LETTERS TO THE EDITOR

'The Shadow World of 'Repressed Memory' Stirs a Controversy

In his Jan. 13 Rule of Law commentary "Memory Abuse," Theodore J. Boutrous Jr. mischaracterizes the issues concerning "repressed memory." The sensational child sexual abuse cases of the past two and a half decades were, in many cases, only peripherally about repressed memories, but fundamentally about group hysteria in response to mostly improbable and bizarre allegations encouraged by investigators who led alleged victims to recount unlikely events. Yes, a six-month-old infant is not neurologically competent to remember events. But a child of about two-and-a-half or three years of age, is capable of remembering sexual abuse, although he may repress it for many years.

Repressed memory is not a dubious theory—it is a commonplace event, as Freud described in 1915, and the foundational concept in psychoanalytic thinking. We can know things, and then not know them because of repression. It is not unusual for one of my patients to recall a painful and disturbing memory from early childhood, late childhood or earlier in their adult lives.

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Mr. Boutrous's commentary concerning the invasion-of-privacy lawsuit brought by Nicole Taus against Dr. Elizabeth Loftus lays bare the flaws in the "science" of "recovered memory" in general and in Ms. Taus's case in particular. He could have gone even further. One reason that advocates of free speech and unrestricted scientific inquiry have their fingers crossed is that the California Supreme Court has gained a reputation for being overly solicitous of the "feelings" of "vulnerable" individuals and not sufficiently attentive to the public's right to know important social, scientific, political and legal developments. This attitude, in turn, stems from a movement, dating to the early 1980s, in which free speech began to be subordinated to the perceived need to elevate the self-esteem of, and avoid "hurtful assaults" upon, what were condescendingly dubbed "members of historically disadvantaged groups." It was on this basis, for example, that colleges adopted speech codes punishing "hurtful" words aimed at "vulnerable" people.

Truth, of course, has greatly suffered as a result of this trend, still going strong in various sectors of civil society. It is a plague to be fought at every turn. One hopes that the California Supreme Court has woken up to its duty to protect free speech and free scientific discourse.

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As members of a scientific organization that filed a friend-of-the-court brief on behalf of Ms. Taus in her case against Dr. Elizabeth Loftus, my colleagues and I do not agree with the argument put forward by both Mr. Boutrous and Dr. Loftus that allowing Ms. Taus's suit to go forward poses a threat to both scientific research and a free press.

Our main concern is to uphold the integrity of psychological science. Misrepresenting one's position to gather personal information, as alleged in Ms. Taus's lawsuit, is a serious violation of the ethical norms of scientific conduct. Condoning such activities could jeopardize the willingness of private citizens to participate in essential psychological research.

Moreover, one can support journalistic freedom without necessarily endorsing the actions of researchers who fail to respect the rights of research subjects. These rights are far too important to allow them to be disregarded by those who might claim that scientific ends justify utilizing any means necessary to gather personal information about a former research subject's private life.

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