verbal recollection, the only option was to make him play and comment upon his playing. Until we know the nature of Terr's influence, there is no evidential power in Brent's words. But something must have gone wrong. The child had no recollections. But when he did not attribute the events to himself, he was capable of supplying a rich set of details about what happened.

Joe was 36 months old when the abuse stopped. He recalled quite a few details. But the photos proved that he had participated in additional non-recalled activities.

§538. Sasha had at the age of 7 months been abused in Satanism. (The FBI has been unable to find *any* instance of Satanism. If Terr's event was verified, it is not clear what she meant.) The *only* evidence of "behavioural recollection" was that, when he was 16 months old he had allowed his

cousin to sit upon his head. Terr is not sure whether this was merely play, and nothing in her paper suggests that the supposed Satanism included *this* pattern. She noted that the act made more fun to the cousin than to Sasha. But she forgot a third hypothesis, viz. that Sasha had learned from Satanism that resistance doesn't pay.

Winifred had at the age of 25 months witnessed her sister eviscerating in a kiddie pool. Terr's thinks she “recalled” a false version she had been told by her mother. Cf. the next case.

§539. At the age of 23 months Faith had fallen into a boat motor. When she was 11 she did not recall the accident. But she recalled her terrible look in the mirror when she was washed afterwards. She also recalled that someone came in and said “The boat blew up”.

Faith's look after the accident seems to have been confirmed by her parents. But the boat did not blow up, it was sold. Terr's conclusions are that the look in the mirror is a genuine recollection, while the statement is not. Both conclusions are against sound methodology. Even if the boat did not explode, someone might well have said that it did. And the child may have developed a vivid and distinct pseudo-recollection of her face, on the basis of her parents' later recount.

The same hypotheses might also pertain to 11-year-old Muffy, who recalled having at the age of 27 months been sitting outside the room where her mother was dying.

§540. To sum up: We shall never know whether Tama's conscious memory of the *central* feature was veracious. As regards all the other children, there is no evidence of any recollection.

Eleventh Book:

The Cutting-Up Trial
As An Instance of
Applied Psychoanalysis

Chapter 74
The Origin of the Case and the Somatic Sham Evidence

If you win any cases, it is just because the judges cannot stand to listen to you any longer.
My 11-year-old granddaughter Sandra

§541. The crimes for which the two doctors were originally tried, were numerous and complex. The *auto*psist Dr. Laurence *Auto*nne had allegedly murdered a prostitute and heroine addict. There is no reason to conceal her real name, Catrine da Costa, since it is well-known to the entire Swedish population. Autonne and his former student, the *gen*eral practitioner Dr. Emil *Gen*del had performed a perverse desecration of the corpse, in the presence of 17-month-old Henriette Gendel. They had partitioned the corpse. They had eaten the eyes of the prostitute. They had applied a sexual vibrator in the anuses of each other. They had taken photos of the event. Dr. Gendel had sexually abused his daughter, inter alia by applying a screw-driver in her anus.

The police, the judges, most of the experts, and the feminist movement had completely lost their capacity for critical reflection. Even if each and all crimes had actually been committed, how could anyone possibly have found out?

The pseudonym “Laurence” was selected because of its similarity with “Claus”. In Scandinavia, folklore mingles with Christianity: “Santa Claus” is called “The Christmas Brownie”. Dr. Gendel's wife and daughter will be called “Nora” and “Henriette”, respectively.

§542. A total of 10 decisions, verdicts or judgements have been passed: twice by the district court, twice by the Court of Appeal, once by the Supreme Court, once by the Medical Responsibility Board, twice by the Fiscal Court of Appeal, and twice by the Supreme Administrative Court. Such an extensive run is unique in Sweden.

Quite a few experts were involved. All were appointed by the courts. But all but two secretly worked as commissioned aids to the prosecutor; inter alia the psychoanalyst and child psychiatrist Frank Lindblad, the clinical psychologist Margaretha Erixon, and the medico-legal expert Jovan Rajs. Two witness psychologists, Astrid Holgerson & Birgit Hellbom (1991), performed a comprehensive and objective investigation. Although I have

extensively scrutinised the original documents, a considerable part of my presentation and analysis has been borrowed from theirs, and I cannot acknowledge my dependency on every page. The international witness psychological literature would be greatly enriched if this work was published in English.

Judge Inger Nyström of the Supreme Court maintained that the prevailing pattern in Sweden is, that two expert witnesses are engaged by each of the two parties (ch. 114). Party-engaged experts will distort the facts in accordance of the interests of their client. They will defend opposite conclusions. As a result, the judges will be confused: it is beyond their capacity to assess the true merits and shortcomings of opposite views. Nyström suggested a solution: only court-appointed experts should be taken seriously by judges. Their independence of both parties will guarantee their objectivity and impartial attitude. They will arrive at the same result. And judges can mechanically base their verdict upon the words of the expert(s), and send people to prison without performing any investigation of their guilt or innocence.

It is the habit of judge Nyström to invent empirical generalisations ad hoc when they are needed. When questioned, she was unable to indicate any single instance of "the prevailing pattern in Sweden". Moreover, her argument implies that judges are not competent of performing the task they are paid for. Besides, *the cutting-up trial* (like many other comparable Swedish cases) were well-known to her. She knew that there was a maximal disagreement between the court-appointed experts.

§543. Twenty-eight-year-old Catrine was seen practising her profession on Whitsunday 840610. After noon that day no one has seen her. 840718 and 849897 parts of her partitioned body were found. Her head and a middle part of the trunk has never been found. Jovan Rajs had the task of making an autopsy. According to his affidavit, some elements of the partitioning could only have been performed by a highly skilled surgeon, while others were akin to non-professional butchering. He concluded that a professional had suddenly been interrupted and had had to finish the job in great haste. Another expert suggested that two different persons might have performed different parts of the cutting-up. Both the district court (at both trials) and the Fiscal Court of Appeal (at the second trial) concluded that Dr. Autonne was responsible for the professional elements and Dr. Gendel for the non-professional ones. The axiom that Dr. Gendel could do no better than the butcher's job, must raise serious suspicions about the honesty of the judges.

Since Catrine's breasts, inter alia, were cut off, Rajs concluded that sexual motives were involved. He also stated that the partitioning had been performed immediately after her death. And he concluded that Catrine had been murdered either by strangling or by blows on her head or by a cut into her neck.

§544. The nature of Rajs's argumentation should be carefully noticed. *We are concerned with exactly the same confusion of objective somatic*

facts and wild speculation, which we noted in the sixth book, not least in ch. 44 concerning the case of Vanessa. Among Rajs's conclusion, all but one (which is trivial and has not been included here) were unanimously rejected by the Judicial Council of *The National Board of Health and Welfare, The National Laboratory of Forensic Science,* and the Danish *National Institute of Forensic Pathology.* All agree that only a skilled surgeon could separate the head between the sixth and the seventh cervical vertebrae without injuring the latter. But they also agree that there is no evidence that this was the location of the separation. The partitioner might have cut off the head between the fifth and the sixth vertebrae, and might have injured both.

Since my primary topic is the psychiatric and psychological investigations, I shall devote as little space as possible to the somatic aspects. All three institutes likewise rejected the idea that the partitioning was performed for sexual reasons; the aim was to prevent discovery. There was no evidence that Catrine had actually died some 6-9 weeks before her body was found. One expert claimed that the corpse was too well preserved. Unless it had been kept in a refrigerator, she probably died later. Moreover, the experts agreed that there was no evidence that Catrine was murdered. She might have died in an accident, have drowned, have been shot in her head, have committed suicide, or have died from an overdose of heroin. The last hypothesis should be given due attention, because a bootlegger or a medical doctor who had supplied her with drugs, might have a motive for concealing a fatal though non-criminal accident.

§545. There has been some speculation that Dr. Autonne supplied Catrine with heroin in exchange for sexual services. But there is no evidence that he or Dr. Gendel knew her at all. The many claims by other drug addicts about what Catrine had told them before she died - things which had already been in the newspapers - cannot be taken seriously. The only testimony worthy of any comment is by a police woman who, years later, claimed to have seen Autonne in company with Catrine. Her description of the clothes of “Catrine” seems to indicate that she just saw his girlfriend.

The National Board of Health and Welfare was perfectly aware that two identified doctors had supplied the girl with narcotics. But the board concealed this information.

§546. There is a simple explanation of what might seem to be a paradox. Formally speaking, the Judicial Council of *The National Board of Health and Welfare* is a subdepartment of the board. In actual practice, the Board proper and the Judicial Council will often fight each other (as they did in the cutting-up trial). Also, the Board proper is zealously trying to maximise the number and proportion of false convictions for sexual abuse, while the Judicial Council represents rationality, justice, and honesty.

§547. When the corpse was found and Rajs had arrived at his false

conclusion about the surgical skill demonstrated by the partitioning, Autonne was interrogated by the police. It soon turned out that there was no support for the hypothesis that he had any connection with Catrine's death. The development of the case was however to a considerable extent determined by purely accidental events. *Before* the prosecutor had investigated the matter, he had briefed the press about the direction of the police investigation. When he was about to drop Autonne as a potential suspect, nation-wide headlines appeared about “an autopsist in X-ville”. And prosecutor Anders Helin was (and is) too much of a careerist to admit a mistake. This was not the first (nor the last) time he tried to produce a conviction of a man he knew was innocent.

Drs. Autonne and Gendel had not associated for years. But Mrs. Gendel had thoroughly disliked her husband's former teacher, although she had seldom met him. When she read the headlines, the idea occurred to her that both doctors had together murdered the prostitute and had performed a sexual desecration of the corpse in the presence of her own daughter Henriette (who was 17 months old at the assumed time of the crime). She also suspected her husband of having sexually abused Henriette on other occasions. However, she was not (as erroneously stated in Scharnberg, 1993, I, ch. 30), the one who originally drew the police's attention to Dr. Autonne. But her surrealistic fantasies would eventually constitute the bulk - and later the *only* remaining part - of the charge and the final conviction.

§548. Even if Catrine's head had actually been separated between the sixth and seventh vertebrae, there was no want of surgeons who could have done it. But Autonne's first wife had taken her life by hanging herself. And one police detective had out of thin air fabricated the suspicion that her husband had actually murdered her. This was the third accidental event.

Chapter 75
The Fourth Accidental Event and the Gossip Logic of the Judges

What is the difference between a lay judge and a judicial judge? The lay judge has not learned to keep his mouth shut.

§549. In the district court the primary experts and expert witnesses were Jovan Rajs, Frank Lindblad, and Margaretha Erixon. The description of the evidence will be postponed, because the fourth accidental event had a decisive influence upon the entire subsequent development of the case. On the day when the *first* district court were to make its verdict, the judicial judge had caught a cold. From her home she had contact on the telephone with the other judges. She and one of the lay judges voted for acquittal, but the remaining 5 lay judges voted for a conviction. However, before the special punishment could be met out, the court decided that Autonne and Gendel had to undergo a psychiatric examination as regards their mental health.

A Swedish judge is absolutely forbidden to tell what was said during the secret discussions by the court. However, if he transgresses this rule *after* the judgement has been published, the latter will not be invalidated. By contrast, if he does so *before*, the trial is invalidated and must be resumed from the start, with entirely new judges. The lay judges mixed up the verdict on the question of guilt, and the complete written and signed judgement containing the verdict plus the punishment plus the justificatory reasons. They accepted to be extensively interviewed by reporters.

This fact necessitated the resumption of the trial.

§550. The second proceedings in the district court lead to the judgement that (a) there is no evidence that Catrine da Costa was murdered; (b) the evidence was clear-cut as regards the sexual desecration; (c) the period for prosecution of the desecration had expired.

We should take seriously the hypothesis that this judgement was a typical “compromise solution”. Courts are often fond of compromises. Here, they satisfied the mass hysteria without convicting any innocent individuals.

By means of psychoanalytic interpretations of trivial words really or allegedly said by Henriette, Frank Lindblad and Margaretha Erixon had

during the first proceedings proved that she was an eye-witness of *both* the murder and the desecration. The power of the child's so-called testimony would be somewhat malplaced, if her statements had still proved the murder, when prosecutor Helin had dropped this charge. Hence, without gathering any new data nor performing any new analysis, Lindblad and his co-worker made a volte-face and claimed that her words proved only the desecration.

§551. In two cases, Betsy (§147) and Mignon (§692), all justificatory reasons have been listed. Obviously, *published* reasons are strongly edited. In the written document one will never find a judge recounting that he convicted the defendant because he had an acquaintance who was the owner of a firm competing with that of the defendant; and the acquaintance had told the lay judge in private that the defendant was "a fucking bastard". One will not often have the opportunity of listening to judges describing their actual reasoning. But two such Swedish cases are known. The scientific value of a comprehensive documentation is considerable. I shall delete all comment on matters other than the guilt of the defendants (e.g., whether they were mentally ill, and what punishment they deserved). - In the following chapter I shall provide comparable documentation from the other case.

§552. *Judge Birger Persson*: "Sure, it is obvious that they performed the cutting up. There was so much evidence about this thing. And then we arrived at - well, you know, the cutting-up was not performed in a normal way either, this is the conclusion we arrived at. - Something went wrong and they killed her, this conclusion is what we arrived at. We do not know how [they did it]. But in some way or another they killed her. But it is a problem what became of her head. Why hasn't it been found it, hasn't?" [...]

[*Reporter: Were you at an early stage convinced of their guilt?*]

"Yes all of us became so eventually after discussing [the matter]. Well, it happened rather early. But of course **you became a bit doubtful** when we got the affidavit by the [Judicial Council of the] National Board of Health and Welfare. **I thought, there is a Court of Appeal, one must trust the latter if we are mistaken.**"

[*R: Your view as a whole is that there are no questionable points?*]

"No, we were **completely convinced** about that. Otherwise we had not made this verdict, then we had acquitted them, sure. his is what we must do. It is completely proved that they cut her up. The evidence was - there cannot be any doubt that they cut her up. The photographer and his wife were there and talked."

[*R: Do you think the general practitioner was likewise guilty?*]

"Yes it is **obvious that they did it together**. Why, we have found out this."

[*R: But if one should consider them one by one, so that only one of*

them was guilty? Was this suggestion never discussed?]

"Well both of them were present at the cutting-up at any rate. **You do not know who of them** has - - in that case - - if they killed her, **you don't know who of them of course**. But afterwards they have performed the cutting-up together."

[*R: But I was thinking at, if both are convicted of murder and you do not know whether both took part in the murder?*]

"No but all of us have **taken for granted** that both of them have committed the crime together. Why, they accompanied each other to the place. This is an established fact. And then they have probably met her."

§553. Note the judge's repeated oscillation between absolute certainty and his admission that he is indulging in subjective guessing. Because I have presented the interviews before the evidence and the analysis, the reader may miss many odd points. The prosecutor maintained that one or both doctors had *first* killed Catrine; *second*, transported her corpse to the medical institute; and *third*, returned to the hall at a later occasion to perform the desecration. We shall later scrutinise the value of the relevant witness. But if her words are taken at face value, the doctors accompanied each other *on their return*. Judge Persson mixed up things, if he imagined that they met a living Catrine da Costa when they were allegedly seen approaching the institute.

§554. *Judge Hans Jonsson* was asked whether the evidence of the guilt of both defendants was clear. "Yes - I guess it was. On that point I guess we had perhaps a protracted discussion. [...] Well we didn't have very large - - or what shall I say, there were those witnesses which were available. [...] Well we had witnesses who were the only support of our assessment, as it were. This was what was presented during the proceedings. - Then there were perhaps also other things which lead us to make this verdict. But I must admit **there was much hesitation and doubt, certainly there was**. - And as you can see the chairman did not vote for this verdict. This is because of the judicial aspects. **We could not make any other verdict than this one**, I thought and the others thought so too. But, well, we have been busy discussing this for two days. Hence things have really been penetrated through and through if I may say so."

[*R: But they are guilty according to the assessment of you and the others:*]

"Yes - eh - there are so many things pointing in this direction aren't there? But of course, there is **no direct palpable evidence** of it. - But I think people will not cut up a dead human being just for a song but - - And then I suppose **all other cases if you look at past cases**, we have been around and looked in this way, then it has turned out that **cutting-up murders have been preceded by murders** haven't they? - Hence I think

there is now **every chance of having the case tried by a higher court** if anyone should feel he has been neglected in any respect. - This [decision] was **probably the best thing which could happen to them**."

§555. Hans Jonsson started his job as a lay judge 850101 and made his verdict in the cutting-up trial 880307. Cases involving cutting-up are so infrequent in Sweden, that few if any judge of any district court would handle more than one such case during a life-time. It is simply not possible that a whole court of 7 judges had a better survey of all past cases, than the Judicial Council (cf. §544). Like judge Persson, judge Jonsson oscillated between absolute certainty and admission that his verdict was guesswork. *It is a noteworthy fact that no less than two lay judges on the very day after the verdict defended themselves by referring to the fact that a false conviction might be reversed by a higher court. The hypothesis should be taken very seriously that this argument had a prominent place during the secret discussions.* But Jonsson went a further step and claimed that he convicted the defendants *because* this would give them the chance of being tried by a higher court. One must have a deranged thinking in order to postulate that a conviction for murder is "probably the best thing which could happen to" a man. Judge Jonsson was aware of the emptiness of his argument: after an acquittal the defendants would have had exactly the same chance, because the prosecutor would have appealed the case.

§556. *Judge Ingrid Davidsson* was asked what she considered the strongest evidence against the defendants to be. "Well I guess it is the way in which the corpse has been cut up - - is not any ordinary job of an autopsist in any way."

[*The evidential value of the account by Henriette?*]

"Of course we - - but I guess we haven't based our [verdict] so very awfully much upon hers - if there had been nothing but her account, then **I guess** we had **of course** not **at all** arrived at this result. But why, we have some good witnesses."

[*R: Do you mean the photographer?*]

"The photographer and then Mrs. X with the dog and sort of that - and we have felt them to be powerful witnesses actually. - And then the fact that they have not - **they have not admitted they were associating, why, they haven't admitted anything as it were. And, why, then you get actually the conception that there is something they want to conceal. It is the first idea to suggest itself.**"

"This here is - Of course it is difficult. It is always difficult to handle cases involving only circumstantial evidence. But why, one cannot just consider each piece of evidence in itself. One must produce a coherent picture of it. - And I think we have perhaps got it by means of these testimonies round about. Plus the girl's - and of course, why, we understood

that **the girl has not gone through this thing without been scathed**. Why, we have heard **the experts who say that it was told under great pain**. Why, it is not only the mother's accounts who state this, but it is actually also **Doctor Frank Lindblad and Margaretha Erixon**. Why, their presentations are likewise rather powerful. - And **from the defendants we had sort of not received so very much. Why, they have not been particularly informative perhaps**. Yes it was difficult."

§557. The metamorphoses produced by judge Davidsson are even stranger than the deductions by her colleagues. The fact that the defendants had not admitted marginal circumstances which were manifestly false, is taken as proof of a murder. So is the logically inescapable fact that the innocent defendant will never be capable of producing so many details as the falsely accusing prosecutor. One single sentence which contains a strong assertive constituent ("of course") and a hidden reservation ("I guess"), is a recurrent lying technique.

So far, I have considered only formal features of the thinking of the judges. The entire eleventh book is devoted to the analysis of the content, such as the alleged eyewitness identification and Frank Lindblad's psychoanalytic interpretations of trivial statements really or allegedly made by Henriette.

§558. To this date, 100% of those lay judges who have supplied information about their real reflections, have demonstrated that their deductions are indistinguishable from the thinking of gossip mongers. They constitute a danger to the legal safety of the individual.

Kerstin Bildt (the mother of the former prime minister) refused to be interviewed, but likewise voted for a conviction. During the deliberations she listened to exactly these kinds of arguments. If she supplied any arguments of a different variety, the interviewed judges did not seem to have any recollection of them.

The association of lay judges has seen no reason to try to raise the standard of its members (in fact, the association has tried to procure public money for propaganda courses about "children never lie on sexual abuse"). In the present context, the association has attacked three groups: those lay judges who revealed the authentic facts; those reporters who stimulated them to do so; and those other people who did not draw the conclusion that each and all out of those 5830 lay judges who kept silent, are highly responsible and competent individuals who always make the best possible verdicts.

Chapter 76

TV Interviews With Lay Judges in the Case of the Riding-Master

Ich kann Es ebensowenig bezweifeln, denn ich habe es gerüchtweise allenthalben gehört.
Gerhart Hauptmann

§559. What is in Sweden known as *the case of the riding-master* (pseudonym: "Falstervik") would definitely merit a place in the present volumes. But I shall have to restrict the presentation to a few selected aspects. Two lay judges, Lennart Lewné and Josef Pettersson were extensively interviewed in TV. This is one of the extremely few Swedish cases in which the reporters had done their homework.

Judge Pettersson stated that *THE VERY MOMENT HE SAW THE DEFENDANT, HE KNEW HE WAS GUILTY*.

Judge Lewné stated that *THE VERY MOMENT HE HEARD THE PROSECUTOR STATE THE CRIME FOR WHICH THE DEFENDANT WAS TO BE TRIED, HE HAD MADE UP HIS MIND AS TO THE QUESTION OF GUILT*.

§560. Now to the interviews; j-LL = judge Lennart Lewné, j-JP = judge Josef Pettersson, rep = reporter.

(rep-1:) Why, Josef Pettersson he lives at Z-ville himself and he seems to have heard **quite a few things being rumoured**.

(j-JP-2:) **I saw immediately that he was guilty. He directly gives that impression**, but why, one is careful not to make a judgement in advance. 'Cause one does not do such things. **It is just to put a good face on it for six weeks** or whatever period it will be. And then one is living with it when one is at home. I am living with it in my car when I am on my way from the trial.

(rep-3:) Did you talk a lot about this, all you lay judges?

(j-JP-4:) Indeed, all the time.

(rep-5:) Did the other layjudges share your view?

(j-JP-6:) Yes I think so. In particularly I think there was one whom I knew very well who shared the same perhaps a little exaggerated moralistic attitude in such kinds of contexts.

(rep-7:) In what way then?

(j-JP-8:) He is an older man who has had rather many personal experiences

and he said after the trial that I haven't been able to sleep all the time.
(j-LL-9:) In particular when it is a matter of children and teenagers. I think this is mighty difficult. And here young girls had been exposed to sexual assaults and I take it very much to my heart, I do. So much so that after the proceedings when I came home I could not have dinner immediately. I had to calm down first.
[*A section is omitted in which judge Pettersson explains that he and Falstervik were active opponents in local politics.*]
(rep-10:) What did you think about his guilt when he was sitting there at the beginning of the proceedings?
(j-JP-11:) Well, I belong to the most spontaneous persons in this country, but as a lay judge I have learned that you are not supposed to be spontaneous. You must sort of gather all the facts emerging and then you may make your decision afterwards. But **back in my head there were these mighty horrible things and this feeling of uneasiness. To be at all, to be accused of such a thing.**
(rep-12:) **But in the secret of your heart you thought, he must be guilty**?
(j-JP-13:) **Yes of course, self-evidently.**
(rep-14:) When you heard the prosecutor's initial statement, what did you think then?
(j-LL-15:) Well, the first thing I thought was that this was a horrible story this one.
(rep-16:) Why did you think he was guilty?
(j-JP-17:) **Well, at the very moment the prosecutor made his initial statements. He did it. He presented a survey of what he wanted to, in this case which was a large case, perhaps the initial statement took about half an hour**.
(rep-18:) Did *you* feel the same thing when you heard the prosecutor recount [in this initial statement] what had happened out there?
(j-LL-19:) Yes, somehow you get **this feeling of uneasiness**, this, well, this, well, I may use the word **a feeling of repulsion** somehow. You wonder as I said previously **how a person is constituted who does such things with young girls**.
(rep-20:) What did you feel when the defendant started to recount?
(j-LL-21:) Well, obviously **then you had heard what had happened** [?] **and then you are critical against what he says.** You cannot deny that.
(rep-22:) Did you believe him?
(j-LL-23:) **I didn't believe him**, not everything at any rate. Well, something he said might have been correct. But I mean -
(rep-24:) Did you believe him when he denied the sexual assaults?
(j-LL-25:) **No I didn't, after having heard the description of the charge** [!] and he **just because that this prosecutor is very, very skilled, he is**

probably the best prosecutor within the police in Solna.
(rep-26:) Well, Falstervik said during the proceedings that he was innocent.
(j-JP-27:) **But there is nothing unusual about that, almost all defendants do so.**
(rep-28:) Did you believe Falstervik when he said he was innocent?
(j-JP-29:) **Of course I didn't.**
(rep-30:) Did you ever entertain the view that Falstervik might be innocent?
(j-LL-31:) **No, I dare say that after he was charged and we had heard the prosecutor** ['s initial statement]**, then I shall have to say that I trust him so much that even if not every point of the charge was correct, then at least some of them were.**
(rep-32:) Hence the outcome was clear already then that -
(j-LL-33:) **Then, it was, when things go so far and there are so many injured parties, well, you will practically always trust the prosecutor, but then you felt sure in this respect that it was a person who was guilty who was sitting at the other side.**
(rep-34:) Do you think there was anything which pointed toward Falstervik's being innocent?
(j-JP-35:) I suppose there were those testimonies he invoked, well, he invoked some witnesses.
(rep-36:) What did you think about them?
(j-JP-37:) **Well of course I thought they committed perjury.**
(rep-38:) Did the defendant have any chance at all?
(j-LL-39:) I don't think he had.
(rep-40:) During the protracted proceedings in the district court Josef Petterson happened to meet another lay-judge who was also a riding-master. An old acquaintance of his.
(j-JP-41:) **We had a guy, as it were, who is the chairman of the Associations of Riding-Masters, and who was also a lay-judge at that time. He did not participate in this trial. But since we were sitting on the benches during the pauses now and then and had lunch together we met, we are old friends. Hence he tried to follow the case. And I said, listen, I shall tell you nothing until it is over. Okay he said, but note carefully that I have tried for five years to get at that fucking bastard.**

§561. A third lay judge (Rodhe Dahlman) was more careful in her answers. And the reporters did not succeed in questioning the judicial judge (Per Arnold Åström). But two judges revealed, unambiguously and in public, that they had participated in a sham trial. They had decided the question of guilt before any evidence had been presented. They did not care about what took place during the proceedings. Nonetheless, they are still today permitted to go on with their enterprise.

It is impossible to doubt the lay judges' testimony that they had in the

presence of the judicial judge proved what kinds of reasoning they applied. An honest judge would have raised a challenge against Lewné and Pettersson and requested an entirely new trial with new judges. (And he would have succeeded.) But judge Åström agreed with the same verdict and judgement.

§562. Shanteau (1995), inter alia, showed that judges will *better recall* arguments presented late in a series, but are *more influenced* by arguments presented early. It is as if the early arguments have fulfilled their function when they have influenced the outcome. Hence, they are no longer useful, and may be forgotten. Consequently, they cannot easily be re-assessed.

Court judges and jurors have very odd ideas about the function of the human mind - including their own minds. It is fruitless to try to tell people to *disregard* irrelevant facts. They are just as much influenced by them, as if they do not try to disregard them. If irrelevant facts are to be (partially or entirely) neutralised, one much actively compensate for them.

Chapter 77

A Few Additional Aspects of the Case of the Riding-Master

Like the old days of a communist under every bush, now there was a child abuser under every bush.

Elizabeth Loftus

§563. A young girl in her middle teens (Monique) was suddenly arrested in the street when she was on her way to her job - by order of prosecutor Lars Cedermark (the most skilled prosecutor in Solna according to judge Pettersson). She was taken to the police station because she had refused to commit perjury. When Monique asked for a lawyer, she was kindly given the counter question, “Do you think you will need one?” - and then she abstained. When the police did not manage to make her lie, she was locked into a cell (a thing they would never have dared do if she had had a lawyer). After a while - possibly some hours - they returned and said they had not yet been able to procure a lawyer for her; but they asked whether she was prepared to change her story. Since she was not, the interrogator (Annelie Gradin) accused her of lying and locked her in once more. After a protracted time they returned and threatened her not to tell a word about what had happened. - Several years later she still suffered from the shock.

§564. The interrogator was Annelie Gradin, who was also involved in the case of Vessela described in Scharnberg (1993, I, chs. 31-33), and about whom more will be said in §§787f.

All girls with whom Falstervik had allegedly slept, were riding-students. *The pruning technique* will be applied to a section of the interrogation:

	Annelie Gradin		*Teenager girl*
1.	When he forces your hands to his penis then, do you recall if it is hard or soft?		
		2.	Well, hard.
3.	It was hard, did he have an ejaculation, eh?		
		4.	Don't know.
5.	What do you do then?		
		6.	Well, what should I do?
7.	Try to turn away your head or -		
		8.	Yes.
9.	And when he has finished then he leaves, he		

draws up his trousers and leaves the place. What do you do when you return to the cabin, eh?

10. Don't recall.

11. Was there a shower in the cabin or?

12. Yes, I took a shower, because I felt so repulsive.
[Q-564:1]

§565. To the reporter Gradin said: "They could from the first start describe what they had experienced. They never hesitated. They always gave correct answers and always the same answers on the questions they were asked." Asked whether she sometimes suggests possible answers to the girls she said: "I never do that either, the idea would never occur to me to do that. Everyone realises why one must not do this. Or else everything will go wrong. Why, what should emerge is the account of the person interrogated." - When specifically asked about the statements 7 and 9 in Q-564:1, she answers that the former was made "in order to help her", and the latter because the girl had "probably already recounted it".

One girl recalls that the number of acts of coitus was 31 - a remarkably exact number. But she could only describe one concrete act. Note *the erroneous level of abstraction*. Another girl indicates that the number was around 40, but she could only describe three.

Two girls shared a room. Hence, one of them could easily observe that the other was not abused (unless it happened during her brief visits to the toilet, but the alleged victim had never made any such claim). One girl claimed to have been abused during a period when Falstervik's girl-friend was away in another part of the country. But during this period the "abused" girl never visited the riding-school, except during weekends when the girl-friend was always back.

§566. One of the most revealing points is this. Gradin was asked how long time it will take to interrogate a girl who has been exposed to 30 sexual assaults by the same man. She answered:

G-1: "Oh oh, then one will have to divide things, or else it won't work. Let us say, we are doing things for a couple of hours, then we have a break and then we go on, perhaps are having a meal, perhaps we go for lunch and, well, now and then *WE DO THIS TOGETHER* [!]."
R-2: How long do you think this interrogation with her took?
G-3: I don't recall.
R-4: *WHAT IF I TELL YOU THAT IT TOOK ONE HOUR AND FIVE MINUTES?*
G-5: It is possible, it is in the documents isn't it?
R-6: Do you think this is enough as regards 40 acts of sexual intercourse.
G-7: Yes, then she could not tell any more.

R-8: But you said yourself, I think you have been very skilled in recounting and talking about what you experienced. I think I have got all the details. It is an altogether natural fact that we could not get a precise account of all those 40 intercourses.
G-9: Then I probably thought so.
R-10: Does the girl stop recounting any more, or is it you who are satisfied with what you have already got after one hour and 5 minutes?
G-11: Probably, she stops recounting. She has no more to tell. *OTHERWISE I WOULD NOT FINISH.*
R-12: How can you say that she stops recounting?
G-13: *I DO NOT FINISH UNLESS THEY THEMSELVES HAVE NO MORE TO TALK ABOUT.*
R-14: In this case you are the one who finished the interrogation. It is not she who said that she had no more to tell.
G-15: *VERY STRANGE, I DO NOT DO SUCH THINGS.*
R-16: Why did you do it in this case then?
G-17: I don't recall.
[Q-566:1]

§567. For years it was true that: whenever a man was accused of sexual abuse, all mass media started a witch hunt against him. If one of them initiated the hunt, all the others would follow suit. The present TV programme of 60 minutes (*Dömd på förhand,* “Convicted in Advance”) was shown 940428. The programme was followed by a complete silence throughout the entire mass media profession. This silence was a clear signal to judges (and prosecutors and psychologists) that they could go on as usual without any risk; no one would care about even the most extreme and most flagrant injustices.

Chapter 78
Eyewitness Identification

> *During ten centuries, thousands of persons saw the devil, and if the unanimous testimony of a vast number of observers could be regarded as proving anything, we should be entitled to assert that no one's existence is more certainly proved than that of the devil.*
>
> Gustave le Bon

§568. The research on eyewitness testimony is comprehensive, and the results clear-cut (cf. for instance Loftus, 1980, 1982; Loftus & Doyle, 1987, 1990). But judges and jurors remain ignorant of elementary facts, and claim to be much more knowledgeable of scientific psychology than scientific psychologists.

When a witness is in advance informed that a certain person is the suspect, he or she will easily develop sham recollections of having seen this person in the relevant situation. One attorney asked his client to place himself among the audience, and a quite different person who did not even resemble him, took the seat of the defendant. Three witnesses swore that they recognised the man sitting next to the attorney as the person who committed the crime (Loftus, 1982:189). - Furthermore:

> "In a recent Hartford, Connecticut trial, the jurors chose to believe an eyewitness' identification of a criminal defendant over the categorical testimony of an FBI laboratory director that DNA testing had conclusively proved that the defendant could not have been the rapist involved in the case." (Loftus & Doyle, 1990:2) [Q-568:1]

§569. Christer Petterson should never have been tried of the murder of Prime Minister Olof Palme. Holgerson (1989) showed meticulously how Mrs. Lisbeth Palme's mnemonic image was gradually built up in accordance with her increasing knowledge subsequently from external sources. Although he was acquitted by the Court of Appeal, *not a single one out of 12 judges discovered that Mrs. Palme never said that he was the murderer.* She merely stated that he was present when Olof Palme was shot [which it is known for certain that he was not]. She said that only later did she understand that he killed her husband, and she understood this on the basis of the technical evidence procured by the police. - The police never had any technical evidence.

§570. I must be excused for devoting some space to *a digression*. Sven-Åke Christianson, a professor of psychology, belongs to the incest ideologists. He eagerly works to remove obstacles to false convictions. Over and over again he has attacked Holgerson, inter alia her contributions to the Palme case. Although it is clearly stated in the case-notes of the court that the judges borrowed Holgerson's copy of the Devlin-report, Christianson repeatedly accuses her of being acquainted only with secondary accounts of the latter. In her testimony in the Court of Appeal Holgerson outlined an experimental design for testing the suggestive influence of the "ghost-picture" and other background information. It is a merit that Christianson actually realised the design. He arrived at exactly the results predicted by Holgerson - results which unambiguously invalidate Lisbeth Palme's testimony. But afterwards Christianson has repeatedly written that Holgerson is so ignorant that she would never have managed to invent such a design. After having presented his results, he concluded that the Court of Appeal was deceived by Holgerson, and should have sent Pettersson to prison.

Christiansson's wholesale rejection of Holgerson's investigation is noticeable, because he himself is ignorant of the facts stated in the documents of the case. A brief study of the latter could have taught him the impossibility of many of his "more probable alternative hypotheses", some of them extremely fanciful.

When commenting upon the Paul Ingram case, Christianson has defended the scientific nature of Lenore Terr's testimony. He has in print (but wisely only in Swedish) stated that Loftus had in private told him that she had retracted her published views on eyewitness testimony. In 1995 Christianson secretly advised the Court of Appeal not to listen to Udo Undeutsch because (as he fabricated), Undeutsch had not been concerned with assessment of trustworthiness in legal trials since 1982.

His present attempts at substituting normal expert witnesses with permanent networks secretly working for the prosecutor, were outlined in §319.

§571. Now to the eyewitnesses of the cutting-up trial. After having listened for weeks to the second trial in the Fiscal Court of Appeal, another lady suddenly announced that she would like to testify: she recognised both the defendants from their visit 7 years earlier at the forensic institute. Her testimony - akin to the event described by Loftus (1982) - was accorded no significance.

The Fiscal Court of Appeal stated that the main eyewitnesses, the lady with the dog and the photographer and his wife, "has in a calm and objective way recounted her observations", and that the latter "have also given the impression of being sober-minded, trustworthy and discerning". All this is flat earth psychology. It is also highly inconsistent with the facts of the case.

§572. The lady claimed several years later to have seen two men drawing a perambulator with a young child on Whit Monday 1984. These men entered the building of the Department of Anatomy. Because of a number of circumstances which I shall not recount, there is little chance that the lady mistook the date. A number of other circumstances likewise seem to indicate that the core of her account is true. But she did *not* identify these men as Autonne and Gendel, until she was informed that they were the

suspects.

Her description of the perambulator does not correspond to the one used by young Henriette, according to contemporary photographs. Another fact was overlooked by each and all judges: *the men entered the altogether wrong building (the Department of Anatomy, where no teaching is performed and no corpses are stored - while a number of guest researchers were living in the building). Supposedly, the desecration was performed at the Forensic Institute.* Autonne and Gendel cannot have procured a key to the Department of Anatomy by any legal means. And it is enigmatic what they intended to do at this place. But if they were really there, this fact would not be highly consistent with their being about to perform a sexual orgy at a quite different place.

There is nothing remarkable about doctors making brief visits on holidays (perhaps to press a button of an ongoing experiment). Nor is it an infrequent occurrence that they are accompanied by their children.

§573. *The testimony of the lady with the dog is the sole evidence that Autonne and Gendel visited the Forensic Institute on Whit Monday 1984. It is likewise the sole evidence that these doctors had any contact with each other at the time of the crime.*

Furthermore, there is not the slightest indication that either of the doctors had ever met Catrine da Costa, nor that she, dead or alive, had ever been at the Forensic Institute in X-ville.

On Whit Monday, Gendel was on home-duty. This means that it was his obligation to be available on his home telephone within 15 minutes, so that he could be called to the hospital if any need should arise. It seems that he was not in fact called. Hence, the prosecutor could maintain that he took the chance and was away for many hours. However, this would be a truly unique behaviour by a Swedish doctor.

The district court took the testimony by the lady with the dog as proof that the crime was performed *exactly on Whit Monday*. Without noting the contradiction, the very same judges wrote: “it is beyond any reasonable doubt that [...] Laurence Autonne and Emil Gendel together and in the presence of Henriette have cut up the body of Catrine da Costa during Pentecost 1984 *or one of the adjacent days*” (italics added). Manifestly, if the desecration was performed on any other day than Whit Monday, the lady's testimony would not even be relevant.

§574. Now to the next set of eyewitnesses, the total number of whom is three. The photographer worked in the laboratory of his shop, while his wife served the customers. The shop had done some work for the Carolinian Institute. The photographer recalled a film with a corpse which looked really horrible. During the earlier police interrogations he could say nothing about what year this event took place, nor whether the corpse was male or female.

But he recalled two important features: there were bruises on the corpse, and the knee was amputated in a particularly tidy way. If these features are assumed to be true, the corpse cannot have been Catrine da Costa.

At a much later time, the photographer recalled that the corpse was female, and added that he was not so old that he could not distinguish a female from a male. After the newspaper had told that the breasts were cut off, the photographer could also recall this circumstance. He eventually recalled that the film roll was handed in one day during summer 1984. Neither the photographer nor his wife were capable of supplying any description of the film roll customer. At that time the police did not give a thought to Gendel as a possible candidate. Their problem was just whether the couple would be able to identify Autonne.

§575. I do not think the sample of the video line-up was reasonably adequate. My own reaction to the sample is that Autonne looks conspicuously more introverted than any of the others. Any person having any marked feature may attract undue attention.

The photographer considered three alternatives, but soon rejected one of them. He gave 80% to a policeman and 20% to Autonne. His wife likewise recognised two persons, one of them being Autonne. She was however not sure whether she had seen either of them in the shop or elsewhere. But both changed their mind and were absolutely certain that Gendel was the customer, when this became the prosecutor's version. Gendel is not even remotely similar to any of the persons pointed out.

§576. It was in *this* situation that the judges of the Fiscal Court of Appeal based the conviction almost exclusively upon the eyewitness identification by the photographer and his wife.

I am not sure that incompetence was the primary reason. For seven years the feminists had conducted an enormous campaign against the doctors. Hanna Olsson (1990) had taken on the fancy-dress costume of the objective muck-racking reporter, but had disseminated the most horrible disinformation. Her book had an influence comparable to a certain department of propaganda in the 1930s. All over the country, the feminist organisations collected signatures demanding a conviction. Patients in hospitals were pressed to sign. 547 (five hundred and forty-seven) such lists were handed to the courts. I would loosely estimate the number of signatures to 6000-25000, which means that 1 to 4 pro mille of the entire adult Swedish population had signed. On each day of the entire trial, enormous masses of feminists demonstrated outside the Fiscal Court of Appeal, with placards about “Jack the Ripper”. The judges (Wennerholm, Sundelin, Lundvall, Anderson, Sundin) understood that it would not be profitable for their career to oppose this group.

And since Astrid Holgerson and Birgit Hellbom had completely

annihilated the psychoanalytic evidence manufactured by Frank Lindblad and Margaretha Erixon, the judges needed a new a pretext to justify the conviction. They chose the photographer couple.

§577. There is much more to say about this eyewitness identification. The *final* version by the photographer's wife was that a man came in on a summer day in 1984, handed over a film roll, claimed to be a doctor, and said that the film was part of a top secret police investigation. He demanded maximal discretion, warned of the content of the film, and requested delivery in two hours. Because of accidental circumstances, the wife was prevented from passing the warning on to her husband. Suddenly she heard a violent outcry. She went to the laboratory, where both saw the pictures of a partitioned *female* body in a typical hospital setting with benches of stainless steel.

While they were looking at the pictures, the film roll man returned. The pictures were not ready until after another 10-15 minutes. The man was very aggressive, went into the laboratory, scrutinised all waste baskets for copies, paid, and left. In short, he succeeded in many ways to attract very much attention.

§578. A retired forest officer had since 1976 visited the shop some 6-10 times a year. At the police interrogation 880608 he recounted that he took photos at the birthday 840620 of a grandchild. *Probably* he handed in the film *soon after this date*, but he might also have visited the shop a few days *before* the birthday. The event to be described *might* have taken place (a) at his first visit after the birthday, or (b) at his last visit before the birthday, or (c) at some quite different time. *He had recently asked the photographer's wife to help him identify the date.*

In the Fiscal Court of Appeal the forest officer was absolutely sure that the date was 840621. While he was served by the photographer's wife, he heard a violent outcry from the laboratory, and she went thither. He was about to leave, but stayed until she returned after some 15 minutes, because he had forgotten to buy new film rolls. After a while a man came out from the laboratory.

He testified that it had never occurred to him that this man might be present in the courtroom. But he suddenly noticed Dr. Gendel and immediately recognised him. This ignorance of his is extraordinary in view of his indisputable awareness (a) of years of headlines, (b) that he was testifying in a case of murder and desecration, (c) that an autopsist and a general practitioner were under trial, (d) of the great interest of the police as to whether the film roll had been handed in shortly after the [alleged] murder.

§579. In the district court he testified that the photographer's wife left over to a shop assistant when she heard the outcry. The shop assistant had

vanished in the version in the Fiscal Court of Appeal. But if the former testimony is true, buying new film rolls may have taken a few minutes, and the forest officer had little reason to stay in the shop.

The forest officer was present *before* the outcry, and stayed until *after* the film roll customer had come out from the laboratory. But according to the wife, the film roll customer entered the shop *after* the outcry. Since he must have entered the shop before he could come out of the laboratory, it is very strange that the forest officer had neither noticed his entering the shop nor his entering the laboratory. It is also surprising that he recognised Dr. Gendel as the man who *came out* from the laboratory, but not as the man who *entered the shop* or *entered the laboratory.*

We seem here to be confronted with one more example of the *uneven distribution of details* and *the seven-league boots*. We may also define a partially new indicator that an account is not authentic: there is something wrong with *the sequential relations*. This indicator differs from the attention the analyst should always pay to *temporal relations*. The latter indicator is more concerned with absolute time points and periods, while the former is primarily concerned with *order and steps in a temporal development*

At the police interrogation, the forest officer claimed that the photographer first cried out, whereafter he came out of the laboratory, and called both his wife and the shop assistant.

A more interesting change is observed about the wife, who in the beginning merely said that *she herself felt irritated* because the customer was in a hurry. She eventually transformed her emotion into an external event of an aggressive customer running about and shouting.

§580. As regards the forest officer, it is a recurrent pattern that people learning about some crime, start to reflect on the mere possibility that something they might have seen, might have some connection with the crime. While they are unintentionally "rehearsing" the *possible* event, they may eventually recognise their own reflections - but mistake the latter for recognition of an external event.

Chapter 79

The Extraordinary Speed of the Postulated Crime, and the Secret Meetings of the Prosecutor and the Expert Witnesses

Who, except someone who was out to boost a theory, ever has demonstrated that light has any velocity?

Charles Fort

Men, not ideas, are moral or immoral.

Allan Janik

§581. According to 5 out the 7 judges of the first district court, Autonne had on Whit Monday morning (840611) taken his car to the area of prostitution in Stockholm. He had by chance found Catrine da Costa, whom he allegedly knew in advance. She had followed him, and he had murdered her. Afterwards he had called Gendel. The latter had taken the chance of neglecting his on-home-duty. He had taken his 17-month-old daughter with him to the Forensic Institute. For some incomprehensible reason all three first made a visit at the Department of Anatomy. Then they went to the Institute. They performed together a perverse sexual desecration of the body, whereby they ate the eyes of the corpse and used masturbation tools in the anuses of each other. They also photographed each other in flagrante delictu. They had chosen a hall where there was a high risk that other people might unexpectedly turn up. Young Henriette's height was recorded by the child-health centre 840604 to be *79 cm*. Nonetheless, the child managed to *observe from above* the position of the intestines when the stomach was cut up, in a corpse lying on a bench or table whose height is *100 cm*.

The speed with which the entire sequence of events was performed, seems to surpass that of any other known crime.

§582. At the first trial, the district court convicted Autonne and Gendel of murder and desecration. The second district court acquitted them of murder, “convicted” them of desecration, but found that the period for prosecution had expired. Justificatory reasons cannot be appealed in Sweden; not even if they are obviously erroneous and disastrous to the defendant. Autonne's and Gendel's medical licences were repeatedly withdrawn and given back. The most important “trial” was the second set of proceedings in the Fiscal Court of Appeal, which lead to the final

withdrawal, since the Supreme Administrative Court refused to consider the case. According to Swedish terminology, there is no *prosecutor* in the Fiscal Court of Appeal, and the proceedings are not a *trial*. I think, however, that the presentation will be easier to follow for international readers, if I leave such legal quibbles out of account.

(Strictly speaking, Gendel was also tried of sexual abuse of Henriette, but was acquitted by the second district court. A Swedish acquittal is akin to the Scottish “not proven”.)

§583. In the Fiscal Court of Appeal, Lindblad's and Erixon's report on Henriette still constituted a much more important section of the evidence, than the eyewitness identification. The genesis of this report is noteworthy.

Jovan Rajs had a triple role in the case. He was an expert witness who examined the injuries of the corpse. He was an ordinary witness who testified that he had observed Autonne at the Forensic Institute 840611 (a completely irrelevant fact if it is true; but Rajs's peculiar association with the prosecutor constitutes a reason for scepticism). Third, he functioned as a pseudo-psychiatrist and advanced postulations (which the Judicial Council of the National Board of Health and Welfare rejected as wild speculation) about the personality of the individual who had partitioned the body.

After a medico-legal expert has made the autopsy, and presented his results and conclusions, he will have little more to offer. Nonetheless, every week a protracted secret meeting for at least an hour, was held between prosecutor Anders Helin, Jovan Rajs, Frank Lindblad, Margaretha Erixon, and a police officer. Lindblad delivered trivial statements which Henriette had really or allegedly said; Rajs delivered trivial somatic details; by means of psychoanalytic interpretations they tried to puzzle together something which could be misused as pseudo-evidence by Helin. And Lindblad learned what he or his co-workers should try to indoctrinate the child to say.

During the proceedings, numerous questions were needed to extract from Lindblad how much time he had devoted the child. But it finally came out that he had hardly ever talked to her for more than 5-minute-sessions. The total amount did not exceed 120 minutes.

Chapter 80
Do We Know What Henriette Said?

Who does not believe a young child? Only those who have wax in their ears.

Swedish Broadcasting
(against Astrid Holgerson)

§584. Before studying Henriette's real or alleged statements, the reader may with considerable profit take a look at the list of indicators in §647.

Hearsay evidence constituted one of the most central sections of evidence justifying two convictions for murder. Did Henriette really say those things attributed to her? If so, in what context? Do they have the hidden meaning postulated by Lindblad & Erixon? The judges, Lindblad & Erixon, the prosecutor, the reporters and the mother strangely overlooked all the important pieces of information; inter alia Mrs. Gendel's own testimony.

Henriette had a doll which could be taken apart into 6 sections. Once she allegedly said: “Someone has taken off the head of the lady *OR SOMETHING OF THE KIND*.” (Henceforth probable substitutes of inaudible words will be indicated within square brackets.) The prosecutor: “But [did she] say this when she was 1½ years old?” Mrs. Gendel: “Yes - yes she said it then. But *SHE DID NOT EXPRESS IT THAT WAY. SHE PROBABLY HAD A DIFFERENT LANGUAGE.*”

Since it was a child doll, the word “the lady” spontaneously aroused the idea in Mrs. Gendel that Henriette was referring to the cutting-off of Catrine da Costa's head.

Allegedly, Henriette had also said: “When she had no head she could not talk”. But if these words referred to a corpse, the latter could neither talk *before* the head was cut off.

During the interrogation in the court Mrs. Gendel strongly modified her claim: “Yes I *THINK* so. I *THINK* she said *SOMETHING* ‘at first the lady was a whole piece but then she was broken. And then she could not talk.’ *OR SOMETHING OF THE KIND.* [...] Yes. Exactly this thing that *SOMETHING HAPPENED SO THAT SHE COULD NO LONGER TALK.*”

§585. Henriette allegedly recounted that Daddy and Claus went to the wood where she was left alone in the car. They “shot at each other with pistols”. “Yes *SHE SAID MORE OR LESS SO.* [...] No. *NOT SHOT AT EACH OTHER*. I *THINK* she said *THEY SHOT WITH PISTOLIA.*”

It is not obvious what the un-Swedish (and un-English) word “pistolia”

might have meant to the child. The mother's “quotations” of the same event are by no means stable over time. Elsewhere we are informed that Daddy and Claus were sitting in the back seat, whence the girl was not left alone. Did they shoot at each other at this location?

There is another version of the doll event, where no lady was mentioned. Henriette said merely, “Well, one can take off the head.” - The mother's various claims about the time point of such statements, may differ by more than a year.

When Mrs. Gendel quoted words allegedly made by the child “while we were visiting my parents”, she misleadingly implied that other witnesses were present. But asked for clarification she admitted that she and the girl were alone.

§586. Mrs. Gendel unambiguously admitted her suggestive influence. The word “vucking” is an attempt at translating a pseudo-child-words which there is no sign that Henriette understood.

> “And why, I have sometimes, as it were, been HALF A STEP AHEAD OF HENRIETTE and have, as it were, understood what she was driving at. AND THEN SHE EVENTUALLY ARRIVED THERE HERSELF.”
>
> “And then this thing that in this situation I have started to *ASK THOSE LEADING QUESTIONS*, it is 'cause I think, *THE PRECONDITIONS ARE GIVEN*. Henriette has said so much that I cannot at each moment - *I MUST HAVE EXACTLY THE FACT THAT DADDY IS VUCKING HENRIETTE. THIS IS MY POINT OF DEPARTURE NOW, WHEN I AM TALKING WITH HENRIETTE*.” (My typography) [Q-586:1]

> “I admitted I asked leading questions, was *someone* there. But I felt I needed *GIVE HER THIS HELP*. Because this is what I thought, that if it, if she used the concept ’hatch` and it does not at all *CORRESPOND TO WHAT I EXPECT*, then Henriette would show a reaction and laugh and say ’No how silly, no one could lie in a wall`. So I think.” (My typography) [Q-586:2]

> “I mean, it is not on each occasion when Henriette has said things that *I WANTED TO LEAD HER FURTHER AND PRESS HER*.” (My typography) [Q-586:3]

> “’It was not the whole lady but it was this`, she says and then she points at her face. ’You mean the face`, I say. ’Yes`, Henriette says, ’and the big blood`. And then I asked what happened afterwards and what was left. And it was probably at that occasion *I INVENTED* this expression ’the clean-up`, what happened to the clean-up, that is, I must clean it up. [Prosecutor: Well.] Mm. Yes, I don't know if she would tell then, no she wouldn't tell. *THEN I GIVE HER A SET OF ALTERNATIVES* and then - yes, exactly a series of alternatives, and then she must answer if she thinks I have understood it correctly or wrongly. And then I ask, ’*WAS IT THROWN INTO THE SEA OR INTO THE WASTE BASKET?*` Or if it was buried. And then she says that it - Then she denies those first alternatives I gave her and then she says that,

says yes about the last alternative.” (My typography) [Q-586:4]

§587. On another occasion Henriette supposedly said that the head was thrown into the waste basket. We are not told whether she was likewise presented with a set of alternatives - the most probable hypothesis. (An astonishing proportion of behavioural scientists are not aware of the methodological fact that it is not my obligation to prove the presence of suggestive influence. It is Lindblad's obligation to prove the absence of external influence.)

The case conforms to the usual pattern: there is a conspicuous discrepancy between the child's trivial statements in the audio-recorded dialogues and her eloquence when there are no witnesses other than her mother.

§588. Mrs. Gendel also wrote down telephone conversations with her husband. She did so on the same slip of paper, and clearly mixed up her own annotations. The following excerpt tells something about her value as a communication channel. It is definitely not her view that her husband was joking. (E = Emil, N = Nora)

N-1: I am sorry, I have bad news.
E-2: Oh. Isn't any news bad?
N-3: Henriette has got herself examined. Her bottom doesn't look like other girls'.
E-4: Oh.
N-5: Next week she will be sent to a hospital for further examination.
E-6: Is it about Laurence Autonne?
N-7: But dear me, what connection could there be? The day nursery has raised the issue, and now Henriette will be examined.
E-8: Is she alive?
N-9: But of course she is alive.
E-10: Is it about the anus?
N-11: No it is the “fore bottom”, she is red and doesn't look like other young girls. [Q-588:1]

§589. From both the scientific and the judicial point of view, a much greater obstacle than the degree of authenticity is the absence of information about the context. There is a difference between the self-initiated statement that the head was thrown into the waste-basket, and the selection of the same statement among a set of explicitly suggested alternatives.

Lindblad & Erixon uncritically took all the mother's “quotations” at face value. They admitted this in the courts. Lindblad: “[1] This is what the mother herself reports from these conversations, [2] hence *we cannot know whether things happened in exactly this way*, [3] but *WHEN I ANALYSE THE DATA I PRESUPPOSE THAT THIS IS THE WAY IT HAPPENED*.”

Erixon: “[4] Now it is in this way that these quotations - I have not heard them from anyone else, [5] and why, *I do neither know whether they are reported correctly*, [6] but why, *I HAVE TAKEN THIS AS MY PRESUPPOSITION*, [7] *BECAUSE WE WERE SUPPOSED TO BASE OUR EXPERT PRONUNCIATION UPON THIS BODY OF DATA.”* (My typography)

§590. Suppose a judge said to a couple of expert witnesses: “Here is a sample of data. I have not the slightest idea whether the data are true or false. I want you to take the data at face value. And then I want you to decide what conclusion concerning the question of guilt would have been justified if the data were known to be authentic. In turn, I shall copy your conclusion in my verdict.” - A judge and an expert witness who requested or accepted such a task, would be manifestly dishonest.

The reader may try for himself to imagine the following pattern. The National Road Administration engaged an expert to calculate whether a certain large bridge is in need of repair, on the basis of measurements which were performed by a prejudiced amateur; whereafter the National Road Administration planned to base its decision upon the result of this calculation.

It is a deliberate untruth that the court requested Lindblad and Erixon to take the mother's quotations at face value. They were asked to assess whether the child had witnessed a murder and a desecration (and had been abused herself).

§591. Hellbom has pointed out many contradictions between Mrs. Gendel's versions. Hence, the latter cannot be authentic. Lindblad claimed that this conclusion is mere grumbling. If the mother presented one version in 1984 and an incompatible one in 1985, then we may just ask her in 1986 or 1991 which one is the true one, and then the inconsistency is removed.

Exactly this procedure was applied by the prosecutor in the case of Betsy, cf. ch. 21.

Lindblad is a psychoanalyst. Suppose a male patient in January recounted acts of sexual abuse of children, and in February denied having ever in his life committed any such acts. Would Lindblad resolve the inconsistency by simply asking the patient in March which version is correct, and then taking his last answer to be absolutely true?

§592. According to Lindblad, it is likewise an instance of grumbling to point out that the mother's quotations are often *proven* incorrect. He claims that only the meaning and not the literal formulations are important. - Here, he tries to distract away the attention from the fact that the enormous distortions of the formulations lead to enormous distortions of the meaning.

Psychoanalysts have for a whole century claimed that they pay attention to the most fine-grained nuances, and that this is absolutely essential in order to extract the hidden meaning of statements. This claim was always a propagandistic device aiming at concealing the total absence of evidence. Flagrantly, psychoanalysts exclusively attend to the utmost

shallowest features (Esterson, 1993, Scharnberg, 1993, Macmillan, 1991, Israëls, 1993, Schatzman & Israëls, 1993). But whenever a critic points out that certain facts, to which the psychoanalysts themselves attributed cardinal evidential power, are erroneous; then the critic is called a grumbler and is told that any normal person would immediately realise that “minor” difference in wordings could *ABSOLUTELY NEVER* have any consequences. Lindblad and other psychoanalysts are actually stating their true view, when they deny even the *possible* significance of aspects others than the utmost coarse ones.

Chapter 81

The Principle of Similarity, and Henriette's Statements and “Gynaecological” Interest

He who sees an enemy being killed, will have no eye diseases in his next life.

Sakuntala

Eating cancers is healthy for the blood, because they are red when cooked; and eating eels will cure paralysis because they are floundering; these ideas are old prejudices of cranks.

François Marie Arouet de Voltaire

In some children “the assaults remain in the body”. They cannot swallow soured milk (e.g.), without having strong nausea (from oral assaults).

Monica Dahlström-Lannes

A girl, for instance, who had been forced to perform fellatio, refused to drink for a day or two at the time she was telling about the abuse.

Frank Lindblad

§593. *The canon of psychoanalytic methodology* was presented in §502. *The principle of similarity* is its first rule. A list will be supplied of what Henriette (really *or allegedly*) said or did, and of Lindblad & Erixon's interpretations. Henriette had a child book on brownies, where “Uncle Claus” and other brownies were very helpful in many situations. There is a picture of a brownie picking out caterpillars with tongs from an opened stomach. There is no indication that the child ever considered Claus to be a real person (viz. identical with Laurence Autonne). One would not expect a 2-year-old child to say of an adult man: “He was *so* little and tiny.”

§594. Now to the similarity examples:

X-1: After having been exposed to no less than four gynaecological examinations, Henriette was given a stethoscope. She put the membrane against her sex organ and said, “Examine. Touch the bottom.” This behaviour is *similar* to her having been exposed to sexual abuse by her father. Since *similarity implies causality*, the

behaviour proves that her father had abused her.

X-2: Henriette said that Daddy and Claus drilled off their own heads. This is *similar* to Dr. Gendel and Dr. Autonne having drilled off Catrine da Costa's head.

X-3: Henriette said that Daddy and Claus were sawing into all the children of the day nursery, including into Henriette herself, and also into the miss. This is *similar* to Dr. Gendel and Dr. Autonne having been sawing into Catrine da Costa's corpse.

X-4: Henriette said while eating black pudding that one can eat eyes, and that Daddy's eyes have the best taste. This is *similar* to her having observed Dr. Gendel and Dr. Autonne having eaten Catrine da Costa's eyes.

X-5: Henriette said that one can take apart the head of her doll. This is *similar* to her having witnessed Autonne and Gendel having partitioned Catrine's head from her body.

X-6: In Henriette's book on brownies, mother brownie's alcove was built into the wall, and had hatches which could be closed. There is a picture (Figure 594:1), where she is coming out from the alcove in the morning. Henriette talked about a hatch in the wall, behind which her own mother was lying. This is *similar* to her having seen Catrine's corpse lying behind a hatch at the mortuary.

X-7: Mrs. Gendel dropped an aspirin on the floor. Henriette found the tablet and put in into her mouth. She said the taste was bitter and started crying. This is *similar* to her having got a tablet from her father in order to keep her quiet, while he and his former teacher performed the desecration of Catrine's corpse.

X-8: A fellow-worker of Mrs. Gendel's wanted to show to Henriette a swelling on his arm, which was caused by the sting of a wasp. The child was afraid and refused to look at the swelling. This is *similar* to her having got an injection by Dr. Autonne.

X-9: Henriette pointed to a great photo of Catrine on the front-page of a newspaper. Her pointing is *similar* to her having recognised Catrine.

X-10: While Henriette was naked, an empty candy bag happened to lie between the legs. The form of the candy bag was somewhat *similar* to a penis. Her mother asked why she felt sorry and she said "daddy". This sequence of events is *similar* to her father having sexually abused her.

X-11: The following observation was made at the day nursery. When Henriette is about to sleep she "moves her knees up under her stomach. She is lying there upon her stomach while sleeping. Then, she is lying there moving her behind a little". This pattern of movement is *similar* to the movements of an adult male during

coitus. Consequently, the movements of the girl is *similar* to her father having performed sexual assaults upon her.

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Figure 594:1

Mother Brownie, an illustration in Huygen (1983), one of Henriette's books. The child talked of a lady and a hatch in the wall. Frank Lindblad called it an "absurd" hypothesis that her statement was inspired by this picture. Instead, her words proved that she had seen Catrine da Costa's corpse behind a hatch in the wall at the mortuary.

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§595. Cf. Anna Kernell's interpretation in Q-340:1 of the movements of two girls of 1 and 2 years of age. But a pre-school child exposed to coitus by an adult, would rather be expected to have an experience akin (inter alia) to the annoying bumps, which a car driver may experience on a very poor road. And she would feel no longing for re-experiencing the bumps. Comparable inconsequences of the accusation and the nature of the evidence are primarily found in numerous trials of Jews for murder and desecration of corpses. They were frequent during the Middle age (Kleinpaul, 1900), and the very same accusations were repeatedly made in Germany in the 1930s.

§596. Mrs. Gendel thought she could see that Henriette's hymen was broken. *She also claimed that the visibly broken hymen was the sole ground for her suspicion about sexual abuse.* She took the child to a doctor for a gynaecological examination, but was told that every feature was normal. At this point she did not accept that she had been mistaken. She did not even change to the position that her suspicion might be based on some esoteric feeling, and that her husband might have been so sly as not to leave any mark after the crime. She had a second - and then a third - and then a fourth - doctor examine Henriette's sex organ. She repeated the very same claim and was repeatedly told that everything was in order. Clearly, the mother was suffering from Münchhaussen syndrome by proxy.

We do not know how many times Mrs. Gendel herself made gynaecological examinations. In the case of Linda & Edith (*the thirteenth book*) we shall observe the exaggerated interest of two pre-school children of inserting objects into their own and each other's sex organs. This "gynaecological" behaviour *started* when the alleged sexual abuse had *stopped*. It also started when the mother began to manufacture pseudo-evidence for the purpose of sending the father in prison.

Hanna Olsson (1990) distorted the above pattern into the following sequence of events. Mrs. Gendel had Henriette examined by a total of two gynaecologists. The former gynaecologist was aware of being incompetent concerning sign of sexual abuse, and he merely arrived at the conclusion that he could say nothing as to whether or not the child had been abused. Because of this indeterminate result, Mrs. Gendel made the rational decision of having a new examination performed by a second and qualified gynaecologist. And the latter saw clear signs of sexual abuse.

§597. In no other trial has the general population learned so much about the degree, and so little about the nature, of the conflict between dynamic psychiatry and witness psychology. Frank Lindblad has only two assets: personal charm and an extraordinary skill in rhetoric. Judges are immensely impressed when he shows coloured plates where one colour signifies "what we know" and another colour "what we want to know". The colour plate may contain no logical information. And "what we know" may consist of false hearsay evidence and arbitrary psychoanalytic interpretations.

Being aware that judges are strongly influenced by mass media, Lindblad directed his testimony to no little extent toward the reporters. They sided with him and depicted him as highly qualified, honest and objective. Holgerson was presented as incompetent and bribed by the defence. The reporters were well aware that this double illusion could be retained only if they carefully concealed what *both* expert witnesses had actually said.

Disinformation was disseminated over the entire country: Henriette had supplied a reasonably clear and comprehensive eyewitness account. The difference was that Lindblad *BELIEVED WHAT THE CHILD HAD TOLD*, while Holgerson *REJECTED WHAT THE CHILD HAD TOLD*. Supposedly, she did so on speculative and apriori grounds *and* because she was engaged by the defence. [Even the last claim is disinformation: she was appointed by the Fiscal Court of Appeal]. Her claim that the stethoscope event does not prove sexual abuse, was transmuted into the claim that she alone knew the truth.

A perfect - and hardly an incidental - analogy was presented in §§211f.. On the basis of interpretations based on the principle of similarity, Ferenczi inferred sexual abuse which his patients denied. Thereafter, Masson talked of "Ferenczi's tenacious insistence on the truth of *what his patients told him*" (italics added).

Chapter 82
The Pruning Technique Applied to Henriette's Statements

Indeed, it is all well to have proofs, but it might be better to have none. Believe me, the strongest proof of all is to have no proof. This is the only thing which cannot be called into question.
Anatole France

§598. Mrs. Gendel interrogated Henriette for 1½ year before anyone else had the opportunity of talking with the child. And the brain of a 17-month-old child is not sufficiently developed for retaining any recollections at 3 years of age (Nilsson, 1995). But an even greater obstacle than the distortion of the girl's statements, is the absence of contextual information.

Lindblad had originally propagated that the mother had never exercised any non-trivial suggestive influence. After the scientific analysis by Holgerson & Hellbom, he made a volte-face and claimed that such influence is sometimes present and sometimes absent. When contextual information was missing (wherefore neither its absence nor presence was *directly* observable), he took the absence as a proven fact.

When suggestive influence was manifestly present, Lindblad fabricated out of thin air that the instances were a few late steps in a long series of talks. During the earlier (and lost) steps Mrs. Gendel had exercised no influence. But after the child had entirely on her own described the relevant facts, the mother no longer saw any sense in abstaining from “reminding” her of what she “had said”, so that she might “repeat” it.

We shall eventually see how excellently these deductions are adapted to the thinking of judges. But this is a typical *one-step argument* (cf. lie indicator L-42 in §415): *“the construction may seem plausible enough, as long as one takes only one step along the argument. But as soon as one takes a few further steps, the argument will collapse by its own weight”* (Scharnberg, 1993, I, §101, italics added). Mrs. Gendel was at a late point of time given a tape-recorder by the police. She was perfectly aware of the fact that the aim was to gather useful legal evidence. She must have a peculiar mind, if she believed that there would be any evidential power in dialogues where the child just said yes or no.

§599. Lindblad knew perfectly well that the audio-recorded dialogues - not least Q-600:1 and Q-600:2 - are altogether incompatible with the

construction that the mother supplied explicit instructions and information, *because* Henriette had previously recounted the very same things on her own. Flagrantly, Mrs. Gendel behaves like a skilled school teacher who is trying to impart facts and procedures with which the student is thoroughly unacquainted. Giving an injection (a) is analysed into a sequence of very concrete consecutive steps, and (b) each step is given a clear verbal description and (c) a clear visual demonstration. (d) Repetitive questions are asked to stamp in the details, (e) single steps may be repeated and (f) the over-all procedure is always repeated. Q-600:2 contains two "lessons"; the dividing point is in the middle of N-19. Thrice Mrs. Gendel refers to *previous* lessons.

One of the gynaecological examinations mentioned in §596 was performed under anaesthesia. During the dialogues quoted in the following paragraph, Mrs. Gendel seems to have forgotten that Henriette must have come into contact with syringes at that occasion, as well as when she was inoculated.

§600. The pruning technique was extensively defined and illustrated about Rachel in ch. 6, and about Graziella in chs. 38f. In a dialogue we may cut away all the questions; or all the answers; or we may distribute them over two columns, so that the reader may alternatively cover one or the other column or perceive the complete dialogue.

I shall first list all Henriette's even-numbered statements, and then all the mother's (Nora's) odd-numbered ones (italics added):

H-2: Wash.
H-4: Hm.
H-6: Yes.
H-8: Yes.
H-10: Hm.
H-12: [inaudible]
H-14: [inaudible] the plaster?
H-16: Hm. I must put on [my clothes]. You must put on [my clothes].
H-18: Yes.
H-20: Wash.
H-22: Yes.
H-24: Yes.
H-26: Nnyyooo.
H-28: Red.
H-30: Red.
H-32: Red.
H-34: Yes.
H-36: Hm.
H-38: Hm.
H-40: [inaudible; perhaps no answer]

H-42: The plaster.
H-44: [inaudible; perhaps no answer]
[Q-600:1]

N-1: Now I want you to give me a clear show, so that I may really see how to do when one takes an injection. If I show it then, you may say whether I am doing it in the right or wrong way.
N-3: First one must wash.
N-5: [?] and then one inserts the syringe,
N-7: And then one must, should one draw the plunger afterwards?
N-9: Is this the way it should be done?
N-11: But only a little bit? This much. And then one must impress again. Is that correct?
N-13: *Whom did you say took an injection in this way?*
N-15: Did [inaudible] get [inaudible] here?
N-17: Hm, shall we do it in the same way then?
N-19: Hm, well, how was it one must do? At first one took - ?
N-21: First wash.
N-23: Wash, wash, wash. And - then, is this how the syringe should be placed?
N-25: Thus. And what does one do with the plunger?
N-27: [inaudible] thus. What happens when one pulls the plunger? What will be the colour of the syringe?
N-29: Red. But if it is real? When one takes, when one does this with a real syringe, what colour will the syringe have?
N-31: What?
N-33: Red too? Will it be so also when it is real?
N-35: But this is just a make-believe syringe. It will be red when one does thus. But when one uses a real syringe, will it also be so?
N-37: Are you sure of this?
N-39: I see. Have you seen it?
N-41: What? And then one must impress the plunger you say. Thus.
N-43: *Whom did you say took an injection in this way?*
N-45: *Daddy you said to me previously.*
[Q-600:2]

§601. Henriette's 22 statements comprise a total of 30 identified words, and very few syllables are inaudible. 10 statements consist of simple assent. And she does not know whether to say yes or no as regards the plunger. The first question about who took an injection, triggers off no recollection, but an answer about the plaster. Only 4 answers contain any information: wash - the plaster - red - put on the cloths. It is an established fact that the first and last items in a sequence tend to be more easily recalled, and 3 of these 4 items are found at these locations. The only exception is “red”. But note that Mrs. Gendel devotes no less that 7 consecutive questions to the topic of the red colour of the content of the syringe.

A mother and a child may agree that Martians are green. But the ones

at hand are just make-believe Martians. What colour will *real* Martians have? - Such questioning does not prove that the child has had any experience with real Martians and can distinguish them from model Martians. One can *play* that something is *real*.

§602. Now to the second dialogue. Starting from the clinic and ending at Henriette's home, Frank Lindblad had driven the child and her mother past Dr. Autonne's house in a Stockholm suburb, which I shall pretend is “Bromma”. Henriette had given no sign of recognising Autonne's house. Lacking the adult's acquaintance with the geography of Stockholm, she thought that Lindblad had driven her straight home. The fact that the ride had left little impression upon her, was by Lindblad interpreted as the result of “repression”.

After homecoming the mother interrogated the daughter:

	Mrs. Gendel's statements		*Henriette's statements*
46.	Do you recall the name of the man in whose car we went?		
		47.	Hm.
48.	What was his name?		
		49.	Don't know.
50.	Frank.		
		51.	I [inaudible]
52.	Hm. Where did we go then?		
		53.	Home.
54.	Home. To whom then?		
		55.	[inaudible]
56.	To ourselves. Did we first go somewhere else?		
		57.	I don't know.
58.	I see. We went to a place called [*pause, probably to stimulate Henriette to fill in the name of the place*]. It is a place I don't know quite its name. It is called [*pause*] *Bromma, I think.*		
		59.	Yes.
60.	I think the name is Bromma, you see. Then we saw a church. Do you recall this?		
		61.	Hm. Did we see a [inaudible]
62.	Indeed. What more did we see?		
		63.	What?
64.	Did we see anything else?		
		65.	I don't know.

66. We saw a lot of houses.

67. Hm.

68. Hm. What house was it we saw?

69. [inaudible; perhaps no answer]

70. Hm. You got sad, Henriette.

71. Hm.

72. But why were you sad?

73. I don't know [inaudible] sad. [Q-602:1]

§603. The girl first confirmed that she recalled Frank's name. But asked to state it, she said “Don't know”. Was this likewise an instance of repression?

Her confirmation at this point constitutes one more reason for not taking seriously her confirmation that she was sad. We do not know whether Mrs. Gendel and Lindblad exchanged meaning looks when Henriette showed no reaction to Autonne's house. But the mother must already have been familiar with the stratagems for explaining away hard facts.

The mother and the psychiatrist entertained the dogmatic conviction that Autonne and Gendel had repeatedly indulged in sexual orgies in Autonne's house. Both Henriette and Catrine da Costa had been present. They had at the desecration applied a sexual vibrator in the anuses of each other. The child had since a long time learned that questioning will not stop until she emits the standard answers “Daddy and (Uncle) Claus” and “Catrine”.

While engaging in the third dialogue, the mother and the daughter is drawing on paper - perhaps a sexual vibrator?

Mrs. Gendel's statements / *Henriette's statements*

74. Listen, there is a thing I would like to know.

75. Yes.

76. Is such a thing buzzing? Is it silent? Which is it?

77. Silent.

78. Is it silent? It isn't buzzing a little?

79. Yes.

80. What was it now?

81. What?

82. Is it silent or is it buzzing?

83. Buzzing a little. [Q-603:1]

Lindblad wants us to believe that the mother applied suggestive techniques

here solely because Henriette had previously recounted on her own that the vibrator is buzzing.

§604. His fundamental premise is a peculiar application of Trankell's (1971) *criterion of competence*: Henriette could never have known that a vibrator is buzzing unless she had seen it in action. But from the scientific point of view, it is a purely accidental fact that the training session of Q-603:1 was preserved. If only a later dialogue had been available, in which the child had already learned her lesson, Lindblad would during three sets of legal proceedings have proved that Henriette had not learned about the buzzing by suggestive influence.

The following dialogue is aimed at proving that the girl recalled having been in Autonne's home together with Catrine da Costa.

	Mrs. Gendel's statements		*Henriette's statements*
84.	You have been at their home? [*poor sound quality; possibly: "in Claus's home"*]		
		85.	Yes.
86.	When were you there?		
		87.	[inaudible]
88.	Who else were there? Were you together with anyone, Henriette? Was anyone together with us?		
		89.	*Granny*.
90.	But Henriette, Granny was not there at all. Was there anyone else?		
		91.	What?
92.	Was anyone else there?		
		93.	Catharina.
94.	Which Catharina, did you say?		
		95.	[inaudible]
96.	The same who drove the car? Could she drive a car?		
		97.	Hm.
98.	I see. Then what was the colour of her car?		
		99.	[inaudible]
100.	Do you remember, you are so smart at colours, do you remember the colour of this car?		
		101.	No.
102.	Have you forgotten?		
		103.	Hm.
104.	No idea at all of the colour?		

105. *Could we take out the paint-box?*

106. What colour [inaudible] What was the colour?

107. Hm.

108. It could have been [pause] any colour actually, but I think it had just one specific colour.

109. Hm.

110. Which one?

111. What colour?

112. You don't recall. When you went with the lady whom you call Catharina who drove the car, did you go to a place where you and I have been too on a ride?

113. [inaudible]

114. What?

115. [inaudible]

116. What?
114. #
115. #Did you hear [inaudible;
115. *#probably*: "*the doorbell"*]
pressed there?
118. No it was not, Henriette, I am with you, you don't need be scared.

119. Someone pressed.

120. [inaudible] no one pressed. You -

121. What?

122. Now we will listen. Well, you know [inaudible] when you were with that Catharina - was it in her car?

123. Hm.

124. Well. When we went with Catharina in her car, did we go to some place where we had [already] been?

125. We went home.

126. Home to whom, you mean?

127. Ourselves.

128. To ourselves. Who are they?

129. Should we - Corona Street.

130. [One statement seems to have been lost by a miswriting.]

131. #No, no, home to ourselves, #home to ourselves.

132. Did [inaudible] go home to

ourselves? Where?
[The subsequent part of the dialogue is concerned with drawing]
[Q-604:1]

§605. Henriette may well have conceived of the interrogation as a fantasy jointly elaborated by her mother and herself. Her statement that she met "Granny" in Autonne's home, is analogous to 5-year-old Synnöve's recount that she was fucking with her 7-year-old brother while Daddy was fucking with Granny (§648). The same pattern is recurrent. A situation is described to Henriette. She is requested to tell who was present. And she indicates some of her relatives or a figure from a book. She had been in the wood together with her father and Uncle Claus, whereby Catrine's head had been laid on a grill. Her mother was there too. And when Henriette talked of a hatch in a wall (cf. Figure 594:1), Mrs. Gendel got the idea of the mortuary where corpses are lying behind hatches in the wall. Who was lying behind this hatch? "*You* were lying there."

The 8 consecutive questions about the colour of Catrine da Costa's car finally leads to the arbitrary interpretation that she had "forgotten" the colour; but also to a phenomenon which is recurrent among indoctrinated accounts (cf. the list in §647): *natural and wandering associations.*

While she may well have mistaken the ring at a neighbouring door, it is an arbitrary interpretation that she was scared by the ring.

§606. The girl had a doll which could be taken apart in 6 sections. Once she did so and said, "One can take off the head". The mother caught the opportunity and asked, Could one do this upon something which is not a doll? - Hellbom rightly uses this example as an illustration of Mrs. Gendel's suggestive approach.

Every fact on the trial stated in *the eleventh book*, was perfectly known to Frank Lindblad.

Chapter 83

Henriette's Statements and the Psychoanalytic Standard Operation Procedure

An enormous wealth of testimonies may be aimed at proving various steps in the chain of evidence. But if these testimonies are not also compared with each other, the fact may well be overlooked that certain testimonies reciprocally exclude each other.

Astrid Holgerson

§607. Lindblad & Erixon's report is through and through based upon the psychoanalytic standard operation procedure:

1. Start with a preconceived interpretation.
2. Pick up a few details here and there on the criterion that they can be used or misused to support the interpretation.
3. Connect them with the interpretation by means of the principle of similarity.
4. Ignore all data which cannot be used as pseudo-support of any interpretation.
5. If data which contradict the interpretation have inadvertently been obtained, suppress them and conceal them from the reader.

§608. Next, a series of Henriette's real or alleged statements will be listed.

H-1: Henriette visited Claus's home together with her father and Katharina [= Catrine da Costa]. Her maternal grandmother was also there.

H-2: According to Mrs. Gendel, “she says that one can eat eyes and that Daddy's eyes are most tasty.”

H-3: Henriette was in the wood together with Daddy and Claus and Catrine. Mrs. Gendel does not recall whether the child said that they laid Henriette or Catrine upon the grill. But whoever was laid there, they knocked upon the temples of this person.

H-4: Daddy and Claus drilled into Patrick and John [= two other children at the day nursery]. Daddy and Claus also drilled off their own heads. The mother and the lady [= Catrine?] were present while they did so.

H-5: “He [=Daddy] was sawing [into] the boys, the girls, the miss [of the day nursery] and me.”

H-6: In the attics at Corona Street [one of the main places where Henriette lived] Daddy [and Claus?] chopped “so hard so hard” upon the mother's head. They chopped the head to pieces.

H-7: Henriette's reference to the hatch in the wall was manifestly borrowed from the book on brownies. This reference was nonetheless interpreted to mean that Henriette had been at the mortuary together with Daddy and Claus. Asked who was lying behind the hatch, she said that her own mother was lying there.

H-8: In the beginning the lady was whole, but afterwards she was taken to pieces. "When she had no head she could not talk."
[Q-608:1]

§609. The physical impossibility of all these things clarifies that the child was fabulating or repeating indoctrinated narratives she did not understand. Cf. the list in §647 of indicators of false allegations by young children. There is no indication that Henriette conceived of (uncle) Claus as Dr. Laurence Autonne, or as any real person.

If Henriette saw the corpse at the autopsy hall, the mortuary and the wood, the corpse must have been transported around a great deal. How did the child avoid a nervous breakdown from the progressing putrefaction? Note also that Catrine was not unable to talk, until her head was removed.

§610. Lindblad & Erixon cut away most of the facts from each example in Q-608:1, and picked up a few marginal details, which they even deformed. In H-2 they cut away the words "Daddy's eyes are most tasty."

The Swedish word "skruva" ("screw") almost invariably refers to a mechanical tool, or to turning the latter. (It is an extremely infrequent sexual word.) In Henriette's mouth, it belonged to the same category as drilling and chopping. But compare Mrs. Gendel's version: "Henriette: 'Daddy he screws there on you' (*Hence, this is directed against me*)" with Lindblad & Erixon's deformation: "Henriette: 'Daddy he screws there on you' (*looking downwards toward the mother's lap*)".

§611. Lindblad also took Henriette to the autopsy hall and Dr. Autonne's (former) study. She gave no sign of having ever before been at these places (and may have shown delight and cheerful curiosity). But this was transformed into a further proof of the doctors' guilt:

> "Henriette's reactions at this visit may be described as *A HARD-WON UNAFFECTEDNESS ALMOST AMOUNTING TO EXHILARATION*, and might from the psychological point of view be conceived of as *A DEFENSIVE ATTITUDE AGAINST DARING TO RECOUNT OR REMEMBER.* It may appear strange that Henriette reacts in this way, since she has in the dialogues with her mother *SUPPLIED SO MUCH INFORMATION ABOUT HER FATHER, CLAUS, AND THEIR ACTIVITY AS REGARDS THOSE THINGS SUSPECTED BY THE POLICE*, viz. that Henriette had visited the institute of forensic medicine together with her father and Laurence Autonne, where she had witnessed a cutting-up *MURDER."* (My typography) [Q-611:1]

Usually, we have been told that repression may be *lifted* when a child will exclusively associate with people from whom no danger can be expected. But now the child's “defensive reaction” is explained by the fact that she was in the company of a team of four highly comforting people.

§612. Lenore Terr claimed in the Paul Ingram case that, even if she had had no idea of the nature of the alleged crime, she would have been able to infer it from the study of Eileen Franklin. Frank Lindblad claimed that, even if there had been no missing prostitute, and no partitioned body parts found he would, on the basis of such facts as those listed in §594 and Q-608:1, have inferred that Henriette was the eyewitness of a murder and a sexual desecration of a female corpse.

He proved the murder when the prosecutor needed evidence of the murder, and made a volte-face when such evidence was malplaced.

§613. For a whole century psychoanalysts have incessantly claimed that they would have been able to retrospectively predict events even if they had not learned about them in advance. This is a standard stratagem for exploiting human vulnerability to persuasion. Terr and Lindblad deliberately told untruths. - Recall that Bosaeus applied the same device in the case of Violet (§223).

Originally, Lindblad & Erixon took for granted and “proved” the prosecutor's version that Catrine was murdered and cut up on the very same day. Consequently: on what date did Henriette see Catrine's intact corpse lying behind a hatch in the mortuary? On what date did she see the intact corpse in the wood? Such inconsistencies are almost always overlooked by judges and jurors.

§614. Allegedly, Lindblad and Henriette had a good relation until the visit in the autopsy hall. But on the following morning, “Henriette is strongly defensive, does not answer Frank Lindblad's questions, throws toys at him, turns a box with toys upside down.” The cause of this (real or allegedly) reaction is claimed to be that the visit stirred up painful memories.

The illusion of separation (§502) is also prominent. During 1½ years the child was incessantly exposed to protracted interrogations about “Catrine” and “Claus”, even when she was about to sleep. She *could* not give any answer to many of the questions, because they exceeded her experiential world. On the basis of scientific learning theory, common sense, and familiarity with children one would expect the key words to act as *aversive stimuli* to her.

§615. Since Emil Gendel was a doctor, he and his daughter had often engaged in doctoral playing. In Lindblad & Erixon's report the following event is described:

> “This example is taken from the father's visit at the

> family ward at the child psychiatric clinic at The Carolinian Hospital. During a play sequence, where Henriette has initiated doctoral playing, she fetches the blood-pressure sleeve and gives it to her father, who asks whether he should measure her blood-pressure. Henriette: 'On my leg.` Father: 'No, on your arm.` Henriette: 'The leg.` Henriette advances and lays down on her stomach over the father's knee. He puts the sleeve around her leg and tells her to stand up. He places the tube of the blood-pressure sleeve one turn around her neck. Henriette is standing immovable, her eyes wide open. She looks very scared. (8.3.1985)" [Q-615:1]

Lindblad & Erixon deliberately deleted the following section:

> "At the sight of Emil, Henriette cries out 'My Daddy`, and he embraces her. Both of them are laughing and Henriette pinches his cheeks. She tells everyone on the ward that he is her own Daddy. [...] Henriette looks delighted when Emil enters. [When Emil finally leaves her, Henriette starts] crying excessively and is calling out for Daddy." [Q-615:2]

Ephemeral facts are easy to fabricate. The claim that Henriette looked very scared, could be refuted only because her additional reactions had not been lost. Placing a tube a half turn "around" the neck of a 28-month-old child to shorten the "free" part of the tube, may, by mean of gossip logic, be turned into a recollection of sexual strangulation.

§616. There is much hypocrisy in society. Many of us want meat, but feel that butchers are brutal sadists. We want many kinds of research to be carried out, but some of us feel repulsive toward researchers who perform it. There are males who are masturbating after having hanged themselves up by their neck. They will be strangled if they do not untie the knot in time. Occasionally they fail. It is important (inter alia for insurance companies) to distinguish between genuine suicide and "masturbation accidents". Dr. Autonne was doing research on this topic.

§617. The feminists searched for prostitutes who would testify that Autonne had practised strangulation sex upon them. They merely found an impressive number of drug addicts who reported that *deceased* drug addicts had told them things which had already been in the papers.

The prosecutor made much fuss about the fact that Autonne's girl-friend, who was very concerned with horses, owned a whip. Catrine da Costa had allegedly confided to a colleague that she in 1984 was scared of a regular customer who (a) was a doctor, (b) had a young daughter, and (c) had an ongoing divorce process. But Dr. Gendel had no ongoing divorce process until much later.

§618. Recall from the list at the end of the second book the following rule (L-17): "*When the habitual fabulator is caught telling a lie, he may escape by means of a new lie.*" An excellent illustration is supplied by Frank

Lindblad, who allegedly had Henriette confirm that Autonne wore a name-plate. General practitioners do so, but *autopsists wear no name-plates*.

Lindblad accused the witness psychologists of ignorance, when they pointed out this mistake: they had erroneously taken for granted that Henriette must have met Dr. Autonne on his professional job.

This is a typical *one-step argument* (cf. §598). Why did Lindblad take Henriette to Dr. Autonne's (former) studio, unless she had met him in his professional job? And how could her absence of recognition of the place otherwise suggest that she had had painful experiences there? And if Autonne wore no name-plate in his job, why did he do so in his leisure time, e.g. when he had a sex party at home?

§619. Autonne and Gendel could hardly have found a less suitable place for a sexual desecration of a corpse, than the autopsy hall at the forensic institute, where quite a few persons might unexpectedly turn up at any time. - But Lindblad countered by applying L-17 once more: the overwhelming risk of being caught in flagrante delictu might have given an extra thrill to the doctors.

Recall from the case of Rachel (§§194ff.) that the judges (Wennberg, Helin, Rosendahl, Jahn, Quiding) plagiarised Lindblad's fabrication to justify a false conviction.

§620. A final comment on an astonishing feature of the Swedish legal system. In case after case (including the one at hand), the court will explicitly order a clinic to hand over all case-notes, audio- and video-recordings, and other specified materials, to the expert witness appointed by the court. The clinic will disavow this decision. If the expert witness turns to the court, the judges will be angry at the expert witness but not at the clinic; and they may never appoint him or her any more. The judges *KNOW* in advance that their decision will be disavowed. The clinic *KNOWS* that they may with impunity disavow the decision by the court.

There is a simple solution for honest judges, viz. to decide that all the material must be handed *to the court,* which will in turn hand it over to the expert witness. Psychiatrists would hesitate to oppose such a decision.

Chapter 84

Henriette, the Illusion of Separation, and Lindblad's Proofs of the Absence of Suggestion

The courts have yielded to an obscurant and evil-minded craze of mass media.
Ingemar Hedenius

§621. The definition of *the illusion of separation* must be repeated:

> "When looking carelessly at a complex situation containing numerous intertwined and not yet disentangled causal relations, the idea might occur to you (by chance or because of a prejudice), that one phenomenon A is the cause of another phenomenon B. Although there is yet no logical or factual ground why numerous other known or unknown phenomena might not be the cause of B, pretend that all other causal relations are non-existent, so that it is a proven fact that A is really responsible for B." (Scharnberg, 1993, II, §762) [Q-621:1]

When explaining a symptom, a psychoanalyst may overlook (a) somatogenic causes; (b) causes related to learning theory; (c) causes related to cognitive dissonance, the fundamental attribution error, and other cognitive circumstances; (d) the psychoanalyst's own behaviour; etc.

In numerous texts one will encounter the postulation that the patient's aggressive outbursts could never derive from the psychoanalyst's behaviour, since the analyst was usually silent. But in fictional literature during a thousand years, the silence ploy is depicted as a classical technique for making individuals upset.

§622. Every psychoanalyst knows that he would never manage to make the patient believe in his interpretations, unless he applied persuasive techniques.

Mrs. Gendel's indoctrination was very coarse. And when Henriette was finally fed up with the endless talk about "Catrine" and "(Uncle) Claus", this was re-interpreted as the result of painful recollections with Catrine da Costa and Autonne.

A child who eventually succumbs to pressure, may protest in the beginning; a reaction the psychiatrist may use to prove that the child is not "suggestible". Lindblad has also invented a strategic pseudo-theory: the person in whom the child has the greatest confidence, will be the one whom the child will first expose the secret. In his doctoral thesis Lindblad

formulates a criterion which will transmute almost all indoctrinated accounts into authentic experiences: *A SEXUAL ALLEGATION IS TRUE IF THE FIRST PERSON TO WHOM THE CHILD PRESENTS THE ACCOUNT, WAS THE MOTHER OR SOME OTHER PERSON CLOSE TO THE CHILD.*

§623. If the temporal relations are taken at face value, Henriette's mental health deteriorated during the divorce process and the pre-divorce stage. When Mrs. Gendel succeeded in having her former husband arrested, and expected a life sentence for him, she calmed down. And Henriette may have followed suit. The incessant interrogations might have been most frustrating at the beginning, when the 2-year-old child was unable to guess or repeat the “correct” answers.

But the psychoanalyst Lindblad fabricates that the dialogues with the mother had *a curative effect*, and the latter proves the authenticity of criminal events.

§624. A further criterion by Lindblad will likewise transmute most indoctrinated accounts into authentic recollections: *an allegation is true if it emerges gradually over a protracted period of time.*

In the case of Mirella, Judge Christer Rune plagiarised Lindblad's pseudo-argument (§397).

Holgerson has shown that nothing is known as to whether Henriette's so-called account emerged gradually at all. And *the Falstaff principle* was extensively discussed in ch. 12.

§625. Freud exposed his patients to brutal pressure to make them confess to his interpretations; whereafter he wrote that he had been very careful never to expose the patients to any influence at all. When the patients recounted things entirely on their own, he was highly surprised and refused to believe his own ears (Esterson, 1993; Scharnberg, 1993). To a professional lie researcher, the immense persuasive power of this stratagem appears incredible. But Frank Lindblad repeats it. I shall juxtapose a series of quotations. In the first two, Freud proves his objectivity by means of his surprise. In the next four, Lindblad proves the same things about himself. In the remaining quotations, Lindblad proves analogous things about Mrs. Gendel.

> “The singling out of the sexual factor in the aetiology of hysteria *SPRINGS AT LEAST FROM NO PRECONCEIVED OPINION ON MY PART*. The two investigators as whose pupils I began my studies of hysteria, Charcot and Breuer, were far from having any such presupposition; in fact they had *A PERSONAL DISINCLINATION TO IT WHICH I ORIGINALLY SHARED.* Only the most laborious and detailed investigations have *CONVERTED ME, AND THAT SLOWLY ENOUGH*, to the view I hold to-day.” (Freud, GW-I:435/SE-III:199, my typography) [Q-625:1]

"I should *NOT LEND CREDENCE* to these extraordinary findings *MYSELF* if their complete reliability were not proved by the development of the subsequent neurosis." (Freud, GW-I:383/SE-III:165:1, my typography) [Q-625:2]

"MY FIRST SPONTANEOUS REACTION WAS THAT 'THIS CANNOT BE TRUE`. Immediately I started to construct for myself various alternative explanations of those things the girl had recounted. [...]

I think this was the first time I took for granted from the very start that a patient had supplied false information. [...]

The thought about the sexual relation between the girl and her stepfather had evidently made me worry and feel uneasy. *I CERTAINLY DID NOT WANT IT TO BE TRUE. IN ORDER TO APPEASE MYSELF* and comply with the desire of my will, I unconsciously applied parts of the Freudian theory of instincts in a mechanical and unawaring way.

[...] *I SO POWERFULLY FOUGHT THE VERY POSSIBILITY THAT THE GIRL ACTUALLY MIGHT HAVE EXPERIENCED THOSE THINGS SHE HAD LITERALLY DESCRIBED."* (Lindblad, 1989b:85f., transl., my typography) [Q-625:3]

"*I BEGAN TO FEEL A GROWING RAGE. WHY HAD I NOT BEEN TOLD ANYTHING ABOUT THIS DURING THE BASIC MEDICAL TRAINING, AND NOT EVEN LATER DURING THE ADVANCED TRAINING WITHIN THE FIELD OF THE PSYCHIATRY OF CHILDHOOD AND ADOLESCENCE?"* (Lindblad, 1989b:85f., transl., my typography) [Q-625:4]

"Well, then I had to abandon my first hypothesis. That is to say, I was told about those things earlier during autumn, when the social welfare secretary called me and said that 'Now this mother has recounted uncomfortable things` and then she supplies these examples, some examples indicated here. And *MY SPONTANEOUS REFLECTION WAS THEN THAT THE MOTHER MUST HAVE GONE CRAZY.* There was no support of those hypotheses, but this was my spontaneous reflection - - these things cannot be true, and this tells more about me than about the mother, but *THIS WAS WHERE I STARTED*, as it were." (Lindblad, expert testimony, the second trial by the district court, first court interrogation, p.41, transl., my typography) [Q-625:5]

In the following quotation, note the implicit attack upon Astrid Holgerson and Birgit Hellbom: the judges are recommended not to take them seriously. - It is a deliberate untruth that they have had no contact with abused children.

"This example [=Q-625:5] also shows *HOW DIFFICULT IT MAY BE FOR AN ADULT WHO HAS NOT HAD ANY CONTACT WITH THE PROBLEM OF SEXUAL ASSAULTS, TO REALISE THAT CHILDREN MAY BE SEXUALLY ABUSED.* It seems to be *A VERY*

FREQUENT REACTION AT THE START TO DEFEND ONESELF EMOTIONALLY AND TO DENY: 'THIS JUST CANNOT BE POSSIBLE!" (Lindblad, 1989b:86, transl., my typography) [Q-625:6]

§626. And now to the quotations about Mrs. Gendel's surprise and objectivity.

> "The fact that Mrs. Gendel makes reflections to the effect that Henriette sometimes *TRIES TO TEST HER*, reveals, I think, that Mrs. Gendel has *A CRITICAL ATTITUDE TO THE INFORMATION SUPPLIED BY HENRIETTE*. This evaluation is in complete agreement with the image of Mrs. Gendel I have got, as a conscientious person who *CRITICALLY SCRUTINISED THINGS*, and who *REPEATEDLY DEFENDS HERSELF AGAINST INFORMATION IN THE BODY OF FACTS*, and asks herself *WHETHER THIS COULD REALLY BE POSSIBLE*." (Lindblad, expert testimony, the Fiscal Court of Appeal, fourth interrogation, p. 23, transl., my typography) [Q-626:1]

> "It is my impression that she [=Mrs. Gendel] somehow *GETS FRIGHTENED* when she is *TAKEN BY SURPRISE BY THIS POSSIBLE INTERPRETATION."* (Lindblad, expert testimony, the second trial by the district court, second interrogation, p. 17, transl., my typography) [Q-626:2]

> "And then, a while later when they are standing in the hallway, Henriette just says for herself, 'Catharina`. Well, in this way she presents an entire, an entirely unique fragment once more. The mother is, as it seems *MIGHTY SURPRISED* and *WONDERS, 'DO YOU KNOW ANYONE OF THIS NAME?'*" (Lindblad, expert testimony, the Fiscal Court of Appeal, first interrogation, p. 9, transl., my typography) [Q-626:3]

> "I think it would be, that it is more interesting to read for instance some examples, some of those I have recounted today, in which things emerge which are *COMPLETELY SURPRISING TO THE MOTHER*." (Lindblad, expert testimony, the Fiscal Court of Appeal, first interrogation, p. 58, transl., my typography) [Q-626:4]

> [The mother] "is *NOT IN ANY WAY VERY SUSCEPTIBLE TO SUGGESTION*. Instead, she *CAREFULLY TESTS THINGS* and makes her decision *ON THE BASIS OF THE PROS AND CONS*, and does *NOT DEFEND HERSELF AGAINST COMPLICATIONS."*
>
> "The mother is *FROM THE START MIGHTY CRITICAL OF THIS EMERGING INFORMATION*, and I think that she *CONTINUALLY SHOWS AN ATTITUDE OF CRITICALLY SCRUTINISING IT, TESTING DIFFERENT HYPOTHESES*." (Lindblad, expert testimony, the second trial in the district court, first interrogation, pp. 22, 9, transl., my typography) [Q-626:4]

§627. Not even the most sanguine researcher could perceive any trace of

surprise in Mrs. Gendel's thinking. She incessantly testified that, before the slightest indication had emerged, she was firmly convinced of her husband's guilt. Lindblad's arguments properly belong in the prosecutor's plea.

Clinical psychologists, social workers, and judges all over the country have encountered these arguments in mass media. Lindblad has exercised an immense influence as a national teacher of what kinds of untruths are efficacious. In one case after the other (inter alia Linda & Edith, to be described in *the twelfth book*, psychologists fabricate that the mother “tried to close her eyes to the conspicuous facts surrounding her”.

Chapter 85

Further Applications of the Canon of Psychoanalytic Methodology, Including the Illusion of Separation

> *Whoever would here, in speech or in writing, discover a mistake, will be met with such unworthy objections as the following: "This would mean to give carte-blanche to the most wicked crimes."*
>
> Friedrich von Spee (1632)

§628. 850223 Henriette saw a screw-driver and asked the psychologist Welander what it was. Despite this ignorance of hers, she had two months earlier said something about daddy performing sexual assaults upon her with a screw-driver. The following is an excerpt from Lindblad & Erixon's report to the court. (M.E. = Margaretha Erixon)

> "M.E. and Henriette have been playing with dolls, thereby being concerned with the change of napkins. M.E. says: 'Now Daddy will change the napkins.` Henriette cries out aloud. 'No, no, hurts.` M.E. 'What hurts?` Henriette: 'the screw-driver.` When M.E. meets Henriette the next time she has placed a screw-driver among the toys. M.E. asks Henriette: 'What does Daddy do with the screw-driver?` And then Henriette moves the screw-driver between the legs upon the doll which at the preceding session symbolised Henriette." [Q-628:1]

Both events contradict each other. - Erixon selected the topic because Mrs. Gendel had accused her husband of abusing the child when he changed napkins; and she incessantly interrogated the child about screwing and screw-drivers. - When Henriette was not yet two years old, she was (like many other children) red and sore around her sex organ. This "symptom" was taken to indicate sexual abuse.

§629. The fact that Henriette two months later did not know what a screw-driver is, would suggest intentional training. Recall from §353 how Winding (1986) used brutal persuasive techniques against 5-year-old Anna to force her to show on a doll what Daddy "had done" to her. We know that Lindblad and Erixon are not telling the truth about their own persuasive influence. They are following a long tradition. Psychoanalysts have for a century exposed their patients to intensive persuasive techniques, and have ardently denied the nature of their own behaviour (Macmillan, 1991,

Esterson, 1993, Scharnberg, 1993). Cf. also *the ninth book*.

§630. There is one argument I shall repeat ad nauseam. Psychoanalysts *might* have said: "Explanation E-1 is indeed the first one to suggest itself. E-1 is nonetheless false because of these and those circumstances. And E-2 seems indeed to be much more far-fetched. But E-2 is nonetheless true, because of these and those circumstances."

But in psychoanalytic writings, only arguments conforming to the following pattern can be found: "One can see at a glance that E-2 is the *ONLY* possible explanation. Since no alternative explanation is even possible, E-2 is in no need of any factual or logical support."

§631. Henriette was for 1½ year incessantly interrogated about Claus and Catrine. She and her mother had regularly looked into a book on brownies. There was a picture of "Mother Brownie", who had opened the hatches in the wall in the morning so as to get up (cf. Figure 594:1). During the police interrogation 850925 Mrs. Gendel described the following incident, when Henriette was already in bed and tried to fall asleep; the child knew that her mother knew as much as she knew herself:

> "When I ask her whether it is a hatch in a roof in a car or a hatch in the roof in a house; and then Henriette says, 'it is a hatch in a wall`, she says. And finally I ask what is in there. And then she says that 'I won't tell.` Says 'Tomorrow`. And then I say to her: 'when the hatch was opened, Henriette, was someone there?` And Henriette gets an outburst of rage and hits and gesticulates with her arms and hits my face and cries out: 'No, no, no, you must not ask`." [Q-631:1]

By means of (psychoanalytic) gossip logic, this natural reaction may be re-interpreted. She also threw toys at Lindblad when he started to interrogate her about the desecration. A third instance is that she was shown photos of a number of persons. She recognised her father, but neither Catrine da Costa, Autonne, nor the latter's girl-friend. When she was told that the photo of Autonne was "Uncle Claus", she got startled, refused to look any more, and tried to get away from the chair.

Allegedly: after having repeated "Uncle Claus", she turned around "and looks at the place where the drawing of 'Daddy and Uncle Claus` was lying at the preceding occasion of observation three days previously". The drawings referred to the brownie called "Uncle Claus", and had nothing to do with Autonne.

§632. The brownies - not least "(Uncle) Claus" - are helpful. Nonetheless, the book (Huygen, 1983) contains many violent events. A brownie picked out caterpillars with a tong from an opened stomach. Henriette supposedly talked of worms in the stomach: a psychoanalytic proof that she saw the intestines when Catrine's corpse was cut up. There is

also a story in the book about a person who was stung by a wasp. This might be relevant as regards the child's reaction when Mrs. Gendel's fellow worker was stung by a wasp, cf. item X-8 in §593. And there is a song of "the horrible ogre Bobby" who *DRAGS AWAY A HUMAN GIRL*: "He stole a child from Trinidad / and dragged away her very glad".

According to Lindblad, it is "an excessively absurd hypothesis" that Henriette's [alleged] accounts could have anything to do with the book on brownies. This absurdity is proved by the fact that *the mother* had *told* that she and her daughter had only looked at the pictures and *never* read the text. Recall from §§79f. that Barbro Sterner proved the truth of Embla's statements, from the fact that they were indistinguishable from twin lies.

§633. Lindblad borrowed a principle from witness psychology: an account is authentic if it is rich in detail. This principle is *not* asserted by witness psychology without numerous qualifications. Moreover, Lindblad applied it in a parodic way: there is equally strong evidential power if a thousand details emerge in response to a thousand (or three thousand) questions, as if a thousand details emerge in response to one single question. By this oblique application, the criterion may automatically assign any indoctrinated allegation to the category of true ones.

§634. Henriette asked her mother what she herself (Henriette) had experienced. She implied that her mother knew such things better than she herself: "Was it at that occasion they ate parts of a lady named Catrine?" This instance is particularly informative when compared with an excerpt from the psychological report on 7-year-old Linda: "When we return to the waiting room, the first thing she says to mummy is, *'What is it Daddy has done to me?`* Her mother is confused and cannot answer" (§671).

§635. In ch. 7 I described *the use of alternative hypotheses as a persuasive strategy*. But few sets can match those invented and tested by Lindblad. I shall quote his hypothesis no. 7. Note how thoroughly it is based on *the principle of similarity*.

> [Henriette's account] "is a misinterpretation, that is, sort of her having misunderstood some rather innocuous event. I have tried to construct such examples in the imagination - in my imagination - if, for instance, she might have seen her father, who is a doctor and have seen him examine a naked patient, whereby he might have applied a reflex hammer and tapped upon her knee. Might this have produced such a kind of picture? But I consider also this to be altogether absurd." [Q-635:1]

§636. Erixon explicitly testified that she took as her point of departure the kind of acts suspected by the police. In turn, she tried to create situations which would be *similar* to desecration and sexual abuse. As Holgerson points out, SUCH SUGGESTIVE TECHNIQUE IS MUCH MORE

DANGEROUS THAN LEADING QUESTIONS. Leading questions may be audio-recorded and, if they are so, they cannot be concealed. Moreover, they can be taken into account in a scientific analysis. By contrast, if a hammer and a screw-driver are placed among a set of toys presented to a child, there is no way of finding out whether the child chooses to play or not to play with them because of natural or unnatural reasons. Whatever the child does, may be taken to confirm the hypothesis to be tested.

And as Hellbom notes, CONDITIONING IS MUCH MORE WIDESPREAD AND MUCH MORE DIFFICULT TO GUARD AGAINST. LIKEWISE, CONDITIONING IS MUCH LESS NOTICED BY BOTH THE SCIENTIFIC DISCIPLINE AND INDIVIDUAL INTERROGATORS. Children may be rewarded or punished for giving certain kinds of answers. There exist much more sophisticated variants than Mrs. Gendel's crude and conspicuous rewards and punishment.

Chapter 86

Additional Comments on Frank Lindblad's Theoretical Framework

Ob die Mathematik Pfennige oder Guineen berechne, die Rhetorik Wahres oder Falsches vertheidige, is Beiden vollkommen gleich.
Johann Wolfgang von Goethe

Seldom has it been so easy for so few to deceive so many.
Knut Erik Aagård

§637. Many clinicians (e.g., Frank Lindblad) start with reading vague and general statements in a book. They feel a positive emotional reaction, and the latter produces the conviction that these statements are true. They pay scarce attention to a real patient's personality, situation, feelings, ideas, problems etc. After hundreds of hours of so-called deeply penetrating therapy, they are ignorant of facts which are crucial for helping, and which an objective psychologist would have obtained in a quarter of an hour. Instead, they mechanically impute upon the patient what they read in the book.

Lindblad's contributions are little more than ill understood plagiarations of a scientific fraud from 1896. He replicated false theories and forged observations. He even replicated Freud's persuasive techniques for concealing the absence of non-trivial data and defensible logical procedures.

§638. Freud claimed that he refused to believe his own ears, when his patients started to recount events of sexual abuse from pre-school age. But he also claimed that he himself had invented the abuse interpretation, and needed the most intensive pressure to force it upon the patients. Exactly the same double-talk is observed in Lindblad's texts.

> "One only succeeds in awakening the psychical trace of the precocious sexual event *UNDER THE MOST ENERGETIC PRESSURE* of the analytic procedure, and *AGAINST AN ENORMOUS RESISTANCE*. Moreover, the memory must be *EXTRACTED FROM THEM PIECE BY PIECE* [...]
>
> [The patient's] conviction will follow in the end, *IF ONE IS NOT INFLUENCED BY THE PATIENT'S BEHAVIOUR* [= *THE PATIENT'S DENIAL*] [...]" (Freud, GW-I:418/SE-III:153) [Q-638:1]

> "*ONLY THE STRONGEST COMPULSION OF THE TREATMENT CAN INDUCE THEM* [=the patients] *TO EMBARK ON A REPRODUCTION OF THEM* [=the seduction events]." (Freud, GW-I:440/SE-III:204) [Q-638:2]

> "Third, we analysed the development of the account, as we call it, that is, *THE FACT THAT DETAILS AND NEW ELEMENTS ARE ADDED SUCCESSIVELY.* The accounts, there are a lot of different accounts, they emerge in a characteristic way, as it were, *STRUGGLING AGAINST WHAT SEEMS TO BE INNER RESISTANCE AGAINST RECOUNTING.* Previously, there was a different version. The account takes form in a way which is *COMPREHENSIBLE TO US AS EXPERTS* [...]" (Lindblad, expert testimony, the second trial by the district court, first interrogation, p. 17) [Q-638:3]

> "*IT TAKES A LONG TIME BEFORE HENRIETTE HAS EXPRESSED THINGS IN SUCH A CLEAR WAY THAT ADULTS MAY UNDERSTAND HER.* And this presumably derives in part from the difficulties of the environment of *INTERPRETING WHAT SHE INTENDS TO COMMUNICATE.* [...] This delay presumably also derives from what I have perceived as *INNER RESISTANCE AGAINST RECALLING AND RECOUNTING.* [...]
>
> *HENRIETTE HERSELF IS THE ONE WHO INTRODUCES NEW ELEMENTS INTO THE ACCOUNT, AND* [...] *THE MOTHER FOLLOWS HER."* (Lindblad, expert testimony, the Fiscal Court of Appeal, first interrogation, pp. 16f.) [Q-638:4]

> "Sometimes I think that *THE GIRL NEEDS THIS HELP TO BE ABLE TO EXPRESS* something which is painful to her." (Lindblad, expert testimony, the second trial by the district court, second interrogation, p. 45) [Q-638:5]

§639. It is a remarkable slip in Q-638:1 that the therapist's insistence will end up with *conviction*. If psychoanalytic theory is correct, "conviction" will be of no importance. Note also that a conviction by the patient will not result, if the therapist takes any impression of the patient's denial.

Readers familiar with Freud's writings may recognise many formulations, e.g. the reference to something that is "comprehensible to us as experts" (cf. Freud, GW-I:441/SE-III:205), and the Orwellian new-language where the gradual submission to indoctrination is called help to recall painful memories.

Lindblad wisely abstains from exemplifying any new elements introduced by Henriette. A few lines after Q-638:3, forcing things upon the child is called "*re-structuring"*.

§640. Freud and his followers (e.g., Lindblad) have incessantly claimed to apply *the method of the jigsaw puzzle*. This is a skilled pseudo-argument, because extremely few behavioural scientists are familiar with this approach. Even the most trifling experiment is closer to the latter, than

psychoanalytic interpretations. Behavioural scientists may enormously exaggerate and underrate what kinds of problems could be solved by the method in question. They may overlook devastating objections, and raise misplaced ones.

The most comprehensive discussion of the method of the jigsaw puzzle is found in Scharnberg (1993, I, §§376-393). The following two quotations are attempts at confusing the issue.

> "It is exactly like putting together a child's picture-puzzle: after many attempts, we become absolutely certain in the end which piece belongs in the empty gap; for only that one piece fills out the picture and at the same time allows its irregular edges to be fitted into the edges of the other pieces in such a manner as to leave no free space and to entail no overlapping." (Freud, GW-I:441f./SE-III:205) [Q-640:1]

> "What we do is that we are searching for such pieces of the puzzle which we try to put together to see if they fit each other, if they in some way form a pattern." (Lindblad, expert testimony, the Fiscal Court of Appeal, first interrogation, p. 4) [Q-640:2]

However much we may debate the exact delineation of the method of the jigsaw puzzle, the following conditions are indispensable: the approach applies many data; the set of data is heterogeneous; the relations between the data are numerous and heterogeneous; and empirical generalisations previously established are not involved, or at least not involved at any non-marginal location.

All these conditions are not satisfied by all my analyses throughout the present report. But some of them constitute applications of the method of the jigsaw puzzle, inter alia: the scrutiny of *the parallel order relations* in the case of Violet (ch. 8); the combination of the temporal relations in the cases of Betsy (ch. 4), Erna (ch. 3), and Linda & Edith (chs. 90f.). The perfect alibi of the defendants emerged in the first two cases, while the originator of the false allegation was exposed in the third case.

§641. Lindblad's claim of applying the method of the jigsaw puzzle is related to his hermeneutic method. The word "hermeneutics" is used by different writers in highly discrepant senses. But its meaning is rather unitary among proponents of "hermeneutic *psychoanalysis*". If our task is to disclose the meaning, we should apply *the extensional approach*. We should not try to give a verbal description of what hermeneutics "is". We should list a sizeable set of concrete instances and search for a common denominator.

The extensional approach will immediately reveal that Lindblad applies the canon of psychoanalytic methodology (§502) in exactly the same way as *non*-hermeneutic psychoanalysts.

§642. Grünbaum's (1984, chs. 1-6) conclusively proved the futility of attempts at saving psychoanalysis by means of a “hermeneutic re-interpretation”. While his extensive analysis is from all other views the superior one, Scharnberg (1993, I, §§168-190) has certain pedagogical merits. What will be said next bears some relation to both presentations.

Whenever genuine research could no longer be prevented, psychoanalytic theory turned out to be in error on every point. One of the aims of hermeneutics is to make it *fundamentally* immune to refutation.

§643. Second, hermeneutics entitles a psychoanalyst (or a psychoanalytically orientated psychotherapist) to postulate causal relations without proving them. He may assert them, apply them, assure judges and jurors that they are thoroughly established, and injunct these to send individuals to prison on the basis of them. But when asked to *supply empirical support* of them, the hermeneutic may retort that he has no obligation of doing anything of the kind, because they are merely *imaginary fictions* which make things *understandable*.

If Lenore Terr and Frank Lindblad retrospectively stated that they never claimed that any murder by Paul Ingram, or any cutting-up by Autonne and Gendel, took place in the empirical world; but that *they themselves* got a subjective feeling of *understanding* things by *imagining* such events; then we could not claim that they were wrong, although we might be perplexed at the function of their minds.

§644. Lindblad (1989a) formulates 7 hermeneutic criteria. They are passed as tools for distinguishing true and false allegations. But they actually justify the assigning of every allegation to the category of the true ones.

In §114 one of Lindblad's (1989a:38) applications of one of his own criteria was illustrated:

> “In a family with a stepfather, both parents neglected the children. The oldest daughter, in her early teens, had to take care of the household. According to Lindblad, fulfilling the duties of an adult woman as regards the household is *similar* to fulfilling the duties of an adult woman in the bed. Hence, the girl's household activities provide evidence for sexual abuse. - The reader will immediately recognise *the principle of similarity* described in §95.
>
> By means of deductions of this variety, Lindblad found sexual abuse in 26 cases out of 27.” [Q-644:1]

§645. Lindblad's testimonies and so-called academic papers merit little further space. In a description of 702 words (Lindblad, 1989a, suppl., p. 31), 261 words are concerned with a sham problem: a man's reluctance to call masturbation by its proper name does not preclude that he is guilty of sexual abuse (!) 384 words are devoted to comments on the superego (an entity associated with a scientific fraud). 29 words invoke secret

observations and supply an interpretation of the latter. 19 words state that further information might further clarify the psychodynamic. And only 17 words are concerned with the definition and application of the criterion for evaluating an allegation.

Rule: reluctance to call masturbation so *proves* a strong “taboo”, which *proves* a strong superego, which *proves* a strong disinclination to abuse children. - Would a scientist care to refute such a strange rule?

But the refutation is even more odd: the man *might* need the strong “taboo” in order not to be overwhelmed by other sexual inclinations. Hence, his terminological reluctance provides some indication that he had actually abused children. - It might be argued that the entire psychiatric profession is compromised, when such crank science is accepted in a doctoral thesis.

As we saw in §114, Lindblad is at present performing a study of 655 judgements by Swedish district courts, together with the psychological assessments. By a sheer accident, 10 of Lindblad's cases are analysed in my two volumes: Betsy, Elvira (=2 cases), Embla, Erna, Huddinge, Rachel, Vanessa, Vessela, and Zelma. And a further case, Carola, is described in Scharnberg (1993). It is no risky hypothesis that Lindblad will present his results in such a way, that his readers will be unable to check the arbitrary nature of his evaluations - e.g., whether or not his ideas on the question of guilt agree or disagree with mine in any of the cases just mentioned.

Twelfth Book:

Linda & Edith: Visitation Sabotage In The Virus Case

Chapter 87

Recurrent Features of Non-Veracious Allegations by Pre-school Children

He is still permeated by the naïve delusion that his subjective guilt or innocence is of any concern at all. He has not the slightest idea that quite different and higher interests are involved.

Arthur Koestler

§646. When we are concerned with young children, the liar is probably never the child who reports the allegation: it is the mother or the psychologist who had indoctrinated the child. No set of structural indicators will invariably expose a lie; a sufficiently skilled person might deceive anyone. Nonetheless, an astonishing proportion of indoctrinators are so clumsy, that the non-authentic nature of the child's account is on the surface for anyone to see. But the competency of judges is low, and they are usually taken in by the most amateurish lies.

§647. When mothers or psychologists try to indoctrinate children, the latter's narrative will very often be distinguished by a series of features:

F-1: THE CHILD MIXED UP THINGS, GOT HOLD OF THE WRONG END OF THE STICK.
E.g., did the child peewee into daddy's mouth, or vice versa?

F-2: A CHILD MAY BE ASKED QUESTIONS WHICH HE OR SHE CANNOT ANSWER, E.G. BECAUSE THEY REFER TO A TOPIC COMPLETELY OUTSIDE THEIR EXPERIENTIAL WORLD. NONETHELESS THE CHILD WILL FEEL THAT HE OR SHE MUST PRODUCE AN ANSWER. HE OR SHE MAY THEN FILL THE GAP WITH IDEAS (GAP-FILLING ANSWERS) WHICH MAY BE MALPLACED AND ODD.

F-3: THE CHILD'S BEHAVIOUR DURING THE INTERROGATION MAY FOLLOW THE SAME PATTERN AS THAT OF A STUDENT WHO HAS PREPARED HIMSELF OR HERSELF VERY POORLY BEFORE AN EXAMINATION AT SCHOOL. HE OR SHE WILL PRODUCE A CHAOTIC MIXTURE OF NO ANSWER AT ALL, WRONG ANSWERS, AND CORRECT ANSWERS. MOST OF THE ANSWERS NEED BE EXTRACTED

BY A TONG. MOREOVER, IF THE CHILD HAS SUCCEEDED IN ARRIVING AT THE CORRECT ANSWER, AND IS ASKED TO SUPPLY A VERY SMALL AMOUNT OF FURTHER INFORMATION, THE SUPPLEMENTARY ANSWER MAY REVEAL THAT THE CORRECT ANSWER DERIVED FROM CHANCE (OR FROM SENSITIVITY TO WHAT THE EXAMINATOR WANTED TO HEAR), BUT NOT FROM ANY KNOWLEDGE OR UNDERSTANDING.

A schematic example. Question: "Who died at the battle at Lützen?" - I don't know. - Selma Lagerlöf. - After many unsuccessful attempts the examinator extracted the correct answer that it was King Gustav II Adolf. He went on: Why was Gustav II Adolf at Lützen? The child's answer: He was visiting his wife, Queen Silvia.

F-4: IN SO FAR AS THE CHILD'S STATEMENTS BEAR ANY RELATION TO SEXUAL ABUSE, THEY CONSIST PRIMARILY OF A SMALL NUMBER OF VERY BRIEF AND STEREOTYPIC FORMULAE, WHICH MAY EVEN BE ITERATED.

F-5: INDOCTRINATED ALLEGATIONS WILL VERY OFTEN CONTAIN "ANACHRONISMS".

Because of the urgent need of a simple term for a fundamental concept, and because of want of a better term, I shall use the word "anachronism" in an erroneous sense. 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 - with an even more erroneous term - called "premature". But to qualify as an anachronism, a phenomenon must differ much more from children's "normal" reactions, than "prematurity" and such things would allow for. If a 4-year-old said that daddy had practised "coitus per rectum with complete intromission and ejaculation", we would rightly conclude that the child had not originated the formulation. Adult language *is one variety of anachronisms. Other varieties are statements about* complex causal relations, *and* advanced moral norms, *and certain kinds of* administrative rules.

While use of adult language indicates the absence of authenticity, formulations which are adequate for the child's age constitute no indication of its presence. Indoctrinating mothers and psychologists will almost invariably try to apply child language and child concepts (e.g., "Daddy had his willie in your bottom, wasn't it so?") However, because indoctrinators may not be sufficiently familiar with "the small-print feature of reality" (cf. ch. 11), they may sometimes include admixtures of ideas which are completely alien to what a child might have said on her own.

F-6: THE CHILD SHOWS A MARKEDLY LACK OF INTEREST IN

THE ENTIRE SUBJECT, AND MAY EVEN BE BORED. THE CHILD MAY EMIT A WEALTH OF NATURAL OR WANDERING ASSOCIATIONS.
[*For instance, if the indoctrinator wants the child to indicate the colour of some entity allegedly used for the assault, the child may spontaneously say: "Couldn't we take out the paint-box and play with it."*]

§648. Illustrative examples, sexual and non-sexual, will be presented next. Note that some of the features listed above may be found also among older children. The indoctrinator(s) had tried to teach 12-year-old Shirley that the offender had both inserted his penis into her mouth, and made her masturbate his penis with her hand. Shirley misunderstood her lesson and recounted that both variants had occurred at the same time (cf. §261).

Mixing up things is an exceedingly frequent occurrence. The 15-year-old sister read from the newspaper to 5-year-old Synnöve about a murder. Afterwards Synnöve told in the sand-pit that "our home was visited by murderers". Synnöve also said to the police (after the joint indoctrination by her mother and her psychotherapist Alf Ljungborg), that she was fucking with her 7-year-old brother while daddy was fucking with granny. An immigrant family came from an area where a disastrous flood happened half a century ago. When the school teacher told about the Biblical Flood and Noah's ark, the 8-year-old exclaimed: "My grandfather was there too."

A further instructive example is provided by 6-year-old Vessela, cf. §§786f.

§649. The mother of 3-year-old Martin handed over to the police the audio-recordings of her own indoctrination. Henriette's mother did the same thing. But policemen, psychiatrists and judges are incapable of perceiving even the most flagrant manifestations of indoctrination. Martin was pressed to say that daddy hurt him in his bottom with something. With what? The mother supplies a list of alternatives. Martin answered that it could not have been a ball (an object not on the mother's list). The mother rejected his answers that daddy did nothing, or that he did not see what kind of object daddy used. But finally he hit upon the object in front of him, the microphone: "It *must have been* such a one" (italic added). The mother gradually transforms the answers and obtains new ones: it was something which *resembles* a microphone. Daddy's willie resembles the microphone. It *was* daddy's willie. Daddy used something to insert his willie. It was green. It was parsley (cf. *the parsley case* in ch. 10, described by Gill-Wettergren & Gill, 1985).

The indoctrination dialogues with Martin illustrate both the mixing up, gap-filling, the unprepared examination, the feeling of boredom, and the

natural and wandering associations.

Underwager & Wakefield (1990:100) quote an excerpt from an interrogation with 4-year-old Billy. The police officer had made him say that daddy performed oral sex. He went on: “Did he say not to tell anybody?” Billy got the topic of “telling others” but misunderstood the aim of the question. He answered: “He said to tell everybody” (a natural association). And Billy confirmed that he did indeed tell everybody - although the police officer had to turn off the tape-recorder for a quarter of an hour in the middle of the interrogation in order to conquer the child's denial of abuse.

§650. Now the *anachronisms*. The district court ruled that 4-year-old Pontus (whom we have met in §342) should be examined by Dr. X. Pontus knew neither Dr. X nor Dr. Y. However, when arriving at the clinic, he demanded not to be examined by Dr. X but by Dr. Y. – This is an *administrative anachronism.*

Synnöve's mother placed a tape-recorder towards her, and went out of the room while the child delivered a long monologue about what daddy had done to her. It is quoted in toto in Q-796:1. When it is over, she child cried out with enthusiasm: “Now I'm ready, now I'm ready, was it good?” – Note *the moral anachronism* of the following excerpt: “Daddy was laying upon me and kissed and - my pants, but one must not do such things. Not on little children. Big people may lie upon each other, not little ones, I blame that.”

Vessela first presents *an etiological anachronism* and then *a moral one. She recounts that she got sick and tired “because my daddy had slept with me. Such things daddies should not do to children”.* Even if she had actually got sick and tired because of abuse, it is unlikely that she would have detected the causal connection on her own.

In particular Wakefield & Underwager (1988) have emphasised the high validity of one indicator: the child recounts *purely verbal formulae*, and is incapable of mentioning any *physical circumstances*. I need say no more about this aspect. There are also other aspects of the above list, which need not be exemplified just now. They will re-appear when we scrutinise the concrete cases.

Chapter 88

The Case Linda & Edith: the Snowball Effect of a Virus Infection

Upon my soul! There was a time I made hellishly fine arguments, but now I only produce drivel.
Francois Rabelais

§651. For mnemonic reason I shall call the father "Fabian" and the mother "Mona". Their daughters, Linda and Edith, were 3 and 1 years old, respectively, at the time of the police report. There was nothing wrong with the mother before the police report. But for good reason the children felt much closer to the father, who spent almost all his spare time with them. Whenever he went out to town, Mona *asked* him to take the children with him, so that she could be alone for a while. If the mother was out to town with the children and they happened to pass Fabian's job while he was working, Linda always wanted to go and see him. She usually stayed while Mona and the younger child went home. Fabian was a cook, and Linda had her own little cook apron and cook cap, and would often do some food in a corner of the kitchen.

Eventually the parents divorced. They agreed about shared custody. But after a while Mona persuaded Fabian to sign a petition according to which she alone would have the custody. On the following day he regretted this. But now things started to happen.

For half a year Mona had regularly asked Fabian to be "babysitter" when she was at work and he was not. He did this with great pleasure. 891122 she came home and found 2-year-old Edith a bit low in mood and clinging to her. This was unsurprising since Edith had been ill and had fever. However, Mona detected a mark on her breast which, she thought, looked like a burn. She called Fabian on the telephone, both on this and the following day. He mentioned a minor mishap of the child. She answered that she did not believe him.

This mark triggered off the entire case.

§652. Several crucial circumstances around the mark need be clarified. Almost four years later the National Board of Forensic Medicine performed an investigation. It was based on the photographic documentation (cf. *Figure 652:1*), which was made three days after the mark was detected for the first time, and on case-notes written at the same time, and on the scar.

The explanation of the National Board of Forensic Medicine was that the mark was caused either by “warmth” (i.e., contact with open fire or a very hot object), or by infection (evidently by a virus).

It should be noted that the sexual abuse craze in Jordan, Minnesota, started with a mark deriving from a virus.

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Figure 652:1

This photo of Edith's breast was taken 891125 (three days after the mark was noticed for the first time)

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§653. However, while the Board could not rule out warmth, a number of other persons or institutions *can* do so, viz. the participants of the trial, i.e. the 4 judges, the three psychologist and the welfare officer supporting the mother, as well as myself. A virus infection with a diameter of 2 cm on the skin and looking like an uncanny wrinkled birthmark, may or may not hurt. But a burn of this size and quality would be extremely painful and sore. However, the mother assured that Edith was *clinging* to her; Edith would certainly not have done so if she had been exposed to an open fire or a burning object on the very same day. Still during the first police interrogation 891201 Mona said nothing about pain. And despite their manifest hostility toward the father, none of the three doctors (inter alia Margret Larsson and Margareta Trovik) who examined the mark 891125 and 891207, respectively, mentioned any soreness or pain.

If we assume that the mark observed 891122 was the remnant of a *previous* attack with fire, there must have been an earlier and very much more painful event.

Moreover, most burns have a rather different appearance. And although the photo was taken only three days after the mark was discovered for the first time, the photo reveals an absence of charred remnants. Besides, there are five different centres on the burn. If the child had been tortured with a lighter, a cigarette, or a soldering-iron, this object must have been applied to the skin five different times. A 23-month-old child having undergone such a treatment, would be scared to death already at *the sight* of the father.

If the mark had the appearance of Figure 652:1 already on Wednesday, I am dumbfounded as to why the mother did not go to the hospital immediately.

My competence is insufficient for distinguishing between two

hypotheses: (a) it was to some extent a random event that the mark was noticed for the first time on Wednesday; (b) Linda actually suffered a scraping of her skin during above mentioned minor mishap; and the latter was infected. - Under the latter hypothesis, the mark might look frightening to a medical layman, but was nonetheless trivial.

To sum up, any alternative to the virus etiology *is* ruled out.

§654. Both Mona's mother and her maternal uncle work at the adult *psychiatric* on-duty-service at the hospital of the town. *They* arranged 891125 for a *psychiatrist* who was prepared to see Edith immediately (a strange action concerning a burn). Clearly, the somatic examination was made *after* the mother and her relatives had convinced the doctor that sexual abuse was involved.

Still on the same day, the mother, the social agency and the clinic agreed that the investigation should be kept secret from the father. A seemingly innocuous pretext had to be found as to why Fabian would not see his children on Sunday (as he and Mona had agreed).

§655. There are four categories of evidence of the case: (a) somatic signs on both girls; (b) Linda's real and alleged statements; (c) certain sham sexual behaviours of the children; (d) the results of specific psychological methods (CAT, Rorschach, anatomic dolls, symbolic interpretation, personal relations, change of basic mood).

Mona claimed that around November 1st she observed a red spot on Linda's anus, of the size of a Swedish one-crown-coin [which has a diameter of 24 mm]. She is the only one who has ever seen this mark. It had totally disappeared without leaving a scar when Drs. Larsson & Trovik examined the child. But they took Mona's retrospective description at face value, and wrote in their joint affidavit to the police, that it might have been the remnant after a sucking kiss.

§656. During five years, the mother's allies had the absolute monopoly of advancing their view. - Next a first and non-exhaustive time table will be presented. There is more than what meets the eye in the temporal relations.

891122	Mona discovers the mark on Edith's breast.
891125	Edith's mark is examined by a psychiatrist.
891125	The social agency and the psychiatric clinic decide to prevent all contact between the father and the children; to invent a pretext; and to conceal that he is the object of an investigation aiming at sending him to prison.
891128	Dr. Margret Larsson formally reports the father to the social agency.
891130	The social agency (Rogström and Lassbo) reports the father to the police.

891201	First police interrogation with the mother.
891207	Drs. Margret Larsson & Margareta Trovik produce their joint affidavit for use in the district court.
891213	First meeting by the incest group. Participants from the social agency: Rogström, Lassbo, Salomon; from the child psychiatric clinic Karin Torhall; police officer Tillman; prosecutor Lennart Larsson. Larsson claims that the evidence is not even sufficient for proceeding with the police investigation.
891215	Prosecutor Larsson decides not to charge the father, giving the strong and in Sweden unusual justification "There is no reason to assume that any crime has been committed".
1990/1991	Around the turn of the year the head of the day nursery states that the psychic condition of both girls have deteriorated markedly during spring and autumn 1990. [MS: this is taken to prove the sexual abuse. But if it is true, it is a singular fact that both children were in the best health when they were supposedly abused, while they deteriorated when the abuse stopped. - A more likely explanation is that the deterioration was caused by Mona's intrigues.]
900215	First visit of Mona, Linda and Edith at the child psychiatric clinic. This is also the first time any of them is seen by the welfare officer Karin Torhall and the psychologists Barbro Eriksson and Ylva Axelsson.
900309	[This information derives from the father and has not been independently checked.] This was the last time Fabian met Linda before the police interrogation with her 900814. They were being supervised. (It is a proved fact that since 891122 and for the following 6 years he has not once seen his children without being supervised.)
900522	Fabian is for the second time reported to the police; this time by Karin Torhall and Barbro Eriksson. (All the preceding and following five reports are concerned with Fabian's alleged activity *before* the mark was discovered on Edith's breast.)
900813	Police interrogation with Linda.
900922	The prosecutor decides not to charge Fabian.
911025	The mother appeals the prosecutor's decision.
911211	The county prosecutor orders prosecutor Larsson to perform the investigation.
931020	Prosecutor Larsson decides once more not to charge Fabian.
[exact date not known]	The mother reports Fabian for the fourth time. - The police refuses to handle the case.

Chapter 89
Linda's Authentic Statements

But I must leave the proofs to those who've seen 'em.
George Gordon Byron

§657. Edith originally gave rise to the sexual accusation. But the focus was soon shifted to Linda, since Edith was too young to be indoctrinated.

The sole statements we know that Linda really made, are the ones she made during the police interrogation 900813; she was almost four years old. A few additional statements are mentioned by the child psychiatric clinic, but neither their exact wording nor the context is known. *Everything else* is hearsay evidence.

It is the habit of psychodynamic therapists to expose their patients to strong pressure to say certain things. And when they succeed, they pretend that the utterance emerged spontaneously, despite the total absence of external influence.

Second, in Torhall's affidavit 900612 we may read that Linda “always tried to retract what she had just chanced to say (*see the affidavit by the psychologist*)” (italics added). She invokes as support the affidavit 900517 by Barbro Eriksson. But the postulation about retraction is *completely absent* from this document. (No one discovered this absence for 5½ years.)

§658. The postulation about the alleged retraction of sexual abuse seems to sponge upon Roland Summit's idea that retraction indicates that the allegation is true. But when both these facts were pointed out during the second custody dispute in the district court, Torhall made a volte-face. Invoking as proof the secret case-notes, she claimed that her words referred to such events as: Linda had said, e.g., about a toy animal, “This is a dog” and soon afterwards, “No, it is not a dog”.

Several aspects are noteworthy here. First, if the dog version was true, the insinuation of the claim about Linda's tendency of making retractions about judicially and psychiatrically relevant problems, would be an attempt at manufacturing evidence out of thin air. Second, the father and his representatives were not permitted to use the police interrogations of the criminal investigation as evidence, *because* he had not in advance announced his intention to do so (a mistake of his attorney); and his opponent should have a fair chance of checking and countering any fact and argument. By contrast, Torhall was free to prove her claims by means of secret case-notes.

Third, in §668 we shall see that the dog version was an untruth

invented ad hoc to escape a difficult situation. Torhall had explicitly written that it was the sexual allegation which Linda retracted.

§659. And now to the interrogation itself; some grammatical errors are attempts at translating child language. Asked whether someone did something bad on her body, she points at her bottom. *The interrogator introduced the idea that it hurt.* The child indicates that *IT HAPPENED YESTERDAY*. [We know that the father had not seen Linda without supervision for 8 months 21 days, and probably not at all for 5 months 4 days.] Then follows *a moral anachronism*: daddies should not do such things: *"It should not been hurt."*

Linda goes on: "Then I went home together with my mother then." - This formulation is surprisingly akin to Mona's description in the police interrogation 930426 on an event which supposedly took place in spring 1993. Just before Linda met her father, she is quoted to have said: "I hope daddy will not hurt my bottom if I go and see him, I hope the lady will be together with us all the time." Mona had alleviate her fear: "If you don't want to stay with them, just call me, then I shall come and fetch you."

No comparable statement by Mona is secured from the time around 900813. But it is documented that she to a considerable extent used the same formulations over years. The first hypothesis to suggest itself is therefore that Linda mixed up the mother's instructions about what she *must* do *if* such and such things happen, with the empirical state of things that these things actually happened.

§660. Much truth might be contained in the statement that *it happened yesterday*. We shall eventually see conclusive evidence that Mona eagerly indoctrinated Linda. It would be improbable if she had not careful prepared the child for the police interrogation.

§661. From the interrogation it can be seen that Linda had learned little more than brief stereotypic phrases which she iterates, often without the grammatical subject: "hurt", "did bad things", "in the bottom". Quite a few questions were needed before she was able to say that "Fabby" was the one who did them. (A neighbouring boy a little older than her bears the same name.) But asked what Fabby did, she just repeated the standard phrases.

The second topic of the interrogation is likewise introduced by the police officer (Margareta Tillman, who participated in the meeting of the incest group): perhaps daddy *had something in his hand* which he used to hurt her. Since literally nothing which had emerged during 9 months, indicated the use of any tool, we may safely assume that Tillman had secret contact with the mother. Recurrently, police officers conceive as their task to have the child say on tape what the mother in private had claimed that the child had said.

§662. Linda recounted that daddy hurt her bottom with a stick, a

needle. The stick was black. She saw the latter. Linda demonstrated its length with her hands, 50-60 cm. Mummy took it away.

Numeric figures may sound abstract. I suggest that the reader measure up the length. In the court I showed sticks of both 50 and 60 cm. - The reader may also try to imagine a father returning to the hostile mother a 3-year-old child with a stick of 50-60 cm in her anus, which had furthermore been there for hours.

Officer Tillman emitted signals about Linda having given the wrong answer: "You're showing a *MIGHTY* long length." – "50-60 cm, was it *THAT* long?" - But since Linda did not get the point, the police officer passed quickly on to a different topic, probably to conceal the nature of the child's account.

When directly questioned whether daddy used anything else than a stick, Linda says that he "knocked here backwardsly. He knocked with a black" [from the context we may gather that she is referring to a needle]. She was *at home* when the event took place.

During her 8 visits at the child psychiatric clinic 900215 to 900608 Linda (supposedly) said once and only once that daddy hurt her bottom. But she had no memory of any concrete assault. Hence, it is simply not possible that the police interrogation was concerned with *recollections* of events prior to 891122.

§663. The third topic was also introduced by the police officer: did daddy remove his clothes when he did something bad to the daughter? Spontaneously, Linda gave *the natural association* that one removes one's cloths when one is going to sleep. Daddy was going to sleep (he had shift work). The interrogator gained nothing by repeating the question. Linda showed her *lack of interest in the entire topic.* She asked the officer to read a book to her instead.

§664. Neither was the fourth topic introduced by the child: whether she had seen daddy's willie. (Presumably, the majority of the children of Swedish police officers, psychologists, social workers, prosecutors, and judges have done so.) Linda stated that daddy's willie was *"yellow"*. While this might be *a gap-filling answer*, the young child may also have *mixed up* the lesson that the fluid coming from daddy's willie was *not* yellow.

Daddy hurt Linda. When asked, she confirmed that she told him so. What did he answer? *He said nothing, he cried.* This is a typical *natural association*, and a moment later she said that *daddy hurt himself in his cheek.* I cannot guess what she might have meant by her additional statement "It was a spider". One reasonable hypothesis is that Linda had in mind that daddy may have cut himself when shaving. Anyway, he was bleeding when he hurt himself.

Asked whether she thinks Edith had also been hurt, Linda gives *the*

natural association to a swing. Nothing hinges upon whether Edith had actually fallen from a swing and hurt herself, or whether this was a gap-filling answer.

Finally we are provided with a fantastic *administrative anachronism*, which a 3-year-old child could not have invented on her own: *she is prepared to see daddy only if a policeman is also present.*

§665. Summing up, the absence of any authentic recollections of sexual abuse, could hardly be more flagrant. Nor does Linda's abortive attempts at presenting any account show any resemblance to self-originated fantasies. Her very words bear the stamp of indoctrination. Seen in isolation, the police interrogation contains limited information about who was the indoctrinator. In the following chapter we shall see whether other facts are more illuminative.

Chapter 90

Linda's Astonishing Eloquence When There Are No Witnesses, and Torhall's Disinformation on the Originator of the Allegation

If you tell enough lies I'll know the truth.
Maxwell Anderson

§666. Even if hearsay stuff contains no valid indication of what a child has said, it may contain other crucial information. I shall juxtapose Linda's alleged statements. The mother is the source of all statements, except the one marked with a double asterisk; the latter derives from one of her female friends.

L-1: [1991, November or December. After the court decision about supervised visitation both the girls talked to the father by telephone. Afterwards Linda said:] *"I think he will not do such things to me any more."* A remarkable *anachronism* is present here. A 5-year-old does not have the pre-requisite *capacity for abstraction*, in particular as regards *temporal relations.*

L-2: [1991, November.] *"I hope daddy will not hurt my bottom if I go and see him."*

L-3: **[An indeterminate timepoint between 910321 and 920128. After a visit at the child psychiatric clinic (MS: where the latter noted nothing of the kind) Linda said the quoted words to Mona's female friend, who passed them on to the police with the comment: "She seems somehow to be highly pervaded by what she has said, as well as by the feeling that it is important to her to recount it."] *"I have done a number two on daddy's willie."*
[It is a fact of no little importance that Mona suggested that the police should interrogate her friend 5 days before the friend quoted the statement to the police.

L-4: [1992, around Christmas; Linda looked scared when she said:] *"He wants to see me, I hope he won't hurt me again."*

L-5: [1993, spring; just before Linda met her father:] *"I hope daddy will not hurt my bottom if I go and see him, I hope the lady will be together with us all the time."*

§667. It goes without saying that the same girl could not have been so eloquent to her mother and the latter's friend, and so taciturn to the police

and the clinical psychologists. Already at the present stage we cannot escape the conclusion that the mother was the indoctrinator.

Now follows the most fantastic circumstance of the entire case. In her affidavit to the district court 940503 Karin Torhall writes: [On 1994, March 7th] "*the mother is recommended to state THE ACTUAL TRUTH*, *viz. that THE MOTHER KNOWS NOTHING EXCEPT WHAT LINDA HERSELF SAID 4 YEARS AGO.*"

Did the mother play a double game for 4 years: had she concealed from the child psychiatric clinic everything she told the police? No motive can be imagined for such a behaviour. And three psychologists and a welfare officer who were deceived, cannot claim to possess any impressive capacity of assessing and seeing through people.

A much more parsimonious explanation is that Mona told all Linda's alleged statements to the clinic. But that the staff realised that they were *clumsy* lies which might *backfire*. Torhall's sentence quoted above may be conceived of as a proposal about a more skilled way of lying.

§668. The mother's incest accusation is explicitly documented 891201. And many circumstances indicate that it probably originated on 891122. But in order to facilitate a conviction, Torhall & Barbro Eriksson wrote in their report 900522 to the police that

T&E-1: [The mother] "*did not at that time* [1988-1989] *DARE understand WHAT she saw.*"

T&E-2: *"The mother who had TRIED TO SHUT HER EYES, now had to face what she HAD SEEN."*

T&E-3: *She "DEMONSTRATED to Linda that she would NEITHER SEE NOR HEAR what Linda TRIED TO TELL HER."*

T&E-4: *"A consequence of this was that Linda* [...] *ALWAYS TRIED TO RETRACT WHAT SHE HAD JUST CHANCED TO SAY."*

T&E-5: *"THIS* [*behaviour of the mother*] *had the result that ALL CONTACT BETWEEN THE MOTHER AND LINDA WAS OBLITERATED. BECAUSE OF THAT REASON, Linda would rather turn to OTHER PEOPLE than her mother."*

(As regards T&E-4, cf. also §727.)

§669. Mona's highly-strung or revengeful accusations based on imaginary facts were turned into her tendency of shutting her eyes from clear-cut evidence. The father was contemptuously called "OTHER PEOPLE" (!). And out of his warm and admirable relation to his children in comparison with Mona's much colder feelings, was manufactured a psychoanalytic proof of his vicious attitude to them.

In accordance with the same strategy Torhall defended the mother's protracted visitation sabotage. In her affidavit 930630 she (successfully) took the chance that the district court would not notice how she confused the

issue: *"NEITHER IS IT THE MOTHER WHO RAISED THE INCEST ACCUSATIONS AGAINST THE FATHER. I AND PSYCHOLOGIST BARBRO ERIKSSON AT THE CHILD PSYCHIATRIC CLINIC ARE THE ONES WHO HAVE DONE THIS."*

§670. Interestingly, Torhall & Eriksson claim in their police report 900522 that Linda had already before that date told them what her father had done to her, *even in the presence of her mother*. But according to their affidavit 940503 to the district court, Linda has told nothing about abuse. The evidence consisted of symbolic interpretations.

Chapter 91
"Mummy, What Is It Daddy Has Done to Me?"

Alles kann man vergessen machen, Lieber Freund!
Karl Kraus

§671. In the affidavit 940503 Barbro Eriksson is responsible for the section from which the following excerpts are taken:

E-1: "Linda reveals herself to be *very fearful of not giving correct answers* concerning what we are talking about."

E-2: "*At several occasions* she says, '*YOU MAY RATHER ASK MY MUMMY`".*

E-3: "It is *a little difficult* for her to tell what she *really* thinks and feel."

E-4: "*On one occasion 940307 Linda says,* 'DADDY WANTS ME TO TELL YOU SOMETHING. MUMMY HAS LIED. DADDY HAS NOT DONE ANYTHING TO ME. HE LOVES ME AND EDITH VERY MUCH.`"

E-5: "Asked if she has talked to her mother about this she says that she does not dare ask what mummy lied about."

E-6: "When we return to the waiting room, THE FIRST THING SHE SAYS TO MUMMY IS, *'WHAT IS IT DADDY HAS DONE TO ME?`* Her mother is confused and cannot answer."

E-7: *"She* [Linda] *says she cannot recall what daddy has done or has not done."*

§672. It is difficult to imagine more clear-cut evidence that the entire allegation is the result of indoctrination, and that Linda has no access to any recollections of her own. But the judges did not see it.

#Mona realised that she had been exposed. Psychologist Barbro Eriksson also understood that this pattern might be used as legal evidence, if the father learned about it. Her policy was to instruct the mother that too coarse indoctrination techniques may backfire, and also to *neutralise and gloss over* the facts which had emerged. She wrote that it is "*definitely inappropriate*" that "*CONCEALED* (!) messages are transmitted through Linda". "She need be *liberated from THE ROLE OF A MESSENGER* and NOT BE EXPOSED TO PRESSURE OF ANY KIND."

§673. In many chapters important scientific results on the nature of *the logic of judges* will be presented. A Swedish judge is permitted to use "*general facts of experience"* not invoked by any of the parties. But most judges have surprising ideas about what does or does not belong to this

category. There are waterproof bulkheads between the general facts they experience regularly themselves, and the ones they apply in the court. Indisputable facts are rejected or ignored, while flagrantly fictive circumstances are used to justify prison sentences.

A pre-school child may be made to believe (e.g., by another child) that there is a black tiger in the cellar. Numerous judges think that the pre-school child will in such a situation *not* say, "There is a black tiger in the cellar", but, "*Erik said* there is a black tiger in the cellar." Five-year-old Synnöve would not say "our home was visited by murderers", "*my sister told* that our home was visited by murderess". Synnöve would neither say, "Daddy fucked granny" but "*Mother said* that daddy fucked granny". Linda would not say, "Daddy hurt my bottom" but "*Mummy said* that daddy hurt my bottom."

§674. From this logic it follows that item E-4 proves indoctrination attempted by the father and not the mother. The district court uncritically accepted this trick propagated by the psychologist. The judges did not even detect *the abstract possibility* that Mona might be the indoctrinator.

Despite the abundance of contrary experience, most judges take for granted that any maternal or psychological indoctrinator will exclusively apply clumsy techniques which are easy to expose.

§675. In the case at hand the following facts should have been apparent.

A-1: Item E-4 is imbedded in a wealth of clear-cut instances of indoctrination by the mother.

A-2: There is scientific proof (which is immensely much stronger than judicial proof), that Mona had for many years abused the children for the purposes of her intrigues.

A-3: If the father indoctrinated Linda to say item E-4 to the psychologist, this would be a completely unique contribution of his. No comparable instance of indoctrinating behaviour originating from him, has ever been observed.

A-4: The father had already said the very same things to the psychological team numerous times. Unless he had a subnormal intelligence, it is difficult to grasp what he might expect to gain by having Linda repeating his words.

A-5: By contrast, the mother had much to gain by teaching the child to "repeat" what daddy "had said". She could "prove" that daddy will not shrink from using Linda to expose the psychologist to undue influence; a strong indication that he had something to hide about the incest allegation.

A-6: A number of other cases are certified, in which mothers who had originated the allegation, had also indoctrinated their child to "repeat",

that daddy had asked the child to tell the psychologist that he was innocent.

Chapter 92

A Few Hasty Comments Upon the Psychologists' Symbolic Interpretations

Tüchtig Rauch aufsteigen lassen, da braucht einer das Feuer nicht vorzuzeigen.

Heinrich Böll

§676. Although the concept of repression is hardly mentioned, it is implicit everywhere. Without the latter, the psychologists' symbolic interpretations would lack any foundation. What Linda revealed "in the symbolic form of playing", is arbitrary speculation. The absence of any sign of abuse is re-interpreted: Linda "subdues her feelings", "tries to make herself and her feelings invisible".

The psychologists' protracted request for answers to a wealth of questions concerned with entities outside her experiential world, is the most probable explanation why she became exhausted and almost fell asleep. But this reaction was re-interpreted: she had "re-experienced" things, and there was a need of *"working-through those things which had happened"*. Her ways of handling the toys reveal how she, *"psychologically, copes with"* her experiences.

Interpretations are presented as observations. The standard phrase (borrowed from Frank Lindblad) is literally plagiarised: "The results of the investigation show that Linda has experienced something which was traumatic." The insinuation of incest is apparent. But if the court should think otherwise, the psychologists can subsequently claim that they said nothing of the kind.

The fact that the child after 4½ years of intrigues feels "sick, sorry and irritable" is explained as the result of sexual abuse performed 4½ years earlier. Linda did not at all feel low until the alleged abuse allegedly *stopped*.

§677. The anatomic dolls are fundamentally invalid. Sorokin (1958) states that projective tests are no more valid than old wives' coffee ground tests. But even the most ardent Rorschach enthusiasts would be dumbfounded by the application of the Rorschach test to pre-school children.

Children's Apperception Test (CAT) was never constructed for detecting or verifying sexual abuse. CAT had been in use for 40-50 years, before this idea emerged. The very same stories which today are supposed

to prove incest, would in the 1950s and 1960s have proved the coitus theory (cf. ch. 71). The CAT interpreter will easily confirm any prejudiced idea. An excellent example supplied by a 7-year-old boy is quoted by Leopold Bellak:

> "What's in the bed? They look like bears to me but bears don't sleep in a cradle. Well one night two bears went to sleep, two baby bears and mother bear was sleeping right next to them, and they heard an owl and they got scared, and they woke the mother bear and she said, 'That's just an owl.' So the baby bears went to bed and they heard a bee, and they woke up again, and the mother said, 'That's just a bee.' And they heard a bat, and the mother said, 'If you don't stop waking me up I'll have to sleep in another room.` So the next morning the mother said, 'What's the idea of making all that noise - you made more noise than the owl and the bat and the bee did.' They felt scared. 'I don't like sleeping.' The babies stayed up all night looking out the windows and mother was in another room." (Bellak, 1954:176) [Q-677:1]

From this detailed narrative of 153 words, Bellak picks out two [=2] fragments: "noises at night" [= parental love-making] and "watching" [viz. coitus].

§678. If it is true as Mona claims, that Linda and Edith will often insert objects into their own and each other's sex organs, this is poor evidence of sexual abuse. Palmqvist & Robach (1993) found by observation at day nurseries that such (sham) sexual behaviour is much more frequent among pre-school children, than most laymen and psychologists believe.

However, one hypothesis should be given considerable weight. Children who are exposed to numerous gynaecological inspections will often have an exaggerated interest in their own sex organ. And many highly-strung mothers who accuse their former husband, may repeatedly look for gynaecological evidence. Henriette's mother did so, even after four gynaecological examinations had established that everything was in order.

I entertain no moralistic views on children and sex. But sexual activity should, if at all, emerge on their own initiative, and not because their mother or a professional team made repeated attempts at securing evidence where there was none.

Chapter 93

Legal Oddities, the Mother's Suitability as the Holder of the Custody, and an External Untoward Event

The body of evidence presented in the case is in all essentials the same as the body of evidence presented during the previous proceedings in the district court and the court of appeal.

Jörgen Karlsson & Lilian Eriksson & Rune Fredriksson & Ingvor Wilhelmsson

§679. For 5½ years the mother and the psychological team tried to sever the ties between the father and the children. They had forged evidence, and had continually practised visitation sabotage. They had made at least four attempts of having the father sent to prison. The psychologists taught Linda and Edith that daddy is a dangerous person who will harm them if he sees his chance. The children must be very careful never to be alone with him.

One of the utmost qualified experts in such a situation, Richard Gardner (1989, 1992) advances a logical view: A mother who abuses her children in this way, will probably disregard their interests also in other respects. Unless there are extraordinary reasons, the custody should be accorded to the other parent. It is a vainly task to try to reach a voluntary agreement with such a mother. What she needs is a clear demonstration from the court that she will gain nothing by her intrigues.

§680. But the district court encouraged Mona's and the psychologists' semi-criminal behaviour. *The district court appointed the very same psychological team which had repeatedly tried to send the father to prison. They were given the task of performing an "impartial" investigation as to (a) whether the father should see his children at all; (b) if he should, with or without supervision; (c) whether the children would need a protracted "therapy" conducted by the mother's allies in order to "facilitate" the contact with the father, and (d) to assess when the children are "mature" for starting the contact.* The judges might just as well have appointed the mother's attorney as an "impartial" expert.

§681. For 5½ years the mother and her allies had the absolute monopoly of advancing expert evidence. Their version was questioned for the very first time during the second proceedings in the district court. What has been included in the present chapter is only a small selection of the immense amount of entirely new evidence which was presented to the court.

This new evidence is invaluable to judges aiming at a correct sentence. The judicial judge did show a considerable attention (although he forbade a considerable part of the facts stated in chs. 3 and 4). But the lay judges did not even try to conceal that they were reading private matters bearing no relation to the case.

§682. The proceedings were over 950313. The judges had a meeting immediately afterwards, and agreed on the decision. The latter would not be public until the judgement was written. It was decided that the judgement would be public 950407. It is normal practice in Sweden to indicate a publishing date about a month later, so that the court will never risk any delay.

But a few hours before the judgement would be public, a nation-wide newspaper published an interview with a professor of jurisprudence, with whom I had collaborated in the case of Graziella. It was replete with faked statements put in his mouth. For instance, he had really said that he had read some 800 judgements in cases of sexual abuse, had scrutinised all documents of some 1% of the cases, and had found the judgements to be incorrect in all these cases. Since he had not studied the remaining 99%, he could have no well-founded view on these. The reporter deliberately transmuted this position into the claim that 99% of the convictions were correct and 1% were incorrect.

The reporter also put into his mouth that MS is an incompetent know-nothing, and he warned judges to pay any attention to what MS said.

The professor has informed me that he had said nothing of the kind. (The newspaper's claim that his statement is documented on tape, cannot be taken seriously, since the same newspaper made half a dozen clear-cut untruths around this event.) The reporter is one of the most fanatic incest ideologists in Sweden. But she had made a good choice: she knew that the professor is a peaceful man who dislikes being involved in mass media polemics. Eventually, he produced a very lame rejoinder.

§683. *WHEN THE FAKED INTERVIEW WAS PUBLISHED, THE DISTRICT COURT IMMEDIATELY WITHDREW THE JUDGEMENT. THE COURT FABRICATED THAT THE JUDGEMENT "HAD NOT YET BEEN WRITTEN" BECAUSE OF "WANT OF TIME".*

A new judgement was published 95419. We cannot know whether only the justificatory reasons were changed, or also the verdict itself.

But the written judgement reveals judge Karlsson's uncertain attitude. Perhaps MS is an acknowledged expert, perhaps a bluff. Hence, such arguments must be found which will be invalidated in neither case.

I had conclusively proved (a) that the mark on Edith's breast was not a burn; (b) that Linda had no recollections of any sexual abuse; (c) that her statements show numerous typical features of indoctrinated accounts; (d)

that the mother was the indoctrinator, although she was assisted by the psychological team; (e) that each and all methods applied by the psychologists are crank science; (f) that the psychologists had deliberately manufactured false evidence for the purpose of sending Fabian to prison or preventing him from seeing his children under conditions which were incompatible with a natural exchange of feelings. - The only thing I did not succeed in proving, was item E-4 in §671; I was forbidden to use the relevant data.

The court did not dare say that my evidence was invalid or insufficient. Instead, Karlsson gave a false account of my testimony. Allegedly, I had merely said that one could not *exclude* the *possibility* of indoctrination. There is a *risk* that the psychological team *might have* confused observations and interpretations.

With a stroke of the hand he annihilated the enormous amount of entirely new evidence. Thereby, he and the co-judges were free to decide that, since no new evidence had been presented, the verdict should be the same as that produced by the Court of Appeal 920424.

Thirteenth Book:

The Mayday Flower Case of Mignon, and Anders Stening's “Evidence Evaluation”

Chapter 94

Some Peculiarities of Judicial Logic

Two times two is four, but if the emperor says it is five, then it is certainly five.

Martin Luther

§684. Much space will be devoted to a case from 1962 concerning 10-year-old Mignon. In the first place I shall illustrate the adaptability of textual analysis to new problems: entirely new procedures will be described, which are related to linguistics.

Moreover, twelve judges from three courts have passed judgements (8 of them voted for conviction). The case is included in the yearbook of the Supreme Court (NJA, 1963:555ff.). Among commentators, Stening (1974) devotes 14½ pages to the case; and Bolding (1989) has likewise discussed it. *But without one single exception these judges and jurists have ignored each and all informative facts. They had based their conclusions upon subjective guesswork and gossip logic.*

In ch. 54 I illustrated a fundamental flaw of the discipline named *evidence evaluation*: rationality and subjectivity mingle in an arbitrary way. Judges confronted with a concrete decision task, *or* of justifying a decision based on what they feel in their heart, have access to a set of rational arguments. But they may, on the basis of subjective inclinations, choose which arguments to apply or ignore.

§685. Judicial logic is permeated by another flaw. I shall use Stening's book as a model, although the flaw is universal. It is perfectly legitimate to perform *a descriptive study* of the reasoning of judges: to ascertain what derivation procedures they actually apply. Likewise, it is legitimate to perform *a logical study* of what procedures would be truly rational to apply for a judge. – Empirical rules are not necessarily logical, and logical rules are not necessarily applied in real trials.

What is not legitimate, is to confuse the descriptive and the normative approaches. Stening's deductions consist of the following steps. (a) He formulates his problem: what kind of judgement would it be *rational* to pass on the basis of this or that body of evidence? (b) He takes a careful look at what judgements the courts have passed, before he starts his own analysis. (c) *After he has learned about the courts' actual judgements,* he arrives at the result that rational reflections alone would lead to the decision made by the courts. (d) If different judges have made opposite decisions, Stening will

be singularly unclear as to what decision rational reflection would favour.

§686. In one of his examples a man was tried of murder. If he was guilty, there might be blood stains on his clothes. The prosecutor could prove that a pair of his trousers had disappeared in an inexplicable way. But the court ruled that this fact is not valid evidence. – *After* having learned about the court decision, Stening explains that he himself would feel offended, if it be suggested that he had committed a murder, whenever he had lost a pair of trousers because of carelessness.

My point is not that the court made the wrong decision, nor that Stening's personal reflection is inadequate. Instead, I shall emphasise the strange inconsistency between the above analysis and Stening's reasoning in the case of Mignon.

§687. A 53-year-old man (henceforth called “Kündig”) had bought a Mayday flower sold for charity from a 10-year-old girl (Mignon), and had said “Keep the change”. If the girl had accepted (which she did not), she would have got the price of 4 flowers for one delivered flower. When the man was tried for sexual assaults, the district court unanimously convicted him, inter alia with the justification that it is an established fact that sexual offenders may give petty sums to their victims.

The conviction was unanimously upheld by the Court of Appeal. But Kündig was finally acquitted by the Supreme Court with the votes 4 against 1. Since different judges made opposite verdicts, Stening is almost unable to advance any view as to what would be the rational decision. But he also tries to conceal his reluctance. One will have to read his text many times in order to detect that he thinks that Kündig *should* probably have been acquitted, though he *was* probably guilty.

§688. Now to the comparison. Since I started school 55 years ago, I have never lost a pair of trousers because of carelessness, although I definitely possess the trait of orderliness to a sub-average level. When Stening's trial took place, the general standard of living was significantly lower, and people were much more cautious about their clothes. By contrast, I have at least one thousand times given petty sums to children. There must be thousands of people in Sweden, who have a comparable biography. Those with the opposite biography must be enormously less frequent.

Consequently, it seems odd that carelessness about trousers should be completely worthless as evidence, while an extremely modest generosity should constitute genuine evidence of a crime.

Chapter 95
A Survey of the Case, and the Justificatory Reasons Advanced by the District Court

Das Bekannte verträgt er, nicht weil er es begreift, sondern weil er es gewohnt ist, wie der Esel den täglichen Weg.

Bettina von Arnim

§689. To begin with, I shall meticulously restrict the description to what was on the surface for the district and the Court of Appeal to see, and disregard the evidence which was presented only to the Supreme Court. Mignon was selling Mayday flowers to flat dwellers. At one of the doors Kündig opened. He was an Estonian immigrant and did not talk Swedish very well. He was ill, had taken sleeping pills and was somewhat drowsy. He bought two flowers and paid the requisite price. Then he changed his mind and wanted a third flower, which he intended to pay with a coin of the value corresponding to four flowers. Mignon refused, whence he actually paid for three flowers. Before she left he patted her shoulder and said, *as she perceived his words*, "How many hairs have you combed? 10, eh?"

On the staircase she met a schoolmate, who wanted to borrow her textbook of geography. She told her about something which had happened at Kündig's door, *but it is not known what kind of information she passed on to her schoolmate*. Afterwards she told her mother about the event, *but it is neither known what she told her mother*. On the following morning the mother made a police report. The mother was present during the interrogation.

§690. This case happened long before the incest craze. But it also happened 3 years before the sex wave reached Sweden: the traditional moralistic attitude was still prevailing.

The police officer was from the very first statement convinced of the guilt of the person reported. She asked questions solely for the purpose of clarifying the severity of the punishment to be met out. For instance, when the topic was Mignon's meeting of her schoolmate on the staircase, she was not asked what they talked about. She was asked the leading questions whether she had told the schoolmate about the exhibitionistic act, and how the other girl had reacted to this information.

Likewise, the mother was not asked (*without* the presence of the

daughter): “Do you recall what was the first thing Mignon said when she came home?” The mother might well have supplied a true quotation, and the latter might have had the form: “Hello mummy! Now I have sold all the Mayday flowers. What are we having for dinner? Lisa borrowed my geography book. The little fat man in number 34 said something funny. ’How many hairs have you combed? Ten, eh?` What did he mean by that, mum?” The police might have proceeded: “What did *you* think he meant?” And after a few minutes the (probably unintentional) indoctrination process might have been unearthed.

§691. If we direct the attention toward the interviewees, the interrogation consists of three sections. During the first section Mignon supplied 135 answers. Afterwards the mother was interrogated in Mignon's presence. Finally, Mignon was asked a few questions about the identity of the man, and she supplied 7 answers.

The first section is remarkable. Mignon's first statement comprises 138 words. She stated that Kündig drew out his penis and wanted her to look at it. *After* this event she sold him the third flower.

However, after her initial eloquence she was remarkably taciturn. No less than 58 of her statements consist solely of the word “yes”, and 94 statements comprise at most 2 words. There are indeed 5 statements comprising from 21 to 34 words, but only one of these is non-trivial from the legal point of view. Toward the end of the interrogation Mignon adds further information, viz. that (a) Kündig tried to kiss her; that (b) he was swinging with his penis; that (c) she told him to stop; and that (d) he excused himself by saying that he was only joking. Since these additions contradicts Mignon's earlier version, the conclusion is difficult to escape that she eventually learned to fabulate a little (or a little more).

Her most important information is concerned with his words, “How many hairs have you combed? 10, eh?” During the police interrogation she told that she had spontaneously understood this as referring to her pubic hairs. This is not an idea which would easily occur to a 10-year-old girl in 1962. But it *is* an idea which would very easily suggest itself to a mother.

§692. The district court (Malmberg, Ekwall, Thörnvall, Holmgren) advanced a series of justificatory reasons (JR) to motivate the conviction.

JR-1: *Kündig has been “uncertain” and his answers have been “evasive”.*

[ms:] This argument is based upon a series of irrelevant trivialities. First, an innocent man is generally not capable of producing as many details as a false accuser, because of the purely logical reason that very little happened. Second, Kündig had no assistant to help him construct a narrative. Third, if Kündig was innocent, he had no reason to store in his memory those insignificant occurrences

which actually had taken place. Fourth, the influence of the sleeping pills may have somewhat reduced his perceptive capacity. But fifth, the pills could hardly fail to interfere strongly with his short-term memory. And events not registered by the short-term memory will never reach the long-term memory.
Because of his somewhat drowsy state, Kündig could in the court not exclude that his penis might unintentionally have been visible through the fly of his pyjamas. The district court deliberately distorted his words:

JR-2: *Kündig had in the court made A HALF CONFESSION of the charge that he had deliberate taken out his penis and deliberately shown the latter to the child in order to procure some sexual pleasure.*

JR-3: *His linguistic explanation, which will be described below, was rejected with a stroke of the hand and called "far-fetched explanations" and an "insidious" construction.*

[ms:] What the judges rejected, constituted the most informative data of the whole case. They will be extensively discussed below, and I shall prove that Kündig's explanation is indeed true.

JR-4: *It is immediately seen that there are only two possibilities. Either, Mignon recounted an authentic sequence of events. Or else, she had on her own initiative constructed the latter in her imagination. But since she could not have been acquainted with exhibitionism, she could not have constructed the narrative. It follows that her account was true.*

[ms:] Unsurprisingly, the most probable alternative, viz. the indoctrination hypothesis, was completely overlooked. - Judges (and Stening) are very fond of arguments of the following variety: "It can be seen at a glance (whence it is in no need of any logical or factual support) that there are only two possibilities: Either, the American flag is altogether black. Or else, it is altogether green. But it is not altogether black. Consequently, it is altogether green." We observed exactly the same sham argument in the case of Elfriede (cf. §85).
Second, judges are often ignorant of what children actually know about sex. Third, JR-4 is an amateurish application of Trankell's (1971) *criterion of competence*. A scientist would ask the question: *Whose* competence is exceeded by the narrative? The child's or the indoctrinator's? I might train my grandchild to tell about a person who looked like a chinaman, boxed the ears of another man, and later said to a lady: "Ahn yung hi jumushibsi you". And then a judge might reason: the child does not know the

Korean language, hence she could never have invented the story herself. Consequently, only one alternative remains: the entire narrative about the "chinaman" is authentic.

JR-5: *Kündig had tried to pay an "overprice". And it is "a general fact of experience" that SOME sexual offenders tend to TERMINATE the assault by giving the child a small sum of money.*

[ms:] This "general fact of experience" was new to me. In the majority of cases the offender will give the child money or, more often, sweets, before the act and not afterwards. Moreover, it is odd to call a petty sum of 75 öre "overprice". And it is an authentic and not a court-manufactured "general fact of experience" that tens or hundreds of thousands non-offenders also tend to give children small sums of money.

JR-6: *Mignon told a schoolmate about the assault immediately after it happened, and this constitutes a reason for concluding that her account is true.*

[ms:] Nothing is known about what Mignon told her schoolmate.

JR-7: *Kündig could give no explanation as to why he changed his mind and bought more than the first two flowers.*

[ms:] It is an authentic, not a court-manufactured "general fact of experience", and also a fact firmly established by experimental psychology, that human beings can give explanations of only a very small fraction of their actions. When they can, it is a scientific fact that most of their explanations are erroneous; and that most of them (whether true of false) will soon disappear from consciousness. The number of human inhabitants on this planet in 1962, who had more than one thousand times changed their minds without being able to explain why, must have exceeded 3 billion.

JR-8: *Kündig was embarrassed by the accusation. The judges claimed to be experts upon exactly how much embarrassment an ordinary and innocent citizen could possibly feel. They found that Kündig's reaction exceeded that limit.*

JR-9: *Because Kündig did not master the Swedish language very well, he might have had difficulties in communicating what he wanted to say. However, the judges claimed to be experts upon exactly how much could be explained by want of linguistic competence. And they concluded that Kündig's insufficient answers exceeded this limit.*

JR-10: *Mignon's mother (!) had claimed that her daughter is trustworthy.*

JR-11: *The police interrogator has deemed her to be trustworthy.*

[ms:] [concerning both the preceding JR's.] What else could one expect from a mother - in particular if the mother was the (unintentional?) originator of the accusation? Moreover, it is one of the fundamental principles of witness psychology, that it is impossible to assess the trustworthiness of individuals (apart from a minority whose *lack* of trustworthiness is apparent to anyone). One can only assess the trustworthiness of concrete statements. In other words, the assessments by the mother and the police officer has no evidential power at all.

Chapter 96

The Linguistic Argument and the Indoctrination Hypothesis

Certain grammatical errors are highly frequent among immigrants. "She must shall works on Sunday" unambiguously reveals the Greek origin of the speaker. Declination of the supine according to the object of the sentence, is observed both among Danes in Sweden and among children of Italian immigrants in the USA when they talk Italian. Many such errors are extremely difficult to overcome.

§693. It is essential first to supply some information about Swedish pronunciation and Estonian grammatics. - In Swedish you will ask, just like in English, "How old are you?" But in Estonian, the question will be phrased "How many years are you old?" As for pronunciation, the Swedish words "hår" (=hair) and "år" (=years) are rhyming on English "ore". "Är" (=are) is rhyming on "hair"; and "har" (=have) upon "are". To all Scandinavians, Estonian "g" and "k" are easily mixed up.

Hence we may juxtapose the following variants. V-3 is what Kündig claimed to have said, with the English translation (V-1) and an attempt at reproducing the Swedish pronunciation (V-5). V-4 is what Mignon understood him to have said; etc. The two critical sentences differ only as to 5 letters out of 28.

V-1:	How	many	years	are	you	old?	Ten,	eh?
V-2:	How	many	hairs	have	you	combed?	Ten,	eh?
V-3:	Hur	många	**år**	**är**	du	**gammal**?	Tio,	vad?
V-4:	Hur	många	**hår**	**har**	du	**kammat**?	Tio,	vad?
V-5:	Hoor	monga	*ore*	*air*	doo	*gammal*?	Tee-o,	vaa?
V-6:	Hoor	monga	*hore*	*har*	doo	*kammat*?	Tee-o,	vaa?

§694. It is a matter of routine to fill a whole page with single words which have an obscene meaning in one language but a perfectly decent meaning in another. It is a quite different matter to construct an entire sentence which will change its meaning in a comparable way. I have grown up in Denmark for 19 years, and have lived in Sweden for 43 years. The Danish and Swedish languages are extremely closely related. Nonetheless, to this date I

have encountered only one such sentence associated with this pair of languages and - needless to say - none associated with any other pair.

Suppose Kündig really said V-4, and intended a reference to Mignon's pubic hairs. Suppose, furthermore, that he had not prepared the “fire-escape” in advance; and that he did not start to search for some device for explaining away what he had said, until he was informed of the police report. It is easier to beat a Monte Carlo roulette than to retrospectively invent an “insidious” innocent explanation based on the peculiarity of Estonian grammatics.

If there is to be any sense in the judges' argument, the auxiliary hypothesis is unavoidable that Kündig had prepared himself in advance for the occasion. He had ardently searched for an obscene sentence. He had tried out hundreds of vainly alternatives. Finally, he had hit upon one single sentence which could be fired at a child - and which, if the police interfered, could be explained away as a linguistic error.

But wouldn't Kündig have to master the Swedish language enormously much better than he did, in order to have any chance of succeeding with such a prospect?

If he had constructed a sly plan, a further auxiliary hypothesis is necessitated: he must feel such strong sexual inclinations, that he expected to need the “fire-escape” sooner or later. But then it is no little surprise how he managed to avoid sexual trouble until he was 53 years old. Why did he not actively search for a child victim at such times when his sexual drive was not curtailed by medicine?

§695. Many readers may miss the pharmacological pattern. They may also confuse the effect of alcohol and sleeping pills. The latter will strongly reduce the urge (even in genuine sex offenders). A question mark should also be added as regards Kündig's ability to carry out his “sly plan” despite his drowsy state of mind.

Summing up, we have no option to the conclusion that Kündig's innocence is not merely “proved beyond any reasonable doubt” (a phrase which is regularly applied about manifestly false verdicts). His innocence is proved in the scientific sense of the words.

§696. How did the allegation originate? Many jurists would not take my next argument seriously, unless they first gained some insight into a fundamental error of judicial logic.

Suppose we know that a certain document was produced 2000 years ago. The document is irremediably lost. The only thing available today is a seventh-hand copy.

The scientific historian would conclude that we cannot know that the text of the seventh-hand copy is identical with the text of the original document. Because of a wide variety of motives, copyists may have

subjected the text to deletion, addition, inversion, displacement and, in fact, to all the modifying relations described in ch. 53.

Jurists will in comparable situations apply a completely different deductive rule: “Whatever is not known to exist, is known not to exist.” They will assert that the historian who claims that consecutive copies *MIGHT* have been modified, indulges in *speculative imagination*. The historian has invented a host of *auxiliary hypotheses* about *purely fictive events* which he can know nothing about. By contrast, the jurist who claims that the text of the seventh-hand copy corresponds exactly to the text of the original, has based his reasoning solely upon *palpable and well-known facts*. In short, if we are *ignorant* as to whether a certain event happened, we are *entitled* to conclude that the event did *not* happen.

Consequently: whoever postulates the firmly established and perfect identity between the seventh-hand copy and the original document, has no burden of proof. Whoever suggests that the identity is not a *firmly verified* fact, is requested to prove that there *was indeed* a difference.

The unadulterated version of what Mignon experienced at Kündig's door, and even of how she interpreted things at that time, is irremediably lost. We have only access to the copy produced after repeated interrogation by the mother.

§697. The most probable sequence of events is this: Kündig did nothing indecent. Neither was his penis visible by mistake. Mignon perceived his words as “How many hairs have you combed, ten, eh?” But she did not understand what he meant. The idea never occurred to her that Kündig was talking of pubic hairs. She talked to her schoolmate about Kündig, but we cannot guess what she said; perhaps she was happy to have sold three flower, or perhaps she told that this man who was well-known to her in advance, seemed groggy. When she came home, she asked her mother what the man could have meant. After some questioning the mother learned that the man was dressed in pyjamas. She fancied the whole story, and by means of protracted questioning stimulated the daughter to believe in it. Rightly or wrongly, I suspect the mother had no evil intention, and might after a rational talk with the police have realised that she had misunderstood things.

§698. It is incredible that 14 jurists managed completely to overlook this hypothesis. It is indeed “a general fact of experience” that mothers behave in this way extremely often, and that prolonged questioning leads to successful indoctrination of children extremely often. The strongest support is provided by two circumstances: the clear-cut evidence of Kündig's factual innocence together with the fact that it is an extremely far-fetched and improbable hypothesis that a 10-year-old girl prior to the sex wave would on her own arrive at the idea (evenmore: spontaneously), that Kündig's words referred to her pubic hairs.

Little can be read out of the police interrogation, apart from the incompetence of the interrogator. We should not draw too bold conclusions from the fact that Mignon started to fabulate a little toward the end of the interrogation. It is a much more extraordinary fact that she started with the dissemination of a very long statement, which is her *ONLY* really long statement during the entire interrogation. And extremely few statements of more than a very brief length, are concerned with any non-decent circumstances.

Chapter 97
The Dilemma of the Supreme Court and Stening's Magical Numerology

Der Plan ist auf die menschliche Unvernunft gegründet und somit tadellos.
Conrad Ferdinand Meyer

Evidence evaluation in the courts has become very much better than it was ten to fifteen years ago.
Anders Stening (951025)

§699. The reader may or may not believe my word that the preceding analysis was performed three years before I knew anything about what took place in the higher courts. Hardly more than one new piece of evidence need be discussed. An investigation of the police interrogation by Göte Hanson was handed to the Supreme Court. It was a skilled device by the defence counsel to engage a linguist instead of a child psychologist. Hanson's analysis is manifestly superior to mine. He had scrutinised each question by the police officer and found that no less than 22 of these are leading, while 6 of these are formulated with the aim of verifying the hypothesis that Kündig is guilty. If some readers would object that 22 questions out of 135 is only 16%, it should be noted that the majority of all questions are concerned with matter which are neither criminal nor disputed by anyone.

Hanson also noted the extremely low frequency of girls to whom the idea of pubic hair would occur. And he suggested various relevant experimental designs.

But he missed the possibility of indoctrination. He took for granted that the idea of pubic hair really occurred to Mignon in Kündig's presence.

§700. It is stated in the judgement by the Supreme Court that Kündig admitted that he in the presence of Mignon noticed that his penis was hanging outside his pyjamas, and put it in. Two hypotheses are equally probable. Judges (like everyone else, including myself) usually get drowsy during the proceedings. Judgements are replete with erroneous accounts of what the defendant, the injured party, or the witnesses said. But Kündig himself might also have been a victim of suggestion because of 18 strainful months. Memories do not fade; they grow. When a series of versions are available, the first one is usually closest to reality.

§701. The 3 judges of the Court of Appeal repeated the mistakes by

the district Court. There can be no doubt that Kündig was acquitted by the Supreme Court because of Hanson's investigation. But the 5 judges carefully concealed whether they took any impression of the latter. Rejecting it would imply that they pretended to be more qualified than a linguist in assessing linguistic problems. Accepting it would imply that 7 judges of the lower courts needed the assistance of a non-jurist to correct a downright false verdict. All 5 judges admitted that Kündig's linguistic argument was not just a clever trick. But they also agreed that Mignon's trustworthiness was the crucial fact. Four judges felt in their heart that she might have misunderstood things because she might have been scared by Kündig's appearance. One judge agreed that Kündig had made no reference to pubic hairs, but felt in his heart that Kündig had really taken out his penis and shown it to the child in order to obtain sexual pleasure.

§702. The application of Estonian grammatics to Swedish dictionary was the snowball which started the entire case. Note what was elsewhere shown about *psychoanalytic methodology*: if a statement has once been proved by a specific set of observations, the statement will remain proved, even if the set of observations is later admitted to be non-existent, and no other empirical support is substituted. Unfortunately, exactly the same rule belongs to *judicial logic.*

§703. *Anders Stening*'s main framework - in part borrowed from Ekelöf (1990) - is that judges should make sheer guesses at the probability (=the frequency) of classes of events. The following example is not suggested by him, but it aptly illustrates the nature of his reasoning.

A prostitute was murdered. A man was arrested on the following grounds. (a) It was established that he knew this girl. (b) It was established that he used to engage prostitutes, inter alia this girl, to have himself whipped. (c) The day before the murder he had had a quarrel with her.

To a gossip monger it seems clear that being voluntarily whipped and murdering another person are both instances of violence. Hence, whoever might engage in the former activity, must be suspected of having an increasing inclination of performing the latter too. A scientist would admit his ignorance as to whether masochists are more or less inclined to commit murder, than the general population.

Numerous prostitutes quarrel with most of their customers. Moreover, a prostitute may be murdered by three primary groups: (a) a person whom she did not know in advance; (b) a person about whom the police knew that she knew him; (c) a person she knew, while it is not known to the police that she knew him. My guess is that, if their pimp is not the guilty one, most prostitutes are murdered by the first group.

But Stening thinks that judges should make guesses on the basis of what they feel in their heart. The second step is that they should insert these

guesses into a complex mathematical formula. And out comes the probability of the guilt of the defendant.

I shall not quote the formula, which extremely few judges or other jurists understand, and whose application to subjective guesses is not even a respectable parody on rational thinking. But step one may look as follows: masochists being inclined to commit a murder = 5%; a prostitute being murdered by someone who knew her in advance =10%; a person murdering another after a quarrel =15%; the suspect denying the crime =1%.

A scientist might have asked: what is the probability that a police interrogation of such a nature as that with Mignon, could have derived from an abused rather than a non-abused girl; or vice versa. He would easily have seen that the probability is exactly the same.

By applying his magical numerology to the Mayday flower case, Stening arrives at the conclusion that the probability that Kündig was guilty is equal to 92,6%.

§704. On his 14½ pages of analyses he missed each and all the informative facts. And despite the impressive amount of imaginative numeric figures, Stening's analysis boils down to a simple scheme of three sentences:

(a) If a girl accuses a man of sexual abuse, this fact constitutes support for the hypothesis that he is guilty.
(b) If a man denies sexual abuse, this fact constitutes support for the hypothesis that he is innocent.
(c) If both facts are at hand, the evidential power of the former fact is stronger than the evidential power of the latter fact.

Within this framework, it is difficult to grasp the sense of performing any legal proceedings at all.

Fourteenth Book:

The Football Case: An Instance Of Evidence Refusal

Chapter 98

Corinna and Judge Widebäck

Ignorant (or rather vile and unjust) people claim that, since witchcraft belongs to the exceptional crimes, any kind of defence must from the very start be prevented.
Friedrich von Spee (1632)

Descartes said: I am thinking; consequently I exist. You would be able to say: I am lying; consequently I exist.
Gabor von Vaszary

§705. First a recapitulation of certain facts stated in ch. 49. In the Umeå case of recovered memory therapy Egil Ruuth had caused a nation-wide scandal by forging evidence for the prosecutor. He had asserted that Elfriede was trustworthy and had not been exposed to any external influence. The judges had mechanically copied Ruuth's conclusions, and sent the flagrantly innocent father to prison for 10 years.

After the judgement, the therapists went on and made Elfriede "recover" memories about ritual abuse involving 33 persons, many of whom were very prominent. Even the prosecutor demanded a new trial. The Supreme Court had little choice but to grant a new trial motion. At the second proceedings in the Court of Appeal of Umeå, the father was acquitted.

Immediately afterwards, the Supreme Court had to grant a new trial motion in the Södertälje case of the recovered memory. Elvira's father and mother had got a sentence of 10 and 5 years, respectively, on the ground that the daughter was absolutely trustworthy. Her narrative is strikingly similar to Elfriede's, since some of the very same persons were active in both cases. - After the trial, Elvira's therapists (inter alia the American Stephen Harvey) had proceeded to make her recall cannibalistic mass slaughter involving certain VIPs. This is the Södertälje case.

§706. Realising that the confidence of the general population in the legal system might reach a bottom level, if two gigantic mistakes were corrected at almost the same time, the Court of Appeal in Stockholm decided in advance to convict Elvira's father after the second set of proceedings too. To that end Egil Ruuth was appointed to teach the judges how to distinguish true and false allegations, and Kari Ormstad to make a gynaecological examination. The defence was forbidden to present the most

important part of its evidence: the judges feared a new scandal if the conviction disregarded such evidence. Chairman of the trial was Bengt G. Nilsson. He is likewise chairman of the second department of the Court of Appeal in Stockholm.

Vice chairman is Birgitta Widebäck, who was chairman of the football case at almost the same time. She appointed one of Ruuth's closest students, the pseudo-witness-psychologist Hans Larsson, because she knew that he was a trustworthy ally of the prosecutor. She permitted all the three psychologists who supported the prosecutor, to start their testimonies with extensive and coherent presentations of their views. She forbade me, who worked for the defence, to present 95% of my evidence, and decided that the remaining part must only be presented in the form of brief answers to brief questions. She incessantly interrupted me with exclamation to the effect that no one had asked about this or that. Afterwards she wrote in the judgement that I had been unable to supply any important information.

The close correspondence of the strategies of Nilsson and Widebäck is not a chance phenomenon. Evidence refusal was almost completely unknown in Sweden until very recently. The series of articles in *San Francisco Examiner* in April 1993 had a noticeable (albeit not strong) impact upon Sweden. The incest ideologists needed new strategies for maintaining the high conviction rate of innocent people. About half a year later evidence refusal became a standard policy of the courts all over the country.

§707. In the sixteenth book we shall intensively and extensively analyse the relation between judges and expert witnesses. To anticipate: *It is not compatible with the legal safety of the individual that judges are permitted to decide at what points they need assistance from an expert. "We need no expert to teach us about gravitational power. We can see with our own eyes that it is not universal; or else neither birds nor aeroplanes would be able to fly." The expert should not just be used to fill out those gaps in the judges' thinking, which are not already filled with true knowledge or erroneous ideas. The judges' need of assistance is so much the greater, if they are not even aware of their need.*

The expert has carried out the analysis. Hence, *he*, and none of the jurists, knows what circumstances are important and might influence the verdict. It may be sufficiently difficult for judges to assess a testimony *after* it has been presented. But it is presumptuous to evaluate the relevancy of a testimony at a stage when they know nothing about its content.

In the case at hand it is explicitly and repeatedly stated in the judgement, that exactly the information I was prevented from delivering, was highly relevant; and that the defendant was convicted because such information had not been presented by the defence.

Other examples will be supplied in due course, but one instance must be given immediately. I was permitted to state that Hans Larsson's investigation is crank science. But I was absolutely prevented from justifying this view. Judge Widebäck explicitly told me that she was only interested in my view and not in my reasons. Afterwards she wrote in the judgement:

> "As has been state above, Max Scharnberg asserted the view that Hans Larsson's investigation is not valid. However, Max Scharnberg *HAS BEEN UNABLE TO* specify in what respects his investigation is not acceptable." [Q-707:1]

§708. Judge Widebäck obtained considerable help from the defence counsel. (This is the only time I have collaborated with a lawyer of this quality.) Larsson had stated that everything points toward the father being guilty. He had added a standard reservation not intended to be taken seriously: his conclusions were said not to be *ALTOGETHER* certain. The defence counsel had chosen a self-defeating strategy. He would present Larsson as a highly competent psychologist who had arrived at the correct result. Since Larsson had said that the conclusion was not *altogether* certain, the defendant must be acquitted. Consequently, the attorney was afraid that his own expert witness might undermine Larsson's authority.

The attorney would have had a fair chance of making the judge change her above decision. He could have pointed out that the psychologists associated with the prosecutor had been permitted to start their testimonies with extensive monologues. Even if he had not succeeded, he could have compensated for the decision by asking numerous questions.

The prosecutor and the i-p-lawyer asked me very few questions; a clear indication that they saw no danger in my testimony. But the defence counsel did not perceive this signal.

§709. We met the case in §§16f. in connection with the physical possibility of performing the act. The father had supposedly performed complete oral sexual acts, and at least on two of these occasions the girl was totally asleep during the acts. In the same paragraphs I pointed out that a football test would reveal whether the alleged position is possible at all.

Not only 13-year-old Wendela, but the entire family has an extremely extraverted life-style. Wendela has three siblings: 9-year-old Lorentz, 4-year-old Corinna, and 2-year-old Zina. Lorentz's words are not very lucid. Some authorities think he said he was riding on his father's shoulders during an act of sexual intercourse performed by the parents. Anyway, the father was only tried for assaults against Wendela and Corinna. Two psychologists supported the prosecutor from the beginning: Eva Jansson who was Corinna's psychotherapist, and Viveca Wahlsten-Sundelin who applied projective tests

upon Wendela. Hans Larsson was added in the Court of Appeal.

Chapter 99

The Psychotherapist's Nine Proofs of Sexual Abuse of Corinna

> *The psychoanalysts have experienced the truth of psychoanalysis in a way which widely transcends in forcefulness and convincingness the usual evidence of logically formulated insights. They could hardly give up their convictions on the grounds of the incomparably smaller evidence of formal logic.*
>
> Hans Kunze

§710. The reader is strongly recommended to re-read *the list of features frequently observed in indoctrinated sexual allegations by young children*, at the beginning of ch. 87. To this list I would add another indicator which is not restricted to children, viz. *the Brahms-Liszt confusion* or *the self-reflexive mnemonic displacement* (cf. §91). This phenomenon is commonplace in fabulated accounts, but is hardly possible in true ones. Once Brahms visited Liszt in his home. While one of them was playing, the other fell asleep. A person who read about this event might easily mix up who was playing and who fell asleep. But Brahms and Liszt themselves would not easily forgot who did what.

§711. In her affidavit to the police 931012, therapist Jansson lists 9 (nine) signs that Corinna had been abused. At the children's home the 4-year-old girl had masturbated with a pacifier. This indicated, not only that she had been abused, but also that her father had used a dummy penis during the assaults. - Here and elsewhere the reader will easily recognise the principle of similarity.

The second proof will be discussed more extensively. Many of us have experienced that a tooth will be particularly sensitive to cold when a dentist has done something about it. Corinna had become upset after having rinsed her mouth out. The dentist had seen nothing remarkable in her reaction, but her psychotherapist had. The latter concluded that the child imitated *a ritual of psychoanalytic denial*: *after the assaults, it was daddy's habit to say: “Now we shall rinse the mouth, and then this thing has not happened at all.”*

§712. Monica Dahlström-Lannes distorted this case in the following way:

> "A dentist told me that a child had been striken by panic when an object was inserted into her mouth. This reaction derived from an earlier experience. It has turned out that a strong fear of visiting a dentist, even among adults, may be caused by agonised recollections of oral sexual assaults." (Dahlström-Lannes, 1995). [Q-712:1]

Three Freudian methods are present here or in the surrounding context. first, *the principle of similarity*; and second, *the illusion of separation* (defined in §501): pain as a cause is automatically declared non-existent. Third: whenever Freud introduces faked observations, he starts with a preamble to the effect that he would never have managed to guess at such things (cf. ch. 86). Dahlström-Lannes (1990:64), who five years earlier explained nausea after eating soured milk as the result of oral assaults, now states about fear of dentists: "Previously I had never thought along these lines. All the time you learn new things."

§713. Janson's third proof: all children had been playing with *OBLONG* balloons filled with water. One balloon had broken, and a *JET OF FLUID* had hit the 2-year-old sister. Corinna had been greatly upset. - Here, we may easily recognise *the principle of similarity*.

Fourth: while sleeping Corinna had cried out "No, daddy! Mummy, I won't." - There was no want of conflicts in this family. And if these words are supposed to indicate a nightmare of a sexual assault (rather than a protest against something both parents wanted the child to do), it is enigmatic what the mother had to do in the dream. With a strange exception to be recounted below, the mother is not assumed to have participated in the assaults.

The assaults were generally supposed to have been performed while Corinna and her father took a bath at bedtime. The other members of the family were just outside the door. If Corinna used to cry out during real assaults, and not merely during dreamt assaults, her mother and brother would certainly have heard it.

A fifth sign is that Corinna did not spontaneously engage in playing. - Even if this was not a response to the sudden removal from her family, it would prove nothing.

§714. Before listing further reasons, it need be anticipated that Jansson is proved to have made strong attempts at indoctrination. If she told the truth, Corinna was as eloquent as Henriette and Linda were, when their statements were not audio-recorded. The sixth indicator is that Corinna said she was afraid that "uncanny things" would happen while she was asleep.

But she has never said anything about having been exposed to assaults *while sleeping*. By contrast, this is what Wendela said. We should therefore consider two primary hypotheses, both of which were overlooked by the pseudo-witness-psychologist: that Corinna was taught to say such things,

either by Wendela, or by someone (Jansson?) who was familiar with Wendela's account.

A seventh indicator is that Corinna allegedly said: “Actually I dislike daddy. I don't like such foolish things he does.” - There is no Swedish word matching the English “naughty”, and parents will have to use various substitutes. “Foolish” is one of the most frequent ones with young children. Now, sexual abuse may to a 4-year-old be unpleasant, disgusting, painful, frightening etc. But it is an *anachronism* (in the sense defined in §87) that she would think of it as “foolish”.

§715. Now to the eighth indicator. It is not easy to guess what Corinna might have had in mind when she (really or allegedly?) said that the doll must have *gruel* because *her bottom hurts*; and that her bottom hurts because she had *watched TV*.

Children who are incessantly questioned about things outside their experiential world, may give random answers to escape further frustrating questions. They may also become “fragmentary, absent-minded and irritated” (Jansson's expressions). This natural reaction is usually re-interpreted: the correct answer was too painful.

It is admitted by all three that Wendela was allowed to see a pornographic video together with her parents. The strange connection between a hurting bottom (vagina?) and watching TV, could hardly have any ground in reality; nor would the idea be likely to occur independently to two different individuals. We should therefore take seriously the two hypotheses that Corinna was indoctrinated, *either* by Wendela, *or* by someone who knew that Wendela had seen a porno video.

The reader may judge for himself whether Jansson is insinuating that Corinna had seen a porno video while being abused. Gruel is of course similar to male semen.

A ninth indicator. Really or allegedly Corinna said at dinner: “Maria, now I shall talk to you. At home I have no pyjamas when I am watching TV and neither any pants. My daddy just *presses* the food into my mouth.”

The most natural explanation is that the child got the wrong end of the stick, and mixed up real and indoctrinated elements.

§716. The mother claimed to have observed from the kitchen that Lorentz for 1½ hours taught Corinna to say that her father had abused her. But the mother is not more trustworthy than Wendela. And she is definitely not the kind of a person who would have tolerated such things without interfering.

A year after the trial Wendela claimed that she had indoctrinated Corinna. I attribute no evidential power to her words. But my original analysis dug out a few patterns which would have an excessively low probability, unless the indoctrinator was either Wendela or someone else

who knew that Wendela had watched a porno video together with her parents. The time relations reveal that the latter alternative is improbable.

§717. Corinna was in psychotherapy for one week before the first police interrogation. On this occasion she said at the very most that daddy had practised oral sex in deep secrecy behind a closed [but not locked] door, while she and her father were taking a bath at bedtime.

The fact that the father took a bath together with his 4-year-old daughter, was by the authorities taken as support of sexual abuse. However, Corinna revealed very positive and no negative recollections of bathing with daddy. She recounted that they used to make-believe-ride on the water. She might jump on daddy's stomach like a hedgehog or a frog.

§718. But after psychotherapy for half a year the events underwent a metamorphosis (*if* Eva Jansson's citations are correct). She was afraid that daddy would come to the children's home and put his willie into her mouth. She had watched him practising fellatio upon her 2-year-old sister. And when daddy had done the same thing with her, mummy and another couple of parents had been observers.

The therapist was so eager to teach the child new things which daddy had done, that she forgot to consolidate the early lessons. As a result, Corinna had forgotten almost everything at the second police interrogation - just like children often do at school after they have passed the examination. Nor had she learned to tell any of the new things which Jansson had put into her mouth.

Both police interrogations have an unmistakable character of a school examination. During the second one 930913, Corinna said, no less than 26 times, “I don't recall” and similar things. The major part of these statements form a cluster. And the nature of the text is even more clarified by the child's tone of voice and patterns of movements (“body language”). She is rolling on the couch and is patently bored. Adequate emotional expressions are flagrantly missing. Corinna's answers do not have the same character as “I don't recall what I had for lunch today” but “I don't recall what year Napoleon died” or “I don't recall how many Martians kidnapped me”. Even her body language reveals that she has resigned herself to the situation of being asked questions to which she *cannot* give any sensible answers. She has ceased to make any effort, feeling that such effort would be fruitless. Hence, she mechanically iterates “I don't recall” even in response to questions which she obviously *could* answer.

Now and then a sporadic detail emerges, sometimes taken from her experiential world and sometimes from the indoctrinated accounts.

§719. It is a strategic invention by the pseudo-witness-psychologist and the judges, that Corinna's words “I don't recall” is a result of the mother's indoctrination. This hypothesis will collapse under the weight of too many

auxiliary statements. Note first *the temporal relations*: *At what time is the mother's influence supposed to have taken place?*

The child was taken into custody by the social agency for the first time 930816. The county court rejected this decision 930823. On the same date the first police interrogation took place, whereafter Corinna was returned to her mother. 930825 the father was arrested. Corinna was permanently taken into custody 930901, and the second police interrogation took place 930913. Clearly, the mother had no idea that Corinna was under suspicion, until the father was arrested. She knew nothing about what Corinna had said at the first interrogation until a long time after the second interrogation. By contrast, the therapist had the opportunity of influencing the child during one week before the first interrogation, and during two additional weeks immediately before the second one. Even if the mother had influenced the young child, any such influence would have been obliterated by Jansson. Moreover, it is a matter of routine to indoctrinate a 4-year-old to recount oral assault. But for implanting the permanent response “I don't recall” during one single week, more extreme measures are needed than were available to the mother.

Chapter 100
Corinna's Cognitive Strategies

The truth we search for is to be found in the simple things before our eyes.
Yoel Hoffmann

§720. *Corinna applies the very same cognitive strategy in a series of different situations.*

The aim of police officer Ulla Ahlbäck is to have the father convicted. During the interrogation 930913 she tried to press Corinna by means of book-learned standard phrases: children may get stomach-ache from concealing sexual abuse.

But such a complex causal relation is altogether outside her experiential world. Hence, Corinna picks up *one single* and *comprehensible* detail, which she combines with other details taken from her own world: one may get stomach-ache from eating hamburgers.

Note *the isomorphy* with several other examples. Daddy *pressed* the food into her mouth while she was *watching TV* and had put on *neither a pyjamas nor pants* (cf. §715). It is no far-fetched hypothesis that someone tried to make the girl say that daddy pressed his penis into her mouth.

As regards another point we shall never know what happened. But note the phonetic similarity between the Swedish words, "snopp" = willie, "napp" = pacifier. Corinna said that she was sitting on her own pacifier. Had someone tried to make her say that she was sitting on daddy's willie?

(Perhaps it was not an observation at all, that she had masturbated with a pacifier. It might have been an interpretation based upon the just cited statement.)

§721. Adults who are incapable of seeing the world through the eyes of children, may imagine that the latter conceive of every kind of fluid coming from a penis as urine. Actually, this is an anachronism (in the sense defined in §647). But let us juxtapose everything Corinna said about peewee and related things during the first police interrogation. Manifestly, she needed a warming-up period of two pages of leading questions, until she began to recall her lesson. She was playing daddy-mummy-kid, and she was a dog. She and Zina were naked, and she got peewee into her mouth. This was when she sucked daddy's willie.

The police officer seems to have had an inkling that Corinna would have confirmed any suggestion about where it took place (e.g. in the

wardrobe). To prevent a legal mishap, she asked a leading question: "Did this happen when you and daddy were in the bath tub?" - Corinna has *never* said that *both* she and Zina were ever together with daddy in the bath tub.

§722. On pp. 156ff. of the first interrogations, Corinna recounted that peewee came into her mouth while she was sitting at the lavatory. Not a word indicates that daddy was present, or that it was his peewee. Asked about it, Corinna confirmed that she drank the peewee [but does one *drink* male semen even if one swallows it?] Questioned why she drank it, she answered that it just came and then she drank it. Asked whose peewee it was, she answered that it was the peewee of the lavatory.

Asked several questions as to whether this had also happened at some other time, she sometimes answered "yes". Asked about *when* it happened, she repeatedly answered "I don't know". Eventually she said: "I got peewee in my mouth when I got it."

Like a poorly prepared student at a school examination, she gradually succeeded in digging out more and more pieces of her lesson. She recalled that daddy had something to do with the peewee. But then she mixed up things and said a number of times that *she* was the one who peeweed into daddy's mouth. (If peewee = male semen, what could she mean by this statement?) Daddy lifted her up high and let her fall right down in the bath tub, so that she hurt her butts. This happened while she was peeweeing into daddy's mouth.

She was peeweeing into daddy's mouth when daddy came and stepped into the bath tub. The police officer immediately inserted a correcting and leading question: Didn't she peewee into daddy's mouth *after* he had stepped into the bath tub?

§723. It is no easy task for a 4-year-old to describe a penis. Her statement that daddy's willie was "oblique" might be a random answer. The follow-up question is concerned with in what way it was oblique. In accordance with Corinna's main cognitive strategy, she answered that daddy had stepped out [from the bath tub] because he was going to peewee. "Peewee in my mouth and which he thought was the lavatory" [original linguistic errors preserved]. But we are not told that Corinna likewise stepped out of the bath tub. Moreover, to a 4-year-old who had really been exposed to fellatio with ejaculation, the idea would certainly not occur that daddy peeweed into her mouth because he believed this was the lavatory.

What she really tried to do, was to make sense out of those bizarre word sequences she had been taught. And what ideas would more easily suggest themselves to a non-abused 4-year-old child, than that the peewee came from the lavatory, or that daddy peeweed into her mouth because he mistook the latter for the lavatory?

Both father and daughter were standing up when she had daddy's willie

in her mouth, she told. But she tasted the willie “in the water”. On p. 166 she says that she *wanted* to have daddy's willie in her mouth. But on p. 163 the willie felt quite repugnant.

§724. Unambiguously, Corinna's statements were mere words with no basis in any authentic recollections. However, do they throw any light upon the veracity of Wendela's narrative?

Corinna claimed that Zina likewise sucked daddy's willie, though Corinna was alone with daddy on the occasion. Wendela expressed her analogous conviction that Corinna had also been abused; she also entertained suspicions as regards Lorentz. She is the only one who claimed to have had any indecent experiences during sleep. Nonetheless, at the children's home Corinna is supposed to have expressed fear that “uncanny things” would happen to her during sleep. Only Wendela saw a porno video. But Corinna may have said that she has watched TV without pants, and that the doll had hurt her bottom from watching TV.

It is astonishing how well informed the members of the family are about what the other members did in deep secrecy. Only one hypothesis could explain this pattern, viz. that Wendela had been active with the indoctrination of her younger siblings. Note: *this is hardly a behavioural pattern to be found in a genuine incest victim.*

§725. The pattern as a whole becomes even more strange when we juxtapose what the father had supposedly done. He had abused children of both sexes, aged from 2 to 13. Despite this indiscriminacy, he had never abused any of the children until Wendela was 10 years old and the mother was at the maternity hospital. After this single act, he touched no child for another 22 months, viz. until the mother was once more at the maternity hospital. But then, when he was almost 43, he suddenly extended his activity as to age, sex and frequency. It is easy to understand that the prosecutor cut a heal and a toe before the case was sent to the court.

In 1993 a man, Lolland, was convicted, when his stepdaughter “recalled” that he had slept with her a total of 4 times during 8 years. He started when she was 12. Strangely, he had managed to control his inclination all the time, except when his wife was at the maternity hospital. There must be few families in which the mother is never during 8 years unavailable because of other reasons. But the pattern just described is highly frequent in the thinking of indoctrinating psychologists.

Chapter 101

The Plagiaration of Hans Larsson's Postulations by the Court of Appeal

> *I am convinced that if God would ever create a human being of the variety the magisters and professors of philosophy imagine man to be, this creature would already on its first day of life need be sent to an asylum.*
> Georg Christoph Lichtenberg

§724. Larsson and Jansson never detected Corinna's cognitive strategy, neither as a fact nor as a possible hypothesis. Both applied *the psychoanalytic standard operation procedure* as defined in §502. Larsson decided the question of guilt in advance. Thereafter, he picked up a few trivial facts here and there, on the ground that they could be used or misused to decorate his prejudice. He also fabricated empirical generalisations ad hoc, when needed for the prosecutor's position.

According to Larsson, “daddy peeweed into my mouth” belongs to those things which a 4-year-old cannot be indoctrinated to say; they describe a self-experienced ejaculation (note that Larsson claims to apply Elizabeth Loftus's method). The 5 judges who had many children and grandchildren, cannot easily have believed such a claim. But they wrote:

> “[...] we may in the first police interrogation find a number of adequate 'harmless` answers and spontaneous details, *WHICH COULD HARDLY HAVE BEEN INDOCTRINATED.* For instance, Corinna recounts that she got peewee in her mouth; that the peewee came from the lavatory; that the willie was oblique; that the latter felt repugnant; that it had a bad taste. [...] Hence, those core events mentioned by Corinna are concrete and *TO A CONSIDERABLE DEGREE REALISTIC.* [...] Corinna's body language likewise indicates that what she has recounted is something she has experienced herself.” [Q-724:1]

This is an almost literal plagiaration of Larsson's written investigation. In essence, the judges left to him to write the judgement, and simply signed his text. Did the judges actually deem it *“realistic”* that the girl's own urine ascended from the lavatory and landed in her mouth?

§725. Larsson cannot have been unaware that the contaminations, contradictions and other impossibilities derived from Corinna's want of understanding of what she was taught to say. But the statement that daddy

peeweed into the child's mouth because he thought it was the lavatory, was remedied as follows:

> "In this sequence she indicates [1] *SURPRISE* in front of an [2] *UNEXPECTED* and [3] *TO HER ILLOGICAL BEHAVIOUR* by daddy; a circumstance which [4] *STRONGLY SUGGESTS* [5] *A DEEPER REFLECTION* in connection with [6] *AN AUTHENTIC EVENT.*" (my typography) [Q-725:1]

Corinna showed no sign of surprise. And 4-year-old children have not yet learned to divide their parents' behaviour into logical and illogical instances. Most young children who are smacked, do not understand why.

Another quotation:

> "As regards the characteristics of the willie, Corinna says "oblique", which is [1] *A UNIQUE EXPRESSION* and [2] *INDICATES* that she [3] *PERFORMED AN ASSESSMENT* of an object (the willie) [4] *IN RELATION TO* another object (the body)." (my typography) [Q-725:2]

Obviously, "geometric" relations may be indoctrinated. And the "oblique" penis might be a random answer (though there must be few penises that have never been oblique). The data of ch. 101 will in ch. 114 be used to test an argument by judge Nyström of the Supreme Court.

§726. In *the parsley case* (§64) we were eyewitnesses of the mother's indoctrination of 3-year-old Martin. He was made to confess that daddy inserted his willie into Martin's anus, and that daddy used something to put in his willie. Left to himself, Martin said that this something was parsley. Note that Martin supplied "a unique expression" and "indicated" that he had "performed an assessment" of an object "in relation to" "another object." Larsson's "criterion" claims to distinguish true and false allegations. But it is deliberately so constructed, that every allegation will turn out to be "true".

The judges could learn something from trying to construct a lie which does *not* contain unique expressions about relations between various entities.

As we noted in §601, it is an altogether irrelevant problem whether a child can distinguish fantasy and reality. One can *play* that events involving spacemen are *real*.

Strongly indoctrinated children may resist attempts at changing their version; they may even *correct* statements by the interrogator. Out of this natural reaction, psychologists may fabricate evidence of authenticity of the allegation.

§727. We saw that Corinna had forgotten her lesson at the second police interrogation, because her therapist was too eager to teach her new things. But Larsson invents a psychoanalytic explanation:

> "[...] in particular during the second interrogation, where she is almost [1] *ACTIVELY EVASIVE* and says 'I don't know` almost every time the dialogue [2] *TOUCHES UPON WHAT SHE HAD PREVIOUSLY SAID*. This [3] *ACTIVE DENIAL* may be an expression of [4] *AVERSION AGAINST TALKING ABOUT A CERTAIN TOPIC*." (my typography) [Q-727:1]

The reader will easily recognise *the illusion of separation* as defined in §647. Another constituent which psychoanalysis borrowed from gossip logic, is likewise recurrent: *the doctrine of the hypertrophy of human will*. Psychic symptoms, physical handicaps, and cognitive inabilities etc. are caused by a misdirected will ("You could if you would! You just won't!"). The judges state that Corinna's "*BODY LANGUAGE* communicates that she *DELIBERATELY AVOIDS* stating anything about the sore problems." (my typography)

Numerous such impressions are found throughout Larsson's report: (a) "defends herself", (b) "behaves in a passive and evasive way", (c) "comes closest to being actively evasive", (d) "this active denial", (e) "an expression of her aversion against talking about a certain topic", (f) "speedily interrupts her own reflections", (g) "an aversion against talking of daddy and the bathing situation", (h) "gaps in her defences", (i) "a function for draining off tension", (j) "retracts what she previously stated about her father".

§728. Some of these attributions are strikingly similar to what the clinical team attributed to Linda in §§668 and 657f.:

> "The mother who had tried to shut her eyes, now had to face what she HAD SEEN." She "demonstrated to Linda that she would NEITHER SEE NOR HEAR what Linda tried to tell her." "A consequence of this was that Linda [...] *ALWAYS TRIED TO RETRACT WHAT SHE HAD JUST CHANCED TO SAY*." (my typography) [Q-728:1]

The welfare officer invoked as support the psychologist's affidavit, in which nothing even remotely similar to the kind could be found. But after my testimony she made a volte-face and claimed that Q-728:1 was just about a few trivial comments which Linda had said about a toy animal: "This is a dog" and soon afterwards, "No, it is not a dog".

§729. There is no reason to waste more space on Larsson's contribution. To sum up: No psychological mechanisms are known, whether to scientists, clinicians or laymen, which might change authentic experiences of oral sex etc. into the kind of account provided by Corinna.

Chapter 102
Wendela's Contradictory Experiences

Merkwürdig, das Gegensätzliches "Zusammenstimmendes" und Zusammenstimmendes "Gegensätzliches" genannt werden kann.

Hrotsvitha von Gandersheim

§730. Wendela is extremely extraverted. Her account is physically impossible in several respects (§§16f.); recall from ch. 11 the fabulator's deficient reality feeling. The sexual position exceeds the capacity of any male of the father's body height. And it is an extraordinary achievement to perform complete acts of oral sex upon a 13-year-old girl who is totally asleep: Wendela did not wake up until her father closed the door from the outside, and she had no semen in her mouth. Then how could she retrospectively know what had happened?

The Court of Appeal realised the point, and fabricated that Wendela had only been *HALF* asleep. The imbecile postulation was attributed to me, that it is impossible to recall afterwards what one had experienced while being half asleep.

Many judges have substituted the examination of the evidence with the mechanical application of *sticky labels*. Whatever the nature of the evidence, a defendant can *invariably* be convicted by means of the phrase "the injured party has made a trustworthy impression". And however conspicuous her mendacity, this sticky label can *invariably* be applied. In ch. 113 such labels from the football case will be listed.

The district court proved that the girl had told the truth from the "fact" that "Wendela has [...] provided [...] modest and non-overstating information". - Any account is by definition "modest and non-overstating", if it is *less extreme* than a *more extreme* fictive version which the judges have subsequently constructed to prove the modesty. It might be an instructive task for judges to try to construct just one allegation which is at the same time mendacious but *not* "modest and non-overstating".

§731. In the judgement by the district court it is stated that the father was convicted of genital sex with his oldest daughter, but not of oral sex. *The reason* for the partial acquittal is also stated: Wendela had not *accused* him of this. By implication: he would have been convicted without any evidence, if he had only been accused. - Actually, the judges overlooked that Wendela *had* advanced this accusation.

On p. 24 of the police interrogation Wendela described the *FIRST* assault. She woke up because of the draught on her stomach. *SHE ASKED HERSELF WHAT HAD HAPPENED.* Her clothes had been taken off or taken down. "*HE WAS NOT THERE THEN, HE HAD JUST LEFT. PRESUMABLY.*" This account is incompatible with her having experienced the assault while being half asleep. But when *the interrogator* suggests that she had *SEEN* her father on *this* occasion, she *caught the idea* (one of the lie indicators listed in §415): she *saw shadows* and she *saw his face*. She also *heard* things. She was *just about to wake up*.

The *last* assault happened "last months". The statement on p. 33, "*I DON'T THINK HE NOTICED THAT I WATCHED HIM*", is remarkable, because on the following page we are told that *SHE HAD TO HOLD HER HAND AROUND HIS PENIS. "THE FIRST AND LAST TIMES I RECALL MIGHTY WELL. I DO. AND THEN, THEN HE TOUCHED ME BETWEEN MY LEGS, THEN I HAD TO HOLD HIS WILLIE."*

Her inconsistent versions, even during the very same interrogation, do not indicate any good memory. A few minutes earlier she said that she had *not* held his penis on the first occasion.

§732. On one occasion she woke up and felt something in her mouth when her father left (p. 34). *"IT MAY JUST AS WELL HAVE BEEN MY THUMB"*; she is often sucking her thumb while sleeping. But on p. 87 it cannot have been her thumb *"BECAUSE MY THUMB IS MUCH THINNER"*. And later: *"YES I HAD A DISGUSTING TASTE IN MY MOUTH AND I SPIT OUT - WAS ALMOST ABOUT TO VOMIT"* (p. 88).

In accordance with *the Falstaff principle*, Wendela's account becomes more and more extreme (and it is easy to refute the alternative hypothesis that what increased was her courage to tell the whole truth). In the beginning she was not bold enough to make straightforward accusations.

On p. 64 she insinuated that cunnilingus was also performed. She did not wake up until everything was over. But she felt she was wet. - Since she said nothing about her father's presence, the wet perception seems to be the only indication of cunnilingus.

Larsson claims that authentic accounts may be distinguished from false allegations, because they are resistant to attempts at changing them. On this premise, wouldn't Wendela's allegation be a clear-cut instance of a false allegation?

§733. Many psychologists assert that fathers who abuse their daughters, *identify their daughter with their wife.* Such psychologists indoctrinate girls to supply data confirming this psychoanalytic interpretation. Betsy's father allegedly cried out the mother's name while raping the daughter (§140). Wendela's father allegedly cried for "mummy" while abusing the girl (inter alia p. 143).

§734. Shortly after the police interrogation Wendela told the social workers that she wanted to retract the allegation. These individuals, who had zealously worked for a conviction, suddenly made a volte-face and encouraged her: if she felt inclined to retract, she should of course retract. But their aim was to obtain one more piece of evidence against Wendela's father. Recall from §391 *Roland Summit*'s (1983) strategic pseudo-theory (T-6) that retraction is a typical feature of *true* allegations.

§735. But when she, *after* the trial was over, repeatedly tried to retract, all her attempts were crossed. Finally she turned to TV, where she (at the age of 15) appeared 950206 and asked her father to forgive her for having lied when she was angry.

A representative of the social agency answered in public: even if the girl is telling the truth now, giving her an opportunity to tell the truth in TV when all other ways were closed, was an instance of *child pornography*

As an immigrant I do admire the strong tendency of Swedish mass media of protecting anonymity and privacy. The present response should however be compared with a few others. Frank Lindblad (1991) showed in TV a video of a desperately crying *8-year-old* girl who stuttered forth what daddy had done to her. The child did definitely not give the impression of having been overwhelmed by painful recollections, but by having been tormented by the psychologist. The idea did not occur to any incest ideologist that *this* might be called child pornography.

Wendela and her family were after this programme intensively persecuted, in particular by *Svenska Dagbladet.* This newspaper started a series of whole-page articles; the first two were about the football case (Thunberg, 950317, 950318). Since the cutting-up trial I cannot recall a newspaper article about a legal case, of a comparable level of mendacity. The reporter Karin Thunberg is a prominent member of the innermost circle of the incest ideologists.

Chapter 103
Projective Tests Applied to Wendela

Oh empty shadow aping form.
Dante Alighieri

§736. Almost every judge is ignorant of the most elementary facts of the psychology of lying. E.g. this; even extremely coarse lies may consist of many constituents, the overwhelming majority of which are perfectly true. Neither inner coherence, nor connections with firmly established external facts, provide any reason for concluding that an account is true. If this was not so, it would be impossible to write a historical novel.

I shall quote the assessment of the psychologists by the district court:

> "The psychological investigation presented likewise shows that Wendela during the psychological sessions has delivered her accounts, and also in other respects behaved, in a way which suggests that she has been exposed to sexual abuse." [Q-736:1]

Here, the district court plagiarised Viveca Wahlsten-Sundelin, just like the Court of Appeal plagiarised Hans Larsson. Mechanical plagiaration shows that judges are not qualified of assessing contributions by psychologists. Wahlsten-Sundelin was later reproved by *The Medical Responsibility Board* because of her investigation in the present case.

§737. This psychologist manifestly welcomed sexual allegations. She also tried to teach more effective ways of lying. The girl's oscillations as to whether oral sex happened, and her assertions about what she had noted retrospectively despite perfect sleep, were substituted with psychoanalytic interpretations: she did not sleep at all, but had *a feeling of unreality.* [1] Wendela "did not want to wake up"; [2] she "tried to persuade herself that such things do not occur"; [3] "the situation is not real"; [4] "this happens to someone else than her".

§738. Sorokin (1958) rightly claims that projective tests (e.g., the Rorschach Ink plot Test and the Thematic Apperception Test) are no more valid than old wives' coffee ground tests. A wealth of literature have revealed their shortcomings (cf. Kelly, 1967; Eysenck, 1954, 1957; Chapman & Chapman, 1982; Cronbach, 1949). The test psychologist may attribute the same patient stereotype to all testees. But arbitrary ideas asserted during legal proceedings, may be *immune to criticism* because

outsiders do not master the esoteric system.

We have repeatedly seen that the psychoanalytic defence mechanisms (repression, isolation, denial etc.) are based upon faked clinical observations. But Wahlsten-Sundelin wrote that Wendela's “description of assuming an absent-minded attitude during the assault, is a phenomenon which often takes place in individuals who, inter alia, have been exposed to sexual abuse. This is also the way in which repression occurs.” The psychologist likewise claimed that the defects of Wendela's descriptions were caused by repression. - The judges did not detect that Wendela said nothing about assuming an absent-minded attitude, but about being totally asleep.

§739. Judge Widebäck imagined that the TAT test, since its introduction 60 years ago, had been used to diagnose sexual abuse. She forbade me to correct her error. Objectively, the interpretation of identical responses has followed fads and fashions. Dozens of interpretation systems exist. But before the incest craze no one inferred incest from TAT responses.

Fifteenth Book

Three Additional Cases Of Young Children

Chapter 104

The Telephone Case

Maikäfer, flieg.
Der Vater ist im Krieg,
Die Mutter ist im Pommerland,
und Pommerland ist abgebrannt.
(Des Knaben Wunderhorn)

§740. Camilla and David were 6 and 8 years old, respectively, when the event took place which has given the case its name. But we shall start a few years earlier. The parents were not married, and when they separated, the mother got the custody. No visitation sabotage occurred. However, the mother later got severe depression. Treatment is often dangerous. When the depression is very deep, the patient is too passive to take action. When it is gradually reduced by medicaments, the first effect will be an overwhelming risk of suicide.

The social agency decided to place the mother and the children in a selected family. Hence, her relatives were prevented from guarding the mother, and the host family was given no instructions. One night she ran away and tried to throw herself in front of a train. In the last minute she jumped to safety. The train driver alarmed the police. For the whole night the police and the relatives searched through the wood. They must several times have passed very near her dead body: she had hanged herself.

§741. Formally, the father did not have any part in the custody, and he had to fight for years. Repeatedly, the children were by a legal decision moved *to* the father, and by a social decision *from* him. In the beginning, incest allegations were applied. But the agency soon had to drop this stratagem. (One psychiatrist of the present case was also involved in the case of the lost spermatozoa, cf. ch. 44.)

The relation between the children and the father's new girl-friend is excellent. The agency has not been able to invent other pretexts than their own gossip. Both children used to lay for a protracted time in the bath tub almost every day. When asked whether they used to take a shower, the children said “no”. This answer was in the county court used to prove that the children never bathe. - Moreover, when David was 10, he was found playing on the yard (in a small and idyllic town) at 18 o'clock a Friday evening. This was taken as proof of neglect.

At one point of time the court ordered the children to be returned. The

social agency immediately took the children in charge with a new pretext: they were undergoing psychotherapy, and interrupting the treatment would lead to disaster. The agency requested the court to reverse its decision because of new circumstances. It turned out that the agency started to look for a psychologist *after* its petition was posted to the county court. The psychologist saw the children for the first time three days later. He wrote a report to the agency according to which the children were in no need of therapy. The agency tried to conceal this report.

§742. When the children were sent to a foster family, all contact with the father and the stepmother was forbidden and prevented. The aim was that the children should learn that they belonged to the new place.

One day, 6-year-old Camilla saw her opportunity to make a secret telephone call to her father. She knew her own telephone number. But she did not know she was now at a long distance, and had first to dial the area number. When she had dialed the right local number, a ghost voice kept repeating: "there is no subscriber of this number."

Her mother had hanged herself. Now Camilla wondered whether her father and stepmother had likewise hanged themselves; and if she and her brother were completely alone in the world.

Chapter 105
The Case of the Pseudo-Loftusian Psychologist

If the expert witness, just like Frank Lindblad, invariably deems the statements by the child to be trustworthy, then any genuine assessment by an expert witness is superfluous.

Nils Wiklund

§743. As we have abundantly seen, three properties are distinguishing of the pseudo-witness-psychologists: They are incompetent; they claim to apply the methodology of Elizabeth Loftus and Arne Trankell; and they secretly work as commissioned aids for the prosecutor.

An extremely extraverted mother with a criminal career accused the father of sexual abuse of 6-year-old Consuelo in a custody dispute. Margareta Norelius had for years in public propagated the idea that children never lie on sexual abuse. Nonetheless, *the father's attorney* engaged her. Consuelo had said that her father had touched her in two places between her legs. Norelius proved that the mother could not have invented such a *complex* story, because she was an immigrant who "supposedly" (?) was illiterate until recently. Hence, the child had really been abused.

§744. Now to the main case of the chapter. Delphine and Solange were 4 and 2 years old, respectively, when their parents divorced. Soon afterwards, the mother reported that the children had told her about sexual abuse by the father. The pattern has all the classical constituents: (a) there was a custody dispute; (b) the mother claimed to be surprised and unwilling to believe such things about her former husband; (c) the psychologist vouched for the genuine nature of this surprise and unwillingness; (d) the mother cited detailed accounts of what the children had said to her; (e) the psychologist took for granted that the mother told the truth; (f) the mother extensively audio-recorded the children with or without their knowledge; (g) not a word on abuse can be found on these recordings; (h) at the police interrogations Solange said nothing at all about abuse, and Delphine said a total of two isolated sentences; (i) the incest group had secret meetings during a protracted period, and the members planned how to manufacture evidence; (j) the children underwent psychotherapy to indoctrinate them to make accusations; etc.

One of the audio-recordings took place at the lunch table. The recording gives a strong impression that the mother first instructed Solange

about what she should say when the mother gave her a visible but non-audible sign. Thereafter, the mother turned on the recorder, gave the sign after some 5 minutes. But Solange never said more than "Daddy". The mother repeatedly asked, "What did you say?" But nothing more emerged from the child.

§745. As regards the incest group, almost the entire pattern to be described next took place behind the back of the suspect. With a less competent defence counsel and expert, they would probably never have been dug out. The incest group consisted of Christer Ström (prosecutor), Ulf Holmberg and Monica Hedvall (police officers), Beata Skanse (chief physician), Agneta Stenqvist (child psychiatrists), Kerstin Nordgren (gynaecologist at the child psychiatric clinic), Bodil Hjalte (clinical psychiatrist and pseudo-witness-psychologist), Britta Ljungborts (social welfare officer), Cecilia Kjellgren & Laila Jönsson & Anita Strand & Margareta Wassberg (social workers)

§746. As long as the prosecutor had not *formally* made a charge, he had no obligation of informing the target person that he was under investigation. Hence, the latter had no right to an attorney to take care of his interests. The entire incest group took a stand as to the question of guilt before any facts had emerged. Many of its members were directly involved in manufacturing the missing evidence. When the charge was formally made, prosecutor Ström asked the district court to appoint Bodil Hjalte as the impartial expert of the court. He gave as justification that she was living in another town and, hence, had never worked with this case previously. The father's first defence counsel uncritically accepted this stratagem. So did the judge, who was well aware that Hjalte was working at the same clinic as the others, and that her *private* address in a town 39 km away was an irrelevant fact.

Drs. Skanse and Nordgren performed the gynaecological examination. In the former's affidavit to the court *about the results of the gynaecological examination,* she vouched for the truth of crucial *non-gynaecological* circumstances, which she had never investigated and had no qualifications for assessing. Dr. Stenqvist advised the mother to report to the police. Hjalte knew this, but claimed that the mother had got this advice from her own i-p-lawyer. Holmberg conducted all police interrogations but one.

§747. Later, the father got himself another lawyer, who engaged me. Before the start of the investigation, all the experts of the prosecutor had committed themselves as regards the question of guilt. The judge completely ignored this fact when we pointed it out. He had in public stated that in Sweden there are no instances of unwarranted legal cases on sexual abuse. Although the trial was not supposed to start until a year later, he took the father's guilt as an established fact

Hjalte's report was allegedly based upon the methodology of Elizabeth Loftus and Arne Trankell. Neither Loftus nor Trankell could protest, because one of them does not read Swedish and one of them is deceased.

But I translated the entire report (some 13 500 words) into English and asked professor Loftus for a comment. We were very grateful that she took herself time to engage in our case. I also asked Astrid Holgerson - Trankell's successor as the leader of the Witness Psychological Laboratory - for a comment.

As regards abuse, there exist no documented statements by Solange. And the totality of statements made by Delphine consist of the following two statements during the police interrogation: (a) *"Mummy, my Daddy he pee-weed into my, my, my pee-wee and then my navel, and then took out his willie, out of...on me. Into my pee-wee."* (p.18) (b) *"I have touched his willie. <...> Fondled he."* (p.25) - Hjalte claimed that a 4-year-old could not be indoctrinated to say such things. (Cf. Larsson on Corinna, §724.)

§748. Loftus's position as regards indoctrination is well-known all over the world. Hence I may be excused for giving only a summary of her written testimony to the district court. She proved extensively that it is not difficult to indoctrinate children to make false allegations; that children may often elaborate the indoctrinated version with additional details of their own; that Hjalte's conclusions are unwarranted; that her procedure has nothing to do with Loftus's methodology (nor, by implication, with any defensible scientific approach).

Astonishingly, the judge thereafter appointed Hjalte to make a new investigation on behalf of the court, as to how her previous investigation would appear in the light of Loftus's criticism.

Hjalte did not explicitly (but certainly implicitly) argue that Loftus was wrong. First, she claimed that my translation was faulty, whence Loftus had not really argued against Hjalte's view. I had a professional translator and native Englishman scrutinise the translation. He found two petty errors, which could lead to no misunderstanding. - Second, Hjalte denied that Loftus's results, which were obtained in the laboratory, could be generalised to genuine victims of sexual abuse.

§749. Before stating her third objection, my own most central result need be displayed.

Hjalte had performed extensive interviews with all members of the family. She had produced a written report of some 13 500 words. She had formulated 5 alternative hypotheses, and had tested them against her empirical data. Nonetheless, the relevant constituents of her report could be adequately expressed in less than 125 words.

She claimed to know in advance that a 4-year-old child may because of external influence learn nursery-rhymes and children's song. But her

cognitive apparatus is not sufficiently developed for learning such "complex" "narratives" as the one quoted in §747. She knew from the police interrogation that Delphine had said so. Consequently: on her own premise she was entitled to conclude that at least Delphine had been abused.

But no circumstance gathered by herself, contributed to this conclusion. The verbosity of the report and the extensive time devoted to interviewing, may have been persuasive devices for concealing the simplistic nature of her argument.

The brief and erroneous reference to the insufficient development of the cognitive apparatus, is presumably the justification for Hjalte's claim that she had applied facts from developmental psychology. - She suggested psycho*therapy* with the aim of lifting repressions, so that Solange might likewise *accuse* the father.

§750. Hjalte made it clear that *no fine-grained inspection or analysis of the data is called for*. The two abuse-statements in the police interrogation contain all information needed. - After Loftus's report, she made a volte-face. She fabricated ad hoc that indoctrinated and non-indoctrinated allegations are easy to distinguish. If a child has been indoctrinated to make a false allegation [which she had in her first report claimed to be impossible per se], one need just rephrase the question a little, and the child will be unable to retain her allegation.

The judge did not realise that this is a quite different theory; nor that Hjalte's first report is based upon the assumption that there is no reason to check anything by rephrasing.

When Hjalte questioned the children, she did not use exactly the same formulations as officer Holmberg. *Rephrasing* made the child unable to retain her allegation. Nevertheless, Hjalte did *not* conclude that the latter was indoctrinated. - The judge did not detect this inconsistency.

§751. In her report, Hjalte refuted the indoctrination hypothesis and established the abuse hypothesis by means of 10 arguments. A few will be cited. First, it is impossible to indoctrinate young children. Second, the allegation was phrased in child language. - The latter argument has been effectively invalidated in §647 (item F-5 in the list of features of indoctrinated accounts by young children).

Third: it is a pattern of objective facts that the mother was perplexed when the children recounted sexual abuse; that she oscillated between believing or disbelieving Delphine; and that she perceives no advantage of being alone in charge of the custody of the children. - The reader may recall from ch. 12 the enormous persuasive effect of *twin lies*, where one lie is backed by another lie. Hjalte copied the mother's twin lies and made them her own. - She also insinuated that it is a counter intuitive suggestion that *a*

mother could neglect her children's needs so much, that she would abuse them for a false incest allegation.

The last argument to be listed is the strategic pseudo-theory T-7 described in §392: it is an established fact that *true* allegations often emerge when the environment of the child has changed [i.e., after a divorce], because the child no longer has to meet the offender.

Curiously, Dahlström-Lannes (in *Allmänna råd från Socialstyrelsen, 1993*, p.47) tries to prove that it is a myth that there is any correlation between divorce and allegations. Her statistical acrobatics is that there is a low frequency of allegations among all divorce cases. But the relevant question is the frequency of divorce among all allegation cases.

§752. Our next step was to hand over to the court Astrid Holgerson's criticism of Hjalte's investigation. My presentation does not do her justice. She made, inter alia, 4 very important points. (a) A witness psychologist is not an oracle. It should be completely irrelevant to the court whether the psychologist believes, thinks, is convinced etc. that abuse occurred. Her task is to clarify on the basis of the facts how the allegation originated. (b) Hjalte's investigation has nothing whatever to do with Trankell's method. (c) Hjalte claims that she had paid close attention to the origin of the allegation. But this is an aspect she completely neglected. (d) She selectively picked up isolated statements by the children, and never described the exact context (including the exact wording of the questions *and* the answers). There are more than 50 instances of the form

> "She is asked" – "asked about" – "I ask" – "I further ask" – "Thereafter the conversation is lead into" – "I try to resume to" – "When I wonder what they use to do" – "When asked what else daddy use to do". [Q-752]

§753. Finally, our evidence had an influence upon the judge. And he appointed a genuine witness psychologist, Lena Hellblom Sjögren (1994) to perform an entirely new investigation.

Her report belongs to the three best writings in the entire history of witness psychology. There is some possibility that it will eventually be translated into English. Hence, I may be excused for citing very little from it. (While describing the case of Delphine and Solange I have been markedly unjust, and have given too much space to my own contributions, and too little space to those of my colleagues.)

One fact unearthed by Hellblom Sjögren must be noted. Delphine recounted rather much about various negative (but not sexual) things, which her father had done to her at the "nasty" toilet. However, *a court decision had totally prevented the father from seeing his children. Later, he had moved to a new house. None of the children had ever been in the new house. Hence, Delphine could not from her own experience know that there*

were two toilets in his house, and that one of them was "nasty". As if this was not enough, BODIL HJALTE WAS PERFECTLY AWARE OF THESE FACTS, BUT DELIBERATELY PRESENTED DELPHINE'S RECOUNTS ABOUT THE EVENTS AT THE NASTY TOILET AS AUTHENTIC FACTS.

In the mother's written annotations about what the children had said, there is also information about sexual assault performed in the nasty toilet (!) This was likewise known to Hjalte.

§754. All who were involved in the case, could feel that it was a deep experience to the judge to compare two entirely different investigations, both of which were passed as "witness psychological": a genuine scientific analysis from which a court could learn many thing, and a conglomeration of amateurish derivations which could only be taken on faith. The prosecutor clearly felt that the sympathy of the judge had shifted. Two weeks before the trial he withdrew the charge.

Chapter 106
An Alcoholic Father as the Indoctrinator

I have met no accused men who were innocent.
Monica Dahlström-Lannes

§755. Because of Ernst's considerable abuse of alcoholic beverage, his first marriage was stormy, and the couple divorced when Eugenia was 5 years old. She seems never to have liked her stepfather Stefan, and always to have liked her biological father. Information is strangely missing from the official reports as to whether Ernst's life-style had later improved. Anyway, Eugenia moved to him 950118 when she was 9½ years. Her mother and stepfather accepted her wish without making any fuss.

But Ernst made a series of reports to the police or the social agency against Stefan. Some of these were anonymous. Only one was made *before* Eugenia moved to him. And only the last one was not concerned with physical neglect, poor food at home, physical battery, difficulties at school (though the school had noticed no such difficulties). - The prosecutor deemed the evidence unsatisfactory.

950813 Eugenia was 10 years old. On that Sunday evening she had allegedly confessed to Ernst that Stefan had abused her. Ernst emphasised that *she* took the initiative, both to the confession and to the introduction of the contextual topics (see below). On Monday at 2 o'clock p.m. two social workers visited the family. Ernst was present during the "interview". *He* cited what Eugenia "had told" him on the night before, while *she* merely confirmed by nodding. The social workers wrote in their report that they had the impression that the father had merely *supported* the girl and helped her to externalise what she herself wanted to say.

§756. On Tuesday evening Ernst called one of Eugenia's schoolteachers. The latter had been particularly prone to believe in the previous accusations against Stefan. During the police interrogation 950118 Eugenia was sitting in this teacher's lap. Now, in August, Ernst told that *the girl* had wanted her to be present during the police interrogation on Wednesday afternoon. And actually, Ernst and the teacher were watching the entire interrogation in the next room; Eugenia knew about their presence. - The father was interrogated on the same day, but before the daughter.

Some of the most important information will be postponed, because I want to compare them directly with Eugenia's own statements. Anyway, Ernst told that it was *Eugenia* who had introduced the topics of

menstruation, *venereal disease* and *aids*. They talked of the risk of contamination during intercourse, “and then right away she broke off, howled, and ran into the toilet”. When she came out, he tried to console her. And then she recounted that Stefan had slept with her.

Thrice the father described the variety of consolation device applied: “You need not be afraid, I said, because nothing had happened.” – “I just asked if you need not be afraid of it, because I guess you have done nothing of the kind, I said.” – “Well, you cannot have got any of these diseases, venereal diseases, if he hasn't done things to you.”

These formulations cannot conform to his true standpoint: long before Eugenia confessed, Ernst and his mother had suspected abuse. And they had discussed this idea with Ernst's second wife.

§757. The basis for their suspicion was, first, that the daughter preferred to sleep in her father's bed rather than in her own room. “It was difficult for her to fall asleep”. (Neither Ernst nor his wife claimed to have observed that she was still awake a quarter of an hour after she had laid down.) Allegedly, she had previously said, “I am just lying and my stomach aches, and I am thinking at Stefan when I try to fall asleep.” - The second indicator of abuse was, that she did not tidy her room sufficiently often and sufficiently well.

Only two days after Eugenia's first confession the father had noted that the girl had become “a new human being”, “much more calm and orderly”.

Almost the same kind of change was noted in January. 950117 the girl had exposed that she had been battered. During the police investigation 950123 the above mentioned schoolteacher stated that she had “changed and become more happy and calm”. Allegedly, she also had stomach-ache prior to the former exposure. - There are several additional indicators that Ernst had carefully read the police investigation of January, before he had his talk with Eugenia in August.

Despite the speedy improvement between 950117 and 950123, the social agency wrote to the child psychiatric clinic 950220: “During an interview *with the father* it has emerged that Eugenia has not felt well *during the last few weeks*. [...] She has also complained of *stomach-ache*” [italics added].

Chapter 107
A Closer Look at Eugenia's Recount

Everyone knows they're lying, but that won't matter.
Jody Powell

§758. In Table 758:1 I have compared Ernst's and Eugenia's statements. The agreement is astonishing. (The juxtaposition is somewhat related to the phenomenon of *parallel order relations.*) On Sunday evening she told her father nearly every item. On Wednesday she even agreed with him that she felt better after she had spoken up, albeit she is less skilled than Ernst in describing *how* she felt better. - Supposedly, the child spontaneously exposed the circumstances of the abuse to her father. But the police interrogator had to extract every detail with a tong.

Whenever she added further information during the police interrogation, her additions were perplexing.

Stefan said to Eugenia not to tell anyone else, because he might be send to prison. Nonetheless, he told Eugenia that he had also slept with two other daughters of his. - The police went to their school and took the screaming children before the eyes of all the other students; probably as a means of terrorising Stefan into confessing by stimulating local gossip. They denied that he had ever done anything indecent to them. Despite all these facts, the district court decided to uphold the arrest.

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Table 758:1
A Comparison Between the Information and Formulations provided by Ernst and Eugenia

	Ernst's statements		***Eugenia's statements***
1.	"then he had taken out his willie and, and inserted his penis into her, into her peewee then, she said."		[p.6] "Yes, Stefan has been at – What should I say -- I don't know what to say - - [long silence] - - (sighing)" [p.8] "He put his willie into where the peewee comes".
2.	"Because, she said, this, that this he had previously done to his own children."		"He said he had done it with his own children too. He has seven but he has done it with two, he said. One who is

			named Eva and one who is named Sara. Eva is 14 and Sara is – she is now 12 I think.”
3.	“and they should learn such things in time, he had said.”		- - -
4.	“then she repeated it once more that she said it, that he had done this to his own children”. – “He had told her so.”		[cf. item 2]
5.	- - -		[Asked whether she had told her mother:] “No. He forbade me to. He said he might be sent to prison then.”
6.	“At the beginning she said about when she was seven years old, the first time.”		[At the last assault she was 9 years old. At the first:] “Don't know quite. Seven perhaps.”
7.	“She was forced to suck his willie she said [...] She was forced to do it then.”		“He said I was forced to suck his willie too. Yes, I was forced. [*P:* “Why were you forced to do this?”] “Don't know.”
8.	“It had happened on several occasions.” - “Several times.”		[Number of assaults?] “Five perhaps six.”
9.	“both in the house and in the workshop”		[P: “Where were you when it happened?”] “Different places.” [P: “Do you recall any of the places?”] “In the workshop.” [Everywhere else both Eugenia and the police officer take for granted that the assaults invariably occurred in the workshop.]
10.	[at bedtime, when she is lying in her own bed:] “but I am just lying and my stomach aches, she says, I am just thinking of Stefan when she is trying to sleep,”		[cf. item 10; a slight confirmation of one detail.]
11.	[After the exposure:] “She has become a new human being. She has become much more calm, orderly, and everything has turned completely.”		[Asked how she feels after having recounted.] “I don't know. I felt much better, at any rate.” [In what way?] “I don't know.” [Where?] “In my stomach.”
12.	[From the report by the social agency:] “At the beginning of the interview the father is assisting, and tries to make Eugenia recount *what she told him the night before*. Inter alia *by nodding* she confirms that Stefan took off her pants.”		[p.8] [P: Did you have clothes on you, shirt and trousers and such things?] (nods) [P: how could he do such things to you if you had so many clothes on?] “I don't know.” [p.10] [P: How did he get at your peewee when you had a lots of clothes on you?] “He pulled down my trousers.” [P: More?] “My pants”. [P:

			"Then you were completely naked?"] "Yeees."
13.	[The same source:] "Then the father asks her if he had put in his willie into Eugenia's peewee-bottom. On this question Eugenia nods which is equivalent to confirming."		[cf. item 1]

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§759. The first example must be quoted literally (E = Eugenia, P = police officer):

P-1: Eugenia, when you were forced to suck on Stefan's willie -
E-2: Mmm.
P-3: did you have to touch him too?
E-4: Mmm.
P-5: In what way did you have to touch him?
E-6: *I don't know quite.*
P-7: How did it look?
E-8: *I don't know quite.*
P-9: Had it any special colour or was there anything else which there is not on children, for example which - ?
E-10: *I don't know quite.*
P-11: Well. Do you recall how large it was?
E-12: [shakes her head]
P-13: Do you recall the taste of it?
E-14: No.
P-15: You don't? [Repeating a question is often perceived as a signal that the child gave a wrong answer and that he or she should give a different answer.]
E-16: It didn't taste well at any rate.
P-17: It did not.
E-18: No.
P-19: Do you recall any specific smell?
E-20: No.
P-21: In what places did you have to touch Stefan then? Where did you have to touch him?
E-22: *Don't know quite.*
[Q-759:1]

Throughout the entire interrogation there are many more answers of the variety "(I) don't know (quite)", "No", or (shakes her head). No less than 11 out of the 15 statements on the page at hand are of this kind. (Two further

“no” contain genuine information.)

From the interrogation it is clear that Eugenia is ignorant of pubic hair, erection, the colour of an adult penis, and male semen. Apparently, she is also ignorant of movements, moaning, and unusual breathing. Nor has she ever found blood or any other usual entities in her pants.

§760. There are several instances of *the hooking onto technique*. They may derive from a compliant personality rather than from a genuine wish to construct a comprehensive lie. Asked whether Stefan said anything, she confirms that he all the time said “go on”. Asked whether she told him that she did not like it, she confirms this too: “I don't want to do so any more, can't you stop!” - to which Stefan answered, “Shut up, you bastard!” (I wonder whether she said this before or after the oral act, or whether she interrupted the act.) The ease with which she accepts the suggestions and further elaborates them, may tell something about what actually happened on the Sunday evening.

At first she does not recall much around the last assault. But after further questions she states that it took place in the workshop. She does not know whether her mother was. But when the question is repeated, she knows that mummy was in the house with her younger brother. What happened was the same thing “as previously”. - How did she feel after an assault? “I don't know quite.” What did she do afterwards? “Went to a pal sometimes.”

§761. Eugenia had not said a word about the sexual position when she was asked how Stefan managed to reach her peewee with his willie - she is so much shorter. She answered that he lifted her. Let us focus upon *the physical possibility*. The position may be adequate with an adult female who is doing her part of the job with her legs. But if Eugenia was merely hanging in Stefan's arms, his penis might do serious harm to her shorter vagina; or, if he attempted only a partial insertion, the risk would be considerable that the child would repeatedly tumble off.

Stefan is claimed to have hit her 2-year-old brother. He had been her stepfather since she was 5. Why did he not hit *her* from the start? She had previously described two occasions of battering. Despite this, she did not know in what way she was forced to suck.

Asked about her motivation for moving away from her stepfather, she answered, “I didn't like living there any longer”. Had anything special happened? “Well, he had also hit me.” After 2½ pages of the interrogation, abuse is not yet mentioned. - Asked why she started to expose the sexual abuse on the Sunday evening, she answered that she felt “*a little curiosity”*. Would a genuine incest victim experience such feelings? or mistake her real feelings for curiosity? Eugenia's words might be *a gap-filling answer*, or she *mixed up things*, cf. the list in §647.

950118 is the date of the police interrogation on battery (and the last date she was living with her stepfather). She was twice asked whether anything else had happened which she had forgotten to tell. She denied this. - In August she told that she sometimes went on her own to the workshop to look. How did she dare?

Her stepfather is a glutton for work, and so is his co-worker. There have been few times when the former was alone in the workshop.

§762. Eugenia said: *"But I'm not sure he dares confess it."* Such a statement is alien to the mind of a non-indoctrinated 10-year-old girl.

During the interrogation of Ernst, the police officer (May-Britt Rinaldo) generously suggested new persuasive untruths to him: "These things she recounted *spontaneously* to you?" – "In other words, *you didn't ask her questions*". – "This thing must have come *as a surprise to you*." – "Those *signs* which you have noticed".

Also, the social workers and the police officer were eager to demonstrate that they were the father's allies: if Ernst had pressured Eugenia to lie, it was no use to tell the truth to the them. They took the father's word on faith. Eugenia was recurrently asked to repeat "what you told daddy last Sunday".

§763. One miraculous pattern is observed in one case after the other. Although Eugenia had said nothing of the kind, suspicions of sexual abuse occurred to Ernst and his mother. These ideas were based on such circumstances which were no better indicators than coffee ground tests. Nonetheless, it later turned out that suspicions had hit the mark.

Sixteenth Book:

Professions And Roles

Chapter 108
Defendants and the Beetle Syndrome

One must be careful never to write in a verdict, whatever its nature, that the accused is innocent or without guilt. But one should state that according to the law nothing could be proved against him. Because when he may at any later time be accused once more and is found guilty according to the law, it must be possible to execute him, without the preceding verdict of acquittal being an obstacle to the execution.

Jacob Sprenger & Heinrich Institoris
("The Witchhammer", 1487)

[*Recommended formulation:*] *"The social welfare inspector decides not to make a report of an incest offence to the police, since the police does not think there is any basis for the suspicion of a crime."*
Be careful to use this formulation, since one cannot promise for all future not to make a report to the police.

Gunhild Priftakis (Official Swedish incest expert)

§764. Numerous professions and roles are involved with sexual abuse: defendants, injured parties, relatives, prosecutors, police officers, judges, jurors, psychiatrists, clinical psychologists, witness psychologists, social workers, and so on. Important aspects concerning each category have been stated elsewhere, and may or may not be repeated here, or must be totally ignored.

Some adult males are actually afflicted with sexual inclinations toward children, but have so far committed no crime. They cannot go to a psychiatric clinic and ask for help. Efficacious methods of treatment (viz. behaviour therapy) have existed for generations. But they are hardly used at all. Freud succeeded in imprinting upon psychiatry the rule that the patient exists for the sake of the therapist, not vice versa. The patient should not have the kind of treatment he needs, but the kind which is most pleasurable or elevating to the therapist. The documentation in the ninth book is frightening.

Mass media have conducted an extensive campaign against real or alleged child abusers, who are depicted as disgusting subhuman beings. This campaign will make people disinclined to seek help. If they actually go to a clinic, they will be met with contempt, and efficacious therapy will be

withhold. Instead, the clinic will try to have them sent to prison, and may forge evidence for this purpose.

§765. Mr. Bornfeld got a depression and sought help from a psychologist. A simple pill would have cured him. But when Bornfeld told the psychologist about fantasies involving children, she refused to have anything to do with his depression, and would only talk about sex. Finally, he committed an act which was rather against good taste than harmful to any child. Before the incest craze, he would at worst have got a minor fine. But he got a prison sentence. His psychotherapist committed perjury and claimed that Bornfeld had sought treatment because of sexual inclinations.

If we actually want to minimise the number of sexual offences against children, a quite different policy is immensely more effective (and also immensely cheaper). Psychodynamic therapists must be substituted with behaviour therapists (and for some cases pharmacotherapists). The stigma must be removed. The same channels which are presently used to propagate the incest craze, must be used to disseminate information about where to obtain help. If 1% of the afflicted will start therapy, and 1% of these will be cured, fewer children will be abused than by the present policy. More realistic assumptions are that 80% will seek therapy before they have committed any external act, and that significantly more than 80% will be cured. The net result will be a decrease of assaults by more than 36%.

My subjective guess is that numerous real offenders realise that the convicts described in mass media at present, are no offenders at all. Many incestuous fathers know from personal experience that the theory of repression is nonsense. They might feel that it is no use to stop their activity, since absence of criminality will hardly reduce the risk of landing up in prison.

§766. A very frequent argument in Sweden would fit in Huff's (1955) *How to Lie With Statistics.* Only 10-11% of all reports will lead to a conviction, and this low percentage proves that the legal safety of the individual is exceedingly high.

Suppose a mother of three children on each month during a year reports the father of having abused one of the children. After the end of the year he is convicted of all 12 reported crimes. There were 12 reports but only 1 conviction. Hence, the number of convictions were only 8,5% of the number of reports.

To many false accusers, each report constitutes *a training occasion*. The police may point out why the first report is easily seen to be false. The accuser may gradually learn how to improve the version. Judges will invariably ignore the strong evidential power provided by the gradual transformation in accordance with the instructions by the police or the clinical psychologists.

§767. The incest ideologists will have no choice but to invent some explanation of the gigantic increase of allegations all over the world, and hardly more than one option is available: humanity was until recently blind of the disaster which always existed. But the real cause is due to the indirectly advertising for false accusations by *The National Board of Health and Welfare, Save the Children, The Children's Rights in Society, the Children's Ombudsman, The Association of Psychologists, The Supreme Court, The Council for Crime Prevention* etc. These organisations (indirectly) promise large damages and generous help with forging evidence, or suggesting or accepting it. They welcome revengeful ex-wives, and divorced mothers aiming at severing the bonds between the father and the children, as well as drug-addicted teenagers. A new variety of criminality has shown an immense increase, and it has branches both within and outside the authorities.

Demographic data reveal that reported sexual abuse in Norway is most frequent in the coastal areas, and least so in the mountain areas. It seems improbable that such a distribution may mirror real sexual behaviour. And a quite different explanation readily suggests itself.

Cultural phenomena (e.g. a language, a belief, a cult, a theory, a custom, a norm, a material object), as well as infectious diseases, travel along the lines of communication and contact (Sorokin, 1962:204, 280). We may therefore speculate that those areas which have the closest contact with the capital, will be the first ones to learn to expect abuse where it does not exist, or to use false allegations as a weapon in a conflict, or to expect or obtain the assistance of the authorities.

§768. Propagandists have iterated that the detected instances of sexual abuse are just the tip of an iceberg: the non-detected instances are many times more frequent. However, they are applying a statistical legerdemain. As regards low frequency phenomena, and even if the proportion of error is large, the false negatives will distort the overall pattern much less than the false positives.

Suppose the true percentage of sexual abuse is 1%, and that 80% of these go undetected. Suppose that only 5% of the instances pointed out are mistaken. Out of a sample of 10 000 inhabitants, R and ~R will signify the real instances, and P and ~P the pointed-out instances.
It is easily seen from Table 768:1 that the ~R&P group constitutes a much greater problem than the R&~P group: the innocent assumed to be guilty are more than 7 times as many as the guilty ones who were overlooked or assumed to be innocent.

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Table 768:1
(for explanation see text)

	R	~R
P	2	50
~P	8	9940

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§769. How great a proportion of the defendants convicted are innocent? The present research report has conclusively proved that convictions are commonplace despite the total absence of any indication of guilt. Foolproof evidence of innocence is neither an obstacle. At least one judge openly demonstrated his fury, when he did not *dare* convict the defendant.

My own sample derived from three sources: cases where I worked for the defence; cases I found in newspapers with the claim that the convict was indisputably guilty; and cases I found in court archives. Two sources are not biased in favour of my general position. But the difference between the three sources is not remarkable. Nor is there any correlation between the prosecutor's inclination to withdraw the charge, and the strength of the evidence. Without claiming a high degree of *exactitude* for the figure, the best estimate for Sweden seems to be that around 80% of the convicts of the last 8 years are innocent.

§770. The very same pattern has been experienced by most suspects. No one listened to their version (often not even their own lawyer). The police refused to gather any facts which might prove their innocence (e.g. a perfect alibi). A team zealously forged evidence. Some suspects were exposed to screaming and yellowing police officers, while their attorneys deemed it "unnecessary" to be present at the interrogations.

Prior to the arrest the suspect may never have transgressed the law. Often, the arrest came like a bolt from the blue. And the shocked suspect did not manage to think in a rational way.

§771. Variants of the following pattern are found. The social agency removed the daughter from her home. The mother had continual contact both with expert witness and with her arrested husband, with whom she sided. For three months the daughter's diary was lying in the home, but no one thought of handing it over to the expert. And then the latter was suddenly told: a few days ago the girl came and fetched her diary.

This is a normal and recurrent human reaction. There is as little ground

for a lawyer or a psychologist to get upset, as there is for a doctor to be angry when a patient has fever. Many innocent arrested people are afflicted by *a frozen and petrified apathy,* which I shall call *the beetle syndrome*. Franz Kafka wrote a short-story (*Die Verwandlung*) about a man who one day woke up and discovered he had been transmuted into an insect. An excellent Swedish movie version by Ivo Dvorak ("*Förvandlingen"*) is significantly more concrete and less dreamlike than Kafka's text: the man was transmuted into a beetle.

§772. Locked in a space which is much less than in the prisons, shielded off from normal human contact, and surrounded by hostile enemies, it is a surprise that more people do not break down and confess things they never did. Many are given heavy doses of sedatives during the trial: judges are hyper-sensitive, and their feelings must not be hurt by perceiving the misery they produce.

There was no factual reason for the *complete* isolation of Graziella's father: it was an instance of blackmailing (cf. *the fifth book*). The father would have been ruined, if he could not give his wife instructions about how to manage his enterprise in his absence. He was granted permission to give such instruction in exchange for a signed confession. In full knowledge of the genesis of the retracted confession, the judges took the confession as evidence of the defendant's guilt.

§773. In the periodical of *The Association of Attorneys* a defence counsel asserted that a defendant will suffer terrible feelings of guilt if he escapes the punishment he deserves. It is in his own interest to be send to prison. The defence counsel should always act as a second prosecutor (or a third prosecutor, if an i-p-lawyer is also involved), and strongly press his client to confess.

If *this* lawyer had been in charge of the cases of Betsy and Erna, we may doubt that he would have bothered to gather those facts which proved the innocence of these defendants.

In the case of Virna (§96) I was involved in the parallel social case concerning whether the children should be taken into custody by the social agency, but I had nothing to do with the criminal trial. The facts conclusively proves the innocence of the father. But the judge had appointed a lawyer of the above variety. In contradiction with the new case-laws of the Supreme Court no. SÖ 163 (case no. 848/92) and no. SÖ 7 (case no. 4765/93), the judge refused the defendant to substitute the lawyer. The father was deeply broken down by the isolation; extremely few suspects are as depressed as he was. His "defence" counsel pressed him to make a false confession, which cost him a prison sentence of 4 years and the permanent loss of all his children.

§774. The worse possible point of departure is to be innocent, to have

a good conscience, and to have confidence in the legal system. Admittedly, the father of 15-year-old *Felicia* was acquitted by the Court of Appeal. But he was a man from the third world, and was not very proficient in Swedish. The police interrogated him without an interpreter, and no one knows what he actually said. The police officer wrote in the papers that he confessed.

His defence counsel did not bother to have new and genuine interrogations performed. Nor did he give his client elementary advice before the trial. In the district court he did not recognise "his own" words, and the prosecutor continually had to "remind" him. But he naïvely said: well, if it is stated that I said so, I guess I said so. - And on the basis of this sham confession he was convicted.

A very impressive number of defendants do not understand that things are serious, until they are convicted by the district court. Afterwards they may change to a responsible lawyer, who may or may not succeed in undoing the mistakes of the first lawyer.

I have participated in so many trials conforming to this pattern, that I fail to understand how there could be justice in any country where the verdict of the Court of Appeal is not made by *entirely new* judges or jurors.

§775. Attorneys and experts working for the defence may also make obstacles of a radically different nature. In some cultures lying is *the normal way* of trying to obtain the goal. Even if the innocence of the defendant is indisputable, the attitude is deeply rooted in his mind that he must always have a large margin for bargaining. A fictive example: a man is tried for an act which is unambiguously dated. It is a matter of routine to prove that the defendant was away in another country two weeks before and two weeks after the critical date. But he may claim he was away two months before and two months after, although it should be obvious that the prosecutor will immediately falsify this claim. Probably, the defendant feels that the judgement will be *a compromise solution*: the more he demands from the start, the greater are the chance that he will in the end obtain what he is entitled to.

The defence counsel may preach that the defendant has no choice but to stick to the truth; that the truth is strong enough; and that the defendant (in contrast to the prosecutor and the injured party) is ignorant as to *what kinds* of lies will be successful in a Swedish court. The defendant may swear that he got the point. But his reflex-like behaviour is that his odds will be better if he also deceives his own attorney.

At best, such defendants will enormously increase the amount of labour of the defence counsel and the psychological expert. Even the most flagrant facts and the most insignificant details must be checked. Defendants may deny they were ever married, although the prosecutor need just press a few buttons on a computer to disclose the truth. At worst, they will be convicted.

A strange paradox: I have laid myself open to the accusation of racial prejudice by pointing out that certain defendants are more or less predestined to be convicted, in situations where Westerners would be acquitted. But judges or jurors are not thought to manifest radical prejudice, if they convict everyone from certain cultures, on the ground that any defendant who is lying, is guilty.

§776. Those relatives who have a friendly attitude to the defendant, may constitute an invaluable access - in particular, if the defendant is apathetic. They may spontaneously inform the counsel about *what* kinds of unexpected facts may exist, and *where* they can be dug out (though sometimes only under considerable resistance from the authorities).

Occasionally, one will encounter a friendly but despotic relative, who does not bother whether things are taking a bad turn for the defendant - but who obstinately fights to prevent that no one else than he or she should be the cause of a favourable outcome.

Chapter 109
Defence Counsels

Those of us who defend people accused of sexually abusing children are despised and reviled right along with the defendant. People think we must be sick too.
Elizabeth Loftus

§777. A defence counsel who would try to learn the analytic methods described throughout the present two volumes, would win significantly more cases. But far above 95% of Swedish attorneys do not care whether their clients are convicted.

Even in a country like Sweden, fees to defence counsels and experts constitute a very small fraction of the cost of the legal system. Unnecessary trials and lawsuits lead to waste of infinitely much more money on salary to judges, jurors, prosecutors, all their aids, and on prison costs for innocent convicts.

All in all, the Swedish system is immensely much cheaper than the American system, also from the taxpayers' point of view. Although judges may transgress the law, even the poorest defendant is entitled to even the most famous attorney.

§778. There are nonetheless a series of flaws in the system. The fee of the attorney is decided by the court after the trial is over. If the attorney has done a poor job, so that the judges feel free to do whatever they like, they may generously pay whatever he asks for. But he may have invested much high-quality work and have unearthed immensely strong evidence, so that the judges do not *dare* convict the flagrantly innocent defendant. And then the judges may revenge themselves by cutting his fee to one third. These "punishments" are intended as a warning to lawyers: do not do a good job!

A Swedish lawyer cannot under any circumstance compensate himself from the client. *Either*, he must receive his entire fee from the public fund, *or* his entire fee from the client. If he accepts a share from each source, he will lose his licence.

§779. My personal experience to be described next, is highly relevant in the present context.

On a Friday afternoon at 3 o'clock the father of the extremely extraverted 17-year-old Jolanta was arrested, like a bolt from the blue sky. By means of a random procedure the attorney Peter Haglund was selected by a judge. He immediately left a message on my telephone answering

machine, drove to the town of the detention and gathered information by the suspect. I came home at 6 o'clock, and contacted him on his mobile telephone. He was just in the middle of a talk with his client.

On Saturday the proceedings were held in the district court concerning the detention. A written petition for taking the father into custody, listing the nature, place and time of the crime, the suspect, and a body of evidence strong enough to warrant the detention; such a petition is a sine qua non in such a situation. But the prosecutor had produced none. Neither did he present a single police interrogation. He merely exhibited a letter in which Jolanta accused her father. Haglund fought for all he was worth for hours. But the judge (Österlund) conceived of himself as an ally of the prosecutor.

On Sunday at 10 o'clock a.m. the documents of the case were faxed to us. I immediately started working for 21 hours without a single pause. Then I slept for 4 hours and continued to work for 14 further hours, likewise without a pause. The attorney worked as intensively and extensively. On Tuesday morning we requested new proceedings. Such a request is hardly ever granted. But this one was. It took place on Wednesday. The suspect was released. Half a year later the prosecutor withdrew the charge.

§780. Without our contributions, the most optimistic (and altogether unrealistic) scenario was as follows. After two months the prosecutor had requested no prolongation of the arrest. The father had been released, and the charge had eventually been dropped. The direct cost of the arrest had been around 120 000 SwCr., to which must be added compensation for loss of income and damages for unwarranted arrest.

The fee we asked for both of us constituted a small fraction of the sum we saved for the taxpayers. Nonetheless, the judge (Chambert) reduced our fee to 41%. What is most noteworthy is his justification: *NOT UNTIL the prosecutor has made the decision actually to try the suspect, is there any reason for a defence counsel to visit and discuss the facts of the case with the confined father; nor is there any reason to engage an expert.* In other words, judge Chambert deemed it a completely satisfactory solution that an innocent person should be locked up in a cell for 60 days, being scared to death about whether he would be sent to prison for many years.

This example illustrates the indifference of judges to justice, and their insensitivity to human suffering. It also illustrates their contradictory attitude to finances. Reducing the cost of the defence may lead to more false convictions. And every saved crown may cost the taxpayers 20 crowns or more. There seems to be plenty of money if the aim is to ruin lives. By contrast, stinginess rules if the aim is to prevent injustice, unnecessary suffering, and waste of tax money.

§781. In most cases, the defendant knows nothing about lawyers. The judge will select his defence counsel. The Association of Attorneys wants

everyone to have an equal chance. In the case of Erna (cf. chs. 3, 23, 33f. and §66) the first attorney of the defendant was an expert on winding up the estate of deceased individuals.

Judges are eager not to have attorneys who are troublesome. Since they produce the verdicts themselves, no measure could be motivated by attempts to guard jurors from undue influence. Nonetheless, they dislike attorneys who are skilled in proving the innocence of defendants and in preventing too many false convictions.

§782. Many judges claim that collecting information is exclusively the task of the police and the prosecutor. It is their own words that the defence counsel should not "play Sherlock Holmes". *The defence counsel should do nothing but to present an alternative interpretation of the facts (or sham facts) gathered by the prosecutor.* - This is an inevitably losing system. But more than 95% of the Swedish lawyers accept this role.

The incest craze would never have got such a strong hold in Sweden, if the attorneys had taken a minimum of responsibility for their clients. The first defence counsel in the case of Embla was from the start convinced that the girl would never have accused her father, unless he was guilty. He even told the police and the prosecutor so. The defence counsel of the Södertälje man fancied that his client had committed Satanic mass murder, and that he was lucky if he was only convicted of sexual abuse. He refused to call witnesses whose testimony might have lead to an acquittal. He was totally unprepared for the plea, and for two hours kept iterating that his client is a good man because he feels no animosity against the prosecutor.

§783. According to the new case-laws of the Supreme Court, no. SÖ 163 (case no. 848/92) and no. SÖ 7 (case no. 4765/93), every defendant has the right to a defence counsel in whom he has confidence. Absence of confidence is a reason for substitution of the attorney, and the defendant need not explain *why* he has no confidence.

After the proceedings in the district court, Embla's father had no confidence in his first attorney. The chairman of the Court of Appeal did not allow him to change to another lawyer. The father appealed to the Supreme Court and meanwhile engaged another private defence counsel, to be paid by himself. The judge called the second lawyer on the telephone and told him that he would not even tolerate him in the court as a private lawyer, *unless* the defendant withdrew his appeal to the Supreme Court. When the second lawyer requested to have this decision on paper, the judge did not dare go on with what he knew was an illegal act.

There was little doubt that the Supreme Court would accept the change of attorney. But the decision would probably have been made a few weeks after the proceedings in the Court of Appeal was over. By sheer luck, it came the day before the trial started.

§784. The first attorney of Rachel's father did not even bother to read the documents before the trial.

The attorney of Graziella's father refused to meet the witnesses before the trial. He could have given them invaluable instruction - not about lying or concealing facts, but about what kinds of verbal expressions judges will automatically distort. Other cardinal mistakes of his have been described in §307.

In the case of Ursula there were three classes of documents. The first class was solely known to the prosecutor and to the psychologists, who based their conclusions upon these secret documents, inter alia. The second class was known to the defence counsel, but she was forbidden to inform her client about their content. The third class was known to everyone. This sham trial was accepted, not only by the judges (Ljung, Palmcrantz, Hahn, Halvorsen, Breile, Olsson), but even and voluntarily by the defence counsel.

§785. Objectively, the contributions by Frank Lindblad and Margaretha Erixon in the cutting-up trial were crank science and forged evidence. The contributions by Astrid Holgerson and Birgit Hellbom were scientific products of the highest quality. Besides, the only *strategy* which could have lead to an acquittal, would have been to convince the judges that this was so. But Dr. Gendel's attorney had a strong sympathy for the incest ideology and Frank Lindblad. In his plea he expressed his contempt of those psychologists who supported his client. His basic premise was that, *since Lindblad & Erixon and Holgerson & Hellbom had arrived at opposite results, both sides must have insufficient grounds for their claims.* Consequently, the counsel recommended the Fiscal Court of Appeal to disregard the results of both sides, and to base its verdict upon "the remaining evidence". This meant, in practice, that Lindblad's and the mother's fabrications about what Henriette had said, should count as genuine evidence; and Holgerson & Hellbom's proof that the child had said nothing of the kind, should be rejected.

§786. Scharnberg (1993, I, chs. 31-33) described the case of 6-year-old Vessela, who stated that her father had done with her what the daddies and the mummies are doing when they sleep together. She had not seen her parents do it, but she had seen it in the underground station: a boy had said to a girl, "Shall we do it?" and then they had kissed.

I read about the case of Vessela in the newspaper, where Monica Dahlström-Lannes attacked the judges of the district court for not having given the father a more severe sentence. I secured the documents. As can be seen from Scharnberg (1993), this was a clear-cut case of indoctrination by the mother. But the prosecutor engaged Anita Palm to assess the trustworthiness of the child, and she manufactured evidence out of thin air and concealed the hard facts (e.g., that the mother had frankly admitted that

she felt in her heart that the child had been abused, half a year before the child had said anything of the kind). Palm was previously responsible for the scandal of the Huddinge case. She was forced to leave the Stockholm group of witness psychologists after too many erroneous investigations. Vessela was her last case.

§787. The judges selected one of the most fanatic incest ideologists to defend a father accused of incest.

This was in the beginning of my legal career, and *I* was both ignorant and deceived. I called the defence counsel and offered my service. It would not have been difficult to win the case in the Court of Appeal. The counsel feigned to be enthusiastic, but was unsure whether her client would dare appeal: he might risk a more severe sentence.

When the period for appealing had expired, the client told me that *he* wanted to appeal, but that his counsel deliberately abstained from doing so.

§788. *The Association of Attorneys* permits a fanatic incest ideologist to be editor-in-chief of the periodical of the Association. From this position she tries to undermine the position of defence counsels. She also accepts articles which encourage co-prisoners to mob identifiable false convicts. She published an article with 14 lies about Embla's father (Gustavsson, 1992), and refused him a rejoinder.

Even a highly qualified attorney may be confronted with genuine problems. In general, he cannot start looking for an expert witness until he has a case. By contrast, the prosecutor may have spent years with developing a comprehensive circle of experts who may pose as neutral persons, but who may secretly work as his allies. The defence counsel must ask *himself* from the very start whether it is any use to engage an expert. Perhaps every medical doctor agrees that an enlarged vaginal opening, or a gonococcal infection etc., is a valid sign of sexual abuse? If not, how should he find those doctors who disagree? Which ones of them have a sufficient academic prestige and a sufficient pedagogical capacity?

For years I have tried - mostly in vain - to explain to defence counsels that there is a difference between psychologists. To select the false one, or to accept that the court appoints the one suggested by the prosecutor, may mean losing the case. No mistake committed by Graziella's father's attorney was so immense, as his enthusiastic and totally unnecessary acceptance of Suzanne Insulander. Together with a competent attorney, I have handled many cases in the Court of Appeal, which had been ruined in the district court by the client's first lawyer. The latter's mistakes could sometimes but not always be remedied.

If a psychologist has in each and all her 24 previous cases arrived at the conclusion that the suspect was guilty, it should not be difficult to realise that the defence counsel should fight to avoid having her appointed as the

impartial expert of the court. But almost every Swedish attorney think that the fight between different psychologists is of no concern to anyone else than the psychologists themselves. Possibly, more than 100 persons are in prison in Sweden just now, *solely* because their own attorney did not bother to prevent the selection of the wrong psychologist.

A defence counsel is often in a situation where he has no chance of escaping any psychologist. But he may have a fair chance of having appointed an objective professional rather than an ally of the prosecutor. A common reaction is to state that one would prefer to have no psychologist at all; but if a psychologist is appointed, one does not care which one is selected. This is another inevitably losing system. Besides, the judge will (often correctly) interpret this policy as a sign that the defence counsel thinks his client is guilty, and hopes to conceal as many facts as possible.

Chapter 110
Prosecutors and Injured-Party-Lawyers

Es ist demnach so gut als demonstriert, oder es könnte leichtlich bewiesen werden, wenn man weitläufig sein wollte, oder noch besser, es wird künftig, ich weiss nicht wo oder wenn, noch bewiesen werden.

Immanuel Kant

§789. Prosecutors may blackmail individuals to commit perjury. They may conceal evidence and have the injured party semi-testify that the defendant has destroyed it. If the suspect has a perfect alibi, they may deliberately wait for months with interrogating witnesses, so that the latter may forget the exact date.

It may come as a surprise that there exist honest prosecutors. They may feel genuine doubt about the truth value of an allegation. And they may engage a competent expert to analyse the facts.

They may easily find a witness psychologist. It is much more difficult to find competent persons as regards somatic indications, psychic symptoms, and personality variables such as extraversion, depression etc.

§790. According to my experience, as a researcher or as a practitioner, it is easier to make a prosecutor withdraw the charge, than to win a case in the court. The reason is definitely not that cases with weak evidence are less likely to be sent to the court. Nor are dishonest prosecutors less inclined to give up a case.

A defendant cannot be declared "non guilty" in Sweden. The maximal verdict is "not sufficiently proved", which is never an obstacle to a new trial for the same crime. Unfortunately, many suspects imagine that their innocence is better established by a verdict from a court, than by a decision from a prosecutor. They think the social agency will take an acquittal more seriously. Sometimes the prosecutor wanted to withdraw the charge because the evidence was too meagre. But the suspect insisted on a trial and, not unexpectedly, had to spend some years in prison.

§791. The correct explanation seems to be this: judges will *listen* to a case while prosecutors will *read* a case. Judges are inattentive, sometimes drowsy, and wanting in elementary skill of *comparing* different facts. A prosecutor may re-read any section if he was inattentive, and he may *compare* statements on different pages. If he learns that the defence counsel is alert, he may wonder whether it is worthwhile to proceed with a case

which has some prospect of backfiring.

§792. One of the most impressive features of prosecutors is their familiarity with the kind of gossip arguments judges are tuned in with. Prosecutors are the real virtuosos in playing the role of the neutral person who has no prejudiced view, and who simply makes the facts speak for themselves. They also feel what kinds of bluffs judges are knowingly prepared to tolerate.

The cases described throughout the present two volumes involve about three dozen prosecutors. A total of two might have been honest.

§792b. While the manuscript is about to be sent to the printer, the proceedings in the Court of Appeal were finished in the case of *Gisela*, after the re-opening. At the age of 17 the girl was raped by a foreign male. Because of the shock she sought psychotherapy at one of the greatest clinics in Stockholm. She was referred to the psychotherapist Helena Jarlemark. She did not know that the latter was a recovered memory therapist. Jarlemark entertained the firm conviction that no girl is raped, who had not previously been exposed to sexual abuse during childhood. I may remark in passing that one of Freud's early students, Kossak (1913), claims that only young children with sadistic inclinations can be sexually abused.

Jarlemark performed a brutal version of recovered memory therapy upon Gisela. The psychologist made the police report, and invited a female policeman to watch the therapeutic session. Eventually, the father was convicted on the basis of the testimonies of Gisela and Jarlemark.

The girl had become very ill from the treatment. But she later managed to liberate herself from the therapist. She joined the father in requesting a new trial, which was granted in September 1995.

§792c. Almost at the same time the case of Judith was also re-opened. The prosecutor of both cases was Sigurd Dencker. When Eriksson (cf. §34) pointed out that it was the welfare officer and not Judith herself who postulated sexual abuse during the video-recorded police interrogation, Dencker claimed that Eriksson had scorned Judith by not believing what *SHE* had said.

Now he said - *untruthfully* - that he would never have tried Gisela's father, if he had known what he knew today. But the father had repeatedly asked him to take a look at the house: the prosecutor would immediately have realised the physical impossibility of Gisela's recount. But Dencker was solely interested in sham facts which might facilitate a false conviction.

Listen carefully to what Dencker stated in his writ to the Supreme Court concerning the new trial motion: (a) the case should *not* be re-opened, and (b) *if* it be re-opened, the father should be *acquitted* at the new trial. - This prosecutor is a virtuoso in feeling what kinds of arguments are likely to be accepted by the Supreme Court.

During the second set of proceedings he requested an acquittal. But he also emphasised that no criticism could be raised against the psychologist's handling of the case.

The Court of Appeal in Stockholm acquitted the father 951107. But the court also forbade the defence and the i-p-lawyer to present almost all their evidence. This is a strange decision in view of the fact that the very same court had almost at the very same time learned that it had committed *two* major flaws. Honest judges would have welcomed information on what went wrong: scientific results on recovered memory therapy, the susceptibility of human beings to suggestion, and the irresponsibility of many psychotherapists. Such facts might have prevented repeating the same errors. But these judges seemed more inclined to preserve their freedom to convict future fathers on the basis of the very same variety of evidence (cf. RJL-8 in §886).

§792d. As a preamble to the case of Fenimore, three other cases may be briefly listed; there is no reason to use pseudonyms, since all three females have presented themselves in public.

A book (Bruknapp, 1993) and a TV programme (*Vem ser det lille barnet?*) have been produced on a Norwegian case of recovered memory therapy. For years Mary-Ann Oshaug was a drug addict. During a toxic psychosis around her early thirties, she imagined that her father - who had died 15 years earlier - was biologically responsible for her present pregnancy. Her psychotherapists applied the principle of similarity and concluded, that the delusion mirrored actual sexual abuse during early childhood. They made her “recollect” how her father and his fellow workers regularly played poker about who would sleep with her, and how she was abused from the age of 5 to 16.

She eventually became the leader of a centre for abused children. In TV she presented her story as genuine recollections. Most viewers overlooked the most crucial statement, made by one of her psychiatrists: the abuse events were never *recalled* at all, they formed the therapists' reconstruction of what *must* have happened.

Many details illustrate the deficient reality feeling of recovered memory therapists. For instance, when Mary-Ann was 10 years old, she sometimes slipped out through the window and slept in an abandoned mill which had many rats. She was not afraid of the rats. In contrast to her father's house, the rats imparted in her a feeling of safety.

§792e. A Swedish authoress, Annakarin Granberg, recently stated in a broadcast that, at the age of 50, she never suspected that she was an incest victim. But after having written a novel on this topic, she read in a psychoanalytic paper that every fictional work is secretly autobiographic. She overlooked the difficulty of how to apply this theory to Jules Verne's *A*

journey to the Moon. Instead, she realised what she had experienced herself, and wrote a further novel which was presented as truly autobiographical.

§792f. During 20 years Nina Sundblad had no recollections. But then she suffered a psychotic episode. Whenever she was sleeping with her husband, she imagined that she was sleeping with her foster father from her childhood. These ideas would not have survived after the psychosis, if she had received responsible psychiatric treatment. But unethical therapists hooked onto them, blew them up, and made them permanent. The therapists invented, inter alia, the recollection that the foster father had burnt Nina's cat alive. Eventually, Christina Olofsson (1993) produced an alleged documentary of the case. It was shown in TV, in the cinemas, and at courses for professionals working with so-called sexual abuse. Sometimes Nina Sundblad lectured on such occasions, alone or together with other incest ideologists, e.g. Monica Dahlström-Lannes. Sundblad's state deteriorated because of the recovered memory therapy.

With boring monotony, the history of the cinema reveals the enthusiasm of movie directors for the fashionable lynch crazes. They may persecute homosexuals, communists, capitalists, labour unions, behaviour therapists, alleged incest offenders, and what not, and usually because of the noblest motives. Forty years later when the craze is over, they may in other movies show their disgust of what happened, but will at the same time repeat the same approach but directed at new targets.

§792g. Erna (cf. chs. 3, 23 and 33f.) was semi-psychotic. The authorities were perfectly aware of her condition, and of the innocence of the man they tried to send to prison. However, twenty-nine-year-old Fenimore suffered from a genuine psychosis. The psychiatric clinic, the social agency and prosecutor Gunvor Martinsson, knew that the incestuous allegation was a schizophrenic delusion fomented by recovered memory therapy. Here too, the authorities did their best to conceal the facts.

Fenimore's maternal grandmother had died from cancer a few years earlier. She and her mother were present at her death-bed each day and night. One night between 2 and 4 o'clock the mother fell asleep. She woke up when she heard the daughter singing a psalm. She concluded that granny had died. But Fenimore just wanted to sing something beautiful to granny.

About a week later, Fenimore accused herself: if she had not sung the psalm, granny would have survived. Now granny was situated in one of Fenimore's teeth, and told her that she had killed her.

§792h. Although she was confined in a clinic, Fenimore found occasions for injuring herself with knives, razors and scissors. She also pressed a needle into her vagina, which had to be removed by surgery. And she had made attempts at taking her life. The voices told her to do what she did. She had scars on her wrists, arms, legs and breasts.

She was released from the clinic a few times. Many psychiatrists who are unable to offer genuine help to patients with poor social skill, advise them to get themselves a dog or a cat. Fenimore received and followed the same advice. As could easily have been predicted, she did not take care of the dog. After a few weeks the house was full of faeces and urine. The dog had tried to find some food for itself, inter alia by chewing asunder a bottle of ketchup and by eating the ornamental plants. Surrounded by this chaos, Fenimore was found sitting apathetically on the couch and was just smoking.

Whenever the family planned to do something really pleasant, Fenimore tried and usually succeeded in sabotaging the event. She was always jealous of her four-year-younger brother, and her jealousy had a clearly sexual surplus meaning. Recently, he informed the family that his long-time girlfriend was pregnant, and that he was going to marry her within the next few weeks. Soon afterwards, Fenimore claimed to have followed a Polack to his apartment, where she was raped. There is no indication that this Polack exists at all, and she had not pointed out his address. Possibly, she was in her imagination competing with her brother, hoping that she would also have a child. Anyway, she told the psychiatric clinic that she was going to report the unknown Polack. The clinic suggested that she might at the same time report her father to the police. She did so.

§792i. Previously, she had accused her father and grandfather of rape during a brief stay with relatives in Finland (her grandfather had also threatened to shoot her). The physical impossibility of these acts was easily established. Now, it is no infrequent delusion in schizophrenic females to have slept with their father, brother, the doctor at the hospital, and other familiar or unfamiliar males. One of Eugen Bleuler's (1995b) patients accused him of having made her pregnant during sleep and having cut the child out through her arm.

But in analogy with the case of Mary-Ann Oshaug, the clinic started to treat Fenimore with incest group therapy. Eventually, she was made to recall abuse since she was 3 years old. She also informed her mother and her brother that the father had hit and maltreated both of them, and that they had “repressed” it.

She called other people and told them that she had reported her father in order to prevent him from attending the wedding. About a week after he had been arrested, she called her mother and asked to borrow 2000 SwCr, so that she could go to a festival.

Prosecutor Martinsson is a fanatic incest ideologist. Being aware of the nature of the evidence, she screened the father off from *any* contact with the exterior world, apart from a defence counsel. The detention *and total isolation* were upheld by the district court (Zetterberg) and by the Court of Appeal (Abelson, Ohlsson, Forenius).

Martinsson was the one who had selected the defence counsel (Jöran Gundmark). She had chosen him well. For writing the petition to the Court of Appeal, preparing himself for the proceedings, and participating in the latter, the attorney asked for a total of *1 (one) hour* of payment. Gundmark claims to be an expert on cases of sexual abuse, and to have handled the majority of such cases in the area of Malmö. This may well be part of the explanation of the high proportion of absurd convictions. But the pattern also illustrates the kind of tools a prosecutor may use to win her cases.

§792j. Two weeks after the arrest, Fenimore's father did not even know the court number of his case. His counsel knew nothing about the mental state of the daughter, and had hardly bothered to discuss the case with the suspect.

For some ten days the father did not know that his wife and a friend of his were ardently working to help him: they had engaged another attorney and psychologist. When he learned about the fact, he was prevented from making a telephone call to the new attorney. The latter was likewise prevented from calling his client. Instead, the prosecutor wrote insulting letters to the new attorney. She mendaciously claimed that the defendant was perfectly satisfied with his present lawyer. And she added that the new attorney was fishing for clients at all cost. This is a literal plagiaration of a propagandistic untruth fabricated by Monica Dahlström-Lannes (1995b) against Peter Haglund and myself.

Judge Zetterberg realised that a false conviction would be much more difficult, if the case was handled by a competent and responsible attorney. Hence, she decided (in contradiction to Swedish law), that the father must retain Gundmark as his lawyer, and that Gundmark alone would be paid by public funds.

Nonetheless, new proceedings as regards the detention took place 17 days after the father was arrested, and he was represented by both counsels. Judge Zetterberg, and in part also attorney Gundmark, behaved like prosecutors. When the prosecutor advanced the assertion that bulimia is caused by sexual abuse in 46% of all cases, Zetterberg deemed this claim to be altogether relevant to the question whether the suspect should remain in detention. When defence counsel Haglund asked what was the factual support of the prosecutor's figure, Zetterberg forbade the question: this topic should not be discussed until the trial. - Gundmark explicitly opposed Haglund: he suggested that there was no evidence that Fenimore was mentally ill.

§792k. Although the charge was not rejected by the court, the father was released after the proceedings. Prosecutor Martinsson depicts an excellent illustration of the topic discussed in §§428-431. She insulted the father, “We must hope you don't take your life before the trial”.

Monica Dahlström-Lannes (1995b) attacked the present state of things and suggested that, in sexual cases, the defendant or convict and his representatives should have very restricted access to the documents. This is a wise suggestion for a person who aims at maximising the number of innocent convicts and, hence, wants to conceal what happens in the courts.

§792l. In 1995 Sweden got its first case of a murder discovered by recovered memory therapy. The murder was committed in Germany 17 years ago, and was thought to be unsolved. But now the 23-year-old daughter of a truck driver was made to recall that she was at the age of 6 an eyewitness, and that *her* father committed the murder. Apart from the fact that the defendant is an average citizen, this is a plagiaration of the American Paul Ingram case. The daughter (Sieglinde) had gone back and forth between the police interrogator and the hypnotherapist quite a few times, and her versions changed incessantly. It is not documented what information she got from the police or the psychologist. She stated that every police interrogation functioned as a therapeutic session and released recollections.

Despite all this generous assistance, only two details of her narrative are true, viz. that the victim wore a special kind of hood and that the murder was committed in a field of corn.

The father *was* acquitted, but he was arrested for 7 months.

Five years previous, Sieglinde's younger sister was caught shoplifting. She also suffered from bulimia. A child psychologist explained both symptoms as the result of incest. She started psychotherapy. After half a year she recalled that she had been raped by her father. But she later retracted this and said she had no such recollections.

Eventually, the mother decided that Sieglinde should also receive therapy. She soon told her mother, “I think daddy has committed a murder”. Her recollection of the German murder started with nightmares. But she finally recalled that she had recalled the murder during all the intervening 15 years.

§792m. In my view, the following circumstance is the most important of the case. The prosecutor had engaged Sven-Åke Christianson as his expert witness. As we have seen elsewhere, Christianson has vouched for the scientific quality of Lenore Terr's testimony in the Ingram case, and the erroneous nature of Elizabeth Loftus's standpoint. His central position within the Swedish incest ideological movement makes it a matter of routine to predict, that he would assert the validity of Sieglinde's recollection.

However, the defence counsel engaged the brain physiologist Germund Hesslow. And when Christianson realised the futility of attempts at deceiving the court, he simply dropped out of the case.

As Hesslow testified: Sieglinde would be a scientific sensation if authentic memories had emerged after 17 years of repression. Repression

itself is as controversial as flying saucers.

§793. In §12 I defined the i-p-lawyer. She is assigned to the injured party by the court, but she is *not* bound to fight for the position wanted by her so-called client. Even if the girl claims that her father did not abuse her, "her" lawyer is free to take the opposite view. The greatest difference between her and the prosecutor is, that she is not restricted by any considerations of the legal safety of the individual. She will carefully scrutinise the documents, spot the weak points of the accusation, and train her client to "improve" them. If the district court writes that the defendant was acquitted because of this or that, the i-p-lawyer may invent a new version and train the girl to learn it, so that her father will be convicted by the Court of Appeal. In most Swedish trials, the judges are aware of the following fact. The version to which they will attribute "the stamp of authentic experiences by the girl herself", was manufactured or "improved" by the i-p-lawyer.

Chapter 111
Children and Teenagers

So they left the child on the mountain.
It was the dream they should have left.
Melih Cevdet Anday

§794. Much has been said about the girls, and much remains to be said. Only a few themes will be touched upon here. Other writers (e.g. Wakefield and Underwager, 1988; Underwager & Wakefield, 1990) are more qualified of analysing a wide variety of important topics, such as the harmful effects of incest therapy with non-abused children.

Fourteen-year-old Diotima cried desperately when she sent her deeply beloved father to prison. She could not resist the pressure from the team of the clinic where she was detained. Rachel could not resist her extremely despotic mother. During the proceedings in the Court of Appeal when she was 23, she cried and said that her children have no longer any grandfather. The authorities drove Erna to take her life, and caused Betsy to make a suicidal attempt. Elvira and Elfriede were made into a kind of living zombies. Malvina lost the only person in her confused existence, whom she could trust. Several extremely extraverted girls were encouraged to enter the most dangerous course. Many girls discovered that the social agency lost interest in them and their problems, as soon as their fathers were convicted.

In other cases, even the prosecutor deems the mother's accusations to be too obviously false. But the social agency forbids the father to see his children. When the children ask by telephone why he never comes, the father has to lie and promise to see them in the near future. If he truthfully told them that the mother and the authorities were the real obstacle, the conflict would escalate and the children would suffer even more. - It seems to me that no writer is as competent in assessing visitation disputes (with or without sexual allegations) as Richard Gardner (1989, 1992, 1993).

§795. *The canary case* has not yet been described. The father of 13-year-old Moa had been given a prescription from his doctor: a tablet which in perhaps 9999 cases out of 10 000 is perfectly harmless. Nonetheless, the few exceptional reactions are noted in the literature. While being in a psychotic state, the father went to his daughter's room, locked the door, shouted violently, had a conversation with the canary, and put a finger into the girl's vagina. The limited sexual element seems to have constituted the least painful part of the experience as a whole. After about a year Moa did

not manage to keep the event to herself any longer. The authorities soon learned about it, and they refused to accept that no more had happened than what Moa had told. They pressed her to confess a series of genuine assaults, and the father was sent to prison for three years. Whenever the daughter tried to tell the truth, she was detained by the social agency. Finally, she managed to escape, and she and her mother had to hide in a secret place.

Jurists have devoted a wealth of words to discussing whether the aim of punishment is (a) revenge or the offender's "deserving" to suffer; (b) individual prevention of crimes; (c) social prevention. Regardless of the choice of punishment theory: if patients were held responsible for side-effects of medicine which their doctors thought they needed, psychotics might refuse to take pharmaca needed to *prevent* them from committing absurd murders; and numerous contaminating diseases could not be controlled. Criminality would markedly increase. As for ethical responsibility, there is a clear-cut distinction between a person who got a psychotic episode because he, on his own initiative, took a drug which he knew to be risky and did not need for medical reasons; and a person who because of a genuine disease was told by a doctor to take a medicine whose individual effect was unknown to him. Moa's father should never have been tried.

§796. In the case of Linda & Edith, the welfare officer Karin Torhall testified that children younger than 6 years cannot be indoctrinated. She later admitted that she was aware the case of 3-year-old Martin described by Gill-Wettergren & Gill (1985). I have borrowed from this book in §§63f., 649 and 726. I have also documented other cases where incest ideologists have disinformed courts about the impossibility of indoctrinating young children (cf. §724 on Corinna, §747 on Delphine).

Because of the persistent propagation of this idea, I shall supply a monologue by 5-year-old Synnöve, whom we have encountered in §§648 and 673. The child was talking to a tape-recorder - in a happy tone of voice - while the mother was waiting outside the room. (The linguistic errors are attempts at finding the closest English equivalents of errors of Swedish child language.) Compare the monologue with the list of indicators in §647. Note in particular the wealth of moral and other anachronisms. There are also hints that "*Now* I am prepared to speak the truth".

> "Daddy has been lying upon me and one must not do such things. This is incredible or - It was, Daddy tieded me up in the barn and then we escaped and one must not do such things, well but it goes then, well but, oh no, how terrible. Not is this way. When we ran, we ran and ran and ran until we met Alf [= the psychotherapist], then it was no fun, Daddy was lying upon me and kissed me and --- my pants, but one must not do such things. Not on little children. Big people may lie upon each other, not little ones, I blame that [=that's my excuse?]. One must not do this. I grow mad! If Daddy does so once more, I'll grow mad, then I'll give him a blow. It is this

way, Daddy is lying upon me, hence he has done, although it is, I will talk this today. Just a little, a little. But now I will, this way it was. Daddy is lying upon me and one must not do such things, no, I blame that. I won't, it is, Daddy wants to do it but I won't do it. It is this way and I blame that, no, it is this way. Why, it hurts when he is pressing upon me and is lying and lying and lying and lying to morning to night.
Now I have finished, now I have finished. Was it good?" [Q-796:1]

§797. At the seminary held in Oslo 1994, October, 6-8, by *The Liberal Research Institute* (*LIFO*), Richard Gardner was the main speaker. However, the Norwegian philosopher Nina Karin Monsen (1994) delivered a brilliant address which would merit a wider audience. A brief section will be quoted. I have incorporated a few oral formulations which were not in her written manuscript.

"To illustrate the role of the child in the context of abuse, we may perform a few thought experiments.

We may imagine a completely male-orientated society, in which women were declared totally incapable of managing their affairs, and were exposed to an equally absolute demand of sexual purity. Every woman was under the authority of her relatives and her husband.

At the least suspicion that anyone apart from the husband had touched, pottered with or slept with a woman, she would instantly be sent to a gynaecologist and interrogated by a series of therapists, until an offender is disclosed and, perhaps, a trial is carried out.

How would women like this?

Of course, we may also imagine a society with a female orientation, where men were exposed to such treatment. Would it be a trifle to a man to be physically examined, poked in his bottom, interrogated and have his possible sexual experiences ploughed through by many foreign people for a protracted time?

Some of my friends have been exposed to a body search at the airport of Oslo, because the dog searching for narcotic had reacted upon pills against allergy. My friends got a shock, though the entire event took only one hour, and then everything was over.

One more thought experiment. Child physicians prefer to use control groups, so that they can be sure as to what normal sex organs of children look like. Some people feel a desire to make a science out of that. Why not start with adult people and observe how they appreciate it? Let us select some 400 women and some 400 men, fetching them like a bolt from the blue at the universities, at the attorneys' offices, and at the medical clinics (*paediatrics may fittingly be included too*). *Let us send them for gynaecological examination. Let us measure and weigh their sex organs in the slack and erect state, poking their bottoms, and try to disclose what is*

normal. If they *say this experience was not humiliating they may permit their own children to go through the same thing afterwards."*

Chapter 112

Court Decision Psychology

To try and attain immortality that way is like "lifting the moon out of water".

Wu Cheng'en

§798. Numerous psychological topics and subfields may be studied within and around legal proceedings. As defined by Scharnberg (1994b), *Court decision psychology* is concerned with (a) the ways in which judges and jurors actually arrive at their decision; (b) irrational mechanisms which may - or *will* - lead them astray; and (c) conditions which must be satisfied if they are to function at a level that is not markedly sub-optimal.

Regardless of what country we select, the legal procedure is not well tuned to individuals with the cognitive equipment of homo sapiens. And it is not because of deficient training that no human being is capable of adequate functioning in such situations. Among the fundamental shortcomings the following should be listed:

(a) Oral proceedings tend to make people drowsy; and drowsy people will not be very attentive.

(b) No information will enter the long-term memory unless they were first retained for a brief interval in the short-term memory. But the continual emergence of new information will continually push out the content of the short-term memory. Consequently, what will actually reach the long-term memory (and, hence, can later be used for conscious deliberation) is to a considerable extent dependent on irrational factors.

(c) Whatever information is not caught at the very moment it is presented, is irremediably lost. And whatever circumstance is misunderstood, cannot be corrected. A *reader* may catch himself in having been inattentive for 10 lines, and may re-read these lines. He may suddenly feel startled and wonder whether the writer could really have meant what he thought he perceived. Re-reading might reveal a serious misunderstanding. None of these options are available to a judge.

(d) Facts which are totally forgotten, may influence the decision more than facts recalled. The former may have left a trace, viz. an inclination to produce a certain decision. They may have been forgotten primarily because they have already fulfilled their function by causing such an inclination.

§799. As regards the last item, cf. Shanteau's (1995) results described in

§248.

The significance of the flood analogy stated in §14, cannot be exaggerated. I shall repeat it. During legal proceedings the words will whirl around, and the judges and jurors will miss most of the facts. *The situation of a judge or a juror may aptly be compared with that of a thief standing next to a rushing river during a flood. All kinds of objects and fragments will pass by at an extraordinary speed. Most of these things are rubbish or else worthless. But now and then something of great value will appear. Then the thief must instantaneously perceive that this object is worth drawing up, and he must catch it in the flight.*

Judges may listen to testimonies and semi-testimonies which are replete with contradictions; whereafter they may write in the judgement that they are free from contradictions. They may watch a video-recorded police interrogation in which a teenager is exposed to a veritable fire of suggestive attacks - and write in the judgement that this interrogation is free from any attempt at influencing the girl. Judges may listen to a video interrogation in which *literally everything* concerning sexual abuse was said by a welfare officer who was also present during the interrogation - and write in the judgement that *the girl herself* had delivered a coherent and extensive narrative.

§800. Things are even worse. Suppose that there is indisputable support of each of the following statements: (a) Annika is older than Fanny; (b) Birgitta is younger than Doris. (c) Eva is older than Cecilia. (d) Doris is younger than Gertrud. (e) Hanna is younger than Birgitta. (f) Cecilia is older than Annika. (g) Gertrud is younger than Fanny. - Question: who is the older one among Eva and Fanny?

Few of my readers will manage to solve this problem without re-reading the seven statements. Even after re-reading, many readers may need paper and pencil. And this problem is immensely much easier than the one with which judges and jurors are confronted. (a) The reader was explicitly warned; (b) the nature of the task was apparent from the beginning; (c) the task contains only one relation, which may linguistically be expressed in only two ways; (d) the relation itself is extremely simple, and young schoolchildren could solve the problem; (e) the relevant information is not hidden among an abundance of irrelevant circumstances.

§801. The kind of problem which is comparable to the actual task of judges, may consist of an *oral* list of 7000 statements emitted in a random order. To escape too great a complexity I shall assume that all statements are true. The 7 above statements are included. But the 7000 statements are concerned with all kinds of things (e.g. the age and weight of numerous irrelevant individuals; timetables for trains and aeroplanes; number of days with lightening in Bologna in 1928; and so on). Not until the entire list has

passed will the judges be told, that their task is to decide whether Eva is older than Fanny or vice versa.

The flood-situation and the exaggerated importance of the oral information seem to require simple deductive procedures. One procedure favoured by judges is the following schedule:

(a) The injured party has semi-testified that Fanny is older than Eva.
(b) The injured party has made a trustworthy impression.
(c) Consequently, Fanny is older than Eva.

§802. The Western legal system is in many respects a result of accidental historical circumstances. Secret trials were (rightly) deemed incompatible with democracy. Trials on the basis of writings were or are dangerous: the entire population may not be able to read; those who should guard that judges do not abuse their position, may not have the patience for reading hundreds of pages; documents may be written in incomprehensible language; there is no guarantee that the judges read the documents at all (as we saw in ch. 43, five judges of the Supreme Court were caught in flagrante delictu, when they decided to let Graziella's father stay in prison without even casting a bird's eye view on the documents).

But public oral trials do no longer constitute any guarantee against misuse. The *science* of psychology constitutes only a limited field of what goes at the universities under the name of the *discipline* of psychology. But scientific psychology has much to offer about human decision making. The legal safety of the individual necessitates a pattern which is not counterproductive, and which takes in account the ways in which members of mankind actually function. No individual can handle a lot of information, and no individual does. When demanded to make a decision on the basis of an abundance of data, human beings will throw away most of the information, and make their decision upon a few items.

I will not construct an exhaustive new proposal for legal proceedings. But one rule would not be too difficult to incorporate into many of the present systems: *those who are responsible for the verdict should have the obligation of thoroughly familiarising themselves with a written document, if one part explicitly requests them to do so.*

§803. As we saw in §421, many judges [falsely] claim, that the law forbids them to use the police interrogations as evidence, even if the latter is explicitly evoked by the defence counsel.

However, the very same judges may well (a) appoint a witness psychologist and give him the task of (b) reading the very same interrogations; (c) drawing his own conclusions on the basis of them (e.g., “on the basis of these 6 versions I have concluded that the defendant is guilty/innocent”); (d) inform the court about these conclusions; whereafter (e) the court may mechanically copy the conclusions in the judgement. After

having been thrown out at the front door, the police investigations may re-enter at the back door, if only they remain unnoticed by the judges.

Despite this pattern (inter alia), many judges feel that witness psychologists are doing the very same kind of job which the judges could have done themselves.

§804. One might try to refute some of my conclusions by pointing out that testimonies and semi-testimonies during the trial are tape-recorded. However, if judges took the trouble themselves of listening to the tape-recordings, the proportion of false information in the written judgements would be significantly less than it is.

Moreover, the equipment is sometimes of a very poor quality. The judges would never tolerate it for one week, if they actually listened to the recordings. In some courts, the equipment is specifically monitored for recording faint and loud speech equally well. The practical result is as follows. If the interrogated person is silent for 10 seconds, the recorder will gradually increase its sensitivity, so that the otherwise inaudible movement of the air will sound like a blowing hurricane. When speech starts again, some syllables will be lost in the hurricane, before the sensitivity is again tuned in.

§805. By “skilled experts” I mean experts who within their field arrive at a high proportion of decisions known in independent ways to be correct. Court judges and psychiatrists are not skilled experts. Soil judges and weather forecasters are (Shanteau, 1995; cf. §248). Skilled experts do *not* use *more* data than laymen or alleged experts. But they do use *relevant* rather than irrelevant data. - One may be dumbfounded when reading the analyses of judges and jurists of, say, the case of Mignon (*the thirteenth book*). And 5 judges of the Court of Appeal saw evidence of sexual abuse in the statement by 4-year-old Corinna that her father's penis was oblique (§§723f. and 814f.). No more is needed for avoiding such ideas, than a sincere will to escape the most extreme errors.

Even when judges are not drowsy or inattentive, one of the greatest obstacles to correct verdicts derives from *THE JUDGES' INABILITY TO DISTINGUISH BETWEEN EVIDENCE AND SHAM EVIDENCE - BETWEEN PROOFS AND SHAM PROOFS.*

The overwhelming majority of defence counsels are not much better qualified. However, judges will not infrequently find themselves in a genuinely difficult situation. A somatic doctor may claim that the enlarged vaginal opening of the child constitutes foolproof evidence of a genital assault. *How* could a judge assess whether the expert is bluffing? Many expert witnesses deliberately exploit the judges' ignorance. They practice a kind of double talk. *In the court they testify that there is universal agreement on their postulations. But they would never dare publish the latter in a scientific periodical or book.*

§806. We need radical re-organisation in at least two separate aspects. The university courses of jurisprudence are exceedingly poor, and must be thoroughly re-structured. Only psychiatrists and clinical psychologists surpass judges in incompetence. Manifestly, neither the authorities nor the most proficient academicians are very interested in evidence evaluation. *The Yearbooks of the Courts of Appeal* are intended to facilitate homogenous application of the law and provide guidance for district courts and for the Courts of Appeal themselves. Cases deemed illuminative are described (and some of the cases I have described, are included in these yearbooks). The editor is highly interested in such questions as: *how many* years in prison should the defendant have for this or that crime? But there is a demonstrative absence of any interest of producing guidance as regards complex and perhaps even perplexing difficulties related to evidence evaluation.

Sophisticated analyses about ambiguities and apparent paradoxes related to laws and to court decisions on taxes, last wills, and business contracts, may assist the career. There is little to gain by solving intricate problems of evidence evaluation. It would be a matter of routine to remedy this imperfection. A professor of "laws of legal proceedings" may focus on other topics. But if we specifically appoint a professor of "evidence evaluation", he may find it difficult to maintain that the entire domain consists of a few footnotes.

Chapter 113
Judges and Sticky Labels

I can't help wondering how many innocent people are locked up in prison for these crimes.
Elizabeth Loftus

§807. Instead of reflecting upon the facts of the case at hand, the courts will often pick up entities from a pre-established set of standard phrases which, regardless of the nature of the body of facts, can be used to justify a conviction. The following *sticky labels* are quoted from real judgements:
(a) "The injured party has made a trustworthy impression".
(b) "Her account bears the stamp of being an authentic experience." / "The information supplied by her has given a clear impression of describing something which she experienced herself."
(c) "Erna has provided her recount under great pain. A number of breaks have had to be made at her request."
(d) "She has in all essential respects maintained her recount during all the interrogations."
(e) "No reasonable explanation has emerged as regards why Erna would lie about Dag." / "However, no circumstance has emerged which might constitute a reasonable ground as to why Wendela would erroneously accuse her father of crimes."
(f) "Erna has given the impression of not wanting to exaggerate or magnify the events."
(g) "Erna's recount has in many respects been connected to external details. And this fact strongly supports that she has actually experienced what she recounted."
(h) "She has made the assurance that she likes her father."

§808. A low competence cannot fail to lead to large mistakes; but it does not protect the individual from deliberate untruths. The flaws in the above arguments are legio. When completely spelled out, argument (f) has the following form:
(1) The girl claimed that the defendant had slept with her 300 times.
(2) However, she might just as well have claimed the number to be 400.
(3) If we compare the number indicated in the semi-testimony, with a greater fictive number invented by the court for the purpose of a comparison, we shall find that the greater number is greater than the lesser number.

(4) The fact that the fictive number is greater than the actual number, proves a certain moderation on the part of the injured party.
(5) The moderation of the girl constitutes a strong reason for concluding that she told the truth.

This is an inevitably winning system. If the actual number had been 500, the truth of the recount would have been proved by comparing it with the fictive number of 600.

§809. Judges repeatedly convict defendants of perjury, *without* seeing a proof of truth in the constancy of their version. Besides, the postulation of constancy in incest trials is usually discrepant with the facts.

Girls who are pressured to lie and send a beloved father to prison, may cry desperately during the trial. In the case of 14-year-old *Diotima*, both the Court of Appeal (Hillerud, Widebäck, Sillaste, Tängbärg) and the Supreme Court (Magnusson, Lind, Sterzel, Törnell, Nilsson) overlooked the very possibility of this hypothesis. Moreover, extremely extraverted girls may love their fathers.

§810. It is not the habit of judges to conclude that the defendant did not commit a bank robbery, on the ground that no motive for a bank robbery could be found; nor to conclude that an allegation by a mother is false, on the ground that she could supply no motive as to why her (ex-?)husband should abuse his child.

Besides, in the overwhelming majority of incest cases neither the police, the prosecutor, the psychologist(s), the social workers, nor the judges will search for the girl's motive. Some or all of them may have prevented the search by the defendant. Or the search may belong to advanced psychology which neither the defendant nor his attorney are qualified for unearthing. Moreover, the "trustworthy" Erna was prone to make false accusations.

Even worse, *the non-presentation of a motive may derive from evidence refusal: the second quotation in sticky label (e) was produced by judge Widebäck, after she herself had forbidden me to inform the Court of Appeal about Wendela's motive.*

§811. The idea that the truth of an account is more probable, if the account is connected to external details, reveals that the judges are ignorant of the two sources of lies (cf. ch. 11). As regards this and the remaining sticky labels, I hereby invite all Swedish judges to participate as experimental subjects in one or more of the following three studies.

Design A. The task of the subjects is to write a false recount of a minimum of 1000 words, in which he or she simulates to have been sexually abused. (If the judge has actually been abused, he or she is strictly forbidden to use any authentic event). A further condition is that the false recount must *not* be connected to any external detail which is true.

Design B. The subjects will be exposed to video-recordings of children

known for certain to have been abused, and others known for certain to have not been abused. The task is to decide which children have or have not been abused, respectively.

Design C. Immediately after the end of an authentic trial involving sexual abuse, the subjects will be exposed to multiple-choice questions about their knowledge of the facts presented during the trial.

§812. As we have repeatedly seen, most judges entertain a very strange view on the behaviour of fabulators and indoctrinators, whether they are mothers, psychologists, or teenagers. Suppose an ex-wife decided to revenge herself by sending her ex-husband to prison, and that she for that end taught her pre-school daughter to say: “Daddy peeweed into my navel.” If such an ex-wife is by the police or during the court proceedings asked whether she had indoctrinated her child, she will - according to the judges' view - (a) confirm that she invented the incest allegation, (b) confirm that her husband is innocent, (c) confirm that she deliberately indoctrinated the girl, (d) confirm that she committed the criminal act of making a deliberately false police report.

Nonetheless, the frequency of false convictions as well as the flagrancy of the illogical reasoning, seem to rule out the hypothesis of mistakes in good faith. For some ten years, psychologists who openly or secretly supported the prosecutor, had almost completely monopolised popular and professional media. Judges plagiarised the most conspicuous nonsense. Moreover, when no psychologists were involved, judges themselves learned to think and argue as psychologists. Two particularly malicious instances are judge Widebäck's plagiaration in §§706-708, and judge Rune's psychoanalytic interpretations in §398. Judge Thorsten Cars (who belongs to the same court as Widebäck and Rune), always deemed this state of things perfectly satisfactory.

However, in October 1995 there was a partial break-through in mass media of rational psychologists. In co-operation with *a prosecutor* (!), judge Cars immediately wrote a protest. Cars & Alhem (1995) applied Orwellian new-language: those psychologists who do *not* habitually supporting prosecutors, were called *“the psychologists”*, and *“the psychologists”* should not be permitted to “make the verdicts”.

Second, these writers tried to make the verdicts *immune to criticism*: only an eyewitness of a trial can assess whether a verdict is justified, they said. - This is the classical device of psychoanalysts: when the substandard nature of their observations and reasoning is pointed out, they retort that they did not mean what they said, but based their deductions upon “fine-grained” features unknown to the critic.

Third, the Supreme Court regularly publishes its important decisions and verbal arguments. These decisions and arguments are intended as

obligatory guidance for the lower courts. But: *IF CARS & ALHEM ARE CORRECT, CARS AS A JUDGE IS IRREMEDIABLY INCAPACITATED FROM LEARNING WHAT THE SUPREME COURT MEANT, SINCE HE WAS NOT AN EYEWITNESS OF THE "FINE-GRAINED" FEATURES "REALLY" APPLIED BY SUPREME COURT.*

Fourth, in the case of Graziella, four judges explicitly stated that 25 explicitly listed justificatory reasons constituted *the sole and exhaustive ground* for the conviction. Now Cars & Alhem imply that these and all other judges were lying.

Fifth, Cars & Alhem are perfectly aware that almost all the critics were eyewitnesses of most of the trials they criticised. They are also aware that the critical psychologists are much better acquainted with the facts of those cases, than the judges involved.

Hence, their paper may suggest an illuminating experimental design. Immediately after the proceedings, the judges of the trial might undergo a test of their familiarity of the facts of the case, with simple but numerous questions such as "Where was Betsy living at the time of the last alleged assault?". If Cars is so confident of his superior knowledge, then I offer him a proposal: let both of us reciprocally test each other's knowledge.

Chapter 114

The “Confusion” of Judge Inger Nyström of the Supreme Court.

Correct understanding of a matter and misunderstanding of the very same matter do not completely exclude each other.

Franz Kafka

§813. “Confusion” is Nyström's (1993, 1994) own word. Her basic argument was presented in §318. She claimed that judges will be “confused” if two expert witnesses, engaged by the prosecutor and the defence counsel, respectively, assert opposite views. The judges do not know whom to believe.

She seems to have forgotten that it is the normal task of judges to assess contradictory testimonies. And from the logical point of view, *it is invariably easier to evaluate two opposite investigations, than one single investigation. Whoever is incapable of assessing the truth value of two opposite investigations, and is confused by them, is incapable of assessing the truth value of one single investigation.*

§814. Let us spell out Judge Nyström's postulate by applying it to a concrete case. Four-year-old Corinna said that her father's penis was “oblique” (the corresponding Swedish word is much less “high-brow”).

The pseudo-witness-psychologist Hans Larson claimed:

HL-1: The word “oblique” means *a determination of the spatial position*.

HL-2: The presence of spatial determinations in an account constitutes a reason to assume that the account as a whole is true.

Max Scharnberg was by judge Widebäck prevented from stating:

MS-1: It is hardly possible to construct a false account which does not contain a determination of a spatial position. Hence, the presence of a spatial determination does not support any conclusion about the truth value of the account.

MS-2: The scientific literature is replete with legal cases involving sexual allegations known for certain to be false. But these allegations nonetheless include spatial positions.

MS-3: Persons who indoctrinate children to make false allegations, will very often indoctrinate spatial positions.

MS-4: Studying the first page of each of the first 10 fairy-tales by Hans Christian Andersen (1952), I found only two fairy-tales without any

spatial determination (they had instead an unusual amount of temporal information). I found a total of 19 spatial positions. Larsson's premise seems to prove that, e.g., the tale of *the little mer-maid* etc. is an authentic sequence of events.

MS-5: Corinna regularly took a bath with her father at night-time. If she has never been abused, she has had plenty of opportunity to see her father's penis. There must be extremely few males who have taken a bath numerous times without their penis having ever been oblique.

MS-6: Children who are asked difficult questions, may often fill out gaps with random answers. We cannot know whether Corinna actually had any recollection of an oblique penis.

§815. What judge Nyström wants us to believe is this. If she had listened to Larsson's deduction alone, she would have managed on her own to do what judge Widebäck did not manage to, viz. to produce an analysis of the following kind:

IN-1: If we are discussing Euclidean geometry, it is trivially true that the word "oblique" constitutes a spatial determination. In a normal context, Larsson seems to have made a lot out of next to nothing.

IN-2: What warrant has Larsson presented for his assertion that spatial determinations strongly indicate authenticity? None at all. If I mechanically accept his assessment, have I not delegated to him to decide the question of guilt?

IN-3: A penis may be curved or straight. If it is straight, it may either be parallel with some of the Euclidean dimensions of physical space, or form an angle in relation to one or more of them. Hence, it is hardly possible to construct a false sexual allegation which includes no spatial determinations. (If space is so turned that the father's body will coincide with one of the dimensions, the same argument is appropriate.)

IN-4: If we knew in advance that children cannot be indoctrinated to make false allegations about sexual abuse, we would not need any assistance from Larsson. But when Larsson was appointed, the district court ruled that Corinna might well have been indoctrinated to say, "Daddy peeweed into my mouth" (*another spatial determination*). And the Court of Appeal was unsure as to whether the district court was correct. Nor did Larsson himself claim that the oral spatial determination proves the real occurrence of an oral sexual act. But if it is possible to indoctrinate children to deliver spatial determinations of the oral variety, how could the presence of a spatial determinations as such, prove the authentic nature of the account?

IN-5: I [=judge Nyström] have both children and grandchildren. I have

repeatedly observed that neighbouring children who were a little older, successfully taught my children various false things; and that my children further elaborated such fictions with additional details of their own.

IN-6: Recently, I saw the TV programme on *Little-Rascal*, where pre-school children recounted sexual assault in the river, while they and the offender were surrounded by crocodiles. These recounts contained plenty of determinations of spatial positions. If Larsson's rule and method are correct, the crocodile assaults must likewise be real.

IN-7: In other words, Larsson's testimony is through and through balderdash, and provides no ground for the conclusion that Corinna's father ever abused her.

IN-8: Since Larson's testimony constitutes the only evidence, the only sensible decision is to acquit the father.

§816. In other words, Nyström claims that she would have no difficulty in performing such an adequate analysis, after having listened to Larsson's testimony and nothing else. By contrast, if she had listened to *both* Larsson's and Scharnberg's testimonies, she would not know what to believe. Could it be that Larsson's deduction is completely correct and Scharnberg's completely wrong? Or vice versa? She would feel like Bileam's ass between two wisps of hay, and would be totally incapable of producing any argument as to why any of the testimonies may be right or wrong.

Chapter 115
Additional Aspects Concerning Judges and Their Situation

It would be part of every total ideology to believe that one's own group was free from bias, and was indeed that body of the elect which alone was capable of objectivity.
Karl Popper

§817. Under no circumstances must it be assumed that judges in general try to produce correct verdicts. We have seen numerous clear-cut examples of the opposite. And low competence and dishonesty do not reciprocally rule each other out.

Judges sometimes excuse false convictions by claiming to have too much labour. But decreasing the time devoted to each case under the minimum needed for achieving at least 50% correct verdicts, may stimulate the prosecutor to send many more cases to the court.

Next, consider the attorney Pelle Svensson's (1995:285f.) case of 16-year-old Disa. She accused her stepfather of having slept with her in her own bed; his semen had sprinkled on the sheet. He had the luck that the sheet had not yet been changed. There was indeed stains of male semen, but the semen definitely did not derive from him. - If the sheet had been washed, this man would be in prison today.

When the judges Wennberg and Helin in the case of Rachel claimed that time favours the defendant, they were perfectly aware of making black appear to be white.

Judges may deliberately try to bluff attorneys. They may intentionally misquote the law (even in written preliminary decisions), but may immediately yield if the attorney bothers to look up the relevant paragraph.

§818. I have never found a judge who, without assistance, was capable of combining temporal relations, or of combining facts emerging at different stages of the trial. In order to prevent an acquittal, judges have refused the defence to present crucial evidence. Judges have fabricated empirical generalisations ad hoc to justify a false conviction. Five judges of the Supreme Court were caught in flagrante delictu, when they confirmed a prison sentence without even casting a bird's-eye view at the documents.

In two cases, the exhaustive sets of justificatory reasons advanced by the Court of Appeal were scrutinised. They are *literally* at the level of beer-house talk and sewing-circle gossip.

By a slip of tongue the Supreme Court stated that 4 judges of the Court of Appeal were lying: those circumstances which these judges claimed to constitute the reasons why they convicted Graziella's father, were merely pretexts; and they would have convicted him anyway even if they had known that each and all of these circumstances were absent.

§819. Should the judges, the prosecutor, and the defence counsel strictly stick to the case at hand; or could they introduce illuminating facts from other cases? A recurrent but by no means universal policy is to permit *or even initiate* such introduction, if the facts (or sham facts) may facilitate a conviction or a more severe sentence; but to forbid them if the opposite is true. The following topics have been deemed irrelevant: (a) that the feminist broadcasting had for years urged mothers to report fathers; (b) that scientific research shows a high proportion of false reports; (c) that the expert witness in 24 out of 24 previous cases concluded that the defendants were guilty; (d) that the courts themselves were later forced to reverse certain investigations by this expert witness. - The following topics have been deemed relevant: (e) it had "turned out" in previous cases which the judges know only from mass media, that numerous incest offenders feel an extra thrill by committing their crimes under a high risk of being caught in flagrante delictu; [MS: since judges seem to imagine that the annual number of coitus with children in Sweden is around 10 million, one may wonder why no one has so far been caught in the act]; (f) children are known never to lie about sexual abuse; (g) previous cases have shown that the acts will invariably produce gigantic and permanent injury; (h) the expert witness had in Broadcasting said that that some 80% of the convictions in Sweden are false.

§819b. While the manuscript is about to be sent to the printer, a further judgement is passed in the fortune teller case. I deem the below quotations, comments and outline of the context to be very important.

A judge may justly feel angry at an attorney who used illicit devices to influence the jury to make a false verdict. It is a quite different matter, when, in a country without a jury, a judge realises that the proof of the innocence of the defendant is so overwhelmingly strong, that he does not dare produce a false conviction; whereafter the judge revenges himself upon the attorney.

Craving for false convictions are also found among prosecutors and police officers. After the reconstruction in the case of Embla (cf. §18) officer Ingemar Andersson wrote a summary, which is much less concerned with the girl than with the defence counsel. His name is listed no less than 19 times, just as if he was the one under trial.

The chairman of the Court of Appeal was Sven Larsson who awaringly convicted the innocent defendant (as we have seen).

One year later and in the case of Erna, Sven Larsson was furious

because he did not dare go on with his advance decision of convicting the defendant (cf. §172). None of the facts presented by the defence was included in the judgement. It was enigmatic why the defendant was acquitted: the court merely stated that Erna was not *completely* trustworthy.

Instead, the judgement contains a “review” of the performance of the defence. Inter alia, we may read that Peter Haglund and Max Scharnberg have *harmed the defendant*. If they had not interfered, the defendant would have been acquitted [!] without much ado half a year earlier.

§819c. This act of personal revenge became the source of inspiration for at least five different courts in the area, whenever Haglund won his cases. One imitative act must be quoted literally. In *the fortune teller case* (ch. 24), the mother (who will be called “Ellen”) fetched the three younger children immediately when the father was arrested. The social agency had immediately informed the mother about her opportunity, and she did not bother about the shock to the children. In turn, Ellen and the agency did their best to have the father sent to prison.

Volmer was convicted by the district court, probably because judge Kvist forbade the defence to present the crucial evidence and prevented cross examination of a psychiatrist who seems to have committed perjury. Volmer was acquitted (with the votes 3 against 2) by the Court of Appeal.

The trial was followed by a custody dispute. The usual position of Swedish courts is that an acquittal is no indication of innocence: the children must also in the future be protected from the person who *might* be an offender. The judges (Mannergren, Bank, Nordin, Nyqvist) were perfectly aware that they would have given the custody to the mother, unless extraordinarily strong evidence was presented by the father. Consequently, they reproached Volmer and his attorney for having presented such strong evidence. Though the case was won, the judgement is replete with insolences against the father.

We have seen that the mother, by asking a fortune teller, found out that Malvina had been sexually abused. This was merely one out of a series of indications of the mother's highly-strung personality. Nonetheless, the judges reasoned as if they were the mother's attorneys (p. 15 in the judgement): *“There is, first of all, nothing which seems to indicate that Ellen has instigated Malvina's police report. And even if she had, she would deserve no reproach. A mother listening to her daughter's recount that she had been exposed to a sexual assault, must be deemed to have taken the right action, if she gives the daughter the advice to impart this information at further places, so that it can be investigated in a way which is trustworthy to all parties”* (italics added).

§819d. On p. 18 of the judgement we find a headline, “PETER HAGLUND'S PERFORMANCE”. I doubt that one more “review” of this

variety can be found during the entire legal history of Sweden. The text covered by the heading is even more astonishing (the poor grammatics primarily derives from the "legalese" of the original text):

"During the proceedings the district court ascertained that Volmer's attorney Peter Haglund has performed his task in a way which is peculiar in more than one respect. It is apparent that the case has been strongly influenced by the conflict between Volmer and Ellen. Being the attorney in a custody case, it is the obligation of Peter Haglund to conduct the case in an objective way, and his aim should be what is in the best interest of the children. Thereby, he should assist the parties in leaving the past behind themselves, and in starting instead unprejudiced discussions as to what is in the best interest of the children concerning custody and visitation. It can be seen from Volmer's initial statement [=the initial statement made by his attorney] *and from the interrogation of him, that he has pleaded his cause around those circumstances which, according to his view, are unfortunate to Ellen, instead of pointing out those positive circumstances which might favour his own cause. Peter Haglund is to a considerable extent responsible for the fact that Volmer had pleaded his cause in this way. Furthermore: according to the view of the district court, Peter Haglund has not in any way tried to convince Volmer that he cannot deprive Ellen of her self-evident right to a normal association with her three daughters* [MS: which Volmer had neither done!] *Finally, Peter Haglund has almost carried out a private crusade against psychologists and psychiatrists as well as the practice carried out at the child and adolescent psychiatric clinics, in particular; a practice which according to Haglund is no more scientific than astrology. Besides, Haglund has described the activity and procedures at the child and adolescent psychiatric clinics in words such as 'humbug` and 'coffee ground tests`.*

According to the view of the district court, Haglund has behaved in an non-objective way and has expressed lack of respect of the staff employed by the social agency and at the child and adolescent psychiatric clinics. Thereby, he has also behaved in an non-objective way toward Ellen and her attorney. It must be questioned whether Haglund in the future should be accepted as an attorney in custody disputes" (italics added).

Chapter 116
Expert Witnesses and Judges' Attitude to Them

Actually, microscopes and binoculars will rather confuse man's pure organs of perception.
Johann Wolfgang von Goethe

§820. In §§793-795 a few important things were said about the relation between judges and expert witnesses. - In the case of Elvira, the Court of Appeal explicitly claimed to have considered the option of appointing a witness psychologist *WITH THE AIM OF OBTAINING ENOUGH EVIDENCE TO CONVICT THE FATHER OF HAVING ALSO ABUSED ELVIRA'S YOUNGER SISTER*; not with the aim of investigation *whether* she had been abused. Likewise, the court had agreed that Elvira should not be interviewed any more. Thereby, they were perfectly aware of the fact that there already existed an analysis of the 29 hours of police interrogations. But they had forbidden the defence to present the analysis of the latter. One of the judges took a further step and stated: *THE FACT THAT ASTRID HOLGERSON HAD CONCLUDED THAT THE SEXUAL AND THE SATANIC ALLEGATIONS WERE EQUALLY UNFOUNDED, AND THIS FACT ALONE, IS SUFFICIENT FOR REJECTING HER INVESTIGATION ALTOGETHER, AS BEING OBVIOUSLY AT FAULT.*

§821. However, the role of expert witnesses is inherently contradictory. At the first step, judges will acknowledge their own lack of knowledge and their need to be informed by someone who knows better. (The situation of jurors differs only in so far as they themselves have no vote as to what they need learn about.) The judges will take on the role of students, and attribute the role of a teacher to the expert.

But when teaching is over, the very same judges will assume the role of inspectors from the Board of Education. On account of their being *more* knowledgeable than the teacher, they will decide whether the latter's teaching was correct.

§822. As was said in §55, the historical facts in Anatole France's novels are generally correct. France (s.a., 1930? pp. 325ff.) describes a judgement from the 15th century, according to which a married woman was convicted of adultery. The proof consisted of the fact that she had given birth to triplets. And according to “a general fact of experience” one man can be the originator of at most two children in the same uterus.

Reflections on this judgement may yield much unexpected knowledge,

and we shall return to some of it in the following book. As Petrazycki (1955) repeats, we can never hope to understand how law actually functions in society, if we simply reject certain phenomena as being in no need of any explanation, because they are "superstition" or "extinct".

First, the judges were unable to distinguish between jurisprudence, biology, lay observations, and lay theories. Common sense *observations* are much more trustworthy than common sense *theories* (Scharnberg, 1994a). They may be mistaken, but so may scientific observations. "What derives from experience, can afterwards be annihilated by experience" (Hertz, 1894:11). A genuine problem is that people are prone to believe that their common sense theories are common sense experiences. No human being has ever observed what the renaissance judges imagined that *they* had observed.

§823. Second, I shall anticipate from §886 that the implicit axiom of the judges is this: *"Any event which occurs only infrequently, never occurs unless an unusual causal factor is present and is responsible for this event."* - This principle is firmly rooted in lay thinking, and human beings have a very strong inclination to apply it. The rule can be traced throughout 2000 years of natural science; genuine lay conceptions; present-day gossip; psychoanalysis; old jurisprudence; and likewise the reasoning by judges and jurors in 1996. The bathing event about Rachel (which will once more be recounted in a moment) is a typical example.
- It is fascinating to explicate the logical rules underlying concrete judicial deductions, and trace them through many heterogeneous fields and many centuries.

§824. Third, few judges would today dare take a stand on biological problems without support of a biological expert witness. But most judges think they are qualified of taking a stand on psychological issues. They may state things which are comparable to the renaissance judges' biological ideas, and which are firmly refuted by the science of psychology. Scharnberg (1993, I, §636) introduced the expression *flat earth psychology* about psychological counterparts to the idea that one can see with the naked eye that there is no universal power of gravitation; if there were, neither birds nor aeroplanes would be capable of flying. When asked about all kinds of nakedness in the family, Rachel's father innocuously recounted an event when the daughter was 11 years old. The mother had spilled out milk upon her. Rachel had become "hysterical", and he had tried to calm her down by washing her entire body. The district court (Henrikson, Larsson, Gustavsson, Johansson, Brunngård, Nyqvist) decided that the father would hardly have been able to recall this event after 8 years, if nothing more than washing had taken place.

§825. Fourth, we cannot leave to the judges to decide for themselves whether and when they need information from an expert (nor could we leave

to judges to decide for jurors). A judge may *experience gaps* in his knowledge. But he will feel no gap where there is genuine knowledge, or false beliefs, or common or private prejudices. The renaissance judges might have refused the defence to call a biologist to inform them, because they were convinced that they did not need any knowledge in addition to what they did not already possess. Today, judges (and jurors) imagine themselves to be qualified to evaluate theories of repression and other things which flagrantly exceed their competence. We have seen plenty of examples comparable to the triplet deduction.

In fact, *the judges' need of assistance from experts is significantly greater, if the judges are not even aware of their ignorance.*

§826. Judges may uncritically accept pseudo-scientific ideas. They may uncritically reject firmly established scientific results. But they are often a little afraid that mistakes may be exposed in public. They may therefore (a) apply deliberately vague formulations, so that it cannot be gathered from the judgement whether or how much the verdict was influenced by the expert witness(es); (b) ignore the content of the testimony and simply join the expert with the most superior titles; (c) let the public lay opinion decide.

Psychoanalysts have for a century claimed that they have an almost magical capacity for seeing through people and exposing the ultimate reality. Astonishingly, it is not realised that such ideas of personal excellence are frequent among narrow-minded gossip mongers. But the psychoanalysts' claim has been extensively and intensively disseminated in academic papers, textbooks, mass media news, novels, movies, and so on. Theories which judges will incessantly encounter *during their leisure time* may influence their judgements much more than the evidence presented during the proceedings, or the laws passed by the parliament.

But the result is that judges feel an immense admiration of clinicians. The most flagrant nonsense is accepted as firmly established truth, if only it is emitted by clinicians.

The scientific facts are clear-cut: *As regards assessment of personality and trustworthiness, clinicians are not superior to non-academic laymen. They are inferior to laboratory psychologists. Clinicians with a long clinical experience are inferior to beginners.*

§827. *The underground case* of 6-year-old Vessela has been briefly touched upon in the present volume, but is primarily described in Scharnberg, 1993, I, chs. 31-33). *On page 1* of her affidavit Erene Svensson Björhn wrote that she had not at all performed any investigation as to whether Vessela had been abused. Consequently, she had not obtained any indication of abuse. *On page 2* she wrote that it is an indisputable fact that Vessela has been abused. The fact that the child had said nothing about abuse, proves that the assaults had been so painful that they had resulted in

total amnesia. A further contradiction was likewise overlooked by the court (Boström, Hjerner-Bengtsson, Larsson, Lindgren, Karlsson, Reinebo): *despite her total amnesia*, Vessela had stated things to her mother and during the police interrogation.

Anita Palm testified that Vessela was trustworthy as regards the occurrence of the abuse. In a newspaper interview judge Boström mechanically plagiarised her postulation. For some enigmatic reason Palm totally rejected the child's information about the number of assaults. Consequently, judge Boström did the same thing.

§828. If two psychologists arrive at opposite results, judges are strongly inclined to take their disagreement to prove that *both* positions are unfounded, and that psychology *as a whole* is no rational enterprise. If 17 judges decide that there is foolproof evidence that the defendant committed a serious crime, while 10 judges decide that no crime at all was committed, then this pattern is taken to prove that the case itself was very difficult, and that all 27 judges applied perfectly rational procedures.

§829. Judges are even less competent of *selecting* expert witnesses. This is not in itself a reason for criticism, but it is a fact which must be faced. One judge told me that he had selected Egil Ruuth in the case of Ingalisa, because he had deemed it mandatory to have a psychologist with clinical experience of children. He did not know that Ruuth had no such experience. Many selections are chance phenomena. Others (not least those by the Court of Appeal of Stockholm in the case of Elvira) are clear-cut cases of ordering forged evidence. To judge Nyström of the Supreme Court, only those expert witnesses are acceptable who support the prosecutor's position.

§830. Among Swedish judicial writings, Edelstam (1991) is probably the most comprehensive book on expert witnesses. The standard of the book as a whole is far above the usual level. But the few aspects I shall discuss, comes close to the attitudes of judges who try to do their best to be objective.

When discussing the cutting-up trial, Edelstam uncritically plagiarised mass media: he managed to see enormous bias where there is none, and to overlook all the real and immense biases. Anyone who did not join the witch craze for a conviction, was by mass media deemed to be bribed or mentally deranged. We have seen that young Henriette, despite zealous attempts at indoctrination, did not say a non-trivial word. The legal evidence consisted of psychoanalytic interpretations. But Swedish Broadcasting attacked Astrid Holgerson with the words: “Who does not believe a young child? Only those who have wax in their ears.”

§831. Judges have a strong tendency to apply the following argument: an expert is biased if he has personal motives or if he has stated a position in

advance. But the application of this argument is highly inconsistent. Bodil Hjalte is not considered biased by having declared 24 suspects out of 24 to be guilty. Nor is the objectivity of Egil Ruuth and Kari Ormstad diminished by those nation-wide scandals, where even the courts had to admit that they were wrong. And Frank Lindblad may assert that children never lie about sexual abuse.

Objectively, (a) most personal motives go undetected; (b) most advance positions go undetected (or the judge who selected the expert is not aware of them, or does not care about them); (c) there are situations in which the absence of an advance view would prove a perverted attitude; (d) attempts at increasing authenticity by pealing off *known* instances of personal motives or advance views, are fruitless; (e) the best result is obtained if the quality of an expert testimony is decided on the basis of the logical and factual merits of the testimony itself.

I would never have mentioned the following circumstances in a research report, if they were not essential for rebuking Edelstam's opposite circumstances and argument. It would be a matter of routine to find personal motives why Jovan Rajs would like to harm Dr. Autonne; I take for granted that Edelstam is aware of these potential motives. But to him (like to me), they constitute no reason why the court should not take Rajs's investigation seriously. By contrast: to Edelstam alone, it was an inexcusable mistake of the court to ask for the view of a further expert with whom Rajs has a reciprocally negative relation. And the mistake is not diminished by the facts that the other expert was only one out of a series who were asked; that he contributed with the most important non-psychological information of the case; and that the court did not know about the personal relation.

One may speculate about Edelstam's motives. Rightly or wrongly, I do not think his aim is to produce a false conviction at any cost. I imagine he wants to prove that courts always arrive at the correct verdict. Consequently, if one expert witness has made a mistake, only such further expert witnesses should be appointed which would repeat the same mistake.

§832. Edelstam wants to say something nice about expert witnesses engaged by one of the parties; in a criminal trial this means almost invariably the defence. He claims that expert witnesses appointed by the court tend to state the conventional view, while those engaged by the defence tend to state alternative views. I fail to guess what cases he could possibly have in mind. I fail to detect a difference between the procedures and results applied by, say, Astrid Holgerson or myself, depending on our legal status in particular cases. As can be seen from the written judgements, neither have the judges detected any such difference.

Still worse: I am dumbfounded as to *how Edelstam manages to disclose whether a certain view is conventional or alternative*. When I

have been engaged by the defence, I am not aware of ever having presented anything else than a conventional view, if the term is taken to mean a view which is in agreement with international scientific research. Nor am I aware of ever having had a court-appointed opponent whose view was conventional in the sense just defined.

In the cutting-up trial, it would be an impossible view that both Lindblad and Holgerson represented conventional views. It is no far-fetched guess that Edelstam, because of the mass media campaign, imagined that Holgerson and Hellbom were engaged by the defence. He may also have felt that the hero of mass media presented the standpoint of ordinary science. Or he may have felt that the primary expert of *The National Board of Health and Welfare* had a higher position (and *therefore* a more conventional view) than the leader of *The Witness Psychological Laboratory at Stockholm's University*.

In the case of Delphine & Solange, the following psychological experts were involved (in chronological order): Bodil Hjalte, Max Scharnberg, Elizabeth Loftus, Astrid Holgerson, and Lena Hellblom Sjögren. The dividing line goes between Hjalte and all the others. Hjalte and Hellblom Sjögren were appointed by the court. To suggest that Hjalte held a conventional view, is flat earth psychology.

§833. The Swedish Association of Psychologists has suggested that an expert witness should never take a stand as regards the question of guilt. There is no sensible justification for this principle, and almost all psychiatrists and psychologists almost always transgress it. The real justification is that judges request the absolute monopoly of making such decisions. But while only judges' decisions lead to societal sanction, it would be much more honest to frankly permit expert witnesses to state their view in a straightforward way, whereafter the court might decide to accept or reject their view. Attempts at wrapping up the message by the expert, will result in confusion: the expert may guarantee that the girl is telling the truth about her father having abused her. But the expert may deny having expressed any view as to whether the father is guilty of having abused his daughter. Linguistic mire may invite cheating. The expert may declare some phenomena to be "*compatible*" with abuse (but almost every phenomenon is compatible with almost every other one); or he may use insinuations ("*the child has been exposed to a severely traumatic experience*") to escape the obligation of presenting evidential support.

A second addendum, concerning psychologists other than those who appear in the court. Present psychotherapy in prison is primarily aimed as a kind of psychic torture over and above punishment met out by the court. The therapists are perfectly aware of the inefficacy. They deliberately work for maximising the number of innocent convicts. If 80% are innocent, and all are forced to have therapy, at least 80% will not "relapse". And then this impressive result can be used to prove the high efficacy of the therapy.

One could treat a non-existent kidney stone with porridge compresses for years. An X-ray examination and surgical operation may reveal whether there is any kidney stone or not.

§834. Both proponents and opponents of the incest ideology have

often suggested that psychotherapy of an alleged victim is impossible, unless the therapist takes for granted that abuse has really occurred. Now, if an adult male patient states that his neighbour secretly gives him sleeping medicine every night in order that the neighbour may have sexual intercourse with his wife, it is neither the habit of therapists nor a defensible approach to take such ideas at face value. Secondly, if a child or teenager has succumbed to external pressure, the patient may most of all need courage to tell the real truth.

Thirdly, *it has always been the policy of psychodynamic therapists to perceive their patients as marionettes in the hands of their neurotic needs.* A lucid description of this attitude is provided by Freud:

> “In his efforts for opposition at any price, he [=the patient] may offer a complete picture of someone who is emotionally imbecile. [...] his critical faculty is not an independent function, to be respected as such, it is the tool of his emotional attitude and is directed by his resistance. If there is something he does not like, he can put up a shrewd fight against it and appear highly critical; but if something suits his book, he can, on the contrary, show himself most credulous.” (GW-XI:303/SE-XVI:293) [Q-834:1]

And we have seen throughout the entire ninth book that Dr. Lambdason felt nothing but contempt of Mr. Deltason's own version of his feelings, motives, and past experiences. Why must sexual abuse be treated in the completely opposite way by the very same therapists?

Chapter 117
Witness Psychology and Experimentation

A world of words, tail foremost, where
Right - wrong - false - true - and foul - and fair
As in a lottery-wheel are shook.
Percy Bysshe Shelley

§835. *Why do we need witness psychologists (or comparable experts)? Because of two reasons. There are some things which judges (or jurors) can do just as well, and which are crucial to correct verdicts, but which judges (or jurors) refuse to do. There are other things which judges (or jurors) neither can do nor are prepared to do.*

Furthermore: *the less judges and jurors are aware of their need of assistance from experts, the greater is their need of such assistance.*

We cannot leave to judges to decide what assistance they need. *The task of the expert witness cannot be to fill out empty gaps which are devoid of both knowledge and pseudo-knowledge.*

§836. Numerous strategic pseudo-arguments have been constructed to prove that witness psychology (a) is not a science, (b) is not even possible, or (c) is not applicable within the field of sexual abuse; etc. Such arguments are intended to remove obstacles to false convictions. A lie (which may have the appearance of a scientific deduction) may be told in five seconds, but may take months to disprove. Hence, the refutation of the strategic pseudo-arguments could never catch up with the construction of new ones. The aim of the present chapter is not just to refute some arguments already advanced, but to enable the reader to recognise future arguments pertaining to the same category.

§837. International readers should beware not to take for granted that there is no reason to bother about arguments which have not even reached their own country yet. But the trend of anti-experimentalism and anti-quantificationism started in (Western) Germany around 1968 and soon swept over all Scandinavia. *Twenty years later the same trend had reached the entire North American continent under another name, "New Age".* Many of the arguments were almost literal plagiarations. But much of their persuasive power derived from the fact that they were presented as unprecedented innovations.

In Sweden, the very first attempt at refuting this trend which was rather comprehensive, was Scharnberg (1984). Nonetheless, this book was much less influential than one might think, because in 1984 the trend was already on the wane. The anti-X&Q ideology was tailored for attacking traditional methodology. But its proponents eventually

reached positions where they had to *perform* research rather than to *criticise* research. They soon found out that their "new and revolutionary methodology" did not work.

If North Americans had known about the European origin and the subsequent European development, they might have escaped the same mistake.

Although we shall never know the answer, the question may be asked whether the incest craze would have been less extreme, if North America had had a firmly rooted tradition of witness psychology.

There is a long tradition of using metamethodological speculation for confusing the issue. Scharnberg (1984) devoted a whole chapter to the analysis of the validity and secret motives behind the arguments advanced by Harré & Secord (1972). But already the Padua school used such pseudo-arguments against Copernicus (Duhem, 1969). And in the 19th century Lady Welby (Hardwick, 1977) constructed a specific semantic method for proving the positive social nature of Negro slavery, even to the Negroes themselves.

§838. Very few attempts have been made to construct *intellectual* objections against witness psychology. But in his testimony in the Fiscal Court of Appeal Frank Lindblad repeated Bring's (1991) idea: we may perform experiments with *witnesses*, but neither with *victims* nor with *defendants.* Consequently, a witness psychological analysis could be performed on statements by *witnesses*, but never on statements by *victims* or *defendants.*

If the impossibility of experimentation is an insurmountable obstacle to the general application of witness psychology, why are *psychiatrists* not in the least handicapped in assessing accounts by (alleged) victims and defendants?

Bring's idea is completely alien to Trankell (1971), who described 2 cases primarily concerned with witnesses, 2 with defendants, and 5 with victims. It would be a tough job to re-construct Trankell's analytic procedures (e.g. his *principle of isomorphy*) in such a way, that they would be valid if applied to one group but not to another. - Bring also overrates the role of experimental results in witness psychology.

§839. Foremost, the objection reveals a lack of understanding of the nature and aim of experimentation. Many excellent studies have been produced. But Scharnberg's (1993, II, §§1078-1090) presentation was explicitly developed in response to the anti-X&Q movement. During the 1970s, most proponents of experimentation defended their approach by iterating those arguments which the anti-X&Q representatives were most skilled in attacking. These representatives depicted experimentation as a ritual comparable to card games: playing experimentation is as inadequate as playing bridge, if the goal is to discover the structure of reality.

§840. Scharnberg (1993) carefully avoided taking as an axiom any statement under attack. His analysis is, as it were, a distillate of the inner monologues actually going on in a researcher, when he chooses whether to apply an experimental or a non-experimental design. The fundamental idea is

that the researcher is confronted with an opaque situation of intertwined causal relations. In order to disclose which subsequent event derives from which antecedent event, the researcher must *separate away* causal relations. Separation can be done in three ways: in thought only, and in two different physical ways. Here, little more will be said about the first alternative, except that Durkheim's (1930) study of suicide constitutes an excellent example. We may physically neutralise or eliminate certain causal relations, e.g. by keeping certain conditions constant or randomising them.

The device of producing the independent variable at will, is an instance of physical dislocation. This second category is mostly though not invariably concerned with *temporal* dislocation. Janet's (1893 = 1894 = 1901) is still the most superior study of hysterics.

A "fully" experimental design should be strong in both kinds of physical separations. But all degrees of strength of each "dimension" may combine; and all are encountered in various concrete studies. Janet's investigation is very strong in temporal dislocation but weak in physical neutralisation. One of the merits of Scharnberg's analysis is the well-founded emphasis upon the gradual transition between experimental and non-experimental designs. Each and all arguments by the anti-X&Q movement are based on the postulate of the sharp boundary. Hence, they are immediately seen to be invalid.

§841. The empirical fact of the gradual transition, may also undermine the opposite movement: *ritual experimentalism*. This is the attitude that a walk to the laboratory will in some enigmatic way guarantee that one's results constitute a genuine contribution to science; while non-laboratory research falls outside the scope of a scientific psychology. Throughout the 1970s and 1980s I maintained against the anti-X&Q movement, that ritual experimentalists never formed more than a microscopic minority. Unfortunately, ritual experimentalists seem to have grown in size during the last years, at least in Sweden.

Numerous laboratory studies occupy a low position in the two-dimensional framework outlined here. A study may have separated away 5 causal relations by means of physical neutralisation, but may have failed to separate away 10 more important ones. 2 causal relations may have been taken care of by physical dislocation, but 10 more important ones may remain. Consequently, the study may prove nothing of what it purports to prove. If we think of experimentation "per se" at the royal way to truth, we are indulging in a magical ritual and not in scientific research.

§842. I have always emphasised that I am a textual analyst, not a witness psychologist. But both approaches are overlapping, and the difference is not relevant for the problem at hand. Take any case from the present two volumes; for instance, the alibi evidence of the defendants in the cases of Betsy and Erna. *What* causal relations need be separated away,

before we are entitled to draw those conclusions I have drawn?
The reader may try for himself to answer the same question about all the other girls - e.g. Henriette, Mignon, Corinna, Linda, Graziella, Ingalisa.

In most psychological experiments the subjects were young students of psychology. It seems odd that such results could easily be extrapolated to witnesses whose words may lead to a life-sentence; but never to injured parties or defendants.

We cannot expose a group of children to protracted sexual abuse in order to disclose universal indicators distinguishing true and false allegations. *But*: we can neither expose the children to such hardship in order to measure the probability that other members of the family - *as witnesses* - will not notice anything.

§843. Bring's basic mistake has to do with the difference between *generalisation to individuals* and *generalisations to properties*. Any student of psychology, sociology or the science of education will be extensively trained in distinguishing valid and invalid generalisations within the former field, and will have to familiarise himself with an extensive and heterogeneous variety of pitfalls. By contrast, I am unable to mention any text which is concerned with the second field (disregarding philosophical texts of no practical importance). Students will at best pick up a few scattered remarks here and there.

Whatever method applied, we are almost never interested in exactly those results we obtained. *Spontaneously and without much awareness we will "conclude" that the results would have been exactly the same, if a host of circumstances had been different. We will, as it were, CLAIM TO HAVE OBSERVED THE IRREAL CONDITIONAL. We will claim to have observed that, if we had observed certain things which we have not observed (viz. a modification of the antecedent event), then we would have observed the very same subsequent event.* - Researchers who suggest that science could at its present stage dispense with this rule, are unaware of their own endeavour.

§844. Psychological students may witness a make-believe robbery. They may be asked to identify the offenders from a sample, after they had been exposed to a variety of information, disinformation, and other influences. Bring thinks we are entitled to generalise from this situation to witnesses in an incest trial. But this is a much more bold extrapolation than the application of Trankell's procedures to individual recounts by witnesses, defendants, or victims.

§845. We need no experiments with victims in order to know that a girl who has no phenomenal memory, could not deliver more or less literally the same dialogue in the district court and the Court of Appeal, unless she had trained the sheer verbal formulations by heart, in the very same way in

which an actor will train his role according to the written text. Nor do we need any experiments to establish that a genuine incest victim with access to authentic recollections, would never apply such a procedure of preparing herself for the proceedings.

Much knowledge has been obtained by designs which, from the scientific point of view, leaves nothing to be desired as regards temporal dislocation, and which is also satisfactory as regards physical neutralisation; viz. the numerous police interrogations proving that many children and teenagers can be pressed to tell the most extreme untruths. If a university professor exposed his subjects to a comparable unethical treatment, he would be forced to resign. - In other words, Bring's argument is refuted even by her own allies.

§846. Now to the next argument. According to Frank Lindblad's testimony in the Fiscal Court of Appeal "Birgit Hellbom demonstrated how poorly things may turn out when a witness psychologist without experience with children tries to analyse a child just as if the child was an adult of a reduced size. [...] It is characteristic of Hellbom that she conceives of children as small-scale adults." Following the psychoanalytical tradition, Lindblad accuses Hellbom of what is flagrantly true of himself. His argument is concerned with the event of the wasp, X-8 in §592, and §632. Hellbom had noted that a child of 2½ years of age might perhaps recall the pain of a needle of a hypodermic syringe she received one year ago. But it is hardly possible that she would have such a clear recollection of *a small mark produced by the needle upon her arm*, that she would one year after the event be able to point out the place of the mark. *This* analysis is used to prove Hellbom's ignorance because, as Lindblad goes on: "*In actual fact just the opposite is true.* One would expect young children to have a greater number of *bodily recollections* than adults, and a lesser number of *abstract recollections*, and the recollection of a prick would belong to the *latter* category."

If the word "latter" is not a slip of tongue, the entire argument is in agreement with Hellbom's argument. But the argument as a whole seems to be aimed at postulating that a child receiving a syringe at the age of 1½, would more easily recall the mark on her arm, than the pain of the needle, because the pain is more *abstract* (!) while the mark is more *concrete*. And then Piaget's theory is misused to prove that concrete entities are more easily retained in the memory.

A young boy may say, "I have a brother named John". But he will deny that John has any brother. Young children are not capable of *abstraction and reversals*. Lindblad does not realise how strange it would be, if a very young child, after actually having observed an autopsy, would place herself in the position of the body and say: "I am afraid that he will cut

up my back with the scissors." Such words are unambiguous signs of indoctrination.

§847. I take the liberty of quoting one more example of Lindblad's policy of accusing Hellbom and Holgerson of what is flagrantly true of himself: *"Observations and conclusions are mixed up without discrimination and in a very opaque way. Within medical science we are eager to draw a clear boundary between these qualitatively disparate elements"* (italics added).

The examples reveal Lindblad's skill in rhetoric. They also reveal judges' proneness to be deceived by the most transparent persuasive devices.

§848. One objection to witness psychology is that the name does not adequately correspond to the content of the discipline. But dozens of sciences have "wrong" names (e.g. meteorology). We might re-christen all "wrong-name-disciplines". But any field of inquiry is in a continual flux, whence comparable "discrepancies" would soon re-emerge.

It has been said that there must be something wrong with witness psychology, since no international discipline exists with in this field. Here, we are approaching a genuine obstacle. No science will grow very well, if its application is prevented. The medical profession would not devote immense time, labour and money to develop more keen diagnostic techniques, if the law required that every medical diagnosis should be made by a group of laymen chosen at random for the patient at hand, whereafter the doctors were obliged to supply treatment in accordance with this lay diagnosis.

In Denmark, police and court testimonies are not audio-recorded. Witness psychologists are permitted to give personal advice and assistance to an attorney. But they may not be heard in court. Clinicians do not take an oath or a semi-oath. In the U.S.A., a chaotic conglomeration of court decisions determine what an expert witness may or may not testify about.

§849. A witness psychologist or a textual analyst will present (a) facts, (b) procedures, and (c) conclusions. He may explicitly list the facts he used; and the latter may or may not already be known to the jury. He may explicitly state what analytical procedures he used. And few if any judge or juror will be capable of performing such analyses. He may explicitly explain how his conclusions were derived from the facts. In sum, his presentation may be so transparent that judges and jurors can decide for themselves whether he arrived at a valid conclusion. - Such a presentation might in the U.S.A. be rejected on the ground that the expert had merely testified on such things which the jurors knew in advance or could decide by themselves.

By contrast, a psychiatrist may present (a) no facts, (b) no procedures, and (c) private prejudices claimed to be conclusions based upon occult facts. Most judges in the U.S.A. would permit such a testimony on the ground that the psychiatrist had presented facts which the jurors did not know in

advance and could not decide by themselves.

§850. During the last two decades, all the forbidden things have been permitted to slip in through the backdoor. Lenore Terr was permitted to state that even if she had been ignorant of what Paul Ingram was supposed to have done, she would have been able to disclose the nature of the crime on the basis of her examination of Eileen Franklin. If "Swedish" testimonies are sometimes permitted in the U.S.A. (e.g., if they support the prosecutor but not if they support the defence), much will be gained by generally permitting them, and by developing a scientific discipline about the specific conditions under which they are valid or invalid.

§851. In Sweden there was much fuss when a business man had falsely claimed to have a Ph.D. degree (in Sweden called "doctoral degree"), and was exposed in 1986. Friends of his noted that the title "a doctoral degree" is not protected by the law: anyone has the right to call himself a "doctor".

The incest ideologists caught the idea and for years propagated that "anyone has the right to call himself a witness psychologist". It was claimed that a lot of people testify in the courts as witness psychologists without having the appropriate training.

To this date it has never occurred in the history of Sweden that one single person has testified as a witness psychologist without have the formal training either in witness psychology or in pseudo-witness-psychology (but the latter group was always welcomed by the incest ideologists). The hidden insinuation derives from the fact that the founder of Swedish witness psychology, professor Arne Trankell, voluntarily left *The Association of Psychologists*, and that his successor as leader of the Witness Psychological Laboratory at the University of Stockholm voluntarily refused membership when asked to join the Association; the Association had certified that she had in every respect the appropriate training for a full membership. - But the new argument was specifically directed against her.

§852. There has never been any witness psychologist who had no clinical training. Nonetheless, the accusation of want of clinical training is recurrent (inter alia by judge Inger Nyström). As for the want of clinical experience *with children*, one or two such persons can be found among the witness psychologists, and equally few among the pseudo-witness-psychologists; but this want is claimed to be a handicap solely among the former group.

This sample may suffice. The pseudo-arguments are recurrently presented in numerous academic, legal, and lay contexts. We can be sure that many of them will soon be forgotten, and that completely new ones will be invented. They prove little more than the incest ideologists' zeal in maximising the number of innocent convicts.

§853. An appendix to the present chapter may not be entirely uncalled-for. To numerous scientists, adequate methodology is simply those conventional procedures they use to apply or believe that their colleagues apply. They have little understanding of the logical basis of procedures. If a manifestly invalid procedure has slipped in among the conventional ones,

they will defend the latter. And if they - rightly *or wrongly* - imagine that some procedure is not conventional, they will reject the latter.

They are singularly unaware of the fact that the overwhelming majority of scientific research consists of not studying the phenomenon in which we are interested, but of studying *indirect signs* of that phenomenon. The problem is almost never: do we have access to the phenomenon itself? It is: Is the sign we are observing a valid indicator of the existence and nature of the phenomenon? During the history of science, grumblers have claimed that the only possible way of verifying the temperature of a celestial body, or the age of the dinosauruses, is to perform measurements at the very same spatial or temporal location. Their recent counterparts assert that the only way of disclosing whether Freud's clinical observations are faked, is by comparing his printed texts with his private case-notes (which they falsely claim do not exist).

§854. Armchair philosophy about what problems must be solved before what other problems can be researched upon, is almost invariably wrong. Our fundamental knowledge of the structure of the atom is derived from our study of stellar light.

Lyell's (1841) *Elements of Geology* constituted the coming of age of geology. His book contains numerous common sense rules of great value; e.g., if one stone is included in another stone, then the included stone is older than the including stone. An incompetent methodologist might object that Lyell has no right to advance such a claim, unless he had first verified the statement by experimentation. (Analogous objections may be raised against Jägerskiöld's, 1987, analysis of the case against Carl Jonas Love Almquist, cf. §§59f.) But the fact is that each and every experiment is totally uninterpretable, unless a significant number of non-verified rules of such a nature can be taken for granted. During the earlier stages of any discipline (excepting disciplines which are the outgrowth of other advanced disciplines), such rules will belong to common sense. They may later turn out to be false, and may need to be substituted with others. But the same is true of any scientific statement, verified or not.

To sum up: many scientists may enormously underrate *or* overrate the difficulties of disclosing certain things. Flagrant nonsense may be accepted as thoroughly established empirical results. And meticulously verified outcomes may be rejected as wild speculation. - Quite a few concrete examples will be presented in the 18th book.

Chapter 118
Recommendations

> *Keine Wahrheit ist in der Welt konkret verwirklicht worden ohne Advokaten (Rhetoren, Demagogen). Die Wahrheit so gut wie die Falschheit braucht den Advokaten zur Verwirklichung. Wahrheit setzt sich nicht "von selbst" durch.*
>
> Karl Jaspers

§855. Because of want of space, the discussion of some important professions had to be skipped, e.g. social workers, journalists, and prison psychotherapists. Child psychiatrists and pseudo-witness-psychologists have been extensively commented upon elsewhere. And Öhrström (1996) has discussed the reporters' influence upon the direction of the development.

If the nature of a problem is perceived, the insight into what kinds of changes are needed, could be a matter of routine. If the problem is not understood, *this* is the real obstacle. Two centuries ago it was not the aim of medical science to cure, improve, or prevent diseases, nor to produce correct diagnoses. Hence, recommendations about how such things could be achieved were met with indifference or hostility. - Presently, judges, politicians, the general opinion etc. deem it perfectly acceptable that hundreds or thousands of innocent people are sent to prison; and that the legal system has an excessively low performance level. With this point of departure, why should they take the trouble of improving things?

Even if the evil is faced, it is tempting to suggest *new laws* as the remedy. But the transformation observed during the last 20 years, primarily took place within the framework of existing laws. The wrong persons in key positions may ruin the effect of the best laws. Responsible persons may achieve smooth function despite very poor laws. *Substitution of persons is therefore much more urgently called for than substitution of laws.*

§856. At the present time, the incest ideologists have taken control of a comprehensive number of very influential organisations: *The National Board of Health and Welfare, Children's Rights in Society, Save the Children, The Children's Ombudsman, The Supreme Court, the Association of Psychologists, The On-Duty-Service-for-Maltreated-Women, The Council for Crime Prevention,* as well as a large part of mass media. The Supreme Court is a place of rewards for faithful service with quite different things. As regards evidence evaluation, the judges of the Supreme Court are the least

competent in the country.

In §806 we noted various ways in which teaching of evidence evaluation could be improved, and the field could be given more prestige. It is particularly important that competent persons are added to the Supreme Court.

Hence, my first recommendation is: substitution of inappropriate persons on numerous key positions, with competent and honest individuals. My second recommendation is to produce a satisfactory training and performance on evidence evaluation. While this change must include substitution of persons, other things must be substituted as well.

§857. International readers may be less interested in the following peculiarity. A member of the Swedish government is absolutely forbidden to intrude in any specific case within any domain. However, there are numerous indirect ways of influence. And they are regularly used as signals to judges, social workers, and others. A ministry may start a series of investigations, and such endeavours may functions as signals to judges - e.g. that the minister of justice wants more people, or less people in prison; longer or shorter sentences; and so on. The decision to establish a central register of all incest “offenders” was announced 931004. After the false prison sentence, these people should be persecuted for the rest of their life - e.g. prevented from taking any job where they might have the least contact with children. Not unexpectedly, Frank Lindblad will be a member of the board. (Interestingly, such a register clearly demonstrates that the psychotherapists themselves do not believe in the postulated high efficacy of incest therapy in the prisons.)

Whilst my book was printed, the Minister of Justice appointed an extreme incest ideologist, Johan Hirschfeld, to be president of the Court of Appeal in Stockholm. In his former job as the Chancellor of Justice, made the verdict that neither the Court of Appeal nor the Supreme Court had made any legal error in their handling of the case of Graziella. He is a true believer in Hanna Olsson's (1990) mendacious account of the cutting-up trial.

Both measures are typical indications to social workers, child psychologists, police officers, prosecutors, and judges, to attain a higher number of innocent convicts, ruined families, and broken-down children.

It is simply not true that a minister can do nothing.

For instance, a minister could start an investigation of all convictions from the last 10 years with the purpose of examining how many convictions were justified; or how they were motivated by the courts. Descriptive lists of justificatory arguments might be illuminating in themselves (cf. for instance the exhaustive lists of two cases in §147 and §692). Experts of logical analysis and other subjects could scrutinise the validity of such arguments. More about this later.

§858. In ch. 55 I suggested the creation of a public defence office, parallel with the office of the public prosecutor. And this will be my third recommendation. A defence office might have easily available scientific facts and insights, e.g. on the non-existence of repression and lifted repression; on the strong inclination of clinical psychologists of indoctrinating their patients of all ages; on the degree and nature of human suggestibility; on lie indicators; on textual analytic methods; on the

exceedingly low competence of clinicians in assessing trustworthiness and personality; on the extraverted personality, its proneness of lying and its skill in producing the impression of being absolutely trustworthy; on the pseudo-scientific nature of "incest symptoms"; on the fact that so-called somatic signs of sexual abuse (even the detection of gonococcol infection of spermatozoa) constitute the very opposite of clear-cut evidence, and need complex interpretation before they indicate anything at all; and so on.

The immediate effect would be that prosecutors, police officers, psychologists, psychiatrists, gynaecologists, and social workers, would realise the impossibility of achieving convictions by means of transparent bluff. Bluff cases would seldom if ever be started, and they would usually be abortive. The police could focus upon fighting genuine criminality, including genuine instances of sexual abuse. Quantitatively, the Swedish legal system would have at the very least one case less to handle each day. Since more than 25 judges may be involved in one single case - often for numerous hours - the public defence office will pay for itself and yield a large return to the taxpayers. To this saving must be added the disappearance of the cost of false prison sentences.

A financial expert might calculate the exact cost of the Södertälje case of recovered memory. A common denominator of my recommendations is that the return will multiply the expenditures. The same is also true of the suggestion in §764f.: giving effective therapy to the minority who is really afflicted with sexual inclinations toward children.

The fourth recommendation is to abolish all the incest groups immediately. They need not even finish those cases they have started.

§859. The fifth recommendation is to create an official commission for surveying all convictions for sexual abuse of children since, say, 1985, January 1st. It would be preferable to have representatives from other countries; linguistic difficulties will hardly arise for Denmark, Finland and Norway.

All three neighbouring countries are significantly more rational and mature as regards such cases. Nonetheless, we should not take for granted that all judges are any better. Denmark, Finland and Norway have their own scandals.

In ch. 44 I documented that a comprehensive team forged evidence, and that some of its members committed perjury, in the case of Vanessa. The latter was reported to *The European Commission of Human Rights*, though before I investigated the body of evidence. Hence, the analysis known to the present reader, was not known to the Commission. The latter comprised the following 20 members: C. A. Nørgaard, J. A. Frowein, S. Trechsel, F. Ermacora, E. Busuttil, G. Jörundsson, A. S. Gözübüyük, A. Weitzel, J. C. Soyer, H. G. Schermers, H. Danelius, G. H. Thune, Basil

Hall, F. Martinez, C. L. Rozakis, J. Liddy, L. Loucaides, J.-C. Geus, A. V. Almeida Ribeiro, P. P. Pellonpää. The Commission is not a kind of superior court who may express views of the material substance of a case. Even an unambiguously false life sentence based on manifestly manufactured evidence, does not entail that the convict's human rights (as understood by the Commission) were violated. Hence, the Commission could have rejected the application on formal grounds without deserving blame.

However, the above listed 20 judges did more than that. Their text reveals that *they* would have convicted Vanessa's father, and that *they* were totally incompetent of seeing through the pseudo-evidence. They talk of “a considerable amount of other circumstantial evidence such as medical opinions and witness statements”, and conclude that “the application is manifestly ill-founded”.

§860. Although the incest craze its much worse in Sweden than in any of the neighbouring countries, the incompetence of judges in evidence evaluation seems to be an international phenomenon. As shown by Tange (1995, inter alia p. 95), Danish judges manifested little interest in justice, until mass media demanded such an interest. And the evidence refusal by the Danish judge Inger Mikkelsen can certainly match that of the Swedish judge Widebäck.

We must therefore ask whether the incest commission outlined above may need assistance from other professions habitually concerned with evidence evaluation of a variety closely related to the kinds presented during legal proceedings: some historians, witness psychologists, textual analysts when they are concerned with legal cases, a few researchers of applied logic, and much fewer cognitive psychologists.

§861. But it is not enough that a specific commission pronounced its view. A sixth requirement is that more than 1000 innocent convicts must be truly acquitted - with or without a new trial. Written judgements without a trial are possible according to Swedish law, although they were not originally intended for cases like the ones at hand.

The law of legal proceedings in trials and law-suits, ch. 58, §2, states four grounds for re-opening a case; the most important is that new evidence has emerged. But many falsely convicted people may not be able to present any non-trivial new facts - inter alia, because the Supreme Court has already put down foolproof evidence of their innocence. However, at least three other options are open. The simplest solution is that the conviction is manifestly against the law. Another alternative is that there are “exceptional and very strong” reasons to re-consider the case.

A further option should not be overlooked. Strictly speaking, the Supreme Court is only entitled to *clarify* the law. But the Supreme Court has repeatedly *stretched* the law in directions never intended by the

parliament.

The Swedish words “jäv” and “jävig” do not exactly correspond to the English “challenge” and “challengeable”. The English words are primarily related to external measures (*raising* a challenge), while the Swedish words are primarily conceived of as a property of a person (a judge or a witness *is* “jävig” = fundamentally biased). What has hitherto counted as “jäv”, was very restricted. But the law does not in the least prevent the Supreme Court from deciding that a judge who was the victim of a mass craze when he made his verdict, was “jävig”.

§862. The judges are not in the best position to object to such a minor innovation, which is not even against the spirit of the law. Five judges of the Supreme Court deciding that Graziella's father should remain in prison, and claimed to have based this decision upon a determinate set of documents. We have caught these judges in flagrante delictu: they had not even read the documents. But according to contemporary legal quibbles, any fact is no longer “new evidence” if it has once been *in the mailbox* of the Supreme Court, even if no judge had ever read the fact.

Seventeenth Book

The Embryo For a Descriptive Logic of Judicial Decisions

Chapter 119

Social Anthropology, the Extensional Framework, and Legal Paradoxes

In particular members of health staffs - I guess it is no accident that I myself became a doctor! - are recruited from families of sexual abuse. Frequent professions of individuals who are not aware of being victims of sexual assaults: jurists, nurses and clinicians, teachers, nursery-schoolteachers. Writers and artists should not be forgotten.

From a letter by a co-patient of Anna Kali who, like her, underwent recovered memory therapy

§863. If our aim is to formulate the deductive rules actually applied by judges, two principles are mandatory. (1) *Don't leave the problem to jurists!* (2) *Use an extensional approach!*

The second principle is easy to delineate. We may explain an unknown word *W* by means of a verbal sentence (the intensional approach), or by showing up a series of physical objects and say: these are instances of *W* (the pure extensional approach). An impure extensional approach is chosen if we verbally describe a series of instances and claim them to be instances of *W*.

The approaches have very different merits and shortcomings. The primary risks about the intensional approach are that an incomprehensible word is explained by means of an equally incomprehensible sentence; or that we imagine that we have understood what is just a series of nonsense syllables. The primary risk about the extensional approach (even in its pure form), is that many aspects of the same object could be intended, and that the listener may select the wrong one. If a ping-pong ball is shown up as an instance of *W*, *W* may signify a ping-pong ball, the properties white, round, spherical, small, hard, unitary, the number set of one, and so on.

Nonetheless, it is infinitely much more easy to conceal the truth by means of the intensional approach. When Sigmund Freud or judge Nyström claim that they proceed by reflecting upon the total body of facts and finding a solution which will explain all of them, this is an attempt at embellishing their procedures. Both of them pick up a few circumstances here and there, on the ground that they can be used to decorate their prejudiced ideas.

Throughout both volumes of the present report, I have continually applied the (impure) extensional approach. I have listed concrete examples and searched for common denominators. And this is what we *must* do, if we

shall have any chance of learning what goes on at the present time.

§864. A social anthropologist carrying out a field study of two years in a pre-literate society, will in the beginning observe numerous behaviours, ideas, emotions etc., which, on the one hand, are conspicuous and easily perceptible and, on the other hand, seem incomprehensible and absurd. A precondition for effective research is that he himself becomes *socialised* into the culture. As a result of the socialisation process, the behaviours etc. may become "understandable", "natural" and "logical". But because of exactly the same process he may *fail to notice* these "natural" behaviours.

In approximately the same way jurists - and not least judges - have become *socialised* into the judicial culture. And in the same way they may be blind to many of the behaviours and ideas of their profession. A certain argument may be perceived as convincing simply because it is in agreement with the way judges usually argue. Judges enormously exaggerate the logical clarity of their reasoning. I shall list a series of Swedish and Non-Swedish arguments whose clarity must be enigmatic to any non-jurist.

§865. I have seen two independent translations of an extensive decision by the district court in Thessaloniki. A Greek immigrant in Sweden was summoned by a telegram to appear before the court. A relative returned the telegram and claimed (truthfully or not?) that he was on a journey and it was not known when he would return. The district court ruled that it was qualified of handling the case in his absence *because* (read this carefully), *if the receiver of a telegram has gone away, the Post Office will stick the telegram on his door, whence he cannot fail to receive it when he returns*. - It is possible that the Greek Post Office applies this procedure. But how dare judges in Thessaloniki entertain any view as to what the Swedish Post Office do?

If a married Greek couple is living in Sweden, a Swedish court is competent of handling a case of divorce including the custody of the children, but Greek law must be applied. Now, according to §1503 (*Das Zivilgesetzbuch von Griechenland*, 1951) the custody is given to the innocent part. If both parts are guilty of the divorce, the sex and age of the children are decisive. In the present case, three independent rules unambiguously favoured the mother, and none favoured the father. But then a fourth rule is added in §1503: "The court or in urgent cases the president of the county court may make a discrepant decision, if so is required in the interest of the child, in particular transferring the custody of the child to a third person." - The fourth rule is manifestly intended for highly exceptional cases, e.g., if severe mental illness or criminality is involved. Nonetheless, a Swedish district court justified its decision by the kinds of arguments typically applied by Swedish social agencies: the child had already been living for four years in the family of the father's sister. Hence, the child should remain there.

It is not our concern whether this was a wise decision. The point is that the Swedish court claimed to base its judgement upon Greek law, although the judges were aware of having twisted the law so as to arrive at a typically *Swedish* decision, which they knew that

no Greek judge would ever have passed.

§866. With a few trivial caveats, the only way of re-opening a case in Sweden is to present new evidence, which was not known to the court when the former judgement was passed. The official aim of this rule is that the courts would be confused, if the very same body of facts could lead to different verdicts. But any judge knows that the very same body of facts *is* evaluated in highly discrepant ways by different courts. He also knows that the Supreme Court *would not* produce the same verdict, if *exactly* the same body of facts was encountered today, as in the Enbom case of the early 1950s.

The real aim is to feign that judges are infallible: the first final judgement was indeed the best one on the basis of the evidence presented during the first set of trials; while the second judgement was better solely because the body of evidence was different. Hence, there is no contradiction between the two judgements.

§867. A bishop was tried and convicted for having written a series of anonymous letters. It was deemed proved beyond any reasonable doubt (a) that he had indeed written them; and (b) that their content was highly insulting. For 10 years he tried to re-open the case, and obstinately maintained he had never produced the letters. Finally, a new trial motion was granted by the Supreme Court, which undertook to handle the case itself. After the second proceedings the Supreme Court found it proved beyond any reasonable doubt (a) that the bishop had indeed written the letters; and (b) that their mildly negative content was not at all indictable. The bishop got millions in damages.

Unambiguously, the second judgement was correct in both respects. However, the bishop would never have got a chance of having the case re-opened, if he had solely argued about the content of the letters. The Supreme Court would have answered that this aspect had already been evaluated by the courts and, hence, constituted no new evidence.

The paradox is that those circumstances which were mandatory for having the case *re-opened*, had no influence at all upon the *correction* of the erroneous judgement; while those circumstances which were mandatory for *correcting* the judgement, were worthless as grounds for *re-opening* the case.

§868. Christer Pettersson was selected to be tried of the murder of prime minister Olof Palme because the police and the prosecutor took for granted that mass media would never care about a false life sentence of a man with such a low social status. There is little doubt that he would have been convicted, if mass media had not already twice made the blunder of starting witch crazes against innocent people. But this is not my point.

Before the trial started in the district court, one of the lay judges said in

TV: the very fact that Christer Pettersson had been arrested for such a protracted time, constitutes a ground for assuming him to be guilty. This judge was forced to resign.

But let us construct a slightly modified fictive pattern: Pettersson had got a life sentence by the Court of Appeal, and the Supreme Court had rejected any further appeal. Before the trial all 5 judges had said exactly the same thing in video-taped interviews. But these interviews had not been shown in TV, until after the judgement had been passed and the appeal had been rejected.

Would this constitute a ground for re-opening the case? I do not know. But in such cases the Supreme Court is strongly inclined to apply the argument that *the convict has the burden of proving that the legal bias actually had a decisive influence*: he must prove that he would not have been convicted and would not have got the same sentence anyway. And such a task is generally hopeless.

§869. Accidental circumstance may determine the fate of a man. A few new trial motions concerning Violet's father had been handed to the Supreme Court, before I started to work with this case. In these, much weaker evidence was advanced than what is known to the present reader. Nonetheless, two out of the 5 judges voted for the following solution: although the final decision to grant the new trial motion should not be made, until the national prosecutor had been given the opportunity to comment upon the new trial motion, the father should be set free immediately.

But then these 5 judges took their holiday, and 5 others (including Inger Nyström) made the final decision. The new trial motion was rejected. One of the justificatory reasons is particularly noteworthy: if the father had been convicted on the basis of Dr. Bosaeus's testimony; and if the content of this testimony was factually or logically false; but the testimony had been emitted by Bosaeus in good faith; then the falsity of the evidence does not constitute a reason for a new trial.

This decision was made in 1989. Attached to it is an appendix in which it is stated that the authoritative writings are Welamson (1980), Cars (1959) and NJA (1986).

A few years later, the Supreme Court developed an unspoken agreement solely to produce unanimous decisions in cases of sexual abuse.

§870. The relevant law statute merely talks of “some circumstance or some piece of evidence” (“någon omständighet eller något bevis”). Must new evidence (as ground for re-opening a case) consist of *new observational data*, or would *a new analysis* do? The Supreme Court has never taken a stand on this issue. The former alternative will have astonishing consequences. A hypothetical example. Accountant Kappason was convicted of having swindled the firm of (the equivalent sum of) 800 000 ecu. The

evidence consists of all the account books together with the expert testimony that 800 000 ecu are missing.

A few years later Kappason tried to re-open the case. Another expert has made a meticulous analysis of the account books, and has convincingly demonstrated that not a penny is missing. The second expert is even capable of explaining in simple and understandable language *how* the first expert arrived at his erroneous result.

The judges have neither the qualifications nor the patience for scrutinising the books themselves. But they had *the physical possibility* of directing their eyes at any digit in the books. The Supreme Court might well rule that: because of the physical possibility, the new trial motion contains no new facts. It is just a re-analysis of the body of facts which were already available during the first trial. But analysis of facts is the exclusively provenance of judges. Consequently, the new trial motion must be rejected.

§871. Another hypothetical example. Thetason is tried of having raped his daughter in Stockholm on her 16-year-birthday 930405. She unambiguously identifies the TV programme transmitted during the act. Thetason unambiguously proved that he was placed in an incubator in Quebec during the entire year of 1993. The two lower courts write in their judgement: “Thetason has submitted evidence aimed at establishing that he could not have committed the act for which he is tried, viz. the fact that he was placed in an incubator in Quebec during the entire *1992*. However, since the act took place in 1993, this evidence is not relevant.”

In a later new trial motion, Thetason points out that the judges confused the years. The Supreme Court would probably answer: Thetason has produced no new *physical evidence*, but merely a new *analysis* of the old physical evidence. But judges have the exclusive monopoly of performing analyses. Hence, there is no ground for re-opening the case.

§872. I was an eye-witness when the Supreme Court of Denmark handled the Børge Houmann case 45 years ago. Both the prosecutor and the defence counsel will make their final plea from the same lectern. When the defence counsel made his plea, the prosecutor had placed a table right behind him, where two of his assistants were continually engaged in loud private conversations, and equally continually tearing up paper into piece. The distance from the attorney to me was significantly less that the distance from him to the judges. Nonetheless, it was difficult to me to hear his words through the noise. This state of affairs was tolerated by the judges (Frølund, Carstens, Krarup, Heise, Colov, Kaarsberg, Frost, Berning, Shulin, Hilbert) who, in other words, did not even try to conceal the corruption.

§873. Americans have pointed out numerous strange features of their own legal system. Some of them are particularly astonishing to Europeans; not least the labyrinth of arbitrary rules as to what is “admissible” evidence.

In the *Little-Rascal*-case, the prosecutor could hand over case-notes to the jury, which the defence had not been permitted to comment on during the trial. In another case a prosecutor was allowed to show up a jacket with apparent holes produced by gun shots. It later turned out that there were no holes in the lining. But the prosecutor was permitted to prevent the defence from examining the jacket, because the latter was not presented *"as evidence"* but merely *"for identification"*. Any competent judge would have realised that jurors cannot understand such quibbles, and that this measure was a deliberate attempt at misleading the jury.

§874. A curious feature of the Swedish legal organisation is the existence of two parallel systems with waterproof bulkheads between them. One system is concerned with criminal and civil cases, the other with administrative cases. An illuminative example was provided by Guillou (1985), which is included in Scharnberg (1993, I, §§716-724). After the divorce a father was in charge of the custody of his young daughter. Motivated by personal revenge, a social worker fabricated transparent fake-evidence of sexual abuse, took the child into custody, and had the decision confirmed by the county court. The mother, who had been contacted in advance, speedily claimed the custody in the district court. She won on the basis of the fake-evidence plus the support of the social agency.

The father appealed the decision of the county court to the Administrative Court of Appeal. But the latter told him that he had no longer any right to appeal, because he was no longer in custody of the child.

He had no chance of having the district court change its decision, or having the latter reversed by the Court of Appeal, *unless* he had already had the decision of the county court eliminated by the Administrative Court of Appeal. But he was not entitled to have his case handled by the Administrative Court of Appeal, *unless* the decision by the district court had already been reversed.

Another case. A psychologist had produced fake-evidence on behalf of the social agency, who had used the latter to take the children into custody. Both parents complained of the psychologist to The Medical Responsibility Board. But they were told that they were not entitled to complain, since they were no longer legally related to the child.

§875. The aim of listing the above examples, taken from different countries and different areas, is to make it clear that judicial reasoning is the very opposite of clear and logical thinking. Jurists habitually claim that they are very careful to use distinct concepts and rational derivations. But this is an illusion. They have merely become *accustomed* to conceive of certain kinds of concepts and arguments as distinct and rational.

Chapter 120
Judicial Logic As Seen By Jurists

There is not one judge in the country who can decide in the basis of his intuition whether a person is trustworthy or not. And those judges who claim they can do it should go out selling shoe-strings and earn their living in an honest way.
Max Scharnberg (in TV 940122)

§876. In numerous books we may read, e.g., "The prosecutor has the entire burden of proof in criminal trials. Consequently, it is incumbent upon him to eliminate alternative explanations" (Diesen, 1994:95). Now, what kind of a statement is this? It is not a replication of a law statute, because no law talks about elimination or about alternatives. As an assertion about the actual function of the legal system, it is manifestly wrong. Moreover, it would be great fun to watch the judicial experts of evidence evaluation trying to show *what* alternatives were eliminated, and *how* they were eliminated, in the cases of Betsy, Graziella, Henriette, Elvira, Embla, Linda & Edith, Wendela & Corinna, Vanessa, Sharon, Mignon, Vessela etc.

Stening's (1975) procedure (cf. §703) may seem horrible, but it can at least be applied. A judge *can* make subjective guesses on frequencies of events, of whose empirical frequencies he is totally ignorant. In turn, he *can* insert them into a mathematical formula, and compute "the probability" that the defendant is guilty. Bolding's (1989) ideas (cf. ch. 54) can likewise be applied, and much more easily: in a particular situation a judge may *on purely subjective grounds* select or invent one or another rational argument to justify a verdict. Moreover, a non-neglectible part of Edelstam (1991) is genuinely rational. By contrast, Diesen (1994) seems primarily to aim at developing a specific *jargon*, and to defend *the abstract rationality of the profession of judges as a whole*, while bothering little about the rationality of judges' concrete decisions. He thinks that drs. Autonne and Gendel are guilty. But his only reason is that the courts said so. This is a strange view in a book whose main subject is evidence evaluation, according to the title. If Diesen thinks he is discussing other aspects than the question of guilt, I wonder whether he is aware of what they might be.

In case no. B 1673/92, judgement no. DB 337, 920702, the Supreme Court made a decision which had an enormous impact on the lower courts. Needless to say, the decision was formulated in quite different words; but its essence was clear-cut. If evidence of sexual abuse is totally missing, the court should (a) convict the defendant; (b) claim that they would invariably acquit any defendant, unless the evidence of his guilt was extremely

powerful; (c) claim that in the case at hand the evidence was indeed extremely powerful.

This judgement had two consequence: (a) The almost complete disappearance of acquittals. (b) All kinds of incest ideologists of all kinds iterated that the legal safety of the individual is exceedingly well satisfied in Sweden: the formulation by the Supreme Court vouched for the almost total absence of false convictions.

§877. In a Swedish judgement one will not find the formulation that this or that has been *proved* or *established*. An archaic word is used which literally means "to make strong" (e.g., "it is made strong that Joe Brown killed Mary Smith"). The linguistic aspect is unimportant. But we may list a wealth of instances and search for a common denominator. The only meaning of "make strong" which will cover all instances is, that the evidence is such that one may with a good conscience convict the defendant. Dressed in other words: the evidence is of such a nature that, if everyone is convicted whenever this pattern is at hand, then the proportion of innocent convicts will be X persons out of 1000 defendants; and this is a satisfactory proportion. X may mean 1, or 5, or 50, or 500, or 900, or 998, or 1000 (out of 1000). But whatever the size of X, the proportion is satisfactory. In short, "make strong" is a rubber concept aimed at concealing that the verdict is pure guess work.

§878. The law passed by the parliament may not be altogether clear in its application to a particular case. One of the two tasks of the Supreme Court is to produce new and clarifying case-laws, which are obligatory to all the lower courts in all future cases of the same variety. Immediately the problem suggests itself *which* future cases are of the same variety; hence, to which cases the decision should be extrapolated. In most instances, the judgement by the highest judges of the country is so poorly formulated, that it provides no guidance at all. Instead, doctoral theses or papers by professors may try to figure out what the Supreme Court meant *or might* have meant. Sometimes several possible interpretations may be listed, none of which is ruled out. Judges and professors conceive of this state of things as perfectly satisfactory.

§879. There exist two judicial schools in Sweden, which recommend judges to arrive at their verdicts, decisions and judgements by means of either *the theme method* or *the value method*. "The evidential theme" may be what one wants to establish, e.g. "Alphason murdered Betason". "The evidential fact" might be the testimony of Gammason that he saw Alphason murdering Betason. A judge applying the theme method will ask: "Given the evidential fact, what is the probability of the evidential theme?" A judge applying the value method will ask instead: "Given the evidential fact, what is the probability that the latter has been caused by the evidential theme?"

If international readers fail to grasp the point of this distinction, I must confess that neither do I. University students are requested to explain the difference, but few judges apply any of these procedures. We may safely assume that the theoretical experts (e.g. Ekelöf, Bolding, Stening, Diesen) would be at a loss, if asked to disclose from a written judgement whether the judges had applied one or the other method, or none of them. Only in exceptional cases would they be better off, if the court's audio-recorded secret discussions were available.

In both §§147 and 692 and in ch. 42 I have supplied the complete lists of justificatory reasons by the Court of Appeal in three cases. In §§552-560 I have literally quoted the motivations given by lay judges in interviews with reporters. In §195 my own interviews were quoted with two judges of the Court of Appeal. Which method did these 19 judges use? Lay judges, who have never learned about the two approaches, and judicial judges, who have passed examination about them, are supposed to, and usually will, agree on a verdict; how is this possible?

If such questions cannot be answered, why do university teachers and judges write papers on the subject? The aim seems to be to conceal that the judges' decisions are irrational, subjective, and arbitrary.

§880. “Evidence evaluation” as an obligatory academic subject is at least some 40 years old. During this protracted period, it does not seem that any attempt has been made at explicating the method applied in any concrete trial. An adequate study would have to be *empirical*. The statement that the judges made a *rational* decision on the basis of *rational* reasoning might (or might not) emerge as *a conclusion*. But it cannot legitimately be taken as *a premise*.

Interviews and questionnaires are unfit for the task. They are based upon two assumptions: (a) that judges have a genuine knowledge of what they do; and (b) that judges are honest people who are prepared to impart such knowledge to the researcher. If these assumptions were true, there would have been little need to produce the present two volumes.

§881. Many objections may be raised against my pilot study on judicial logic. (a) It is embryonic, and the set of rules is fragmentary rather than exhaustive. (b) I have hardly presented empirical support of the rules formulated, nor explained how they were extracted from the written judgements and a few other varieties of data. - The second defect is motivated by space considerations.

It would be a fascinating study to trace judicial logic through history; to point out its roots in vulgar lay thinking and gossip logic, as well as its manifestations in the reasoning of scientific disciplines during their immature stages.

In 1993 I published one of the most comprehensive studies of

psychoanalytic methodology, and I disclosed *its* roots in traditional superstition and vulgar gossip conceptions. At that time I had already finished the first draft of the present work. Nonetheless, I myself had not yet discovered that psychoanalytic logic and judicial logic are two branches on the same tree.

§882. A last minute addition. Regrettably, I did not know about Mogens Tange's (1995) *The Roum Case - an Inverse Witch Trial?* (in Danish) until my own manuscript was finished. Tange was one of the defence counsels in the Møldrup/Roum case. Without any hesitation I would include his excellent analyses of the evidence under the heading *textual analysis*. He is capable of distinguishing circumstances known to be authentic facts, from circumstances which may well be fictive or even mendacious; and he can distinguish valid inferences from idle speculation. It can be gathered from his book that some Danish police officers have some competence of the kind, while others have less. And many judges and prosecutors have very little.

The real state of things may be both better and worse than the pattern depicted throughout my research report (in particular in chs. 26, 75f., 112-116, 120f.). Clearly, rational thinking exists among jurists (also in other countries than Denmark). But it is not a habit permeating the profession as a whole. Some of the examples we have observed seem to indicate that some judges are capable of producing sound arguments and just verdicts, when public opinion want them to do so. But judges seldom use this capacity without external pressure.

Perhaps want of a sincere will is a greater obstacle that want of competence? Anyway, Tange's book shows that the legal subdiscipline named “evidence evaluation” has a potential for growth. Although Tange is concerned “only” with one single case, his book would be more suitable as a textbook of this subdiscipline, than any of the ones presently used at Swedish universities.

Chapter 121

The Embryonic List of Rules Actually Applied By Judges and Jurors

> *This manner of "containing" everything that can be known is similar to the sense in which a block of marble contains a beautiful statue, or rather thousands of them; but the whole point lies in being able to reveal them. Even better we might say that it is like the prophecies of Joachim or the answers of the heathen oracles, which are understood only after the events they forecast have occurred.*
>
> Galileo Galilei

§883. To begin with, I shall list some previous sections in which aspects of the logic of judges has been discussed:

Note first what was said in §§800f. about long deductions. Second, the "mathematical" analogy in §§416f. of the real function of judges. Third, §§820ff. on "flat earth psychology" and on triplets. Fourth, all the 12 strategic pseudo-theories marked "T-(number)". They definitely belong in the present chapter, but will not be repeated; cf. instead ch. 50. Fifth, §§41-47 the persuasive techniques of formulating, testing and demanding alternative hypotheses. Sixth, §§382-385 on evidence refusal. Seventh, §§78-81, 128ff.. 207, 223ff. on the enormous persuasive effect of twin lies; not least judges' very strong inclination to believe mothers who assure they were surprised and never had suspected such things. Note also from §130 how Violet's mother *arranged* who would be the *first* person to whom Violet *confessed* her *secret*; and how the Court of Appeal saw strong evidence in this deliberately produced pattern. (Swedish jurists are asked to try to figure out whether the court applied "the theme method" or "the value method".)

Eighth, cf. §803 on the rejection of the police interrogations at the front door, while they are permitted to slide in through the backdoor.

§884. An attorney may ask to present a variety of scientific evidence which is radically new to the legal system. (One hundred years ago fingerprints constituted such an innovative entity.) Here, the attorney has two quite different tasks: to prove that the method as such is valid; and to establish that its application to the case at hand is such and such. Judges may however rule that the validation of innovative evidence must not take place during legal proceedings. Scientific results may be invoked only if the judge had encountered them *during his leisure time*, and had in advance come to

believe in them *in his role as a non-judicial layman*.

§885. The presentation of the eighth point is superior in Scharnberg (1993, I, §§645ff.): in the case of Rachel, the Court of Appeal listed 9 indicators to prove that the verdicts of court are by no means arbitrary. But there are waterproof bulkheads between the indicators and the other sections of the judgement. The indicators unambiguously support the conclusion that Rachel and her mother were lying. Nonetheless, the judges convicted the father.

Strictly speaking, judges do not apply *the canon of psychoanalytic methodology*. But there are strange similarities between psychoanalysts and judges. The reader may reflect for himself upon the canon (cf. §502), in particular upon the illusion of separation, the standard operation procedure, and the doctrine of over-causality. The principle of the outgroup has become very prominent in incest cases, where behaviours emitted continually by the judges themselves, are taken to prove a criminal act or personality when emitted by defendants.

The common origin of psychoanalytic and judicial logic may also make it worthwhile to take a look at Bosaeus's proofs that Violet had been abused, cf. §217.

§886. After this survey, I shall list a number of *fundamental and encompassing* rules of judicial logic (RJL):

(RJL-1) The most fundamental principle of the logic of judges seems to be: *Take it or leave it.* Any rule, whether taken from the law book, the new case-laws of the Supreme Court, conventions, and likewise any of the rules listed below, may be applied or not according to momentaneous personal preferences.

(RJL-2) Rational arguments are to be preferred. But their aim is not to arrive at a conclusion which is more appropriate than alternative conclusions. It is to produce the impression that the decision is more logical than it is.

(RJL-3) [A Swedish judgement usually consists of two main sections. In the former are listed a set of facts presented during the trial. The overwhelming majority will invariably be irrelevant and concerned with trivial background data, e.g. at what time the defendant and the members of his family married, divorced, moved to what town etc. In the latter section is indicated the conclusions and the justificatory reasons.]

Almost always, it is enigmatic how the conclusions are derived from the facts. And often the justificatory reasons are merely a more verbose repetition of the conclusions.

(RJL-4) Usually, no information is supplied as to *which ones* out of all the listed facts were actually used to derive the conclusion. The defendant and others must *guess* whether the verdict would have been different, if this or that (real or alleged) fact had been missing.

(RJL-5) There are several reasons for this state of things. First, judges are well aware that their conclusions are arbitrary. Vagueness may conceal the arbitrary character.

(RJL-6) Second, judges are well aware that the so-called facts are very doubtful. If the judges had explicitly claimed that, say, two facts were a *sine qua non* for the conviction, the defendant might prove that exactly these two facts were mistaken. In order to curtail the efficacy of the appeal to a higher court, every court will try to make it indeterminate why the defendant was convicted.

(RJL-7) Third, the set of facts F-1, F-2 and F-3 may be essential to establish one step in the sequence of action which constitutes the crime. Another set, F-4, F-5 and F-6, may be essential to establish another step. If both steps are not factually supported, the charge will collapse. However, the two sets may be logically incompatible (if F-1, F-2 and F-3 existed, F-4, F-5 and F-6 did not exist, and vice versa). The contradictory nature of the evidence may be concealed by means of the indeterminate formulation.

(RJL-8) Fourth, *a judge should always try to preserve his freedom to do whatever he likes in future cases. He should never produce an argument which could contradict a future verdict.* (This is perhaps the second rule in order of importance.)

For instance, exactly the same justificatory reasons were invoked to acquit Felicia's father and to convict Embla's father. Judge Johan Stenberg participated in both cases and voted for both the opposite verdicts as well as for the identical motivation.

§887. The next section will be related to *causality*.

(RJL-9) Judges enormously overrate their knowledge, regardless of whether this knowledge is concerned with the function of the human mind or with physical facts; and also regardless of whether it is a matter of lay or expert knowledge of reality.

(RJL-10) Any type of events which occur only infrequently, never occur unless an unusual causal factor is present, which is responsible for the fact that the event actually occurred at a certain time and place.

Three examples. Since the movements of the stellar bodies seldom produce solar eclipses, solar eclipses cannot be explained solely by the movements of the stellar bodies. Since triplets are seldom produced by a female who has slept with only one man, triplets can only be explained by the female having slept with two different men. Since fathers seldom wash their 11-year-old daughters' entire bodies, Rachel's father's doing so suggests that he committed a sexual assault on the occasion.

(RJL-11) An event E-1 may well be causally responsible for another event E-2, even if E-1 occurs at a later timepoint than E-2.

#####E.g., Sharon suffered from constipation since she was 6 years old, but the alleged abuse started when she was 10 (cf. §351). This is no obstacle to the construction that the constipation was caused by the abuse. [Cf.

Freud's patient Dora, who suffered from cough attacks since she was 12, but allegedly fell in love with a very much older man when she was 14. This temporal relation is no obstacle to the construction that the cough attacks were caused by the girl's wish to suck the penis of the man.] - And there is nothing remarkable about the school welfare officer's testimony that she during the very first meeting felt that Graziella told the truth about the abuse, and that the reason why she felt so on that date, consisted of the fact that a month later Graziella had not retracted the allegation. - Lena Nordenmark explained that her reason for concluding that Odenmark had abused his children, consisted of the fact that the police had later started an investigation on the basis of her assurance that the abuse was firmly established (Scharnberg, 1993, I, §557).

(RJL-12) Given two statements: (i) If A occurred then we should expect B to occur, and if ~A occurred we should likewise expect B, with the same probability. (ii) B occurred. - Consequently, we are entitled to conclude that A occurred.

This is one of the utmost frequent rules. Fathers bathing naked with their pre-school children are not known to be more (nor less) frequent among offenders than among non-offenders. Masochists are not known to be more (nor less) prone to commit murder than non-masochists.

In an American case, police men were tried of having indulged in reckless battering of an arrestee. The defence counsel proved from the video that the arrestee was handcuffed afterwards. He took this circumstance to prove that the police men had followed the instruction book (just as if they would not have used handcuffs if they had indulged in reckless battering). The jury acquitted them. We do not know whether they were influenced by this particular argument. But Anders Stening (whom we have met primarily in *the thirteenth book*) has stated in TV that the argument outlined is legally relevant.

(RJL-13) Empirical generalisations ("general facts of experience") may be fabricated ad hoc, if needed to justify a conviction.

Empirical generalisation may likewise disappear ad hoc, if they constitute an obstacle to a conviction.

(RJL-14) An etiology must be *understandable* to be true.

§888. The last rule needs some comment. I shall take as the point of departure a concrete philosophic proof of the existence of an immaterial soul. Holm (1938:44f.) states: let us suppose that the particles of matter were so much enlarged, that we could clearly observe their movements. It would remain completely incomprehensible that such movements could generate thoughts and emotions.

The least error is Holm's antiquated conception of physical matter. But the enlargement would make it equally incomprehensible why some substances are solid, fluid or gaseous; even the simplest chemical reactions would remain incomprehensible. A textbook of any science opened at

random, will reveal that our world is altogether incomprehensible. Astronomers and physicians have said: if we had not observed stars, it would have been easy to prove that stars cannot possibly exist. And Pierre Janet said, “Nothing is as complicated as a normal mind” (Sjövall, 1967, ingress).

Judges found it incomprehensible that extraversion could cause shop-lifting, or that diabetes could produce a wealth of bodily aches. But they found it easy to understand that recent or long-ago sexual abuse could have such effects. The following case is even more noteworthy.

A 13-year-old boy showed one of the classical patterns of symptoms of *autism* (Tourette's syndrome), and this diagnosis was firmly established by several highly qualified neurologists. *The judges of the Court of Appeal and the Supreme Court perceived themselves as more familiar with neurology than the international community of neurologists.* **The judges** *could not* **understand** *how a neurological disease could produce the symptoms observed. And according to their logic, their lack of understanding* **entails** *that the symptoms were* **not caused** *by well-defined neurological circumstances. Twenty-five years ago, jurists, neurologists, psychologists, and non-academic laymen would have found it much more incomprehensible how sexual abuse could have produced the same set of symptoms. But the judges of 1995 could* **easily understand** *how* **sexual abuse** *could have such effects. And according to their logic, their subjective understanding* **entails** *that the symptoms* **were actually caused** *by sexual abuse.* These justificatory reasons lead to a conviction and to the rejection of a new trial motion.

Regrettably, this combination of stupidity and megalomania is typical of judges at all levels.

Even here we may observe a strange similarity between judges and psychoanalysts. The latter have repeatedly imagined to have observed foolproof evidence that the symptomatic pattern was caused by the patient's having as a baby woke up and seen the parents involved in sexual intercourse - when it later turned out that a surgical operation of an endocrine gland was called for.

§889. The next rule will be extensively discussed, because it is deeply rooted in the human mind. It seems to be easily triggered off when *intelligent* people try to do their best. One of the fundamental tasks of science is to eradicate such thinking. But it may survive in niches not yet studies by science. We are here at the heart of one - but only one - of the defects of judges.

(RJL-15) *It is more natural to explain of a phenomenon as having been caused by a qualitatively different factor whose existence is entirely unsupported, than to explain the phenomenon as the accumulated effect of causal factors whose existence and nature are verified, if we have never observed accumulated effects* (*e.g. because we have never been in a*

situation where such observation is possible).

This rule is particularly easy to trace for 2000 years through the history of science, from Herodotos' explanation of the swelling of the Nile, and onwards. He hit upon the correct solution and rejected it, in favour of the idea that the sun caused the water to swell by warming it. Hundreds of comparable examples may be listed. A mountain may consist of mussel-shells. Goethe's genuinely scientific contributions are forgotten today. He realised - by systematic research, definitely not by intuition - that the mountain had long ago been a sea bottom (Brandes, 1915). Geologists of his age were aware of the phenomenon of elevation of the land. Nonetheless, they did not manage to grasp that the accumulated effect of a causal factor known to exist and known to be able to produce a change of a few cm in a 1000 years, could produce 10 000 times as great an effect in 10 000 times as long a period. It was more easy for them to imagine that nature is just “capricious”. - A few decades ago, most people would deny that an ordinary sheet of paper, if folded 100 times, would reach further than to the moon.

§890. Erna had the most severe instance of diabetes in the county. She also suffered from a greater number and a more severe degree of those secondary symptoms which are frequently observed in diabetics (such as headache). But the judges did not manage to grasp that such a number and such degrees could derive from diabetes, since most cases of this illness have a milder symptomatic pattern. It was a much more natural hypothesis to the judges, that the symptoms were produced by sexual abuse.

There must be few judges who have made no direct observation of young children repeating untruths which others have told them. But few children will have been asked about the same thing for 10 consecutive hours; or for half an hour on each day during six months. The judge may apply RJL-14 and conclude (a) that he has never observed accumulated effects; (b) that accumulated effects are therefore incomprehensible; (c) that their incomprehensibility proves their non-existence; (d) that it is much more natural to imagine that a child saying absurd things about sexual abuse, has indeed been sexually abused; and (e) that the greater comprehensibility proves that this is the authentic sequence of events.

§891. Today, judges may - *obs! during their leisure time* - have learned about the existence of “leading questions”. Incredible as it may seem: in the case of Wendela and Corinna, Widebäck and her co-workers watched *the police interrogations* for leading questions - as if this was the place where they might be found. They seem to have imagined that indoctrination either takes place in front of the camera or not at all. - One might just as well carefully scrutinise a circus performance in order to disclose where the animals are beaten during the training sessions. Since they may gain topic-relevant knowledge only unintentionally and during their leisure time, few

judges are aware that leading questions constitute only one of a comprehensive set of techniques of influence. They constitute one of the most visible and least efficacious varieties. The really dangerous devices are "invisible" to and unnoticed by both the target person and outsiders.

Very strong vegetative reactions are observed among patients of recovered memory therapy. But when Elfriede vomited on the floor in the Court of Appeal, the judges did not consider this explanatory hypothesis even as a theoretical possibility. They imagined that her reaction could only derive from her being overwhelmed by painful recollections of assaults.

§892. I shall now turn to rules which are in a more strict sense *logical*.

(RJL-16) The sheer number of arguments has a greater weight than their quality. Suppose (a) the prosecutor presents 30 arguments aimed as proving the guilt of the defendant; (b) each of these arguments is of such a nature that it is a matter of routine to obtain them about any innocent defendant and apply them to him; (c) the defence presents 3 arguments, each of which conclusively proves the innocence. In that situation the defendant should be convicted.

(RJL-17) Although judges invariably base their judgements upon a few details, they should always claim to have made a holistic assessment of the entire body of evidence.

The real ground for a verdict is often some irrelevant property (the dialect, an eye defect). For obvious reasons, such grounds are never included in the written judgement.

(RJL-18) "If A then B" / "B" / "Hence, A".

No instance of vomiting because of painful recollections of abuse, is known from the entire legal history. But judges may imagine that an abused teenager *could* show such vegetative reactions because of abuse. When they observe that the girl did vomit, they may conclude that she *had* been abused.

Judges may imagine that an abused teenager *could* be so overwhelmed by painful recollection of abuse, that she was crying desperately while semi-testifying. On the basis of Diotima's crying, they concluded that she had indeed been abused. The idea did not occur to them that she felt desperate when she sent her deeply beloved father to prison, simply because she could not stand the pressure she was exposed to for 24 hours a day at the clinic.

§893. (RJL-19) *If neither the presence nor the absence of indoctrination are proved, then he who maintains that it is possible that the allegation derives from indoctrination, is indulging in wild speculation; while he who claims that it is an established fact that no indoctrination is involved, has restricted himself to the hard facts.* (A very important analysis was presented in §696, on the discrepancy between this judicial rule and firmly established methodology within history.)

(RJL-20) *Whatever has been proved will remain proved*, even if those

circumstances which originally constituted the proof, are later shown never to have existed, and are not substituted with any other evidence.
E.g., Anna Kernell claimed that Vanessa's anal signs could solely derive from sexual abuse. There was no reason to consider any alternative hypotheses. When she was told that the mother had regularly inserted soap rods into the child's anus, Kernell made a volte-face and claimed to be an expert upon what kinds of signs could or could not derive from treatment with soap rods (§334).

(RJL-21) If a court has unambiguously stated in a judgement that the defendant was convicted because of the testimony of the psychiatrist; and it is later established that the psychiatrist was wrong; then the court may perform a volte-face and claim that the defendant was really convicted because of the child's account.

From the logic of gossip we recognise the standard phrase nullifying refutation: "But he is guilty anyway".

(RJL-22) If certain details in an account are true, then the account as a whole is true.

(RJL-23) If an account agrees with a standard pattern, which anyone could easily have fabricated, then the account is true.

Incredible as it may seem, in one case the Court of Appeal proved the father's guilt from the fact that a certain detail was included in the girl's account, viz. that 15-year-old Zelma was not only in the bath tub together with the father, but that she on that occasion heard the water swish about behind her back.

§894. (RJL-24) *The defendant and the injured party belong to two different biological species.* Every indicator proving the truth of the account of the latter, has no evidential power when applied to the account of the former. Every indicator proving the falsity of the account of the former, has no evidential power when applied to the account of the latter.

If the daughter kept silent for 8 years (whether she was 15 or 23 when she spoke out), this temporal relation does not reduce her trustworthiness. However, if the father (as happened in the cases of Hildegard and Sharon) neglected to make a counter police report against the daughter, this pattern proves his guilt.

(RJL-25) If two phenomena are similar in one respect, they are more likely to be similar also in that respect, in which we are specifically interested.

(RJL-26) If a piece of evidence is inconsistent with the intended verdict, and the judges can find no way of explaining away this piece of evidence, they may treat the evidence as non-existent.

(RJL-27) Judges are experts on degrees: exactly so much embarrassment, fear, anger, calm etc. could an innocent person feel. And since the defendant showed more than this amount, he is guilty. (However, judges should be careful never to specify the critical degree).

(RJL-28) If more than one expert witness is testifying, the witness who has the highest social position, is correct.

§895. (RJL-29) If no motive has turned up as to why the injured party would lie, no motive exists. It does not matter that neither the judges nor the prosecutor had searched for a motive. It does not matter that the defendant was prevented from searching for one. It does not matter that specific knowledge is a prerequisite for disclosing the motive.

It does not even matter if the expert witness had found the correct motive, but was by the judges forbidden to testify on that point. Nor does it matter if he or she informs the judges, but the latter are not qualified of understanding such motives.

(RJL-30) *The very fact that the nature of the postulated crime is so horrible, proves two things. First, that the crime was really committed; and second, that it was committed by the defendant of the trial at hand.* *This principle was flagrantly applied by the lay judges in the cutting-up trial and the case of the riding-master, cf. §§552-557 and 560.*

(RJL-31) Circumstances which have a manifest relation to vivid everyday experiences which may engage the entire mind, have a greater evidential power than abstract and bleak circumstances which may merely engage the intellect.

Cf. in particular Q-568:1, where jurors believed in a false eyewitness testimony, despite the conclusive proof of the DNA testing. Likewise, Swedish judges are impressed when Frank Lindblad shows diagrams with coloured areas about "what we know" and "what we would like to find out".

§896. Two final rules on *editorial issues*.

(RJL-32) Not infrequently, a part of the judgement is classified. The official aim is to protect the injured party: outsiders should not learn that she had been exposed to, say, oral sex. However, judges are very careless in this respect. Recurrently, the nature of the acts are stated in other documents which are not classified.

(RJL-33) Nonetheless, there exist judgements where the classified part is exclusively concerned with trivial formalistic matters which hardly concerns the injured party. The only believable motivation of the judges is that they aim at deceiving reporters: if one or two pages are classified, the reporters may think that genuine evidence is found on these pages, and that the verdict may not be as absurd as it seems to be.

§897. I repeat: this is *an embryo* of the judicial logic. If an embryo is mistaken for a final and exhaustive research result, it may be exposed to many inappropriate objections. The greatest merit of my approach is that the rules are gathered from the *empirical* study of the real world. They provide a glimpse of how we must proceed, and of what an empirical judicial logic may look like. We shall not learn much, if we take as an axiom that our results should not be embarrassing to the profession of judges.

§898. A common objection by judges (albeit clothed in different

words), is the following. Judges would never manage to convict anyone, if they were prevented from sending defendants to prison on the ground of subjective belief and beer-house deductions. - If this is true, it is the obligation of the judges to resign their office immediately.

But the actual situation is rather dissimilar. If judges demonstrated to prosecutors and police officers that fake-evidence will get them nowhere, these groups would have to aim at producing genuine evidence. And this endeavour would, on the whole, be *less* time-consuming than the present policy.

If opposite views are entertained by scientists and judges of one historical age, judges of a future age will usually acknowledge that the scientists were right. In general, they will also conclude that the judges were inexcusably wrong.

Chapter 122
Judicial and Psychoanalytic Logic: Their Common Root in Gossip Logic

Seht, an der morschen Syllogismenbrücke
Hinkt Gott in seine Welt.
Nikolaus Lenau

§899. In view of what I have said about feigned surprise as a persuasive technique, the reader may or may not believe that: the one result of the entire research project which was most surprising to myself, was the close relation between judicial logic and psychoanalytic logic. No doubt, judges have during the last 15 years become immensely influenced by psychoanalytic theory. But jurisprudence and psychoanalysis have a common root at a much older and much deeper level, viz. in traditional gossip thinking.

Before Dr. Lambdason had met Mr. Deltason, and before he knew anything about his ailments, personality, circumstances etc., he made up his diagnosis (cf. *the ninth book*). Afterwards, he used all emerging facts to support his first idea, and was blind to all counter evidence. *Analogously*, Judge Pettersson stated that the very moment he saw the riding-master, he knew he was guilty, while Judge Lewné stated that the very moment he heard the prosecutor's initial description of the crime, he made up his mind as to the question of guilt. “You will practically always trust the prosecutor.” Moreover, both were manifestly blind to all counter evidence. The judges Persson, Jonsson and Davidsson were likewise blind to counter evidence, but did not explicitly state that they had any advance view. However, judge Davidsson said that the strongest evidence that the defendant had committed the crime, consisted of the horrible nature of the crime. Would the crime itself have been less horrible, if someone else had committed it?

§900. Judge Petterson said he would “just put a good face on it for six weeks”, because he was forced to do so. “Self-evidently”, he felt “back in his head” that the riding-master was guilty. *Analogously,* Dr. Lambdason did put a good face on it from the beginning of the third session and until the middle of the seventh, although he did not do so until his conventional policy had failed.

After having heard the prosecutor's version, judge Lewné did not believe the riding-master's denial of the crime, “of course”. “There is nothing unusual about that, almost all defendants do so.” Judge Lewné thought that

the witnesses for the defence “committed perjury”. Judge Pettersson clearly showed that he was influenced by a pal who said that the riding-master is “a fucking bastard”. *Analogously*: Dr. Lambdason attributed highly pejorative motives to Mr. Deltason. When the latter said, “My own feeling is that my motives are essentially different”, the therapist answered: “Yes of course, but it is a common phenomenon that people rationalise away their neurosis.” Elsewhere Lambdason disseminated a parodic and insultive description of Deltason's way of thinking; and when the latter - correctly - stated that the analyst was neither accessible to [logical reasoning? the statement was interrupted], he was told: “Of course not, but this is a common dodge.”

§901. A witness had testified that she had seen two men [whom she did not recognise until she was told who were under trial], together with a child in a perambulator [which definitely was not Henriette's perambulator], who on the appropriate date [and the date seems to be trustworthy] had entered a building [which was definitely not the one where the crime “beyond any reasonable doubt” had taken place]. Judge Davidsson took this “fact” as evidence that the defendants had lied about having no contact with each other at the time of the crime. This “lie” was, in turn, taken as evidence of murder. *Analogously*, Dr. Lambdason took Deltason's mixing up of names as evidence that he had been “sneaking” for Lambdason's reading habits and, in turn, that he was a masochist.

§902. Occasionally, Dr. Lambdason paid lip-service to doubt, and claimed to have an open-minded attitude. He denied having had any view from the beginning. In a section I have not quoted, he emphasised against Mr. Deltason that the question is “complex” and “must be analysed”, before it is possible to decide who of them is correct. *Analogously*, the judges Persson and Jonsson oscillated between, on the one hand, being “completely convinced” of what is “obvious”, and having “taken for granted” circumstances which were not in the least supported during the proceeding; and, on the other hand, entertaining “much hesitation and doubt”, and justifying the verdict by the idea that this will give the defendants the opportunity to have the verdict reversed in a higher court, if they made the wrong decision.

§903. Police interrogator Gradin assured that the girls “could from the first start describe what they had experienced. They never hesitated. They always gave correct answers and always the same answers to the questions they were asked.” She never suggested possible answers to the girls, “the idea would never occur to me to do that. Everyone realises why one must not do this. Or else everything will go wrong.” The audio-recordings prove her very opposite technique. And when she was asked to explain the actual dialogues, she said that her suggestions were made “in order to help her”, or because the girl had “probably already recounted it”. She talked of the

extensive amount of information she had gathered, and the protracted time it had taken. Objectively, she had during a very brief time succeeded in making a girl give her assent to a few details. Grandin took the chance that the reporter would not examine the facts. She fabricated that neither here nor in other cases did she stop an interrogation, unless the girl has no more to recount.

This is like listening to Freud's own stratagems. *Analogously*, Dr. Lambdason seemed completely unaware of his own flagrantly persuasive and extremely insulting behaviour. However, he perceived gigantic insults in the patient's very much milder rejoinders. Readers who are not familiar with psychoanalysis may find the following exchange incredible. Dr. L (yelling): “Just here it is clear as daylight!! You don't remember a word because you are intoxicated!! You need have your addiction broken!! One cannot perform psychotherapy with a man who takes so much medicine!! You don't *want* a break!! You are not *able* to be broken!! I am going to tell [the family doctor's name] that Mr. Deltason he cannot keep his thoughts together because he is a little loony.” - Mr. D: “It is nice that you can see it in that way.” - Dr. L (shouting): “Once more you are there again with your aggressions!! Don't you realise how you are provoking me!?”

§904. Throughout *the ninth book* it is manifest that Dr. Lambdason conceives of himself as a judge, and of Mr. Deltason as a defendant whose guilt is already established - the task is merely to extract a confession. His intensely aggressive tone of voice as well as his formulations, leave no doubt that “pseudo-aggressive masochistic character neurosis” is intended as a coarse invective. He is the kind of expert to whom the judges Persson, Jonsson and Davidsson attributed a deep insight into the mental life of a 3-year-old girl the psychiatrist had hardly met for more than 5-minute periods.

Quite a few examples are known, where a patient has undergone psychoanalysis for 16 years. But after this period the analyst knew less about the patient's problems and therapeutic needs, than what an objective psychologist or psychiatrist could have found out in 16 minutes. Psychoanalysts have always claimed that the protracted time they devote to each patient, vouches for their extensive knowledge about the patient (a whole library could be filled up with superlative quotations on this theme). - Judge Jonsson is merely one among thousands other judges, who might have said what he said: “But, well, we have been busy discussing for two days about this. Hence things have really been penetrated through and through if I may say so.”

Numerous members of sewing circles and visitors of beer-houses could have copied the very same formulation. And note: they could have *truthfully* done so.

§905. Reading Lindblad & Erixon's psychological report in the cutting-

up trial, and reading almost any judgement by a Court of Appeal, constitute very similar experiences. In one section a series of facts are listed, most of which are trivial. In another section a list of conclusions are drawn. The reader or the defendant is left on his own to guess what facts were used as a basis for conclusion. And the relation between the facts and the conclusions is enigmatic.

It is frightening that judges and psychoanalysts feel tuned in with each other, on account of their common root in gossip logic.

Appendix

Subliminal Perception
- A New Technique For Digging Out Repressed Memories?

Chapter 123
Parasitism as a Fundamental Methodological Error

Tests of significance constitute the plague of psychology
Lennart Sjöberg

§906.

A. Psychoanalytic theory essentially consists of a juxtaposition of commonplace ideas borrowed from traditional superstition, and vulgar lay thinking including gossip logic.

B. Very nearly 100% of all psychoanalytic observations are shallow and trivial. 100% of the remaining ones are deliberately faked.

C. Freud had the narrow-minded personality of the gossip monger. His clinical interpretations derive from personal distortions. He was utterly ignorant of his patients' problems, emotion, thoughts etc. He was equally ignorant of the function of the human mind in general.

D. But he was an extremely skilled propagandist and rhetorician. From the very beginning psychoanalysts turned to the lay public (e.g., novelists and reporters) instead of to their psychiatric colleagues. Intensively and extensively, they iterated that they were in the possession of an immense wealth of absolutely foolproof evidence. On the one hand, they claimed that their published writings are so replete with foolproof evidence, that nothing but a pathological will to distort reality could prevent any reader from being convinced. On the other hand, they claimed that their proofs are so "fine-grained", that it is in principle impossible to render them in print.

E. For a whole century, millions of readers have been so enchanted by his persuasive techniques, that they completely overlooked the content of his writings.

F. The flaws of original psychoanalysis have not in the least been remedied or even diminished by later development.

G. If psychoanalysts (classical or recent) had told the truth about what method they apply (viz. *the canon of psychoanalytic research*), everyone would have seen that they are cranks. However, they had no choice but to advance *some* methodological claims. An extensive and contradictory set of postulations has eventually emerged.

H. While carefully concealing their own evidence, psychoanalysts have tried to obtain empirical support for their theory along other routes. More than a thousand experiments have been performed, and very

many of them are claimed to be confirmatory.

I. In every research situation within every etiological science, there are numerous potential causal relations which are *locally equivalent*: they yield *some* coinciding empirical predictions. Hence, if we want to support a *false* causal relation, we need only procure two things: another causal relation which is already established by science or suspected to be true on the basis of unrelated theories or background knowledge; plus an area of common empirical predictions. This phenomenon was called *parasitism* by Scharnberg (1984).

J. Without any exception, all experiments supporting psychoanalytic theories are based upon *parasitism*.

K. One class of such experiments sponges upon phenomena of subliminal perception. This field of research is prominent in both Sweden and the U.S.A.

L. A specific application of this line of research is the Swedish *Defence Mechanism Test (DMT)* which, as the name states, is aimed at disclosing such Freudian entities in a testee.

M. The test has been strongly favoured, because it was sold to the Swedish Air Force, where it is used as a tool for selecting persons undergoing training as pilots. Later, it was also sold to the Danish Air Force. Allegedly, its introduction led to an immense decrease of the number of deadly accidents.

N. There is some interesting overlap between the DMT psychologists and the pseudo-witness-psychologists: the test has been used for examining (allegedly) abused children.

O. A series of psychological tests (e.g. Rorschach, TAT, CAT) were originally developed for quite different tasks. But recently they have been used for disclosing whether a child or an adult has been exposed to sexual assaults.

P. DMT has undergone the same kind of metamorphosis. As yet, no homogenous interpretation code seems to exist as regards abuse. But single instances are known, in which the test results revealed not only that the testee had been abused, but also his age at the event.

§907. The decrease of accidents postulated in item M may impress many readers. Hence, this point need be discussed immediately. Previously, The Swedish Air Force had much trouble. Apart from the accidents, only about one fourth of those who started the courses passed the examination. In 1970 the training was completely re-organised. The number of hours in the air was multiplied. Substitution of teachers during an ongoing course was avoided. The number of trainees accepted was reduced to about one fourth. They were carefully selected, and had to pass many tests.

The DMT-theorists are skilled propagandists with excellent relations to

Swedish Science Broadcasting ("Vetandets Värld"), whose members zealously support psychoanalysis and carefully conceal all international criticism. It is a myth that the improvement was caused solely or primarily by the introduction of DMT. If all the other reforms had been realised, but DMT had been substituted with coffee ground tests for rejecting certain applicants, the net result would probably have been equally positive.

§908. Not all the above 15 items need be discussed. A, B, C, D and E have been amply supported by Macmillan (1991), Esterson (1993), Scharnberg (1993), Israëls (1993), Schatzman & Israëls (1993), and Mahony (1984). F primarily by Scharnberg (1993). G, H, I and J inter alia by Scharnberg (1984) and Eysenck & Wilson (1973). K and L have briefly been touched upon by Scharnberg (1984, 1993). O was sufficiently discussed in the twelfth and fourteenths books of the present volumes.

Unfortunately, I have not yet enough data about P to produce a systematic presentation. Hence, I shall focus upon the general flaws of the fields of subliminal perception and DMT, and introduce other topics only in so far as they are essential for this subject.

§909. During their training, students of the behavioural sciences will learn much about many kinds of methodological pitfalls. But they are given no systematic survey of parasitism and local equivalence. Even professors of psychology may overlook conspicuous instances. If this was not so, writings like Hilgard (1952), Fischer & Greenberg (1977) and Kline (1981) would never have been appreciated.

Parasitism is sometimes mistaken for *spurious correlations*. But the latter are (a) chance phenomena, which are (b) infrequent, (c) easy to recognise, and (d) impossible to guard oneself against. Parasitism is (a) a systematic phenomenon, which is (b) highly frequent, (c) not immediately apparent, but (d) can to a considerable extent be guarded against.

Suppose I want to prove the astrological theory that people born in the Zodiacal sign of Leo, are particularly prone to have cardiac diseases. I may compare two groups: Leo-born individuals taken from a medical clinic, and Capricorn-born members of a yachting association. - If this scheme is made just a little more opaque, its nature may be completely overlooked. Many psychologists who consider themselves opponents of psychoanalysis, nonetheless think that Friedman (1952) proved that castration anxiety is stronger during the Oedipal period and puberty than during the latency period; and stronger among boys than among girls. The analysis of this study is highly instructive.

§910. Friedman focused on six groups: boys and girls aged 5, 8 and 13, respectively, although he procured data also for the intervening ages. The children were told about a little monkey with a long curly tail. One day the monkey "woke up and saw that something was different. What did you

think had happened?" Friedman takes for granted that the tail is a penis symbol, and that the *non*-disappearance of the tail indicates *strong* castration anxiety. (Are we entitled to suspect that this theory was developed retrospectively in order to fit the data?)

A much more parsimonious explanation is this. The 5-year-olds did not grasp the point, and gave many irrelevant answers such as "It was raining", "The monkey had got a buddy". The 8-year-olds were familiar with the language of fairy-tales: if the shoe does not fit, one may cut a heal and a toe, and go on dancing. The 13-year-olds may reject fairy-tales as being "childish".

Developmental acceleration of girls is proved for some properties and suspected for all. If Friedman's sex curves are displaced by one year, they will be strikingly similar: 5-year-old girls have learned as much about the language of fairy-tales as 6-year-old boys; and so on.

It would be difficult to find a more appropriate illustration of local equivalence and possible parasitism. (There exists an excellent Swedish word, for which there is no elegant equivalent term in any other language: "*snålskjutshypotes"*. It means a hypothesis travelling as a free passenger, cf. §347.)

§911. A cluster of objections which will only sporadically occur in print, are highly frequent at seminaries. Many professors do not know that *re-analysis* is a normal and accepted scientific method (successfully applied in Wolpe & Rachman, 1960; Cronbach, 1949, 1954, 1958; Cronbach & Snow, 1969, 1977; Eysenck & Wilson, 1973; Dahllöf, 1967). This deficiency might be an after-effect of the anti-methodological vogue of 1968. - It is repeatedly gainsaid that: no one has the right to maintain that the conclusion drawn in a published paper, is not justified by the published data, *unless* the critic has carried out a new experiment and shown that the "variables" he "introduced" actually make a difference. In order to establish that the primary hypothesis is not the only possible explanation, the alternative hypothesis must be *proved* to be *empirically true* - or else they are "*ad hoc"*. (Kline, 1981, is, as far as I know, the only writer who has *in print* propagated this re-definition of the concept of ad hoc hypotheses.)

The similarity between these methodological misunderstandings and judicial logic, may derive from a common root. If I suggest that there might be a difference between the yachting association and the medical clinic as to the frequency of cardiac diseases, I would have *INTRODUCED* "new" "variables" - not just *EXPLICATED* certain physical circumstances which were present irrespectively of whether anyone noticed them. In analogous situations, judges may think I have indulged in subjective speculation, while anyone claiming that "a fact not known to exist is thereby known not to exist", has avoided speculation.

Chapter 124
The Interpretation Code of DMT

Statt zu rufen, ich seh', ich seh',
Was Niemand sieht als du - erzähl' uns fein gelassen
Wie alles sich ergab.

Christoph Martin Wieland

§912. In the DMT procedure, the testee is tachistoscopically presented with the very same picture (without knowing so) 12 times at logarithmically increasing durations from 10 to 500 milliseconds. After each exposure the subject must report and draw what he saw. At close inspection, the pictures are not ambiguous. But they are constructed to facilitate faulty perception at less close inspection. A test of perceptual correctness (the testee does not overlook crucial features, nor "perceive" features which are not present), might well have predictive validity for air pilots. But DMT does not identify presence and nature of defence mechanism on the basis of *the degree* but *the specific nature* of non-veracity.

A picture may depict a central "hero" (H) and a peripheral person (PP) who is "threatening" to the "hero". The interpretation code is as follows:

Repression: The testee sees H or PP or both (or something at their place) as being stiff, petrified (e.g. a statue), masked, an animal, a plant, a non-living object etc. [Exceptions: Death's head, skeleton, a doll, monster, "the man looks like an ape", etc.]

Isolation: H and PP are separated from each other.

Denial: Existence of threat denied or made slight.

Reaction formation: Although objectively PP is threatening H, PP is perceived as helpful and positive toward H.

Identification with the aggressor: Although objectively PP is threatening H, H is perceived as threatening PP.

§913. The main objections to the test are these. (a) The Freudian defence mechanisms constitute a scientific fraud based on faked clinical observations. (b) The DMT code does not at all follow from, but is contradicted by psychoanalytic literature. (c) Extremely few validation studies have been carried out during 25 years. Some of them have obvious flaws. Others are so poorly presented that it is difficult to see what was really investigated. Besides, if a study confirms a crank theory, parasitism may be involved. (d) The DMT theory is ill thought-through, and will not

hold water if explicated.

§914. Throughout the present two volumes (and also throughout Esterson, 1993 and Scharnberg, 1993), it has repeatedly been shown that the concept of repression is based upon faked clinical observations. In connection with the case of Betsy, *identification with the aggressor* was extensively discussed (ch. 29). A few words may be added about two further defence mechanisms, denial and displacement.

A psychoanalyst may regularly interpret all unknown females in the patient's dreams as symbols of his mother. One day that patient says while recounting a dream: At least this female could not be a symbol of my mother. According to Freud (GW-XIV:11ff./SE-XIX:235ff.), this statement should be translated “This dream figure is a symbol of my mother, but I deny the real fact.” This example constitutes a clear-cut empirical proof of “denial”.

A common experience, likewise invoked by Freud, is the following sequence: at 12:00 I have a headache; at 12:30 I take a tablet; at 12:45 the headache has gone; at 15:30 the idea occurs to me: now I have not felt headache for hours; at 16:00 the headache had returned with full strength. - The natural explanation of the reaction at 15:30 is that the effect of the tablet gradually ceased, and that a few “pain signals” reached the brain. But in both examples Freud applies *the illusion of separation*, (and also many other of his methodological principles), whence he also here perceives proof of “denial”.

The behavioural part of this defence mechanism does exist, and excellent examples have been described by Dickens (1982:225) and Proust (1989-IV:401), inter alia.

§915. In §§510f. I showed, in connection with the old theory of scabies, that *displacement* is not a psychoanalytic innovation. The concept was borrowed from an old and manifestly false medical theory, which was commonly accepted until scientific medicine came of age.

There is a second source of the theory. When Freud's patient Dora was 14, she was kissed with violence by a man who was thrice her age, while she was struggling to make herself free. For a long time afterwards she felt a pressure sensation in her breast. Applying *the illusion of separation*, Freud ignored the fact that she had weak lungs. He fabricated that the man had an erection during the kiss, and that the girl could not stand her own positive response to this erection, wherefore she *displaced* the pressure sensation upwards to a neutral part of her body.

In Sweden Sjöbäck (1973, 1977) is considered an expert on defence mechanisms. The idea did not occur to him to study the concrete examples in the literature (e.g. the ones I have supplied above and in chs. 29 and §914f.). Assuming that psychoanalysts have genuine reasons for their interpretations, Sjöbäck tries to guess what they could be. Perhaps they

observe fatigue, or alienation, and then *infer* a defence mechanism from the presence of such observations? - But Freud claims that it may take months to ascertain the presence of alienation, but a few seconds to establish a defence mechanism. And would fatigue be felt by the person who denied that the dream figure was a symbol of his mother? Or by the person who at 15:30 noted that he had not had headache for hours?

§916. Scharnberg, (1984, §128) collected a series of important examples from the literature, viz. Schilder (1952:81, 39), Bleuler (1955b:428, 436, 451), Lindner (1946:149), Landis & Mettler (1964:166), Boss (1953:182), Laing (1960:48ff.). It is not the hysteric (who is allegedly suffering from repression), but the psychotic schizophrenic (whose defence mechanisms have broken down), who believes himself or herself to have a dog's pawns instead of hands; to be a cat, a ram, Switzerland, a radio; not to be born but to have been produced by a machine; to dream of her parents and siblings as stony statues who fall together as a heap of sand if touched. Fenichel (1945:424) explains stiff and lifeless positions in catatonics as deriving from the uterine existence. His comments p. 430 would rather suggest projection if a machine was involved.

§917. "Isolation" would be well illustrated by a person who describes the most brutal torture without showing any emotion. - If we took for granted that the testee at the first tachistoscopic exposition started out with a correct perception of the picture, the DMT indicator of "denial" would be acceptable. - Under the assumption that the testee identifies him- or herself with H, "reaction formation" would be present if real hate felt by H was truly transformed into love felt by H. The DMT indicator is acceptable only under the bold auxiliary assumptions that PP's being helpful reflects such a transformation of H's own feelings. – "Identification with the aggressor" would be exemplified if H voluntarily was helping PP with his attack on H. If H returned the aggression, this would be one of those reactions which are least akin to identification with the aggressor.

To sum up: the code reveals that the DMT theorists are not very familiar with psychoanalytic theory.

§918. One of the few attempts at validating DMT takes this as its point of departure: certain defence mechanisms are highly prominent in certain psychiatric syndromes (repression in hysteria; isolation in compulsive neurosis; projection in paranoia; introjection in depression). DMT has allegedly confirmed this correlation.

But we have seen that Freud's hysterical patients were not hysterical at all, and that they never repressed anything. Only the depressives may need a further comment. When a patient states, "I am worthless", a psychoanalyst may apply *the principle of similarity* and claim that he repeated what his parents had said to him (introjection). However, when she complains that the hospital is selling her urine as Russian tea, whence she is poisoning the

whole world - does she also repeat her parents' words?

If DMT has (without methodological cheating) confirmed the psychoanalytic pattern of the relation between mechanisms and syndrome, this fact alone would constitute a strong reason for suspicion.

§919. In the last chapter I shall review three related American experimental studies. There is a discrepancy between the position of the Swedish and the American subliminal theorists. The premise of the Americans is that the defence mechanisms need an amount of time to *distort* perception. Ultra-brief expositions will therefore permit much information to slink into consciousness, which would normally have been deformed. The Swedish premise is instead that the ultra-brief duration prevents *the correction* of those distortions which the defence mechanisms produced. - This might have been a fruitful controversy. But none of the groups have perceived the contradiction between the views of each other.

Both theories are illogical. If the American theory is true, we should expect the defence mechanisms to do a poor work, if the duration of the stage of *their* elaboration is reduced; but *not* by reduction of the duration during which the physical stimulus was available. 20 milliseconds may not be sufficient for "proto-perceiving" the stimulus. But it is enigmatic why the reduction of the first stage should automatically lead to the reduction of the second stage. And the subliminal theorists have supplied no evidence that the second stage was actually reduced.

§920. The Swedish theory is much more illogical (the few attempts at remedying a few of its flaws, cannot be taken seriously). Note, when I talk of the first and second etc. stage of the process, these entities are intended to be taken literally in the causal and temporal chain. But when I talk of various "departments" of the mind, I take no stand as to whether different departments may or may not coincide. Anyway:

Unless the physical stimulus is correctly noticed during the first stage by department A, department B would during the second stage have no chance of concluding that the correct arrival of the stimulus to department E would be too painful to E. Hence, the Swedish theory cannot escape the premise that the stimulus was indeed correctly noticed from the very beginning (irrespectively of whether the physical duration was 20 milliseconds or 20 seconds). The Swedish model also assumes that, if the stimulus is deemed too painful, department C will distort it during the third stage to protect department E. But in order not to mislead department E, department D will during the fourth stage undo the distortions produced by department C.

Why distort the information in order to protect department E, if the distortions are nevertheless corrected before the information reaches department E? However: given that the Swedish theory is true, we might

observe the effects of the distortive performance of department C, if we could inhibit the activity of department D. But *why* would department D be paralysed by temporally reducing the physical stimulus?

Chapter 125
A Non-Motivational Theory of the DMT Phenomena

A successful pseudo-science is a great intellectual achievement. Its study is as instructive and worth undertaking as that of a genuine one.
Frank Cioffi

§921. Kline & Cooper (1977; here cited according to Kline, 1981:235f.) performed a DMT-like experiment. They used a picture of a suckling pig. For one subject they observed that the 6th and *longer* exposition yielded a *less* correct response than the 5th exposition. This "relapse" was arbitrarily taken as evidence of "denial". Besides, *why would this picture be frustrating?* and *why would the distortion be less frustrating?*

The original DMT pictures are deliberately constructed to facilitate false perceptions. Hence, what we need for comparison, are pictures which are equivalent in all other respects than the absence of frightening elements or psychodynamic loading.

A man with a knife may not be easy to detect among branches and leaves of a tree. But if concealment, or ambiguity, or contradiction, are significant factors, they must be preserved in the non-psychodynamic alternatives. A ladder with a basket for picking apples may be concealed instead among branches and leaves. As for contradictions, the Danish humorist Storm-P. has produced a drawing of a man whose head was substituted with the wheel of a bicycle. - If the same kinds of distortions are observed, regardless of the presence or absence of psychodynamic features, but closely coinciding with certain "structural" features of the stimulus, the parsimonious explanation is that the latter are causally responsible for the observed phenomena.

§922. Human perception is not very good under highly unusual conditions. Biological evolution may not have favoured correct perception in situations which must have been extremely infrequent during the entire existence of mankind.

In our "macrophysical" experience, most of us have mistaken word, pictures, and entire events. People who are somewhat hard of hearing, will repeatedly *hear* words which were never said. But it can easily be seen that the falsely perceived words were constructed from correctly perceived fragments together with fictive details filled in so as to arrive at a coherent and meaningful pattern. - Experimental research have shown the same

process to be active in numerous contexts.

At least since Helmholtz (1977) in 1878 talked of *“unconscious inferences”* in perception, there have been some attempts at comparing perception with logical reasoning. Such attempts have often been fruitful but far from literally correct; and the same thing should be expected of my hypothesis.

§923. Visual perception is so imperfect that out of, say, 20 details, we might at ultrabrief duration overlook 15, correctly perceive 2, and mistakenly perceive 3. Although the physical picture may be coherent, our 5 perceived details may be contradictory. Furthermore, there may be a certain amplitude of some or all our 5 perceived details.

How would our perceptual apparatus react to this situation? Perhaps the apparatus will try to “puzzle them together” by “cutting a heal and a toe” and adding something too.

Suppose we apply the DMT exposition procedure and the Storm-P. picture. I would be unsurprised if some subject at the 5th exposure said, it is an ordinary man (not yet having noted the substitution of the head), but at the 6th exposition said, it is a church tower with a cupola.

This is just the embryo of a theory. My central prediction is that *there is no non-trivial difference between the distortions produced by pictures with and without a psychodynamic loading.* A false theory may be an obstacle to the progress of science. Getting rid of it may open new possibilities.

The DMT phenomena may be suspected of parasitism upon locally equivalent non-psychoanalytic phenomena. In the last chapter I shall analyse three experiments where such parasitism is clearly present.

Chapter 126
Three Experiments on Subliminal Perception

> [*As regards his analyses of Spence & Gordon (1967) and Spence (1980) Scharnberg merely argues*] *"I have read this paper, and there is no doubt about the subjectivity of the procedure applied in it". The reader is supposed to completely trust Scharnberg's assessment without being told any details about "the procedure" referred to.*
>
> Lars Gunnar Lundh

§924. Kline (1981:433) cites Silverman et al. (1973) and Silverman (1976) as being among the about 20 studies which have supplied the most powerful support of psychoanalytic theory. Hence, "any blanket rejection of Freudian theory as a whole simply flies in the face of the evidence." I have nonetheless chosen to analyse Silverman et al. (1976), which is an extension of his earlier study.

Four stimulus pictures were shown tachistoscopically for 4 milliseconds to four samples of subjects. The stimulus pictures had four different characters: aggressive, incest, anal, neutral. The subjects consisted of schizophrenics, homosexuals, stutterers, and depressives. There were two dependent variables: (a) increase of main symptoms of each sample (various measures of thought disorders in schizophrenics; homosexual arousal; stuttering; measures of depression); (b) "pathological non-verbal behaviour" (e.g. fingertapping).

The predictions were that the main symptoms as well as pathological nonverbal behaviour would increase after exposure to *sample-relevant* pictures, and *only* in relation to these. The sample relevancy joined schizophrenia and depression with aggression, homosexuality with incest, and stuttering with anality.

§925. Silverman et al. claim that there is agreement among psychoanalysts that these connections exist. This claim reveals their limited acquaintance with psychoanalytic literature. Schizophrenic females having fantasies about having slept with their fathers, were known before psychoanalysis. And it would be a matter of routine to fill up 1000 pages with *psychoanalytic* quotations about the close relations between schizophrenia and incest. I shall merely mention Fenichel (1945:422, 437, 441), Bleuler (1955b:412), Schilder (1952:71, 72), and Rosen (1953:100f.).

The proof of the connection between stuttering and anal eroticism is

based on *the principle of similarity*: individuals suffering from constipation and stuttering, respectively, have difficulty in "pressing out" faeces or speech. - The support of the incestuous etiology of homosexuality is no better.

§926. The 8 hypotheses were confirmed, except those about the main symptom of the depressives, and about the non-verbal behaviour of the stutterers. Indeed, Table 926:1 looks impressive. The evidential power has been accepted by Dixon (1981:170). Probability related to the main symptom is indicated without parentheses, and probability related to the non-verbal behaviour within parentheses. n.s. = not significant. NT = non tested.

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Table 926:1

First, third and fifth rows: increase (if any and if tested) of main symptoms due to experimental intervention. Second, fourth and sixth rows: increase (if any and if tested) of pathological non-verbal behaviour.
n.s = not significant. *NT* = not tested.

		Samples		
Pictures	Schizophrenics	Homosexuals	Stutterers	Depressives
aggressive	0,004	n.s.	***NT***	n.s.
	(0,002)	n.s.	***NT***	(0,04).
incest	n.s.	0,04	n.s.	***NT***
	n.s.	(0,02)	(0,08)	***NT***
anal	***NT***	***NT***	0,04	n.s.
	NT	***NT***	n.s.	n.s.

===

§927. The most interesting features of the experiment is *the nature of the pictures* and the strange pattern of *what was not tested*. Since Silverman and different co-workers have published at least three papers on the topic at hand, want of time or resources will not do as an explanation. They might have felt that their construction would collapse, if they stepped outside the

area where psychoanalytic theory is locally equivalent with non-psychoanalytic lay knowledge.

The pictures were provided with text. I shall describe all of them; text in capitals.

The aggressive stimulus:	An angry man about to stab a woman. (DESTROY MOTHER)
The incest stimulus:	A nude man and woman in a sexually suggestive pose. (FUCK MUMMY / FUCK DADDY, for male or female subjects)
The anal stimulus:	A person of indeterminate sex seen from the rear and defaecating. (GO SHIT)
The neutral stimulus:	Two men. (PEOPLE THINKING)

§928. Males may look at playboy nudes for several minutes without perceiving the text. But these experimenters took for granted that the homosexuals correctly perceived both the picture and the text, and that their reaction was to a considerable extent determined by the text. The latter axiom would have been easy to test by deleting or substituting the text (e.g. EAT MORE FRUIT).

If a heterosexual individual had grown up in a society of 97% homosexuals, and had for decades encountered a homosexual orientation in nearly 100% of all love poems, love novels, love movies, sexual jokes, educational writings, nude magazines, and so on; then we might be unsurprised if he or she became heterosexually aroused by a homosexual picture. The experimenters think they have ruled out the significant alternative hypotheses, because Silverman et al. (1973) found that a *heterosexual* control group did not become *homosexually* aroused after the so-called incest stimulus.

§929. As regards stuttering, Fenichel (1945:311-317) also found *oral* and *phallic* causes. He applied *the gossip theory of* (*psychic*) *disease*: the person stutters in order to have people look at him; but his real wish is that they should look at his penis. - A reasonable alternative hypothesis would be that stuttering may often increase during states of annoyance, distress, worry, embarrassment. If this hypothesis is true, stutterers might have shown the same reaction to the aggressive stimulus, or to pictures of surgical operations, serious car accidents etc.

§930. Spence (1980) interviewed 62 female subjects who were waiting for the outcome of a test of cervical cancer. 59% of those who turned out actually to have cancer, but only 25% of those who did not, used the word "death" during the interview. Spence speculated that the subjects might unconsciously have been aware of their true condition.

A few diffuse pain signals (cf. §914) is one thing. "Unconsciously"

recognising a complex scientific entity like cancer is a much bolder idea. But the main flaw lies elsewhere.

If all patients at the time of the interview were equal in their *knowledge* of their condition, were they also equal in their *suspicion*? Let us try out the following pattern: 7/8 of those who actually had cancer, but only 1/8 of those who did not, had *consciously* felt various strange bodily sensations or pains; 7/8 of those who had felt such sensations, but only 1/8 of those who had not, had *consciously* wondered whether they had cancer; 7/8 of those who had so wondered, but only 1/8 of those who had not, used the word "death". - These assumptions will yield the left distribution of Table 930:1. The distribution actually found by Spence is the right distribution. (Whether the subjects used or did not use the word "death", and whether they had cancer or not, will be abbreviated: D, not-D, C, no C.)

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Table 930:1
(for explanation see text)

	Scharnberg's distribution		Spence's distribution	
	D	not-D	D	not-D
C	19	8	16	11
no C	10	25	9	26

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Table 932:1
Spence & Gordon's (1967) two primary measures combined

	C/F	C/~F	~C/~F	~C/F
M/I	**0,9**	0,3	0,1	0,2
M/~I	0,0	0,1	0,1	0,0
~M/~I	0,0	0,0	0,0	0,1
~M/I	0,0	0,2	0,0	0,0

==

Table 932:2
Spence & Gordon's (1967) subordinate measure

	C/F	C/~F	~C/~F	~C/F
M	1,7	0,7	1,2	0,8
~M	1,0	0,8	1,1	**3,0**

==

§931. After nearly 30 pages, Spence & Gordon (1967) admit in one single sentence, that their result might have a common sense explanation. But their primary idea is that they succeeded in [1] arousing [2] a fantasy which is [3] unconscious, [4] oral, and [5] regressive (= related to the infantile feeding situation). Their design will be presented without psychoanalytic terminology. They excluded all unusually vigilant individuals. Their subjects were first divided into consolation eaters (C) and non-consolation eaters (~C) on the basis of a questionnaire dealing with *conscious* feelings and *behavioural* habits. Second, all subjects were given fake personality information intended to make half of them feel frustrated (F) and self-confident (~F), respectively. Third, all subjects were tachistoscopically presented with a stimulus for 1/150 sec at low illumination, which was repeated 5 times; either the word MILK (M) or a blank slide (~M), each alternative for half the subjects.

Still through the tachistoscope but at clearly visible duration and illumination, all subjects were presented with a series of 30 words (in the same random order), which they would be asked to recall later. Spence & Gordon classify the words into three categories:

"Infantile associates" (i.e., associates of the infantile feeding situation): baby, cry, formula, mother, sleep, suck, swallow, warm.

"Socialised milk associations": butter, cold, cream, dairy, drink, glass, thirst, white.

"Buffer words": book, comb, ear, game, idea, low, paper, pierce, porch, ring, road, speech, signal, watch.

§932. When the subjects were asked to recall these words, two primary and one subordinate measures were used: (a) the number of *falsely* recalled words ("importations") of an oral regressive nature (I); (b) the

number of oral non-regressive importations (~I); (c) the number of *correctly* recalled oral regressive words minus the number of correctly recalled oral non-regressive words.

The outcome is shown in three geometric figures (pp. 111, 113, 115). These figures conceal the interrelation between the variables. In Table 932:1 and Table 932:2 I have converted the diagrams into approximate numbers; no great numerical precision is called for.

§933. One cannot excuse every kind of flaws by calling one's study exploratory. In Table 930:1 one cell is outstanding, and it is the right one from the writer's standpoint. *Consolation eaters* who had been *frustrated* and also exposed to the *milk* stimulus, falsely recalled an average of nearly 1 so-called oral regressive word. Every other group hardly deviates from zero.

But in Table 930:2 the false cell is outstanding. *Non-consolation eaters* who had been *frustrated* and exposed to the *blank* stimulus, correctly recalled more oral regressive words than any other group, and 76% more than the second highest group.

In the long summary of 497 words, the writers do not even mention their second and embarrassing result. The latter is likewise omitted in the extensive accounts of the experiment given by Dixon (1971:163ff., 1981:11ff) and Sjöbäck (1985:59ff.). Dixon fully accepts the evidential power of the study, and Sjöbäck supplies no hint as to the methodological errors.

In view of the arbitrary classification of the terms, there is little point in the statistical tests of significance. Agreement with the questionnaire item "When I'm feeling blue I try to find something to eat" is no valid sign that the subject "use[s] food as substitute for affection". The writers have *tested* nothing. They took in advance for granted that if a subject agreed with the above item, "*an unconscious fantasy* had been aroused which guided his behaviour", and that "rejection would arouse a *REPRESSED oral fantasy*".

§934. What has "formula, sleep, swallow, warm" to do with the infantile feeding situation? None of the remaining "infantile associates" has any exclusive relation. The "socialised milk associates" is likewise an arbitrary group.

The greatest flaw is the classification of the importations: "bottle, milk, mouth, smell, taste" are taken to be oral regressive words (while "smoke" is a *non*-regressive word). "Milk" (the mere repetition of the stimulus word) is not listed separately. Possibly, "juice" as the stimulus word would have had the same effect on recall and importations. But it would have had a weaker persuasive effect on the reader. "Nipple", given by a single subject, is the only significant word. Assuming it was not a chance phenomenon, it would be unsurprising if some consolation eaters were prone to use their mouth for other pleasures than eating, inter alia kissing female breasts.

Summing up, all three studies illustrate little more than parasitism on locally equivalent non-psychoanalytic circumstances.