

Memory and the Law
P265/C265
Fall, 2010

Departments: Psychology & Social Behavior & Criminology, Law & Society

Instructor: Professor Elizabeth Loftus

Course Structure

Meetings: Tuesdays

Grading: Based on combination of individual projects and class participation

In this course we will read book chapters and articles on a special topic dealing with memory of real-world events and their legal implications. We accomplish this by focusing on the Repressed Memory Controversy. In the 1990s thousands of individuals claimed to have recovered repressed memories of extensive brutalization, often after psychotherapy. Many sued their alleged abusers. The controversy leads us to ask many questions, e.g., How did it begin? What is the evidence for repression? If the memories are not real, where could they come from? How do jurors react to claims of repressed memory? How has the legal system handled claims of repressed memory? What, if anything needs to change?

Each week we will discuss a new set of readings. Your grade will depend both on your performance in class discussions, and on your individual projects. Grading subject to change. Please keep in mind there is a two week drop deadline policy instituted by the School of Social Ecology.

We will read one paperback book, and a number of original articles. Some articles are available on my UCI webpage. <http://www.seweb.uci.edu/faculty/loftus/>
Other Items can be found through library searches. If a course packet is used, items in this packet are marked by a number. If a course website is used, locate items by author name.

Readings:

Loftus, E.F. & Ketcham, K. (1994/1996) *The Myth of Repressed Memory*. St. Martin's Press (paperback version is 1996). HEREAFTER "MYTH."

Overview

We begin with the case of George Franklin. It will be discussed in class, and during first week, read MYTH, Chap 1,2 and 6.

(1) Claridge, K. (1992) Reconstructing memories of abuse: A theory-based approach. *Psychotherapy*, 29, 243-251.

Loftus, E. F. (1993) The Reality of Repressed Memories. *American Psychologist*, 48, 518-537. (Located on Loftus UCI webpage)

(2) Holmes, D. (1994) Is there evidence for repression? *Harvard Mental Health Letter*, Vol 10, 4-6.

Commonness of repressed memories

- (3) Briere, J. & Conte, J. (1993) Self-reported amnesia for abuse in adults molested as children. *Journal of Traumatic Stress.*, 6, 21-31.
- (4) Herman, J. L. & Schatzow, E. (1987) Recovery and Verification of memories of childhood sexual trauma. *Psychoanalytic psychology*, 4, 1-14.
- (5) Melchert, T. (1996) Childhood memory and a history of different forms of abuse. *Professional Psychology: Research & Practice*. 27, 438-446.
- (6) Williams, L. M. (1994) Recall of childhood trauma: A prospective study. *Journal of Consulting and Clinical Psychology*, 1167-1176. (Will present reply in class)
- (6b) Goodman, Ghetti, Quas et al. (2003) A prospective study of memory for child sexual abuse. *Psychological Science*, 14, 113-118.
- (7) Pope, H. G. & Hudson, J. I. (1995) Can individuals “repress” memories of childhood sexual abuse: An examination of the evidence. *Psychiatric Annals* 25: 12, December, p 715 - 719.

Jurors reactions to repressed memory cases

- (8) Tetford, I. & Schuller, R. A. (1996) Mock jurors’ evaluations of child sexual abuse. *Behavioral Sciences and the Law*, 14, 205-218.
- (9) ForsterLee, R. Horowitz, I.A. et al (1999) Community members’ perceptions of evidence: The effects of gender in a recovered memory civil trial. *J. Applied Psychology*, 84, 484-495.

Quality of the memories

Ingram case: (MYTH- chap 12)

Effects of childhood sexual abuse?

- (10) Pope, H. & Hudson, J.I. (1992) Is childhood sexual abuse a risk factor for bulimia? *American J. of Psychiatry*, 149, 455-463.
- (11) Kendall-Tackett, K.A., Williams, L.M. & Finkelhor, D. (1993) Impact of sexual abuse on children: A review and synthesis of recent empirical studies. *Psychological Bulletin*, 113, 164-180.
- (12) Rind et al (1998) A meta-analytic examination of assumed properties of child sexual abuse using college samples. *Psychological Bulletin*, 124, 22-53. (Will present reply in class).

Are the memories authentic?

War Memories

- (13) Sargeant, W. & Slater, E. (1941) *Proceedings of the Royal Society of Medicine*, Vol XXXIV, p 47-54
- (14) Kolb, L. C. (1988) Recovery of memory and repressed fantasy combat-induced post-traumatic stress disorder of Vietnam Veterans. In Pettinati, H. M. (Ed) *Hypnosis and Memory*. NY: Guilford, p 265-274.
- (15) Karon, B.P., & Widener, A.J. (1997). Repressed memories and World War II: Let's we forget! *Professional Psychology: Research and Practice*, 28, 338-340 (Will present replies in class)

Case Histories

- (16) Bernstein, A.E.H. & Blacher, R.S. (1967) The recovery of a memory from three months of age. *The psychoanalytic study of the child*, 22, 156-161.

Loftus, E.F. & Guyer, M. (2002) Who Abused Jane Doe?: The Hazards of the Single Case History. *Skeptical Inquirer*. Part I. Vol 26, #3 (May/June), Pp. 24-32.

Loftus, E. F. & Guyer, M. J. (2002) Who Abused Jane Doe? Part II. *Skeptical Inquirer*, 26, #4 (July/Aug), Pp. 37-40, 44. These items can be found on Loftus UCI website.

Good analysis of case histories: Wagenaar, W.A. & Crombag, H. (2005) *The Popular Policeman: Psychological Perspectives on Legal Evidence*. Amsterdam: Amsterdam Univ Press/ Chicago: U of Chicago Press. Chapter 5 on case histories - I will email this chapter to the class members who wish to see it.)

Corroborated memories (?)

(17) Geraerts et al. (2007) Reality of recovered memories. *Psych Science*. 18, 564-568.

Planting Childhood memories

MYTH, chap 7,

SKIM FOR BACKGROUND: Loftus (2003) *American Psychologist* - on Loftus UCI webpage.

(18) Hyman, I. E. & Pentland, J. (1996) The role of mental imagery in the creation of false childhood memories. *J. of Memory & Language*, 35, 101-117

(19) Pezdek, K., Finger, K., & Hodge, D. (1997) Planting false childhood memories. *Psychological Science*, 8, 437-441.

(20) Hart, R. E. & Schooler, J. W. (2006) Increasing belief in the experience of an invasive procedure that never happened. *Applied Cognitive Psychology*, 20, 661-669.

(21) Porter, S., Birt, A.R., Yuille, J.C. & Lehman, D.R. (2000) Negotiating false memories. *Psychological Science*, 11, 507-510.

(22) McNally et al (2004) Psychophysiological responding during script-driven imagery in people reporting abduction by space aliens. *Psychological Science*, 15, 493-497.

(22b) Sharman, S. J & Scoboria, A. (2008) Imagination equally influences false memories of high and low plausibility events. *Applied Cognitive Psychology*.

If you're motivated to peek at a few more findings on rich false memories, see articles on the website of Dr. Maryanne Garry who has contributed greatly to this area.

<http://www.victoria.ac.nz/psyc/staff/maryanne-garry/pubs.aspx>

Retractors

MYTH- Chapter 3 & 4

(23) McElroy, S.L. & Keck, P.E. (1995) Recovered memory therapy: false memory syndrome and other complications. *Psychiatric Annals* 25: 12. P 731-735.

(24) DeRivera, J. (2000) Understanding persons who repudiate memories recovered in therapy. *Professional Psychology*, 31, 378-386.

(25) McHugh et al (2004) Family relationships after an accusation. *J. Nerv Ment Dis*, 192, 525-531.

Legal Remedies

(26) Bowman & Mertz (Fall, 1996) What should the courts do about memories of sexual abuse. *The Judges Journal*, p 7-17.

(27) Gordon, J.D. (1998) Admissibility of repressed memory evidence by therapist. *Psychology, Public Policy & Law*, 1198-1225.

(28) Finer, J. (1996-97) Therapists' liability to the falsely accused for inducing illusory memories....*J. of Law and Health*, 11, p 45-131. This is very very long so skim: pages 45-67, 98-115 (Read esp. comment on Bowman & Mertz), 121-128 (Proposed legislation). From e-copy these are parts covering footnotes 1-94, footnotes 219-290, section after footnote 303 entitled "Reasons for Proposed Legislation."

An Exercise at the End: Where's Waldo?

Read this article and spot the errors:

(29) Fletcher, Camille (2003) Repressed memories: Do triggering methods contribute to testimony reliability? *Washington Univ J. of Law & Policy*.

