

DEBATE

British False Memory Society: Caseload and details by year (1993 onwards)

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Abstract

Purpose: The British False Memory Society (BFMS) is a registered charity founded in 1993 following an epidemic of false-memory type allegations by adult accusers who claimed to have remembered childhood sexual abuse for which they previously had no cognitive recollection. Many of these accusers had entered counselling after typically suffering from anxiety, depression, and relationship problems. Many came out of therapy with what appeared to be false memories, and the accused sometimes contacted the BFMS for advice. Since its inception, the BFMS has kept a record of all calls to its telephone helpline.

Methods: In this article, we document several caseload details by year from 1993 onwards.

Results: In the peak year of 1994, 268 cases were taken up by the BFMS. During recent years in the last 10 years the number of cases taken on by the BFMS oscillated around about 40 each year. The 2010s had just 3% of the total cases leading to a guilty verdict (1990s = 8%; 2000s = 17%). We found the 2000 decade to be the most likely for those accused to be imprisoned, and the most recent years the least.

Conclusions: We conclude that although the numbers have lessened since the 1994 peak, there are still today a number of individuals being affected by allegations stemming from recovered memories.

KEYWORDS

British False Memory Society, false memories, memory distortion, recovered memories, repressed memories

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The debate about repressed memories of childhood abuse appears to continue, as indeed the practice of recovering memories in therapy appears to still occur. A common narrative of the recent history of this topic is that the 1980s saw an apparent increase of false memory production in therapies that attempted to recover memories, whilst this continued in the 1990s where the debate about repressed memories came to the fore in the so-called ‘memory wars’ (Crews, 1995). An overly simplified description of the memory wars is a dispute between some cognitive scientists who became skeptical of the veracity of repressed memories recovered in therapy, and some trauma therapists who advocated for the mechanism of repression (or selective dissociative amnesia more recently) and their veracity. The question raised by this special issue is to explore common ground. In our view, whether reaching common ground will help the public, or not, is itself open to question, and domain specific. We will return to this idea briefly in the discussion. Nevertheless, there are certain areas where a common ground might be found with data that clarifies where we are today in the debate. For example, there are some who have claimed that the problem of the memory wars has been somewhat resolved (e.g., Barden, 2016), whilst there has been some data that has suggested perhaps even an increase in some aspects of the problem (see data in Otgaar et al., 2019, on Netherlands legal cases). This article addresses this narrow question: do UK legal cases fall in some middle ground between those two proposals?

In the last decade, there have been some research that suggests that belief in the concept of repressed memory is widespread, and that some report recovering them in therapy. Patihis et al. (2014) found that sufficient numbers of the public and therapists still believe in repressed memory—enough perhaps to sustain a supply and demand for therapies that attempt to recover traumatic memory (French, 2016; Ost & French, 2016). Patihis and Pendergrast (2019) then revealed that recovering repressed memories in therapy was still being reported by some of the public even in those beginning therapy in recent years (p. 11, Figure 2 rightmost bar: 9% of those beginning therapy 2015–2017). Patihis and Pendergrast also found data to suggest there was a peak in the 1990s of repressed memory cases, but also evidence of a continuation of recovered memory practice today, albeit at a lower level. Given this, we wondered whether we would find similar patterns in a charity dealing with such accusations. The British False Memory Society (BFMS) is a UK-based charity that helps clients who report being falsely accused due to purported recovered memories. In the current article, we look to the archives of the BFMS to see how caseloads of potential false memory accusations have changed year by year since 1993.

Although the narrative typically posits a decrease of repressed memory cases both in legal cases and in wider society, some have argued that belief in unconscious repression in the UK the US, and throughout parts of western Europe appears to continue (Pendergrast, 2017; Shaw & Vredeveltdt, 2019) or may have even increased by some measures (Otgaar et al., 2019). Otgaar et al. (2021) reviewed past research and reported that belief in unconscious repression is prevalent in clinical, legal, and academic settings. Nevertheless, Barden (2016)—who perhaps was the foremost lawyer involved in the memory wars—wrote that “The innovative, multidisciplinary, science-litigation team methods and practices that ended the RRM-MPD treatment industry (i.e., the ‘memory wars’ malpractice suits)” (Chapter 26, para 3; RRM = repressed recovered memories; MPD = multiple personality disorder) (Chapter 16 in Radcliffe et al., 2016). It is in this context of not being sure that the phenomenon has declined, or whether it is in resurgence, that it will be interesting to track measures of purported repressed-memory legal cases over time.

One central part of this debate is the potential harm done to individuals, not only in terms of those that come to believe false memories of trauma, but also those that subsequently are accused. Repressed memory beliefs and practices can lead to false memories, and if left unchallenged in a criminal court can lead to miscarriages of justice (Burgoyne & Brand, 2010; Burnett, 2016; Gudjonsson, 1997c), and to significant family breakdown (Brand, 2007; Maran, 2010).

Past research on the British False Memory Society

There have been a few research projects documenting some aspects of the BFMS in the 1990s, and some limited work since. Gudjonsson (1997a, 1997b) conducted a survey of BFMS members in 1995

when the total BMFS membership was at 403 people, and of those 282 questionnaires were completed. This membership consisted of those who felt they or their family had been wrongly accused, and had then been accepted into the BFMS because of some warning signs of false memories in the cases (such as memories being recovered without prior knowledge of the alleged abuse; see our Method section, later). The accusations had several consequences. About 59% of the families had lost contact with the accusing person, with 41% maintaining only “some” contact. Almost a third of the accused had sought psychological treatment as a result of the accusations. Perhaps most relevant to the statistics reported in the current study, Gudjonsson found that 26% of the accusations had been reported to the police, with 14% ($n = 37$) reporting that criminal proceedings had been instigated.

A follow-up study (Gudjonsson, 1997c) with the same dataset of BFMS members examined the 37 cases that had criminal legal proceedings started. Gudjonsson found that in 23 (62%) of these cases the defendants were then charged by the police. Three of these 23 cases were subsequently discontinued by the Crown Prosecution Service, while 20 proceeded to court. Out of these 20 proceeding to court, 8 cases resulted in a conviction and a lengthy prison sentence. These 8 convictions equated to 22% out of the 37 cases in which a criminal investigation was started, and 3% of the total number of BMFS questionnaires completed (282).

In a more recent analysis of the BFMS paper archival records, reported in a conference paper presentation Shaw et al. (2017) examined a sample of 257 cases. Again, these cases consisted of individuals (or family) who had been accused, and the cases involved warning signs of false memories (such as memory recovery of previously unknown alleged abuse). Shaw et al. found most accusations involved a single accuser and a single accused individual, with biological fathers the most likely to be accused. For more on some qualitative background information on the BFMS see Felstead and French (2022), Brand (2007), and Burgoyne and Brand (2010). There are still a few gaps in the literature: there has been no peer reviewed journal article in recent years documenting BFMS cases, and there has been no update on the Gudjonsson articles of the 1990s. Perhaps most notable is the lack of prior research documenting longitudinal trends in cases over time.

The present study

The present study is, to our knowledge, the first of its kind to track the longitudinal progression of cases in a false memory organization over decades. Gudjonsson's (1997a, 1997b, 1997c) articles gave us a snapshot of BFMS cases in 1995, and Shaw et al. (2017) gave a snapshot more recently in a conference paper. Here, we examine the BFMS caseload to track how new cases, police involvement, and guilty verdicts have changed over the years.

METHOD

The following data was extracted by the second author from paper records of telephone calls with individuals who contacted the BFMS helpline. A telephone information data sheet was filled out by the person taking the call at the time of the call. The telephone information sheet used is shown in Appendix, and has stayed approximately the same from 1993 to the present day. When emails were the first point of contact, a telephone call was arranged, and almost all the initial filling out of the telephone information sheets was done via telephone. The BFMS case worker would later update the telephone information sheet as the case progressed—for example if police became involved. Any relevant new information would be recorded and added to the paper file.

Following a telephone interview, a decision was made to take on a case with the BFMS, or not. If the case appeared to not involve false memories, the case was not taken on, and instead the BFMS would recommend that the caller consider engaging the services of a criminal defence solicitor. In general, the BFMS only accepted a case if there are specific warning signs (or red flags) that might indicate a false

memory. Those red flags included an adult accuser claiming to have recovered memories following counselling sessions or similar influences (e.g., internet sources or self-help books that influenced the accuser to search for recover memories on their own). Another red flag was that the accusers had no memory of past child abuse prior to entering therapy (or similar influences). A period of not knowing about the abuse followed by a vivid memory recovery in therapy was a further red flag. There were peripheral considerations taken into account too: such as the lack of corroborating evidence, the denial of the alleged perpetrator, corroboration from family members that nothing happened, and so on. One or more of these red flags were needed for a case to be accepted, and the decision to take a case involved a weighing of the evidence in each specific case.

In 2022 the second author coded several variables from the BFMS redacted telephone information sheets from the 1993 to 2021 period. In line with data protection requirements the BFMS archive was later destroyed during the closing down of the BFMS as a charity (terminating in October 2023). Here are the variables that were coded:

Year

This was coded from the original date on the telephone information data sheet. In other words, the year in this study refers to the year the case was *first reported* to the BFMS.

New cases

This variable is the actual number of cases selected by the BFMS, after the screening process. This was coded in the following way. If the checkbox next to “selected” (in the upper right corner) was checked by the BFMS case officer, this indicated the case was taken on by the BFMS for further investigation and help. Those cases without this checkbox ticked were not coded as new cases. However, in some rare cases if the person taking the call had evidently failed to check the box when the case clearly was taken on later (evidence of other paperwork in the file revealing the case was taken on), then this was coded as a new case.

Police involved cases

This variable is the subset of new cases in which the police had contacted the accused to inform them of the accusations. This includes the accused who were asked to attend a police interview, or any accused cases that had already had a police interview, or any case further along. This was coded by using a question on the topic of police involvement of page two of the telephone information sheet.

Found guilty

This variable is the subset of police involved cases in which the accused was found guilty. This was coded either from (1) it being written on the folder of the paper file, or (2) in other paperwork adjacent to the sheet in the case file. In most cases the guilty/not guilty verdict was recorded on both the folder *and* on an adjacent note/document also.

Crown court trials since 2015 data

The information we report on crown court trials since 2015 was collected by the second author from the BFMS files. The second author, KF, began work at the BFMS in 2014 and helped document these cases, and attended trial with BFMS members during this time period.

RESULTS

Table 1 below documents the number of new cases taken on by the BFMS, the number of those cases in which a police investigation had been started, and the number of these cases in which the accused was found guilty. Also shown are the percentages of those police investigations that resulted in guilty verdicts.

In **Figure 1** below we document the number of new cases that were taken on by the BFMS every year since 1993. As you can see, there were a couple of hundred cases in some years in the 1990s, and in more recent years the numbers vary around about 40 new cases each year.

As seen in **Figure 2a**, below, the number of cases taken on by the BFMS that had police involvement has in some years been as high as 50 and 60 per year, and those occurred in some years in the 1990s and 2000s. As seen in the graph, in the most recent decade, this number has fluctuated around 10 per year. **Figure 2b** shows the percentage of police involved in cases as a percentage of the total number of new cases the BFMS took over a given year. This graph shape is less clear but appears to indicate a higher percentage of cases involving police in the 2000s, with a smaller proportion before and since then.

Figure 3a, below shows the number of BFMS cases in which the defendant was found guilty. Here, we see in terms of raw numbers, this was highest in 1999 and 2003, and in recent years very few have been found guilty. **Figure 3b** shows these guilty verdicts as a percentage of the number of police-involved cases the BFMS was dealing with in a given year. This graph therefore documents the approximate likelihood that if a case involved a police investigation it would result in a guilty verdict at the conclusion of that investigation. This graph shows a different shape, though we see the highest percentages in 1999 and 2003.

Figure 4, below, documents the percentage found guilty out of the *total new cases taken on* in a given year by the BFMS. This therefore approximately illustrates the likelihood that a case taken on by the BFMS would result in a guilty verdict later.

Further analyses by multiyear time periods

Table 2 below documents the percentage of cases that led to guilty verdict for each decade. The decade that a new case was *most likely* to result in a guilty verdict was the 2000s, and the decade *least likely* was the 2010s (with as yet insufficient data for the 2020 decade).

Crown court trials since 2015

Since 2015, BFMS accused members have appeared in 12 crown court trials, resulting in a conviction rate of 41.7% ($n = 5$) for those that make it to trial. In the period from 2015 to 2021, 42 accused BFMS members who were interviewed by police were not prosecuted (“no further action” cases).

TABLE 1 By year, of first reporting to the BFMS, the number of new cases taken on, number of those cases which involved a police investigation, and the number found guilty.

Year	Number of new cases	Police involved	Found guilty	% Of new cases police involved	% Of police involved found guilty	% Of new Cases Found Guilty
1993	260	35	10	13.5	28.6	3.8
1994	268	60	12	22.4	20.0	4.5
1995	131	33	4	25.2	12.1	3.1
1996	86	28	9	32.6	32.1	10.5
1997	185	58	12	31.4	20.7	6.5
1998	162	60	15	37.0	25.0	9.3
1999	124	69	30	55.6	43.5	24.2
2000	96	54	23	56.3	42.6	24.0
2001	103	62	21	60.2	33.9	20.4
2002	105	62	18	59.0	29.0	17.1
2003	134	67	29	50.0	43.3	21.6
2004	74	39	9	52.7	23.1	12.2
2005	50	29	6	58.0	20.7	12.0
2006	41	19	7	46.3	36.8	17.1
2007	40	13	5	32.5	38.5	12.5
2008	42	17	3	40.5	17.6	7.1
2009	35	20	4	57.1	20.0	11.4
2010	40	10	1	25.0	10.0	2.5
2011	31	8	2	25.8	25.0	6.5
2012	30 ^a	16	1	53.3	6.3	3.3
2013	34	8	0 ^a	23.5	0.0 ^a	0.0 ^a
2014	31 ^a	10	0 ^a	32.3	0.0 ^a	0.0 ^a
2015	31 ^a	7	0 ^a	22.6	0.0 ^a	0.0 ^a
2016	43	10	0 ^a	23.3	0.0 ^a	0.0 ^a
2017	37	12	4	32.4	33.3	10.8
2018	37	8	1	21.6	12.5	2.7
2019	36	4 ^a	0 ^a	11.1 ^a	0.0 ^a	0.0 ^a
2020	33	4 ^a	0 ^a	12.1	0.0 ^a	0.0 ^a
2021	45	14	1	31.1	7.1	2.2
Total	2364	836	227	35.4	27.2	9.6

Note: Bolded are the two years with the highest number of the given variable.

^aThe two years (or more for ties) with the lowest number of the given variable.

DISCUSSION

The main findings of this study are that the number of new cases taken on by the BFMS has declined from more than 200 at peak years in the 1990s (1993 and 1994) to a still meaningful 40 per year in the last ten years. To directly address the middle ground found here: we found something half way between Barden's (2016) argument that much of the problem is resolved, and Otgaar et al.'s (2019) argument that there are some signs the memory wars have been in resurgence (in Dutch legal cases). We find here that indeed there were more cases in the 1990s and 2000s, but that 40 cases per year in recent years is still quite significant. We posit that there may be many other cases in the UK that are never reported to the BFMS.

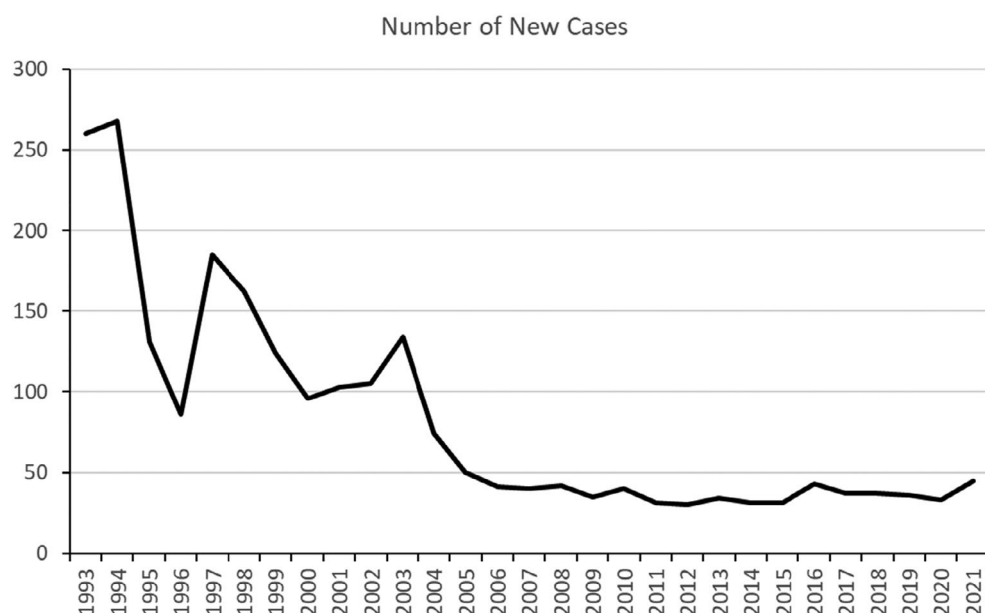


FIGURE 1 BMFS number of new cases each year. These are the number of cases that were selected at the interview stage to be taken on by the BFMS.

Perhaps surprisingly the peak years for the number of new cases in which the police had started an investigation was in the early 2000s. Similarly, the early 2000s also documented peaks for the percentage of cases found guilty, and this pattern was found when this percentage was per total cases taken on, and per cases involving a police investigation. Interestingly, the decade with the lowest guilty verdict percentage was the most recent—the 2010s had just 3% of total cases leading to guilty verdict (17% in the 2000s; 8% in the 1990s). These patterns are slightly different to the standard narrative of the progression of recovered memory cases—the narrative being of a peak in the 1990s and reducing numbers in 2000 decade. We found the 2000 decade to be the most hazardous to those accused, and the most recent 2010 the least hazardous for those accused via recovered memory allegations.

If we compare our data to Gudjonsson's (1997a, 1997b, 1997c) data he collected in 1995, we are reassured to see we found similar numbers for that year—by a very different method. The 403 total members in 1995 of the BFMS that Gudjonsson reported is comparable to the cumulative number we found of 528 new cases being taken on going into 1995 (1993 and 1994) new case combined. The discrepancy of a hundred or more members may indicate some members who joined in 1993 and 1994 were no longer members by the time of 1995, or that not all BFMS members completed Gudjonsson's survey. In some measures there was an even closer match. For example, Gudjonsson found that in 1995 that 22% of cases in which a criminal investigation was started were found guilty, while we found 25%. Gudjonsson found 3% of the total number of BMFS questionnaires completed were found guilty in his 1995 dataset, we found 3% too for 1995. This is encouraging because in Gudjonsson's (1997a, 1997b, 1997c) he derived his data from questionnaires, while we used the more direct source of the actual BFMS files. The fact that we got similar numbers with different methods could mean both datasets have some measure of accuracy (although there is the possibility of a systematic error affecting both datasets).

It is difficult to explain the upward trend in percentage of cases resulting in convictions increasing from 8% in the 1990s to 17% in the 1999–2003 period (Table 2). Legislative changes may be of some relevance. Prior to 1994, judges were required to give a mandatory corroboration ruling during rape trials. This was removed under the Criminal Justice and Public Order Act 1994 (Elliot & Quinn, 2000). Significantly, the right to remain silent during police interview was also curtailed in 1994. Though this

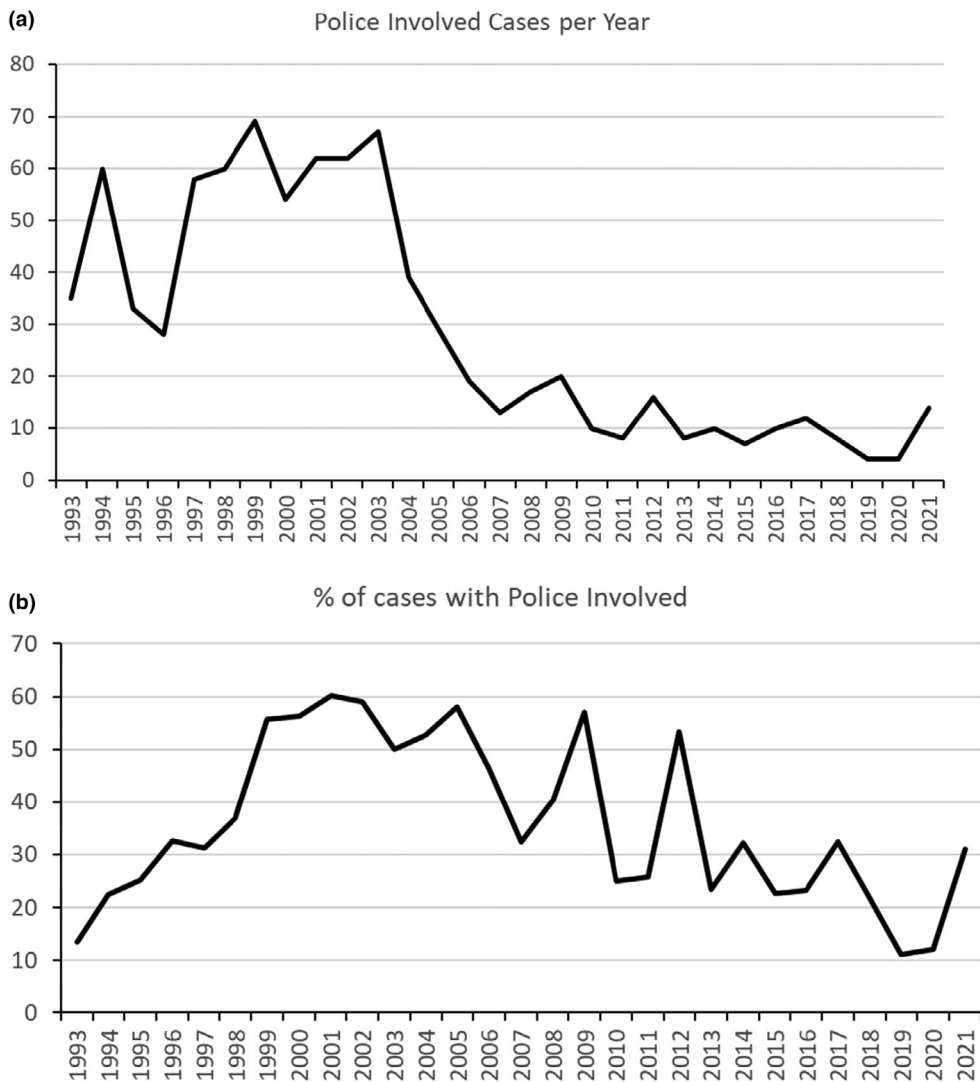


FIGURE 2 (a) (top): Number of BFMS cases each year in which the police were involved. (b) (bottom): The percentage of total BFMS cases per year that involved the police.

does not map onto our dates exactly, it is possible that these legislative changes influenced subsequent cases. The peak of guilty findings in 2003 appears to coincide with The Sexual Offences Act (2003). The Act aimed to improve the process for complainants in sexual abuse cases. The Act raised awareness about child sexual abuse and therefore may have resulted in increased reporting and potentially to more miscarriages of justice (and perhaps an increase in justified convictions as well).

The most recent decade saw a relative reduction in the number of cases that go on to have guilty verdicts. For example, there were no convictions in 2013, 2014, 2015, 2016, 2019 and 2020. One might speculate whether the reduction in conviction rates in recent years could be explained by the BFMS becoming more experienced and skilled in dealing with recovered memory allegations as the years have progressed. Perhaps a partial cause of this is that the BFMS has recently identified several guidelines for the accused, which include the advice to act fast, make records, create a timeline, immediately see a solicitor, actively prepare a defence, and so on (see BFMS, 2022, for more). One other possibility is that there has been a growing awareness about false memories among legal professionals and/or the public in general in the UK.

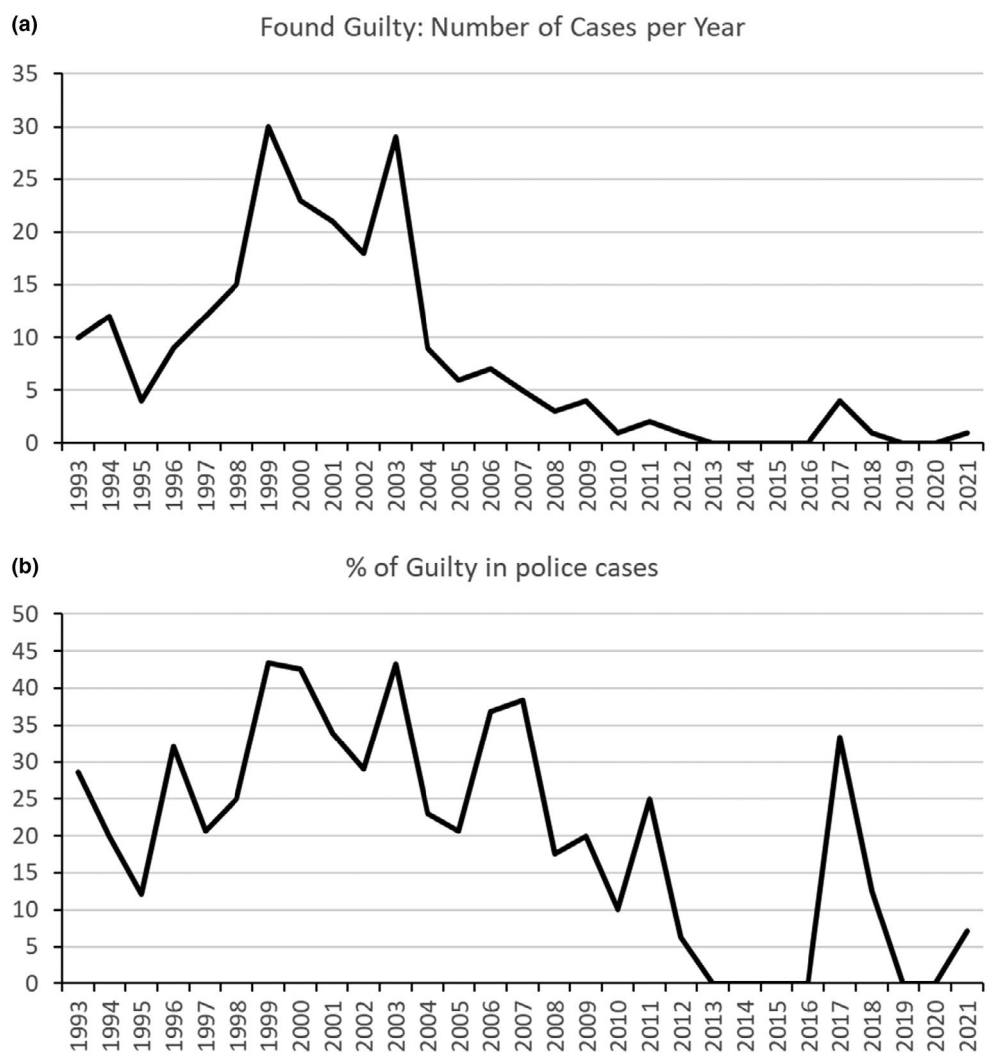


FIGURE 3 . (a) (top): The number of BFMS cases per year that resulted in the defendant being found guilty of the allegation. (b) (bottom): Percentage of BFMS police-involved cases in which the defendant was found not guilty. The denominator in this graph is the number of police-involved cases taken on by the BFMS in a given year.

Although the general pattern in that last decade or so has been a low conviction rate, there were three convictions in 2017, and one conviction each in 2018 and in 2021—the five accused individuals in those cases contacted the BFMS late, when legal proceedings were quite advanced. On those five cases, non-specialist legal teams had been instructed by the accused. For example, in the 2021 conviction, the defence solicitor specialised in environmental law. The second author, KF, questioned whether the preparatory background work by the trial solicitors was adequate in these five cases.

The 40 cases or so per year in the last decade of cases indicative of possible false memories is still quite a lot. Britain is a relatively small country, and these cases likely represent just the tip of the iceberg of other repressed memory cases occurring in the country (both in the legal system and outside it). It may be that many such cases that occur in therapy are not reported to the BFMS. Those cases that do not involve forthright allegations may never be understood enough by the parents of an estranged family member to know for sure that false memories are involved. Cases that do not involve the police might lead to less motivation report them to the BFMS. In addition, some of the accused in recovered memory scenarios may

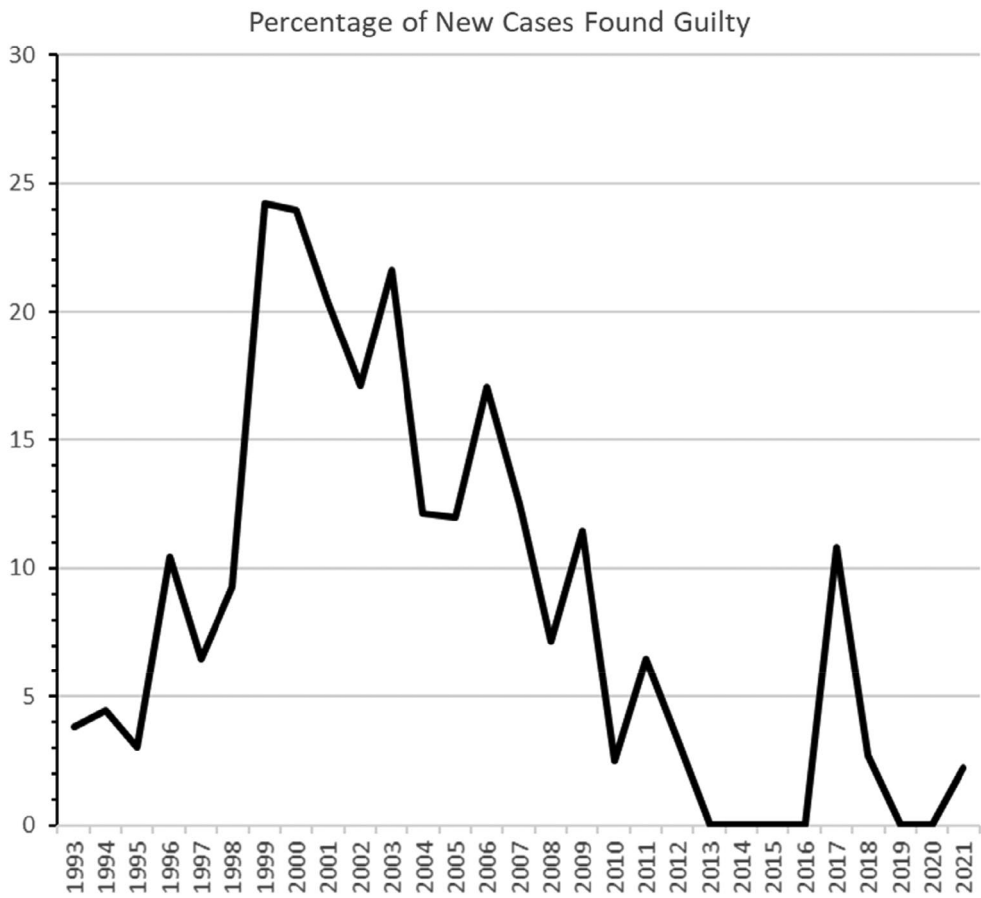


FIGURE 4 The percentage of cases found guilty per year. The denominator in this graph is the *total number of new cases* taken on by the BFMS in a given year.

TABLE 2 Decade comparisons of percentage of cases that resulted in guilty verdicts.

Decade	Percentage of cases found guilty
1990s (1993–1999)	7.6
2000s (2000–2009)	17.4
2010s (2010–2019)	2.6

Note: The percentage for the 2020s is 1.3%. However only two years' worth of data and 8 cases are ongoing from the 2020/2021, so it is too early to conclude any trend for this current decade. None of the cases in the earlier decades, including 2010s are ongoing in regards to legal investigations.

not know about the BFMS. Some may be too embarrassed to contact the BFMS. In addition, better education on the topic of false memories in the public, clinical psychology, and legal professionals may be helping in the early identification of false memory cases without need to consult with the BFMS. Nevertheless, we speculate that the number of families suffering emotional pain and estrangement because of false memories emerging during psychotherapies is likely much higher than 40 new cases per year. Of course, the suffering is cumulative: it is being added to by at least forty per year, many 1990s false memory cases are still causing great sorrow still today, with some of those reporting being falsely accused in their 80s still seeking to connect again with their accusers. The BFMS also provides moral support in such older cases on an ongoing basis, even when there is no longer a threat of legal action.

This data presented in this article supplies just a fragmentary glimpse into false memory-type allegations. From the second authors' (KF) experience helping those accused of events putatively recovered in therapy, there is an almost immeasurable catastrophic footprint left on one's life following such allegations. According to some of those reporting being wrongly accused, the waiting period following an allegation and a police interview can be experienced as feeling like a house arrest. Being handcuffed in front of your family, taken to the police station, and locked in a cell is reported to be extremely distressing. Being released whilst 'under investigation' is reported to be psychologically stressful. A case may drag on for months or years and can serve as a chronic stressor. The accused often remain under investigation for 6 months, 12 months, or longer. Another harrowing aspect of these cases is, in addition to a police investigation, is the involvement of social services. Social services may remove the children or the accused from the family home, resulting in fractured and damaged families.

There is a valid question as to whether any of the convictions we report in this data represent guilty individuals, or alternatively the wrongly convicted. The ground truth in this matter is not known with 100% certainty, but we can convey the assessment of those working on the cases. The first author inquired about this with the second author, a BFMS employee who has been involved in all cases since 2014, and also a person who has been in leadership at the BFMS since the late 1990s. KF reported that in all cases since 2014, it is his assessment that "each conviction since 2014 (in my humble opinion) is a miscarriage of justice" (email correspondence, Dec 7, 2022). The other individual who has worked on cases since the 1990s, responded to the question this way;

Our aim has always been to work only with people who are falsely accused; whose cases follow the path we know and we suspect that false memory claims are likely. We do not knowingly work with cases where there is any viable evidence of wrong doing. Therefore we would answer 'all were miscarriages of justice'.

(email correspondence, Dec 13, 2022)

In legal cases there is almost seldom absolute truth. Michael Naughton, the founder of the University of Bristol Innocence Project, argues that "the law in action is not concerned with absolute truth, but with proof before a fallible human tribunal to a requisite standard of probability in accordance with formal rules of evidence" (Naughton & Tan, 2010). We do not know what percentage of the convicted were guilty. Nevertheless, the central trends in this study we think do give a good approximation of the reducing but ongoing problem of alleged repressed memories in legal cases.

In general, when a case truly has some of the warning signs we discussed earlier, such as no knowledge of prior abuse at the commencement of therapy, etc, false memories are a plausible explanation. This is based on the decades of cognitive psychology research that has built up to such an extent to start to shine doubt on certain phenomena and mechanisms in autobiographical memory. Popper (1963) wrote that:

Every 'good' scientific theory is a prohibition: it forbids certain things to happen. The more a theory forbids, the better it is.

We contend that cognitive science and biological psychology has developed to such a degree that the cumulative knowledge could be used to start to make predictions about what is probably not possible (e.g., remembering in infancy, photographic memory, repressed memories, and so on). We posit that the unfalsifiable branch of psychology that started with Charcot, Janet, and Freud's theories has failed this Popperian test—trauma and dissociation theory still to this day does not forbid anything conceivable in the world. We posit that the cognitive science branch, and the trauma/dissociation branch of psychology finally clashed in the 1990s when scientific branch of psychology was beginning to rule out certain phenomena, while the psychoanalytical branch did not. It is for this reason, combined with memory research, that we suspect false memories occur in many cases in which memories were constructed over time in therapy (this occurs outside of therapy too).

The broader debate over finding a middle ground

Which leads us to consider the wider question as to whether finding a middle ground in other domains of the memory wars will actually benefit the public. It should be remembered that the debate is not actually a war that is harmful in of itself—that was just a metaphor of a fierce debate that sometimes got personal between the debating sides. Unlike a real war, in this case the probable harm is being done in psychotherapies that tell clients that they may have hidden trauma, and then engage in digging for memories. From that perspective, it is more like a medical debate over iatrogenic treatments. No one would surely suggest that such medical debates on iatrogenesis are best solved by taking an average position between a harmful treatment, and a non-harmful alternative.

In addition, there have already been attempts at finding a middle ground in the past that has not worked as well as was hoped at the time. An example of this might be the change from psychogenic amnesia to dissociative amnesia in the DSM-IV, or the subsequent adjustments to the DSM-V dissociative disorders section. Some, we are sure, were optimistic that the removal of “psychogenic” would bring about less assumptions about cause (genic). This did not materialize, with the word dissociative carrying baggage from as far back as Pierre Janet. These middle grounds seem to benefit psychologists more than it protects the public. The approach of accommodating those who wish to continue practicing with trauma memory recovery techniques, and those concerned about false memories, seems to have only served to allow medical malpractice to continue in a subgroup of therapists. It has allowed for many books to be published that have the net result of persuading readers they have hidden trauma.

We argue that in some areas of science, the truth is not always halfway between two sides. For example, the debate over whether the world is flat or spherical is not well resolved by finding a middle ground. Our key point here is that the presenting problem in society under study is not the relationships of the researchers and theorists involved in the debate, and therefore the solution is not necessarily to make peace between those who disagree. The goal of science is the objective truth, rather than the social truths or good relations between those that disagree.

Nevertheless, we do think there are certain subdomains where a middle ground might be fruitful. Areas of fact, or evidence, are one such example: questions about what is the prevalence of a phenomena are measurable and open to self correction. Our data on legal case prevalence perhaps fits this—descriptive data may be an area where agreement might be found. Another domain in which a middle ground might be useful is in adversarial collaborations in which both sides are sensible and scientifically informed, and in which basic assumptions are questioned. For example, there are skilled cognitive psychologists and clinical psychologists who disagree about whether we should assume the concept of dissociation is valid and reliable. An adversarial collaboration between scientists who are good critical thinkers may well be fruitful.

Nevertheless, other adversarial collaborations may lead to unwise compromises on important underlying assumptions. Such compromises may lead, for example, to an every-one-was-right conclusion that permits bad therapy to continue without consequence. In a recent paper, Lynn et al. (2022), it might be misinterpreted that the sociocognitive model (e.g., Lilienfeld et al., 1999; Spanos, 1994) and the trauma-dissociation model (e.g., Dalenberg et al., 2012) can be both resolved into a single transtheoretical framework. This article actually appears to be a strong contribution that may be promising. Nevertheless, if the framing is perceived that the sociocognitive model was wrong, this may be misleading of the actual value of that past work by Spanos, Lilienfeld, Lynn, and others. Another danger of such apparent compromises is that the assumption that dissociation is a valid concept could be inadvertently be further embedded into the peer-reviewed literature. The first author has made mistakes on this very topic. For example, Patihis and Lynn (2017) wrote: “we found considerable support for the validity of the DES-II” (DES = dissociative experiences scale; p. 402). This sentence in retrospect was a mistaken middle-ground that might be liked by opponent researchers, but is of little use to the public or for genuine truth-seeking. Some of these compromises, though impressively signalling a virtue of reaching middle ground among researchers, could possibly represent a backwards step, and lead to the public getting the message that trauma-dissociation theory is partially validated, and by extension previously unknown traumas can be recovered in therapy.

Limitations

There are some limitations to this study. The central limitation, already discussed, is that we cannot be sure all the allegations were false, or all the convictions were unjust. In addition, there are other variables in the archives that could possibly have been coded given more time, and that might be an idea for future research. The time taken coding four variables was challenging enough—there were decades of cases and thousands of files, with each file having not only a telephone information sheet, but other documents too. One variable that was not coded, and would have been very difficult or impossible to code are cases that were not selected (or taken on) by the BFMS. We suspect that on this measure, there may be some missing data that would prevent an accurate count. We coded what we judged to be the variables of most interest. Of course, some inaccuracies may creep into both the coding and the original file keeping, but we were reassured to see some convergence with Gudjonsson's 1995 data Gudjonsson (1997a, 1997b, 1997c).

CONCLUSION

The middle ground we came to here is that the number of recovered-memory type BFMS cases is neither near-zero, nor did we find it is in resurgence—we found a midpoint of these two propositions. We suspect false memories in many of these cases due to the red flags in the cases, though we cannot be sure. We speculate that many or most of the accused in this particular dataset are innocent. The resulting loss of reputation, family breakdown, and wrongful incarceration (Burnett, 2016) is a heavy burden for many still today. The caseload of the BFMS has declined over time, however accusations based on false memory-type allegations, recovered in therapy, remain a real and serious issue in the UK. These allegations continue to damage society and also dilute resources away from cases involving genuine abuse. There is a need for false memories to be better understood by criminal justice professionals, clinicians, juries, and the public. This is an area which would benefit from further interdisciplinary research (combining memory research, clinical practice, & law). The false dichotomy of allegations being seen as either truth or lies needs to change to one that acknowledges false memories as a third possibility. The evidence from this study suggests that we are some way from achieving this goal.

AUTHOR CONTRIBUTIONS

K. F. collected data. L. P. analyzed data. L. P. drafted the paper. L. P. and K. F. edited the manuscript.

CONFLICT OF INTEREST STATEMENT

The authors declare no conflicts of interest.

DATA AVAILABILITY STATEMENT

The data collected is given in full in Table 1 of the article.

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APPENDIX

Blank telephone information sheet

TELEPHONE INFORMATION DATA SHEET		Selected: <input type="checkbox"/> Agree D.P. YES / NO ↓ See comments
Call taken by: _____	Date: _____	
RELATIONSHIP OF ACCUSED / ACCUSER: _____		
Caller Details:		
RELATIONSHIP TO ACCUSED: _____		
Name: _____	Age: _____	
Address: _____		
Post Code: _____	Phone - Home: _____	
Profession: _____	Phone - Other: _____	
Other children: _____	<u>Names</u>	<u>Age</u> <u>Sex</u>
How did you hear about BFMS?: _____		
Support received by accused (e.g. GP): _____		
Accuser Details:		
Name: _____	Age: _____	Profession: _____
Accusation: _____	From Age: _____	To: _____
When did the accusations start?: _____		
How was the accusation made?: _____		
Therapy Details / Other Influences:		
Therapy: Yes / No / ? Private / NHS Evidence of RMT: <input type="checkbox"/> Multiple therapists: <input type="checkbox"/>		

Therapy type: _____ Place of Therapy: _____		
Psychiatrist/Therapist Names: _____		
Hospital/Unit Name: _____		
Previous mental health history: _____		

Feminist: <input type="checkbox"/>	CTH: <input type="checkbox"/>	Religious: <input type="checkbox"/>
		Eating Disorder: <input type="checkbox"/> Self Harm: <input type="checkbox"/>
Other self-help literature: _____		Before/after therapy: _____
Legal Details <input type="checkbox"/>		
(see overleaf)		

SDSC
SDMC }
MDSC }
MDMC

Prosecution Type: _____ Accuser: _____ Defendant: _____
(S=Single / M=Multiple / D=Defendant / C=Complainant) (A=Adult / J=Juvenile)

Solicitor: _____ Barrister: _____

Comments:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

DEBATE

The Debate is still going on: A comment on “British False Memory Society: Caseload and Details by Year (1993 Onwards)” by Lawrence Patihis and Kevin Felstead

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Unfortunately, the picture drawn by Patihis and Felstead regarding the unconditional belief in repressed memories on the part of clinicians, academics and legal authorities in the U.S. and in Europe looks familiar, as it resembles the one in Israel. In the first trial in Israel that involved alleged recovered memories of childhood sexual abuse a clinician expert testified on behalf of the prosecution, arguing that the plaintiff's memories, which have allegedly been repressed for many years and finally recovered, constituted a valid description of the sexual abuses that she had undergone during childhood. Once this testimony was accepted by the court, it has been considered precedence in all subsequent cases, despite the fact that the judges have been aware of the fact that the “recovered memory hypothesis” lacks scientific validation. Presumably, that is because lay people, as well as professional judges (in Israel there is no jury system), tend to believe the plaintiff's emotion-laden narratives of sexual abuses, rather than the defendant's straightforward denial of the criminal accusations (cf. Nachson et al., 2007).

It is important to point out, as Patihis and Felstead do, that outright acceptance of allegations of childhood sexual abuse on the basis of recovered memories – which the authors convincingly demonstrate its continuing prevalence in the U.K. – might lead to miscarriages of justice by wrongfully convicting innocent defendants. This likelihood transforms the issue at hand from an academic debate into a social and legal problem.

An interesting case in point is the legislation regarding corroboration in cases of rape, which was mandatory in the U.K. until its removal in 1994. The purpose of the removal sounds good, as it was supposed to help the victims of sexual abuse. However, in cases of alleged recovery of memories of sexual abuse, the removal might be harmful, because it might facilitate uncorroborated acceptance of an invalid theory and practice. According to the authors, the theory is invalid because in principle it does not exclude any behavioral responses (thus violating an imperative condition for scientific theory), and the practice is invalid because the false memories are often constructed during therapy (thus raising the suspicion that they are implanted by the therapist).

I share with the Patihis and Felstead (Nachson, 2025), the distinction between the legal and the factual truths. As they point out, the former, which is based on legally admissible evidence, might not correspond with the latter. Some or many of the convicted defendants might therefore be actually innocent.

The debate regarding recovered memory has been called “a war”, yet the authors consider it as “just a metaphor of a fierce debate”, since “unlike a real war, in this case the probable harm is being done in psychotherapies that tell clients that they may have hidden trauma, and then engage in digging for memories”. Yet, digging for repressed memories is a lesser harm than the likelihood that an innocent person (in many cases, the plaintiff's father) is imprisoned. From this perspective, the debate may indeed be considered a war, albeit verbal.

The authors rightfully point to the dangers involved in the search for a “common ground” between the two opposing sides of the debate, since the very admission that the “recovered memory hypothesis” may be partially or occasionally true supports continuous malpractice. They do recommend, however, a search for a middle ground in terms of agreement on data collection and on “adversarial collaboration” where each side is sensitive to the arguments made by the other side. Inasmuch as the proposed sensitization to the others' views has already been unsuccessfully tried (Alpert et al., 1994), I doubt if a retrial will ever succeed.

Admitting that the issue of false memories of childhood sexual abuse is still open in the U.K., Patihis and Felstead recommend that information about the controversies surrounding recovered memories be disseminated among all who deal with this issue. Regardless of one's stand on the issue at hand, this recommendation is, of course, welcome.

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DEBATE

Possible factors associated with increased risk for false memories but decreased convictions in the British False Memory Society data: A comment on Patihis and Felstead

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Patihis and Felstead (2025) documented 1993–2021 trends in adult reports to the British False Memory Society (BFMS) of false memories of child maltreatment. The BFMS accepts cases based on empirical criteria associated with recovered/false memories such as (1) the memory was not present before beginning psychotherapy and/or (2) there exists evidence of consumption of popular media material associated with recovered memories (Patihis & Felstead, 2025; see Lynn et al., 2015, for review). Implied here is that the therapists used memory recovery techniques and these techniques created the false memories of childhood maltreatment. Indeed, empirical evidence demonstrates memory recovery techniques can create memories of never-experienced childhood events that included genital touch and even improbable memories from below the age threshold of infantile amnesia (Herndon et al., 2014; Marmelstein & Lynn, 1999). We now advance three points related to the content of Patihis and Felstead (2025).

First, the authors suggested that the declines in false memory reports to the BFMS and decreases in convictions may be due to the public's increased awareness of false memories. It is likely that during the years in which the number of false memory reports to the BFMS peaked and remained substantially elevated (i.e., 1993–2003), news coverage in turn abounded. However, when false memory reports began to decline (i.e., beginning in 2004), news coverage decreased concomitantly. We completely

agree with the authors' suggestion. In this commentary, we add the possibility that less publicity about false memories, including news reports leading up to and following guilty verdicts, may render it more difficult for prosecuting attorneys to win legal convictions involving false memories. Accordingly, the public may need semi-regular reminders of the ease with which false memories can be created for juries to continue to convict.

Second, Patihis and Felstead (2025) acknowledged the understandable impracticality of coding additional variables given the labour-intensive nature of the extant coding they completed for their current manuscript, but they indicated that coding and analysis of additional variables collected at the time of intake by the BFMS may be a worthy endeavor. Given that the BFMS has collected data regarding whether their clients report a history of eating disorders, self-harm, and receipt of psychotherapy (Patihis & Felstead, 2025), we suggest that these variables might relate to false memories and convictions in their sample. Despite evidence for a complex relation between maltreatment history and psychopathology (Nash et al., 1998; Rehan et al., 2019; Rind et al., 1998), the literature is replete with reports that a history of child maltreatment, especially sexual abuse, is a precursor to psychopathology (Cutajar et al., 2010; de Aquino Ferreira et al., 2018; Molnar et al., 2001; Wise, 2016). Such reports may falsely increase therapist expectancies regarding the prevalence of a client history of child maltreatment and prompt therapists to use suggestive therapeutic techniques, such as symptom interpretation, which increase false memories (see Lynn et al., 2015, for review).

Third, the authors rightfully discuss the potential harmful effects of false memories. In this regard, we present an additional consideration. When working with clients with verified or corroborated histories of maltreatment, it is incumbent on clinicians/forensic interviewers to avoid using memory recovery/enhancement procedures that could implant/recover incorrect event details or alter the memory of the event, including circumstances in which the client has some memory of the event/s, even when they are detailed. Believing inaccurate information regarding verified or corroborated maltreatment could contribute to distress, and use of memory recovery/enhancement procedures could jeopardize convictions.

In sum, factors such as eating disorders, self-harm, and history of psychotherapy may well relate to susceptibility to false memories via therapist suggestion in the cases reported to the BFMS. The decline of media coverage related to false memories may also be associated with fewer convictions in this sample.

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DEBATE

Reflections on British False Memory Society cases, middle ground, and inferring internal mental processes

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Nachson's commentary (2025) reveals that although Israel has some differences in dealing with recovered memory cases, there are some similar concerns. On the one hand, Israel deals with such cases with professional judges, and not juries as is usually done in the UK. Nachson notes that these professional judges can be affected by the emotional testimony of the accusers, as opposed to the less emotional accused. This may be a similar dynamic in the UK, but just with jurors. Nachson also relays the fascinating example from an Israeli court case in which an expert witness for the prosecution elevated the memory evidence to such a degree that it trumped other considerations. As we reflect on our data in light of Nachson's comments, it occurs to us that we should point out that out of the total 2364 cases shown in our Table 1 (Patihis & Felstead, 2025) only 227 were found guilty in a court of law, which is 10% of cases. In other words, the legal system may work well in most cases, though the number found guilty out of those in which police pursue a case was 27%. We appreciate Nachson's (2025) concurrence on objective truth in cases, which clarifies his meaning Nachson (2025-a).

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Krackow et al.'s (2025) commentary mentions that to reduce wrongful convictions as false memory stories go out of fashion in the media, that regular reminders of the problem be communicated to the public. This is a good idea that could be extended to legal professionals as well. Their second suggestion of false memory societies recording eating disorders, self-harm, and therapy use, are excellent and insightful of the qualitative pattern we have seen in the cases in the caseload files. Almost all cases involved therapy, though we did not quantify that in our data. Krackow et al.'s final suggestion is perhaps the unarticulated conclusion of our data: that practitioners should avoid using memory recovery or enhancement techniques.

To round out our commentaries, we return to a central point we made in the discussion of Patihis and Felstead (2025). The idea of a middle ground can be useful in the sense that a group of well trained scientists might hash out questions of prevalence of a problem in society, size of effects, point out each other's confirmation biases, and so on. Nevertheless, the idea of a middle ground can be a little relativistic about whether there is an objective truth to approximate to.

In this regards, we think those promoting dissociative amnesia as a mental process are not being scientific, and that is as true as Freud in the 1890s, or an esteemed psychiatrist today at an elite university. A solid approach to science involves great caution in assuming invisible internal mental processes that are a step too far beyond a measurable behavior. The behaviorists were fruitful in scientific discovery, and the cognitive psychologists subsequently were admirably cautious in inferring internal mental processes, and also achieved tremendous scientific fruitfulness. Cognitive process that are proximal to a measurable behavior are defensible, but not processes that infer too much. In this regard, assuming memory processes (such as storage, retrieval, consolidation, errors, etc) from behavioral responses is in the realm of science, but the concept of dissociation or dissociative amnesia are just inferring too much from the observed behaviours. Memory-report behaviors (verbal, written, keypress, etc) or neural activation in a brain area, are just not proximal enough to the very complex proposed invisible processes such as dissociation or dissociative amnesia, and these processes cannot be inferred from such data.

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