



Serving People and Professionals
in Contested Allegations of Abuse

Dear Reader

Life in the office has been particularly hectic since the New Year. In addition to the usual end-of-year tasks, dealing with cases and preparing for impending trials, we have been working intensively with the help of some of our members on the new book project. This has presented us with new challenges, beyond our existing skills, but we have been fortunate to couple these with the expertise of a retired journalist, an author and publisher, plus the pro bono guidance of a lawyer. Together we have now reached the point of publication. The book will be launched officially in London, in May, when policy makers and journalists will be invited to learn more about our work and be able to talk to affected families. Read more about this topic in the Members' Forum.

The organisation and planning of our forthcoming Annual General Meeting in March has also been underway. With government moves to introduce regulation of the talking therapies we thought it would be topical to invite a speaker from *Human Givens*, an organisation which was set up in the wake of concerns about poor therapeutic practice contributing to the false memory saga. By now, members will have received details and we are keen that interested professionals get in touch if they would like to attend.

There is plenty of interest going on in the background too. Matthew Smith provides coverage of recent news items; including the regulation of therapy, the removal of anonymity for individuals found to be making false accusations and the government move to change the law to facilitate a greater conviction rate in rape cases. We are keeping a watching brief over a government initiative to draw upon input from existing research and user-lead service provision to advise future mental health policy for adult survivors of sexual abuse. This is part of a very much bigger project called the Victims

of Violence and Abuse Prevention Programme. This has been set up under the auspices of the Department of Health and the National Institute of Mental Health in England to identify and respond to the effects of all forms of abuse, including domestic violence, child abuse and trafficking to name a few and to provide for the long term mental health of those affected. We hope to cover this topic in more detail in the next newsletter.

During discussions with a member I was asked how the false memory debate is progressing in the United States so we have invited the Executive Director of the False Memory Syndrome Foundation in Philadelphia, Pamela Freyd, to provide us with an update. Although there are major differences between our two countries due to the influences of more stringent therapeutic regulation, insurance companies challenging health practices and the statute of limitations in criminal law; it appears that the overall situation is not dissimilar to our own.

We look forward to seeing you at the AGM.

Madeline Greenhalgh

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NEWS FEATURES

The regulation of therapists and counsellors takes a step closer

The government's long-awaited white paper, which will propose the regulation of therapists and counsellors, is to be published imminently.

This announcement will be music to the ears of so many BFMS members, who have had their lives devastated by the actions of poorly-trained and ill-informed therapists.

The white paper will mark the end of months of government-led research, the centrepiece of which was the Foster Report, which investigated the issue last year.

The news that the draft legislation was just weeks from publication was revealed in an article in *The Observer* newspaper at the end of January. The article said the Health Minister, Andy Burnham, MP for Leigh, would be overseeing the publication of a white paper and confirmed it would call for the extension of the regulations.

A Department of Health spokesman is quoted, saying that the plans were not yet fully finalised, but added: "We are committed to a system of professional regulation that ensures patient safety and is fair to professionals."

While the BFMS is pleased the government is at last taking action, we believe they should go further.

Regulation of the 'talking therapies' is a first step on the ladder towards the organisation of previously unregistered practitioners, but this alone will not deal with the unresolved issue of quality and safety of therapeutic content. Neither will it ensure that complaints are handled independently

nor will it raise the sensitive matter of breaching patient confidentiality, where claims of previously unreported abuse are raised during therapy and family input might provide valuable insight.

The therapy industry has had years to get its house in order but it is now clear that the government will take the reins to introduce necessary regulations. Hundreds of families with complaints about therapeutic practice at all levels of expertise are looking to the government finally to grasp the nettle to bring evidenced-based-practice to the thousands of vulnerable people seeking help.

Now is the time for BFMS members to write to their MPs to ensure they are briefed about the need for a level of regulation that goes beyond building a register of qualified talking therapists.

**Note: The above comments closely reflect those contained in a letter from the BFMS to The Observer, published on 4 February 2007.*

Plane stupid: How BA's got its head in the clouds

The always-entertaining Boris Johnson generated considerable debate in *The Daily Telegraph* following his article about British Airways' policy of banning single men from sitting next to children on flights.

The article was written by the MP after he was asked to move seats by a stewardess who was unaware that the children he was sitting next to were his own!

Although a humorous article, Johnson raises a series of serious points about 'our dementedly phobic and risk-averse society'. He questions the hysteria surrounding the 'paedophile plague' and the 'terrible damage that is done by this system of presum-

ing guilt in the entire male population just because of the tendencies of a tiny minority’.

Johnson adds: “What about adult females? Every week there is some new tale of what a saucy French mistress is deemed to have done with her adolescent charges behind the bicycle sheds; and, disgraceful those these episodes may be, I don’t hear anyone saying that children should be shielded from adult women. Do you?”

While very amusing, the article is an interesting insight into our society in the 21st Century and the seemingly increasing support for the notion that you are guilty until proven innocent.

You can find the article on the Daily Telegraph’s website, in the Opinion section. The full web address for the article is: www.telegraph.co.uk/opinion/main.jhtml?xml=/opinion/2006/11/09/do0901.xml

Chinese whispers

In January, *The Daily Telegraph* carried an interesting article from bestselling crime novelist Tess Gerritsen, in which the issue of false memories was of central importance.

Ms Gerritsen’s article focussed on the real-life murder of a young woman many years ago, in the small Chinese community in San Diego, USA, where the author was brought up.

The writer said that it was only recently, when she revisited the details of the murder in news archives, did she realise how mistaken she was about the facts.

“The murder has acquired the patina of legend, and like all legends, the facts have mutated throughout the years, altered by endlessly reworked gossip and the fallibility of human memory,” said Ms Gerritsen. “I can’t trust my own memory because I’ve

learnt that memories deceive us. Details I swore were true have turned out to be false. But certain memories stand out so starkly in my mind that I think they must be true.”

Ms Gerritsen clearly remembered that the man who turned out to be the murderer – a family friend - had actually visited the author’s house on the day of the killing. It was Hallowe’en and she and her brother were dressed up in fancy dress, ready to go trick-or-treating. She knew the memory was right because her mother had always told the same story again and again.

However, on further investigation...

“When I eventually went in search of the archived articles, I was stunned to see the date of Janet’s [the victim’s] death. It was indeed Hallowe’en, as my mother has always claimed. But it did not happen in the 1960s, as she believed. It happened in 1972. That year, I was 19 years old and my brother 15.

“Both of us would have been too old to dress in Hallowe’en costumes. And in October I would have been away at university. Yet I remember every detail of that visit. I believed in something that could not have happened because my mother convinced me of the impossible.”

Second Life? Get a life!

Internet gamers are joining virtual online ‘communities’ and claiming they were sexually abused as children to make up for the problems in their real day-to-day lives.

Incredible though it may seem, hundreds of people who attended a recent seminar in the USA admitted they had created an online persona and faked a troubled childhood to help justify to themselves why their real lives are so depressing.

The problem seems to be particularly rife within Second Life – a massive online ‘world’ where people can create a tailored image of themselves.

The 3D world allows people to look, sound and dress how they want while interacting with other online gamers. It has proved such a phenomenon that it now has over three million members – including thousands from the UK - and some people actually make a living by ‘working’ within the community, for example by selling clothes or planning lavish parties and weddings.

However, there is a more sinister side of Second Life – dubbed ‘Sadville’ by many Americans. There is evidence that a growing number of people are inventing traumatic stories about themselves to make their lives seem more ‘interesting’.

An article on The Register website – www.theregister.co.uk – by Otto Z. Stern highlighted the case of ‘Rafe’, a 40-something tollbooth operator who turned to Second Life in a bid to escape the drudgery of his real life existence.

Rafe took on the online persona of a 12 year old boy and hung around the more seedy areas of Second Life until he was molested several times, in the process achieving the troubled life he had always wanted. He has since used this online childhood to explain why his real life is so sad.

Do you laugh or do you cry?

What is particularly worrying is that a recent survey found half of all Americans who belong to online communities claim that the virtual world they inhabit is as important as the real world.

As Stern so wonderfully ends his article (tongue firmly in cheek): “Isn’t it wonderful that computers have brought us to this point, where we can live out the paedophilic nightmares that we never actually got to experience, in a virtual world.”

RESEARCH

Recent studies

Hypnotic pseudomemories

American academics have been studying the effects of warning people who are highly prone to hypnotism about the possibility of hypnotic false memories.

They found that the warnings reduced suggestibility but not false memories during hypnosis.

Participants in the study were ‘age-regressed’ to a night of the previous week, when it was suggested to them that they had heard a noise which woke them up. The study found that 38 per cent of warned participants accepted the suggestion, compared to 75 per cent of unwarned participants.

However, an analysis of those people who accepted the suggestion during hypnosis showed that the warning had no effect on their post-hypnotic ‘pseudomemories’: among this group, 75 per cent of warned people, compared to 58 per cent of unwarned people, stated immediately after hypnosis that the noise had really occurred.

Warned and unwarned participants were equally confident in their false memories.

Hypnotic pseudomemories, prehypnotic warnings and the malleability of suggested memories. Joseph P. Green (Ohio State University at Lima), Steven Jay Lynn (State University of New York at Binghamton), Peter Malionski (Ohio University, Athens, Ohio)

Hypnosis versus relaxation

A study has found that a person who ‘remembers’ the dates of key international events while under hypnosis is less likely

to admit they have made errors than someone who has been asked the same questions while in a relaxed state.

Participants were asked to remember the dates of 20 memorable and less-memorable international news events.

Initial findings showed the hypnosis and relaxation groups performed comparably in terms of the accuracy of when the events occurred and their confidence in their estimates.

Later, participants were informed that at least one of their estimates was incorrect and were given the opportunity to alter the date of when they thought one or more of the events took place.

Participants who generated their initial estimates during hypnosis were less likely to change their previous estimates of the dates of events than the participants who had made their estimates in a relaxed state.

Hypnosis versus relaxation: accuracy and confidence in dating international news events. Joseph P. Green (Ohio State University), Steven Jay Lyn (State University of New York at Binghamton).

Memory Processes

A new study suggests maltreated children's memory processes are no different to that of non-maltreated children.

Outlining their work, the researchers state: "The effects of stress on basic memory processes is examined and potential neurobiological changes relevant to memory development are examined.

"The impact of maltreatment-related sequelae, including dissociation and depression, on basic memory processes as well as false memories and suggestibility are also outlined.

"Although there is a clear need for additional research, the investigations that do

exist reveal that maltreated children's basic memory processes are not reliably different from that of other, non-maltreated children."

Children's basic memory processes, stress and maltreatment. Mark L. Howe (Lancaster University, UK), Dante Cicchetti (Institute of Child Development, University of Minnesota), and Sheree L. Toth (Mt. Hope Family Centre, University of Rochester).

Recovered memories – a modern day phenomenon?

A competition which set out to investigate whether repressed memories existed before 1800 has failed to find a single documented case.

The competition was started last year by Harrison G. Pope Jr, a doctor and respected Harvard University scholar, and colleagues. (See *BFMS newsletter September 2006*).

Pope and his colleagues offered \$1,000 to the first individual who could find a case of 'dissociative amnesia' (or recovered memory) in any fictional or non-fictional work before 1800.

As he explains in his paper *Is dissociative amnesia a culture-bound syndrome? Findings from a survey of historical literature*: "For our notice [advertising the competition] we used the term 'repressed memory', a term essentially synonymous with dissociative amnesia and probably more recognisable to lay readers.

"We took care to indicate that 'repressed memory', like 'dissociative amnesia', represented the inability to recall a traumatic event, as opposed to ordinary forgetfulness for an event, or merely not trying to think about the event.

“We posted our notice on numerous internet websites and discussion groups and placed a similar display advertisement in the *Chronicle of Higher Education*, a publication with 83,000 paid subscribers.

“We also posted our question on Google Answers, a service where hundreds of experts, many with sophisticated internet searching skills, will attempt to answer any question....”

And that was not all. The team translated the advert into French and German and placed them on numerous websites based in these countries. They also placed their advert with ‘The Memory Debate’, a private email group specifically focussed on trauma and memory.

The results? “Our advertisement generated more than 100 responses, some several pages long, citing scores of texts prior to 1800, but none describing an individual showing spontaneous amnesia for a specific traumatic event,” said Pope.

Texts submitted to the competition were incredibly varied, including Shakespeare’s *Henry IV, Part I*, Sophocles’ *Oedipus Rex*, and numerous 18th Century medical texts. However, they involved normal forgetfulness, such as infantile amnesia, or amnesia due to biological causes such as head injuries.

Pope concludes: “If dissociative amnesia for traumatic events were a natural psychological phenomenon, an innate capacity of the brain, then throughout the millennia before 1800 individuals would presumably have witnessed such cases and portrayed them in non-fictional works or in fictional characters.

“The absence of cases before 1800 cannot reasonably be explained by arguing that our ancestors understood or described psychological phenomena so differently as to make them unrecognisable to modern readers because spontaneous complete amnesia

for a major traumatic event, in an otherwise lucid individual, is so graphic that it would be recognisable even through a dense veil of cultural interpretation.

“Therefore it appears that dissociative amnesia is not a natural neuropsychological phenomenon but instead a culture bound syndrome dating from the 19th Century.”

MEMBERS’ FORUM

Fractured Families goes to print

BFMS’ first-ever book has now gone to print!

Fractured Families is a collection of 18 stories from BFMS members telling first hand accounts of their experiences.

Among this collection are two stories from retractors, who explain how they came to make their accusations against their parents and the repercussions their allegations had for all their loved ones.

In addition to the stories, *Fractured Families* features an article from eminent academic Professor Larry Weiskrantz, Emeritus Professor of Psychology at Oxford University, and a foreword from Anne Atkins, the popular writer and journalist.

The book is set to be officially launched at a press conference at the House of Lords on May 15th – International Day of Families.

Keep your eye on the BFMS website – www.bfms.org.uk – in the coming months for details of where you can buy the book.

Everyone at BFMS would like to thank all those everybody who took the time and effort to contribute their own powerful stories to *Fractured Families*.

Letting Go or Keeping the Door Open?

In the September 2006 *BFMS Newsletter*, an anonymous father wrote a piece, “Is It Time to Let Go?” In it, he explained that he had, without rancour or pain, excised his daughter from his life. She believes his step-daughters’ accusations based on so-called repressed memories. Here is the heart of what he wrote:

“Neither my current wife nor any of my other children, friends or relatives, have had any contact with this particular daughter since – and nor will we. This is not out of anger, spite, or any other emotion. We have just ‘let her go.’ It is as if she had decided to live in a remote part of Africa, where all forms of communication are permanently unavailable. I do not feel sad or unhappy and this particular daughter seldom, if ever, enters my mind. When people ask me about my children, I tell them that I have a son and *three* daughters, not four. It is as if she never existed.”

Reading this passage tore at my heart. I too have lost a daughter – two daughters, in fact – but I could never and would never write them out of my life. I miss them every day. I think about them every day, even though it has been over 15 years since I have had any real communication with them. Yes, I have gone on with my life, and I don’t obsess over them. But I much prefer the occasional pain mixed with joyful memories of their childhood to the sort of stiff-upper-lip of this anonymous father.

Perhaps this is a cultural thing – I am one of those hearts-on-their-sleeves Americans, after all. But I doubt it. It is of course every parent’s prerogative to deal with the tragedy of false accusations as they want to or as they must. But I feel extreme sorrow for this father. Much as I cringe at the phrase ‘in denial,’ which has been so abused by misguided psychotherapists, I suspect that it may apply in this case. I do not believe for one moment that this father does not

feel sad or unhappy, or that this daughter seldom enters his mind. This is the way he has chosen to deal with it. It is too painful to admit the pain. And his comment that he has *three*, not *four* daughters, made me think of Tevye in *Fiddler on the Roof*.

It happens that I went to see a local production of *Fiddler on the Roof* last week. It was a very emotional experience for me for several reasons. In 1978, I played the part of the Fiddler in the same play, produced by the same theater group, in the same theater. My daughters, then ten and eight, came to many of the rehearsals, played with other cast children, and knew every word and every song in the play. We would sing the songs together in the car.

For those of you who are not familiar with the play, Tevye, the milkman, has five daughters, and like everyone else in the small village of Anatevka in 1905 Russia, he believes in tradition. His daughters’ husbands should be chosen by a matchmaker. Yet his oldest daughter, Tzeitel, refuses to marry the butcher and chooses Motel the tailor as a love match. Tevye reluctantly supports her. Then his second daughter, Hodel, wants to marry Perchik, a revolutionary Jewish student who is not from the village. Again, Tevye eventually gives in. But when Chava, the third daughter, falls in love with Fyedka, a Russian non-Jewish soldier, it is too much for the father. He refuses to agree to the match, and he insists that no one in the family mention her. He tells people that he has four daughters, not five daughters. He tells his wife that Chava is dead to them.

Even in 1978, when my young daughters thought I hung the sun and moon, this rift with Chava tore me up. Of course, in reality Tevye cares deeply about Chava. To himself, he sings a wrenching song of confusion about her:

Little bird, little Chavelah,
I don’t understand what’s happening today,
Everything is all a blur.
All I can see is a happy child,

What a sweet little bird you were,
Chavelah, Chavelah.

Little bird, little Chavelah,
You were always such a pretty little thing,
Everybody's favorite child.
Gentle and kind and affectionate,
What a sweet little bird you were,
Chavelah, Chavelah.

Today, I can't hear that song without crying, because the emotions are so familiar to me now, as they are to many parents whose children have cut off all contact with them. But it makes it all the more painful to me that this is the *father's* choice. The other day in the theater, I wanted to stand up and shout, "Stop it! Stop doing this to yourself! Stop doing this to your daughter!"

At the end of the play, there is some little shred of hope that the rift within the family will heal. Chava and Fyedka come up as the family is leaving Anatevka, forced from the village by a pogrom. They are going to live in America with a relative, and Tevye's wife tells them where they will be. So perhaps a reconciliation may some day take place.

I can't tell anyone else how to act or how to feel, but I simply had to respond to what this anonymous father wrote. It is understandable that, in reaction to his feelings of pain and betrayal, he wishes to distance himself from the situation and assert that his daughter simply doesn't exist for him any more. But it is a lie that his heart will never admit to. As for me, I have learned to 'let them go' in a sense. My door is always open to my daughters. But I no longer expect them to come back, and if they do, they will not be the same young women I knew long ago. And I am living and enjoying my life. But I will always have two daughters, and I will always love them.

Yours,

Mark Pendergrast
Author, *Victims of Memory*

NEWS FORUM

Letter from America

Pamela Freyd provides us with an update from the United States

It has been 15 years since the False Memory Syndrome Foundation (FMSF) began in March of 1992. So much has changed.

When the FMSF formed, families were mystified as to what had happened to them. Where could such terrible accusations come from, and how could a loving family so easily be torn asunder? It didn't take long to figure out. Time and patience have stretched thin, however, waiting for families to reunite and for the beliefs and practices that contributed to the problem to end.

Satanic Ritual Abuse: The issues in 2007 are quite different from those in 1992. Then, people were being sued for harming their children in satanic rituals, but now, mainstream support for the existence of intergenerational satanic abuse cults has dissolved, thanks to researchers who have provided convincing evidence of how such beliefs arise and spread. There are still many people who cling tenaciously to this belief, especially in some fundamental religions and in some isolated communities, but accusations of satanic abuse rarely appear in courts.

Legal Issues: Courts and legislatures, however, still struggle with the issue of the scientific reliability of recovered memories. Although, in 2003, the United States Supreme Court struck down a California law allowing retroactive prosecution of child abuse cases in *California v. Stogner*, the legal status of recovered memories is still debated state by state. The battles occur over whether the statute of limitations applies in a given case or whether recovered memory evidence and experts should be allowed in the court. Often decisions

seem to be made from emotion rather than considerations of science. For example, for the past decade, many clergy members have been accused of abusing children in the past. Under current laws, most cannot be prosecuted for those offences. Understandably, people are outraged, and as a result, many state legislatures have considered bills that would eliminate the statute of limitations in child abuse claims. These proposals often take the form that if a person recovers 'repressed memories' of the abuse or if a person just recently came to realize that it was abuse that caused his or her current symptoms, then the statutes should be eliminated. Such bills have passed in a number of states with no discussion of the science that might support such claims. On the other hand, in most, but not all, states in which there has been some sort of special court hearing debating the reliability of 'recovered memories', the evidence has not been allowed. This is the way that legal change crawls forward in the States.

Many of these people practice under the auspices of religious counselling and are thus immune from any state controls.

Research: When one looks at the past decade's published research about recovered memories, it is difficult to understand why any debate still exists. Perhaps it is because there is still no definition of repressed memories or dissociation on which everyone agrees. The divide between research and practice remains unfortunately deep on this issue. The notion that a child might repress horrid memories of abuse in order to survive holds romantic and dramatic appeal. Yet there is no convincing research to show that it is possible to repress a memory of sexual abuse but not repress one of being attacked by a lion. Common sense tells us that people who forget lion attacks are unlikely to survive.

At the same time, many people feel that they have personally experienced remembering something from the past that they label a recovered memory. Yet research provides ordinary explanations for such experiences that require no special memory processes. People don't always remember that they recalled an event in the past. People can confuse the renaming of an event with not remembering it. Adults reinterpret their childhood memories in adult terms.

Research on suggestion has exploded in the past decade. Researchers have demonstrated that false memories/beliefs can be created in many different situations. As a consequence, reputable therapists no longer use memory enhancement techniques such as hypnosis and guided imagery in order to recover memories of past abuse because they understand the risks. Unfortunately, there are still minimally trained people who don't understand. Many of these people practice under the auspices of religious counselling and are thus immune from any state controls.

A different sort of research paper has just appeared in which the authors used the power of internet databases to see if they could find examples of repressed and recovered memories in literature or other writings before 1800. No examples that met their criteria have yet been found and the authors have concluded that this is very strong evidence that the notion of repressed and recovered memories is a product of our culture rather than a physical phenomenon. Perhaps this research will be the coup-de-grace of the memory wars.

Families: We eagerly look forward to the month when no one calls the FMSF, but it has not happened yet. Families still contact the Foundation to try to understand how to deal with a child's recent accusations. Sometimes lawsuits are involved. A recent example is that of a teenager who had an eating disorder and was sent to a treatment facility where she was advised

by an untrained aide that she must have been abused. This is the same old story that was discredited a decade ago, but that does not make the family's pain any less. Nor does it lessen their concern for their daughter's welfare. The parents must still pay oodles of money to defend themselves, although now they have a much better chance of a counter-suit. This is because it is so easy to bring a lawsuit in the United States and because many attorneys are unaware of the developments in showing the unreliability of recovered memories, some lawsuits continue to be filed against parents based only on a claim of 'recovered repressed memory'. A recent example is a case in which a teenage daughter was sent to an eating disorders treatment facility where an unqualified person suggested that she had been abused. A lawsuit against the parents followed. When the young lady was properly treated, however, the situation changed and the family plans to hold the therapist and facility accountable. Even so, this was at great expense to the family.

Lots of the calls that the FMSF receives now are from families getting to grips with either of the following: accepting that it is unlikely that their child will return or struggling with how to live with a returning child who does not want to talk about what happened. Sadly, many of the families who originally helped to start the Foundation and speak out about the problem of FMS in a way that brought about great change have become ill or died. We wish we could write that each of these families had a happy ending, but that is not the case. But I think that it is fair to write that each and every FMSF family is happy for any other family that has been able to reunite. Each family that reunites increases the probability of other families reuniting.

Conclusion: The United States is huge and varied. Ideas spread in spurts and layers and in many different ways. Ideas are adopted in different ways and with differ-

ent speeds. Although science can be tremendously exciting to those who do it, others may not see the results the same way. The romantic notion that some children have a special talent to repress the memory of terrible abuse and later remember and then heroically overcome it may be more appealing than the fact that this does not actually happen, except in literature. The ordinary explanation of why a person may think he or she recovered a repressed memory may seem dull compared to the reality. For example, people may have the impression that they have recovered a memory when they reinterpret a past event in terms of their adult understanding. Results of a recent experiment show that some people who thought that they had a 'recovered memory' experience, had, in fact, forgotten that they had previously remembered and talked about that experience.¹

The notion of repressed and recovered memories has been around for a long time and is deeply embedded in the culture. Major cultural shifts can and do take place. The attitude to cigarettes is an example of a recent change that took place quite rapidly. Ultimately the science questioning the validity of memories recovered from childhood will prevail, but there is still a lot of education and research that is needed.

Pamela Freyd, Ph.D.
Executive Director, FMS Foundation

- 1 Geraerts, E., Arnold, M.M., Lindsay, D.S., Merckelbach, H., Jelicic, M., Hauer, B. (2006). Forgetting of prior remembering in persons reporting recovered memories of childhood sexual abuse. *Psychological Science*, 17 (11), 1002-1008

Diary Date

The BFMS AGM will be held on Saturday
17th March 2007 in London.

BOOK REVIEWS

Human memory and its foibles

The Science of False Memory, Brainerd, C. J., and Reyna, V. F., New York: Oxford University Press, 2005. Pp, xi, 559. ISBN13 978-0-19-515405-4. £49.

False memory in its broadest sense crops up all over the place – in everyday life, education, crime investigations, court cases and psychotherapy. According to the dust cover quote from Elizabeth Loftus, herself a well-known expert on eye-witness testimony and false memory, ‘This is the definitive book on the subject’.

The authors, Professors at Cornell University, give a brief history of the issue and then deal with its rapid development towards the end of the 20th Century. Recent developments in theory and experiments are described very fully. Although the book is complex and full of details it promotes a very simple underlying theory. The writers favour the view that there are two streams of memory – verbatim or surface memory and gist or memory for meaning which are processed in parallel. They are said to be dissociated which, in view of the false memory controversies, is a misleading expression. The authors do not mean that these types of memory are in some frozen state from which they may be released by such measures as hypnosis. By dissociation they mean that memory is split or separated into these two types – verbatim and gist – and processed accordingly. Experimentation shows that both decay with time but the former more quickly. Memory processing also varies over a person’s life cycle.

Verbatim and gist processing can work as a kind of check and balance in the short term with verbatim memory being prominent but gist eventually gets more of a say and this introduces confusion and false memo-

ries by what are called opponent-processes. The authors go into great detail to show how this happens in the controlled environment of the laboratory where opponent-process theories are tested in relation to storage, retrieval and forgetting of memories. False memories for details (verbatim) creep in more easily when details are forgotten after delay but the groups they belong to (gists) are still remembered (e.g., it was a car but what colour was it?). Then, if false information is introduced (perhaps the suggestion that it was a blue car) and repeated it can be remembered better than true memories which have faded.

These researches have practical implications and long chapters are devoted to how adults and children are interviewed and involved in witness identification in criminal investigations. They show how fallible memory can be. A long chapter (pp. 361-422) on false memory in psychotherapy will be of great interest to BFMS members. It shows that psychotherapy is heavily biased towards gist processing with long delays (i.e. years) between alleged storage and retrieval. Therapists, for example, try and confirm hypotheses rather than gather facts neutrally. They also detach patients from reality by suggestive procedures such as hypnosis and bring in dream interpretation and guided imagery, procedures that harness the power of imagination. Altogether, psychotherapy has the ingredients to make patients ‘especially vulnerable to spontaneous and implanted false memories; and multiple therapy sessions provide repeated opportunities for gist repetition and verbatim repetition of misinformation’ (pp. 420f). Such matters may lead us to regard psychotherapy with suspicion but it does not prove that any particular memory in psychotherapy is false. Nor, according to Brainerd and Reyna, do court cases where therapists were successfully sued for implanting false memories, or situations where claims were comprehensively discredited (e.g. in the Rutherford case, pp. 366-70) or recanted ‘constitute convincing scientific demonstrations’ (pp. 421). I

would say that these examples provide evidence but Brainerd and Reyna point out that many experienced clinicians could point to contrary 'evidence' from their patients' testimonies to back up their belief that psychotherapy cannot instil false memories. Instead of debating these points Brainerd and Reyna get down to the kind of experiments that would resolve the matter. They give five types of experiment and although it would be unethical to inflict really damaging traumatic false memories the experimenters have come pretty close and several experiments 'have succeeded in implanting false memories of complex childhood events, including stressful events' (pp. 413). By this means Brainerd and Reyna show that the experienced clinicians mentioned above have got it well and truly wrong. My impression is that such people continue to use their methods including the repression theory as though the last 15-20 years of research never happened.

Brainerd and Reyna show that the experienced clinicians ... have got it well and truly wrong.

The book closes by describing the most likely developments in false memory research with mathematical models, ageing studies and neuroscience being the front runners at present.

This is a very serious piece of work. It goes into great detail and describes many experiments very fully. Each chapter has a full synopsis which helps the reader to bring all the detail together. The general reader wanting to know the latest position in this area will be fully informed but will find it hard going. We would have liked some discussion/critique of repression but the authors lump it dismissively with pop psychology. Maybe it deserves that lack of exposure. In any case Richard McNally's *Remembering Trauma* (2003) gives a re-

cent assessment of the issue. Nevertheless, in *The Science of False Memory*, professionals in many fields, including child protection, police and psychological treatments have an evidence base from which to assess and develop their work.

W. John Young

Death of Psychoanalysis?

Killing Freud: twentieth century culture and the death of psychoanalysis, Dufresne, T., London, New York, Continuum International Publishing Group Ltd, 2003: Pp, 207. ISBN13 978-0826485816. £9.99

Todd Dufresne is Chair of the Department of Philosophy at Lakehead University, Ontario. He is the author of several other books, including *Tales from the Freudian Crypt: the death drive in text and context* (2000).

Mikkel Borch-Jacobsen, author of *The Freudian Subject* and *Remembering Anna O*, describes *Killing Freud* as "... a witty and fearless re-evaluation of psychoanalysis and its real place in 20th Century history. It will appeal to anyone curious about the life of the mind after the death of Freud."

The book is written as a "...provocation and a call to scholarly debate." It is intended as a celebration of the death of psychoanalysis, a death that the author clearly considers overdue. He laments the continuing references to Freud's work, attributing it to habit, professional pride and the widespread culture of therapy that is still prevalent in many countries. His approach to the subject is diverse, combining an academic approach with humour and light heartedness whilst retaining a considerable factual content.

The first part of the book is devoted to historical facts relating to Freud's work, and

provides a useful background to the contemporaries of Freud and the history of their criticism of his work. The third chapter, *Critical Readers of Freud Unite: a New Era for Freud Studies*, provides an excellent overview of the history of critical works on Freud over the last thirty years.

The subject of repression and false memory is specifically referred to in the concluding part of the chapter on Anna O. "...the myth of the unconscious is the direct result of a paranoid discourse bent on proving its own assumptions; a discourse, moreover, that not only provides a symptom language, but makes people sick because of it ...". He goes on to give examples of the consequences of psychoanalytic thinking, including dual personalities and false memories, referring the reader to Frederick Crews' works for more information. He also refers to "the recovered memory fiasco" in his introduction.

Whilst the book is written as a satirical critique of Freud and his works, I found that his approach was somewhat lost on me, because I do not have the necessary background knowledge to fully understand the subject matter. Knowledge of the works of Lacan, Derrida, Jones and others is needed as well as a clear understanding of terms such as postmodernism, structuralism and post structuralism. It is not therefore an easy read for those new to the field but on the other hand, it is perhaps a good introductory text for those who wish to get a grip on the subject matter.

Overall, I found the book enjoyable and challenging as well as informative. I particularly enjoyed his use of the term 'Occam's razor', a principle that demands the simplest explanation without the complications of multiple assumptions. It is not a principle I have heard of before but it is admirably suited to the false memory debate.

In the final section the author draws three conclusions. Firstly, that psychoanalysis as

psychotherapy has no future, particularly because of financial constraints on long-term therapy; secondly, it has no future as an intellectual activity and thirdly, it has a limited future as a culture. He summarises his position succinctly thus.

"As for those of us willing to laugh at our own culture and at ourselves, who are culturally literate enough to read the cues, and know enough to make our future intellectual and cultural investments elsewhere – well we must be forgiven for laughing at the laughable. Psychoanalysis is indeed dead, ..."

I conclude therefore that this book makes a valuable contribution to the critique on Freud and bangs home another nail in the coffin of psychoanalysis. Hooray!

A. Noble

Burrowing into Jungian therapy

Tracking the White Rabbit: a subversive view of modern culture, Cowan; L., Brunner-Routledge, 2002. Pp, 135. ISBN13 978-1583911983. £9.99

Lyn Cowan has worked as a Jungian analyst for nearly thirty years and lives in Minnesota. She also lectures internationally and the book is a collection of essays from lectures made over a period of twenty years. Written on a variety of subjects, including abortion, gender and sexuality, language and memory, her approach aims to put cultural concerns in a psychological, rather than a social or political framework. Her contention being that this re-framing provides a different perspective for bringing about change and ways of thinking about these concerns. As the title suggests she views her approach to the subject as subversive, deliberately intending to provoke debate and question the status quo.

Jungian psychology is, to her, a subversive psychology, encouraging people to plumb the depths of their beliefs about themselves, their past and their present and to question it.

In her intention to subvert and challenge, her aim is similar to that of Todd Dufresne in *Killing Freud*. Her approach, however, is very different. The essays present her ideas and opinions rather than factual material; references to other writings on the subject of each chapter are therefore sparse. The first chapter on eccentricity in the individual is based on the world of *Alice in Wonderland*. Here, Cowan draws parallels between the world of the psyche and the nonsensical world of wonderland, drawing on Jungian ideas of the collective unconscious and archetypal images. Throughout the book, she draws on characters from Greek mythology for framing her ideas.

The book is well-written and interesting, yet disappointing in its failure to subvert in an area where subversion is really needed. She writes of the need for individuals to tolerate paradox and I found the content of the book to be paradoxical, particularly in the two chapters entitled *Feeding the Psyche; Junk words and corn-fed music* and *False memories, true memory and maybes*. In the former, she reveals a subversive view of the language of psychology, pointing out the shallowness of commonly used terms and words and comparing it with the language control of George Orwell's *1984*. Words such as 'depression', 'addiction', 'co-dependence', 'dysfunctional', 'abuse', 'personal growth', ... she labels as "mentalspeak junk-food words".

Unfortunately, this stance is contradicted in *False memories, true memory and maybes* where it becomes clear that she does not apply her own label of "Mentalspeak junk-food words" to the concept of repression. The chapter requires careful reading to get the main facets of the arguments she puts forward around the false memory

debate. It becomes clear that her main concern is not about the veracity of the memories, nor about the role that psychotherapy might play in bringing about those memories but in the fact that the legal process of justice has been drawn into the scenario. She appears therefore to have no concerns about the recovery of memories of childhood abuse since this is a psychological reality that belongs in the psyche and therefore cannot be argued with. Mnemosyne, the Goddess of memory, and her daughters, the nine Muses fathered by Zeus, must be allowed their freedoms to express the needs of the soul. I found the chapter disturbing and controversial since she appears to condone the recovery of repressed memories and suggests that the client needs this for healing. Thus, she sees no need to be subversive about recovered memory therapy and merely argues against the litigation procedure since justice and vengeance have no part in the process. What is important to her is that the client is allowed to use creativity to bring a different perspective to the memories. The book therefore provides a useful insight into a therapist's viewpoint on the subject.

However, another chapter provides a subversive alternative with her suggestion that we should take note of hatred as much as we do of love, and we should re-discover the art of cursing. She talks of the need to be specific about the object of our hatred and of her personal hostility towards certain sites on the Internet that promote ideas of racial, religious or sexual superiority; "... they pollute the intellectual environment with excremental stupidity, and there is already enough shit in the world." It is sad she cannot see that recovered memories and all the baggage associated with them, whether or not litigation is involved, belong in the same category. There is definitely a place for a satisfying and solid curse against the practice of recovered memory therapy.

A. Noble

LETTERS

In the last edition of the BFMS newsletter, Vol. 14, No 1 September 2006, we published a letter concerning the publication of Can of Worms: Yes You Can! Working with Survivors of Childhood Sexual Abuse. The Scottish Executive responds with the letter below. We are in the process of seeking a further update following the meetings mentioned.

You wrote earlier in the year regarding the establishment of the Can of Worms booklet working party. I am writing to let you know that this working party, now known as the Can of Worms Review Group, is chaired by Dr Margaret Hannah, Consultant in Public Health, and consists of:-

- 2 representatives from the Royal College of Psychiatrists
- 1 representative from the British Psychology Society
- 1 representative from the Association of Directors of Social Work
- 1 representative from the Voluntary Sector
- 1 representative from the Scottish Executive Reference Group on Adult Survivors of Childhood Sexual Abuse
- 1 representative from Health in Mind (the booklet was commissioned from Health in Mind)
- 1 representative from the Scottish Executive Adult Support and Protection Unit
- 1 representative from the Scottish Mental Health Division
- The Scottish Executive's Psychiatric Adviser

The first meeting of the Group took place on 13 October. The second meeting is on Monday 11 December 2006. The aim is for the Review Group to complete its work by the end of 2006. As the booklet is being reviewed it is not currently available.

Lauren Murdoch
Head of Branch 2
Population Mental Health

LEGAL FORUM

To name or not to name...

A debate continues to rage in the media over whether people who make false accusations of sexual assault should be named and shamed.

At the same time, there are calls to withhold the identity of those people accused of a sexual offence, only revealing the individual's name if they are later found guilty of the crime.

The 'naming and shaming' debate has at last caught the government's attention, with the Attorney General announcing a review of the controversial law.

At the moment, the law protects the identity of anyone who makes an allegation of sexual assault against another individual. The accused, however, is provided with no such anonymity.

Recently, several high-profile legal cases involving false accusations have helped to keep the issue of anonymity in the public eye. One example is that of Warren Blackwell of Woodford Halse, Northamptonshire, who spent three years and four months in jail for indecent assault – a crime he didn't commit.

His conviction was quashed after a Criminal Cases Review Commission (CCRC) investigation uncovered that the woman who made the allegations was a serial fantasist with a history of making false accusations.

After his release from jail Mr Blackwell told BBC Radio 4's *Today* programme: "Her [his accuser] anonymity remains, protected by a law designed to protect genuine victims of rape.

"The law makes no allowances to name and shame false accusers. For men like me,

who have been the victims of a false allegation, the law has failed.”

Mr Blackwell’s barrister, Annie Johnston, told the press: “In cases where fabrication is overwhelming, the complainant is clearly lying, then the trial should have the discretion to lift the anonymity.”

Perhaps the most interesting twist to the Warren Blackwell case was what happened after he was released from jail.

A Labour peer, Lord Campbell-Savours, had been following the case and took the unprecedented step of naming the woman accuser during a debate in the Lords. He was able to do this because all debate in the Commons and Lords is covered by ‘Parliamentary Privilege’, which protects MPs and peers from legal action.

Because the woman’s name was revealed in the Lords under privilege, the media were able to name her without fear of prosecution, providing their reports of the debate were fair, accurate and contemporaneous.

(It was interesting to note, however, that most newspapers declined to mention the woman’s name even though they were free of the threat of legal action. Was this because they still thought that this was the wrong thing to do, even though the woman had made a false accusation? Was it because they were still concerned about the possible legal repercussions?)

Lord Campbell-Savours told fellow peers: “As a result of her [Blackwell’s accuser] accusations, he [Blackwell] spent three and a half years in prison following a shabby and inadequate police investigation, and was only exonerated when the CCRC inquiry cleared him and exposed her history.”

He added: “Shouldn’t mature accusers who perjure themselves in rape trials be named and prosecuted for perjury?”

The BFMS recently contacted Lord Campbell-Savours who was keen to find out more about the organisation and has agreed to attend the launch of the society’s *Fractured Families* book in May (see article on page six of this newsletter for more information about *Fractured Families*).

In a separate case - just weeks after Warren Blackwell’s conviction was quashed - Sally Henderson, 40, from Gloucestershire, was jailed for a year after falsely claiming she had been the victim of a string of sex attacks.

“You framed an innocent man. You accused him of the most serious offence to be brought against a man in the criminal calendar.”

She claimed that she had been raped by her husband in 2004 during their brief marriage. However, the jury heard that the allegations were almost identical to those made against a former boyfriend, five years earlier.

After being found guilty of perverting the course of justice, the judge lifted a reporting restriction allowing Henderson to be named.

Passing sentence at Bristol Crown Court, Recorder David Lane QC said: “You framed an innocent man. You accused him of the most serious offence to be brought against a man in the criminal calendar. The case against your husband was rot and the spotlight was turned against you.”

This case had echoes of the infamous Neil and Christine Hamilton ordeal of 2003. The high-profile pair and another man were accused of raping Nadine Milroy-Sloan.

However, none of the accused had ever met Milroy-Sloan who, the judge said, had ac-

cused the Hamiltons of the offence in a bid to secure a lucrative newspaper deal for her story.

She was jailed for three years for perverting the course of justice.

Another false allegation case which recently caught the public eye involved Birmingham men Raman Kumar and Baldev Singh who were falsely accused of rape by the same woman. There was particular interest in this case from the media because, as in the Blackwell case, the innocent men called for the woman to be named and prosecuted.

Mr Kumar, of Oldbury, spent 16 months in jail before his conviction was quashed. Mr Singh, from Smethwick, spent 23 days on remand in jail before his case was thrown out.

The woman – whose identity remains protected – was ordered by the judge to pay the men a total of £700,000 in compensation for ‘falsely and maliciously’ accusing the pair of rape.

Mr Kumar told the press: “It is grossly unfair that after a judge has found her to be a liar she can still keep her anonymity.

“I have been a law-abiding citizen, but this has left my life shattered.”

Further publicity around the subject of anonymity arose last year when 88 year old Molly Gee appeared on Radio 4’s *Woman’s Hour* to discuss her tireless campaign to clear her late son’s name after he was falsely accused.

Tragic Daryl Gee, a teacher, was jailed in 2001 after being accused of raping one of his pupils. The music teacher, who had continually protested his innocence, died in his cell from undiagnosed blood cancer. He had served 18 months of an eight year sentence.

His conviction was eventually quashed after Mrs Gee persuaded the CCRC to investigate. Their investigation cast doubt on the girl’s mental state and it emerged that she had made similar allegations against another man, whose conviction was also later quashed.

Today Mrs Gee continues to campaign for a change in the law to enable the identity of individuals who make false accusations to be made public.

Now, at long last, there are signs that the tide may be turning.

The Attorney General, Lord Goldsmith, confirmed in the Lords in January that the government was ‘actively considering’ removing the right to anonymity from individuals who make false allegations of sexual offences.

Lord Goldsmith said the review was taking place in light of the Court of Appeal judgement in the Warren Blackwell case. He added that a decision would be reached ‘soon’, but at the time of this newsletter going to press, no official announcement had been made.

The BFMS says:

Lord Goldsmith’s decision to review the anonymity law surrounding individuals who make false allegations of rape or other sexual offences is a welcome step.

For far too long, both women and men with a grudge or an agenda have been able to tear apart the life of an innocent person by accusing them of a sexual offence.

While the callous accuser is entitled to complete anonymity, the falsely accused has their name and face plastered across both local and national newspapers. While the accuser hides behind a cloak of anonymity, the accused can only watch as their life falls apart – sacked from their job

and ostracised by friends and even loved ones. The stigma never truly disappears.

Women's groups have criticised the review, fearing that it might discourage women from coming forward to make complaints in the first place.

Meanwhile, some commentators are calling for people accused of sexual offences to remain anonymous, only having their identities revealed should they be found guilty.

The BFMS falls somewhere between the two camps.

We strongly believe that anyone who makes a false accusation of sexual abuse should be named and face the full force of criminal law.

The issue of anonymity for the accused becomes complicated when taking into account individuals, often women, who are too scared or embarrassed to report that they have been attacked. Naming the accused in rape trials has been shown to encourage people to come forward and add crucial support to the prosecution's case. The risk with considering only this advantage, however, is that it has also been shown to encourage the dishonest to seize an opportunity for some personal gain.

While the BFMS will always campaign against false accusations, it is only right that those individuals who have committed crimes are brought to justice.

By making it clear that people who make false claims will be named and prosecuted, we hope the number of such cases will drop dramatically. Those individuals still unfortunate enough to be wrongly charged with an offence, only later to be cleared of any wrongdoing, would be able to benefit from the inevitable media coverage of the accuser being named and shamed.

Government call for the number of rape convictions to be increased

The Government is considering a change in the law in a bid to increase the number of people convicted of rape.

A report earlier this year from the Inspectorate of Constabulary and the Crown Prosecution Service Inspectorate concluded that police and prosecutors were not doing enough to boost the conviction rate.

The report said too many rape claims in England and Wales were wrongly dismissed as unfounded and claimed only five per cent of reported rapes ended in a conviction.

After the report was published, Constitutional Affairs Minister Mike O'Brien told the BBC that the Government was considering a change in the law.

He said: "Most people who are victims of rape know their perpetrator and the issue is therefore consent. What we need to do is make sure that the issue of consent goes before a jury."

The Prime Minister has also admitted, in a Commons debate, that the government was looking at what could be done to improve the conviction rate for rape.

However, an interesting article in *The Times* questioned whether the statistics surrounding rape convictions were actually correct.

In a comment piece headlined *So are we weak on rape? Think again* Camilla Cavendish writes: "The first thing I found [when investigating this issue] was that the 'conviction rate' of one in 20, the rate cited by every authority on the issue, is not the conviction rate at all. It is the number of convictions secured out of the total allega-

tions made, not the number of convictions secured out of the cases tried.

“I can think of no other crime where conviction is so routinely confused with attrition. The attrition rate is very high: only about 12 per cent of allegations reach court. The true conviction rate in rape cases is closer to 50 per cent than five per cent. That does not suggest juries are weak: quite the opposite.”

The article went on to state that more people were now being found guilty of rape: up from 655 in 2002 to 728 in 2005. Conviction rates were falling only because allegations have soared by 40 per cent in that period. Cavendish added that the UK’s culture of binge drinking had blurred sexual boundaries.

“Two years ago a judge threw out the case of a woman who admitted that she had been too drunk to remember whether she had consented to sex or not. She then claimed that her consent would have been meaningless anyway, because she was so inebriated.

“This case created waves of outrage among victim groups. But instead of treating it as a watershed, one that demonstrated the law could go no further, the Government ran scared. It had already redefined consent, to mean agreement rather than the absence of refusal. Now it wants to ensure that no agreement can be taken as consent if it is given under the influence of alcohol.

“In our zeal to protect women, are we going to legislate so that a drunken man is accountable for his deeds but a drunken woman is not? Why do we encourage women to see themselves as victims?”

The BFMS says:

The news that the government and Crown Prosecution Service are to actively start trying to find more people guilty of rape will strike fear into the heart of anyone

ever wrongly accused of a sexual assault of any nature.

Rape is an abhorrent crime and the BFMS fully supports lengthy prison sentences for guilty individuals. However, the news that the Government now wants to make sure more people are found guilty of rape is a worrying development, particularly since its newfound zeal will not be limited solely to matters of consent but will also affect all historic sexual abuse allegations before the police.

We want to be sure that every case is treated equitably and investigated thoroughly. There have been examples of cases where supporting evidence alone is sought and critical information rejected. These are difficult cases and require close examination to distinguish true from false allegations so there must be no relinquishing of the standard of justice afforded to all other areas of the law.

It seems that each day the papers are full of stories about the latest miscarriage of justice. All too often, these wrongful convictions are in cases of sexual assault.

With more pressure now being put on prosecutors and the police to convict, does the accused in a rape case stand any chance of a fair trial? It is tantamount to pre-judging the verdict.

Yet again, it seems as though the accused will be ‘guilty until proved innocent’.

AGM 2006 DVD available

Professor Gisli Gudjonsson discusses the progress with the second family survey of BFMS members; a mother delivers her ‘good news’ and journalist Rosie Waterhouse relives her involvement with false memory stories over the years.

If you are interested please contact Donna on 01225 868682. Price £6 inc. p&p.

Overseas False Memory Societies

Please feel free to write or phone if you have relatives in these countries who would like to receive local information. The American, Australian and New Zealand groups all produce newsletters.

AUSTRALIA

AFMA Inc.
PO Box 694
Epping NSW 2121, Australia
Tel: 00 61 300 88 88 77
Email: false.memory@bigpond.com
www.afma.asn.au

CANADA

Paula – Tel: 00 1 705 534 0318
Email: pmt@csolve.net
Adriaan Mak – Tel: 00 1 519 471 6338
Email: adriaanjwmak@rogers.com

FRANCE

www.francefms.com

NETHERLANDS

Email: info@werkgroepwfh.nl
www.werkgroepwfh.nl

NEW ZEALAND

Donald W. Hudson
COSA New Zealand Inc
80 Avondale Road
Christchurch, New Zealand
Tel: 00 64 3 388 2173
Email: cosanz@clear.net.nz
www.geocities.com/newcosanz

NORDIC COUNTRIES

Åke Möller – Fax: 00 46 431 21096
Email: jim351d@tninet.se

USA

False Memory Syndrome Foundation
1955 Locust Street, Philadelphia
PA 19103-5766, USA
Tel: 00 1 215 940-1040
www.fmsfonline.org

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BFMS · Bradford on Avon · Wiltshire · BA15 1NF
Tel: 01225 868682 Fax: 01225 862251
Email: bfms@bfms.org.uk
Website: www.bfms.org.uk
Registered Charity Number: 1040683

Management and Administration
Madeline Greenhalgh, *Director*
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