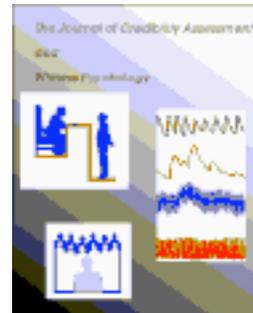


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## **A Case Of Alleged Cutting-Up Murder In Sweden: Legal Consequences Of Public Outrage**

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**ABSTRACT:** The paper reviews a case of probable murder in Stockholm in 1984. Two MD's were tried in the case. The daughter of one of the doctors, at the time barely more than 1 year old, was claimed to have been present at the murder. This was allegedly revealed in stories she told her mother several years later. The doctors were acquitted from the murder and sexual abuse charges but the District Court officially stated that they had been found to be guilty of the cutting-up of the body. The acquittal gave rise to strong outrage. The licenses of the doctors to practice were later revoked in a complex set of legal decisions. The case may have contributed to a lowering of the standards used by the courts for assessing the evidence necessary for convicting suspects of sexual abuse of children.

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## **A Case Of Alleged Cutting-Up Murder In Sweden: Legal Consequences Of Public Outrage**

### **Introduction**

In the summer of 1984 on two different occasions, a total of six garbage bags containing parts of a woman's body were found in Stockholm. The woman was identified by means of fingerprints. The victim was 28 years old Catrine da Costa, a prostitute and drug addict, who had disappeared some time before. The cause of death was not established as too much of the body was missing (including the head which was never found). Also, the exact time of death could not be precisely determined on medical grounds. There was considerable confusion among witnesses as to when they last heard anything from the woman.

The case is known in Swedish as "styckmordet", roughly translated as the cutting-up murder, the term I will use in the present paper. The case gave rise to intense interest in Sweden and it exemplifies many important forensic psychological and sociological problems and processes. The purpose of the present article is to (a) summarize the case for international readers; (b) discuss the case in relation to witness psychology and court decision-making; and (c) relate the case to a wider social context. The present paper thus gives a detailed account of a complex Swedish case involving alleged murder. The crime took place in 1984 and the case has since then been processed in Swedish courts. At the time of writing (December 2001) final decisions have been made by Swedish courts but the case may be brought up in the European Court, a process also likely to take several years. While the paper presents a clinical case study, an attempt is made to apply a broader perspective as well.

### **The Case: *Overview***

The discovery of the dead woman received much media attention, but appeared to receive less attention from the police who produced no definite results. Other events, such as the murder of Prime Minister Olof Palme in 1986, required many of the resources available to the Stockholm Police. After several years, two MD's were however prosecuted for the murder. Although the suspects were acquitted of murder, the court

publicly stated that they were probably guilty of cutting-up da Costa's body. As a result of a subsequent administrative court decision, both MD's lost their licenses to practice medicine. Although both men have always maintained their innocence, Swedish society turned against them.

The case was to become one of the most discussed murder cases in Sweden in the decade to follow, second only to the assassination of Prime Minister Palme. It has recently again become a focus of debate, much due to a very thorough investigation of the case by Per Lindeberg, who published a lengthy book about it in the beginning of 1999 (Lindeberg, 1999). In addition, a translation to English of one of the most important testimonies, by witness psychologist Astrid Holgerson (Holgerson & Hellbom, 1997) has recently been published. Somewhat earlier, Scharnberg had published a thorough and critical examination of the case (Scharnber, 1996b) in English. Another important document (in Swedish), a book by Hanna Olsson originally published in 1990, was reprinted (Olsson, 1990). The case was appealed anew to the Supreme Administrative Court and the Supreme Court in 1999 and 2000.

Even today, the case gives rise to very strong feelings in Sweden. The very publication of Lindeberg's book turned out to be controversial and a senior member of the publishing firm quit her job in protest (or under the threat of dismissal, according to the publisher's version of the story). Hanna Olsson, whose book, mentioned above, was subjected by Lindeberg to serious scrutiny, reviewed the manuscript for her. Perhaps naturally, Olsson did not feel that Lindeberg's book was worthy of publication.

Lindeberg's book met with very mixed reactions, some of them very positive and some very negative. The book was given very extensive coverage in the newspapers and also on radio and television when it was published in the beginning of 1999. A member of the Swedish Academy, professor Knut Ahnlund, published a highly positive review (Ahnlund, 1999), and so did Jan Guillou, who is a leading journalist in Sweden and well-known author (Guillou, 1999). Others were quite negative. Leading newspaper *Dagens Nyheter* published a full page detailed and highly critical article. In May 1999, Lindeberg's 750 pages long book had sold about 3500 copies, including the whole of the first printing, a remarkable number for a Swedish book of this type and size.

I now turn to a summary of highlights of this complex case. For a more complete exposition, the reader is referred to Lindeberg's book. The development of the case proceeded in several distinct phases.

### **The Case: Phase 1: The post-mortem dissector and his wife's death**

A young MD worked at the Department of Forensic Medicine of the Karolinska Institute in Stockholm (henceforth referred to as the Department). His name will be given here as Ture Hansson (fictive). In the fall of 1984, he was already the first and prime suspect in the case.

Before 1984, some police officers had already become suspicious of Hansson. His wife had supposedly committed suicide in 1982, however police considered the suicide unusual. For example, death was by hanging to the side of a bed and the deceased

was dressed in party clothing. Despite concerns by some of the officers and her family members, the official investigation concluded that the death was truly a suicide and nothing else. Officers also noted that Hansson's response to the suicide seemed unusual and callous. In addition to these behaviors, he insisted on publishing a paper on death by hanging shortly after her death. His former in-laws also spread rumors that Hansson had murdered his wife. His former mother-in-law was employed by the then leading Swedish tabloid, *Expressen*, a newspaper which was to play a very important role in the later campaign against Hansson.

Hansson was an unusual person in a number of ways. He took a very strong interest in his work, invited people to watch his autopsies and would even send them unsolicited autopsy reports. He had some interest in horror movies with sexual violence in them<sup>1</sup> and lived an uninhibited sexual life and had contacts with prostitutes (the number is uncertain). His first wife was likewise sexually "liberated" and also bisexual. At the time of her death, a divorce had already been decided upon and Hansson had established a new permanent relationship. People at the Department knew some of this. Although none of it was illegal, it was a potential problem for the Department, especially the contacts with prostitutes that would have been considered to be very embarrassing to a Department of Forensic Medicine. Such contacts could in fact be grounds for dismissal or at least refusal to renew a contract of employment (Hansson had only a time limited contract running until the end of 1985).

### **The Case: Phase 2: da Costas's body found, preliminary investigation**

The body of da Costa was found in two separate bags, at different occasions, fairly close to the Department of Forensic Medicine. Identification was at first impossible but later possible with the aid of fingerprints (her hands were found in one of the bags). A senior member of the Department (Jovan Rajs) concluded his official assessment of the case with murder as the probable cause of death. He also stated that the cutting-up of the body was at least partially done in a very professional manner and partly clearly not<sup>2</sup>. Later, the same expert, now promoted to the rank of Full Professor, testifying in court in 1988 agreed that the cause of death could not be assessed on the basis of the evidence available to him. In particular, the missing head made such conclusions impossible<sup>3</sup>. However, he agreed with the prosecutor's assertion that cutting-up of bodies

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<sup>1</sup> This theme was rather prominent in media, and some of the videos were shown in court. It was probably unavoidable that the "snuff movie" urban legend was to be invoked, implying an interest in movies showing real murder of people. No such movies have ever been documented and the legend can be traced to a clever producer in the 70's who made quite an economic success out of spreading this rumour about his movie (Stine, 1999). What Hansson saw were "splatter movies", i.e. violent movies with no claim to show real events.

<sup>2</sup> It was to be argued that the perpetrator was a professional and also very clever, and wanted to confuse the police so he made some cuts look like he was unprofessional. Or - a less common argument - two people had been involved in the cutting-up of the body. What type of "professional" knowledge and experience was postulated here was not very clear. Maybe a butcher or a hunter could have done it as well as a specialized MD.

<sup>3</sup> A missing head might indicate some professional knowledge on the part of the perpetrator and his intent to make it impossible to establish the cause of death. On the other hand, the fact that hands were found shows that the perpetrator did not care about trying to hide the identity of the victim. The

was almost always preceded by murder. On the other hand, only a handful of cases like this had taken place in Sweden in modern times (Rajs, Lundström, Broberg, Lidberg, & Lindquist, 1998), so the basis of that conclusion was not very extensive, provided that only Swedish data were to be seen as relevant. Most commentators have since concluded that murder was not legally established, but there are exceptions.

One legal scholar still argues that the cutting-up of a body is always preceded by murder and hence proof of murder (Diesen, 1997). Although it is certainly very reasonable to assume that a cutting-up of a corpse and its disposal was preceded by murder, one wonders if it is proof of murder in the legal sense. There could of course be several reasons for attempts to hide a corpse, not all of them tied to murder. On the other hand, there are different types of cutting-up and in the da Costa case the cutting-up did not appear to be wholly rationally calculated and only caused by an intention to hide evidence. Evidence of the case suggests that it was a case of sadistic, sexually motivated dismembering of the woman's body. The fact that her remains were left where they were likely to be found and identified could express a wish by the perpetrator(s) to experience the thrill of publicity and subsequent police investigations.

Hansson was arrested in December of 1984 both for suspicions related to the death of his wife two years earlier and for the new case of da Costa. He was held for questioning by the police for 5 days which was the legal maximum. He denied having murdered the two women. In fact, he denied having ever met da Costa. He admitted reluctantly to a few contacts with prostitutes in Stockholm. His home was searched but no incriminating evidence was found. In particular, no objects belonging to da Costa were found, no letters or phone numbers to her and no prescriptions written to Da Costa by Hansson. (Other doctors had written many prescriptions to da Costa, but the police could not establish any connection with the two doctors who were to become suspects in the case).

The da Costa case and the suspicions against a specialist of forensic medicine made for large headlines in the press, and not only in the tabloids. It was easy to find out the identity of the suspect. It seems as if the police were eager that his identity should not be protected, as is usually the case until a suspect is convicted and even after that. The reason was possibly that they wanted to make sure that he must be fired from his job; his alleged frequent contacts with prostitutes was very troubling to the police. He was also fired from his job since the Board of Social Welfare, his ultimate employer, could not accept a staff member who was suspected of such serious crimes, and it turned out to be very difficult to find an alternative placement for him. Under the pressure of these events, Hansson tried to take his life but was saved. However, as a side effect of his treatment he lost most of his hearing.

In the summer of 1986, the case was dismissed by the police for lack of any solid evidence against Hansson and any further clues. The closure of the case was very little attended to by the same media who had made a lot of profit on scandalizing Hansson in the fall. His life was now in ruins, but much worse was to come.

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perpetrator(s) also did not care about trying to conceal her remains as such since they were disposed of in a way that they would surely be found.

### **The Case: Phase 3: The child and the second doctor**

Hansson had a student in the beginning of the 1980's, called Sten Jansson (fictive). At one occasion he had helped Jansson to fulfill a course obligation he had missed by being absent from an autopsy. In gratitude, Jansson and his wife invited the Hansson couple for dinner. This was in 1982, after the death of Hansson's wife and when Hansson had established a relationship with a new woman, Monica (fictive name).

The dinner did not go very well, largely because Monica came dressed in a very provocative manner and especially Mrs. Jansson resented this. They were not to meet socially again, and Mrs. Jansson took an intense dislike to Dr. Hansson. When she read, in the fall of 1984, that a post-mortem dissector was being suspected for the alleged cutting-up murder of da Costa, she called the police and asked if it was Hansson. Amazingly, the police officer confirmed her suspicion. At that very point in time, she was extremely upset about her suspicions that her husband had sexually abused their daughter, who had been born in the beginning of 1983. The child had some physical signs that could perhaps be interpreted to that effect by a lay person and she was examined several times. The doctors assured Mrs. Jansson that there was no ground for her suspicions, but she did not drop them. Due to these suspicions and other problems the Jansson marriage had been breaking up for some time. A divorce was to follow.

Now, some 2.5 years after da Costa's death an amazing process began. The child made some off-hand remarks, for example, about a doll having no head. The mother got the idea that maybe her husband, who knew Hansson, had been Hansson's accomplice and maybe they had brought the child to witness the murder and cutting-up of da Costa! She started to question her daughter very extensively, and made notes and some tape recordings. According to the mother, the child made more and more incriminating statements. Mrs. Jansson ultimately submitted a 200 pages long summation of what the child allegedly said to the police. She also made very frequent calls to the police as soon as she felt that some new evidence occurred in the child's sayings.

A psychiatrist, Frank Lindblad, and a psychologist, Margareta Erixon, assessed the value of this evidence. Their assessment has since been translated to English and can be found as an appendix in Holgerson & Hellbom (1997). It is a loose "psychodynamic and holistic" type of assessment concluding that the mother is absolutely credible, and that the child had actually visited the scene of the crime. For example, the lack of an emotional reaction in the child when taken to the Department of Forensic Medicine (where it was believed that the crime had taken place) was interpreted as solid evidence of her subduing her true underlying strong emotional reaction. This type of "logic" allows virtually any observations to be offered as evidence of a hypothesis. It should be noted that the psychodynamic approach enjoys a very large credibility in Swedish society, at least among many members of the medical and forensic professions, and that the academic credentials of doctors and professors may go a very long way to establishing the credibility of even the most outrageous statements. Media seldom question this type of reasoning.

Yet, the legal value of the Child's Story, as it came to be known, was very doubtful, as Holgerson pointed out in her thorough assessment of it (Holgerson & Hellbom, 1997). It is hearsay throughout. The child was not interrogated by the police or their experts. The mother did all the questioning and summarized it in her own words. She guided the child to make statements that would incriminate her former husband and his "accomplice".

The following is a revealing statement by the mother:

"I have drawn conclusions of what Britta has said. And I have woven pictures of what can have happened. And I have sometimes, so to say, been half a step ahead of Britta and sort of understood what she was aiming at now and then. And she has eventually arrived there herself". (p. 88, as translated by Holgerson).

The critical analysis by Holgerson is also supported by later research on conversational memory (Bruck, Ceci, & Francoeur, 1999). Mothers were found by Bruck et al. to have quite imperfect memory of what their children had said. Just what a child says and means to say is often very hard to analyze (Hellblom Sjögren, 1997), not to mention to remember.

The critical analysis by Holgerson was not made until the very last court proceedings in 1991, and up to that point the Child's Story went more or less unchallenged. It made, of course, for a very attractive theme in the media and the assessment by Lindblad and Erixon, claimed to be fully accredited experts on child psychology and forensic psychiatry, seemed to be a guarantee that the story was entirely credible in all its grisly details - including ritual sexual abuse and cannibalism. Of course, two doctors guilty of such acts deserved severe punishment! And how could the words of the experts be questioned?

#### **The Case: Phase 4: The photoshop**

The Child's Story mentioned a photographer and many people interested in the case therefore believed that photos had been taken of the cutting-up and the parts of the dead body. However, no such photos were ever found. However, at a late stage in the investigations (in the fall of 1987), a married couple who owned a photo shop close to the Department contacted the police. They said that years before, in the summer of 1984, they had developed and processed prints of a film roll which contained horrible images of a cutting-up. Many parts of the body were shown on these horrible pictures, and probably also a person with bloody clothes who apparently had taken part in the cutting-up. They, and their personnel<sup>4</sup>, were very upset by these pictures, they said, but all material was given to the customer who claimed that the pictures were part of a secret investigation and that they must tell nobody about them.

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<sup>4</sup> No other members of the staff of the photo shop, who also allegedly saw the pictures and reacted strongly to them according to the shop owners, could remember anything about these pictures.

The photo shop owners were then shown lineups with the two doctors and they identified Jansson and, to some extent, Hansson. However, the written protocol described their identification as much more certain than it had in fact been. A scrutiny of tapes shows that:

- Ture Hansson was identified only by the wife, and then only after much hesitation. It was unclear if she identified Hansson as the person who had been to their shop, or the person on one of the pictures. She seems to have been guided to this answer by reactions from the police officer present. Her first choice was another person. The husband wrongly pointed out one of the police officers as having been to their shop.
- Sten Jansson was finally identified by both wife and husband as the customer in their shop, but after much hesitation.

The lineup was conducted in an unprofessional manner (Holgerson & Hellbom, 1997). The police officers who led it were aware of who the suspect was. In addition, in the first confrontation, with the post-mortem dissector, with one exception, there were great physical differences between him and all the others. Also, the others were all police officers. At the second confrontation, Jansson was distinguished from the others by his smiling expression. None of the other 7 men smiled but had a very neutral expression. All these facts break with principles suggested by the British Devlin commission (Devlin Report, 1976), see also Goodman et al. (1999). The large effects of more or less subtle suggestions and monitoring by the police officer in charge of a lineup identification test have been amply documented (Cutler & Penrod, 1995).

In spite of the low quality of the lineup and the alleged identification of the MD's by the photo-shop owners, the Administrative Court of Appeal cited this evidence as the main support for the guilt of the suspects, and hence a very important justification for revoking their licenses.

Research on lineups has shown that they are unreliable. Levi (1997) estimated conservatively that the probability of being innocent when chosen in a lineup was 0.25. Since the court is supposed to acquit a defendant whenever there is reasonable doubt about his or her guilt, conviction would seem to be quite appropriate if the only or main evidence cited is that of a lineup identification. The present case has features well known in research on lineups, such as exaggerated belief in their efficiency (Levi & Jungman, 1995), and the ineffectiveness of a defense counsel present at the lineup (Stinson, Davenport, Cutler, & Kravitz, 1996). People tend to be overconfident (Lichtenstein, Fischhoff, & Phillips, 1982); such overconfidence being possibly to some extent a characteristic of the individual (Bornstein & Zickafoose, 1999). Recent research has made investigators more and more alerted to the risks of mistaken identification on the basis of lineups (Wells et al., 1998). Wells and Bradfield (1999) wrote:

"There is increasing evidence that mistaken eyewitness identifications from lineups and photo spreads are the most frequent cause of juries convicting the wrong person. Analyses of cases in which people were mistakenly convicted by juries have shown eyewitness misidentification

to account for more cases than all other causes of wrongful conviction combined..." (p. 138).

### The Two Trials

In spite of the child's story and the photoshop owners' testimony, chief prosecutor Anders Helin was uncertain if the evidence was strong enough to justify prosecution of the two MD's. However, he went ahead and brought them to trial, and the District Court of Stockholm tried the case early in 1988. The two doctors were suspected not only of incest, murder and cutting-up of the body of da Costa, but also of ritual sadistic abuse (although probably not of the satanistic kind) and even cannibalism, all on the basis of statements the mother claimed that her daughter had made. They were also suspected of having drugged the child. Formally, the doctors were accused of murder and child sexual abuse, while the cutting-up of the dead woman's body was a minor offense, and the period for prosecution of it had expired. Naturally, the case was given an enormous amount of media coverage.

Several of the lay members of the court agreed to be interviewed in the media before the final sentence was decided, expressing confusion and uncertainty, yet willingness to convict for murder, and the chairperson of the court was absent from a crucial meeting. A mistrial was therefore declared and the Appeals Court, in a highly unusual move, instructed the District Court that a conviction for murder would probably not be upheld in the Appeals Court. At this point, Chief Prosecutor Helin was inclined to drop the case, but the case was now given new political impetus by an article in *Dagens Nyheter*, Sweden's leading daily newspaper, by psychotherapist Hanna Olsson. Olsson claimed that the suspects were not treated as they deserved. She asserted that they were protected by a male oppressive society that did not even want to listen to testimony by the oppressed female prostitutes at the very bottom of society. (It was true that Helin had said that he wanted to avoid such witnesses, probably because he considered them unreliable and of little or no help. Whether that was a correct judgment can be debated but since these women often were drug users it could have been at least partly justified. On the other hand some of the derogatory statements made by Helin to media were not justifiable).

The second trial, with a new court, acquitted the suspects of the murder and child abuse charges, but claimed that they were guilty of the cutting-up of Da Costa's body. This was a remarkable claim since the defendants were not formally accused of the cutting-up. Furthermore, since the court did not formally sentence them for the cutting-up, just stated in writing that the court was convinced they had done it, they could not appeal. In the eyes of the public they had, of course, been convicted of the cutting-up and even Chief Prosecutor Helin (now retired) still officially claims that was the case. A decision to revoke their licenses to practice medicine was finally made by

the Administrative Court of Appeal in 1991 and the final court of appeal, the Supreme Administrative Court, refused to hear the case, making the decision final<sup>5</sup>.

The judicial maneuver by the District Court<sup>6</sup> in fact deprived the suspects of their legal right of a full judicial assessment of their guilt. Despite the fact that the cutting-up crime was formally a minor one, and the period for prosecution had expired, the judicial finding was the ground for their continued ostracization and marginalization in society and for the revocation of their licenses to practice their profession. These were no small matters to them, and the economic compensation awarded to Hansson (some SEK 300,000 or US \$ 35,000) was a trifle compared to the consequences that were to follow on the statement by the court. The two men are still ostracized and people having anything to do with them have been known to be treated harshly. The mere mentioning of the name of Ture Hansson in an article used in the teaching of medical students in Stockholm gave rise to outrage and hysterical headings in tabloids<sup>7</sup>.

I now turn to a discussion of a number of themes that can be used to throw some light on this dramatic case.

### **Social Perspectives**

#### **Understanding Outrage**

The case gave rise to an almost unprecedented public outrage in Sweden. It had several aspects that make it easy to understand this reaction, even if the reaction was not predictable. The brutal and possibly sadistic treatment of the woman's body was surely one such aspect. Almost everyone also assumed she was murdered and humiliated by being subjected to perverted sexual demands. She was also seen as a victim in the sense of having lived a life at the very bottom of society, and having her children taken from her by the social authorities. The little girl who many believed was abused and made to witness the grisly events further added to outrage. The suspicion that the perpetrators were two high status members of the elite of society, and indeed two MD's who are supposed to care about people and help them, not abuse and murder them, added further fuel to the fire already burning.

Suspensions were widely held that abuse of women and children was a very large social problem, and the case illustrated, to many, the dangers of a fairly common male

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<sup>5</sup> In most cases a first appeal is granted in the Swedish system, while a second appeal is very seldom granted, and then only for reasons of general legal significance.

<sup>6</sup> Recent statements by one of the members of the court attribute the outcome to a combination of pressure both from time and probably from public outrage against the suspects, and from a need to compromise since some members of the court wanted to convict the suspects for murder.

<sup>7</sup> Hansson had co-authored an article about rape, used as required reading in a course for medical students. When informed about this, a tabloid ran a headline stating that "the post-mortem dissector is now teaching students how to rape women at the Medical School".

inclination towards indiscriminate and violent sexual behavior which in turn, in their view, had the function of expressing and supporting the power relations in a male dominated society. The treatment of the case in the courts, ending in acquittal from the murder charge, appeared to further support these views.

In addition, the case developed according to a dramaturgic logic of very unusual intensity and efficiency. The evidence against the suspects, of quite varying quality, came forth in several phases and over a long period of time. The case tended therefore to rise anew in the media, over and over again. The outcome was also very uncertain since the courts did not agree on the final treatment of the suspects and their - so far - final fate was sealed only after 7 years. The media were of course very dedicated to covering the case from all possible angles. The assassination of the Prime Minister and all the events following that historic event took place during the same time period and attracted even more media attention, but the cutting-up murder competed successfully for a large share of media attention.

The book by Olsson (1990), entitled "Catrine and Justice" (my translation), mentioned above, played an important role in the events and should therefore be discussed in some detail. It was published at a late stage in the judicial process, but before the administrative courts made final decisions concerning revoking the two doctors' licenses to practice medicine. It is a relatively brief text (215 pages) and quite well written, and it conveys a deeply felt outrage by its author. She was clearly convinced that the suspects were guilty of murder and the other crimes for which they were indicted. From her point of view, they got away with it. Readers of her book are likely to be similarly convinced, if they do not check the facts any further. Olsson depicts all evidence against the suspects as persuasive and reliable, while arguments in their favor are subjected to detailed criticism and then dismissed. She assumes the role of the prosecutor. Some of her arguments do carry weight, such as her criticism of the intervention by the Court of Appeals, and her arguments favoring that homicide had very likely preceded the cutting-up. However, at times she gave a misleading picture of the evidential value of testimony in the case, as when she stated that "The photo shop owners were very sure about the statements they gave" (p. 104). As we have seen, this is not at all what came out of a reading of the protocol from their responses to the lineups they were exposed to. There was much uncertainty and some mistaken identifications involved.

Olsson's interpretation of the events is that the "system" protected its own, e. g. that some doctors were eager to support their suspected colleagues and that even the prosecutor was very reluctant to bring up important evidence because he did not want to "smear" the men. Chief Prosecutor Helin actually did make such a statement. Also, the Council of Forensic Medicine could have formulated a better argument than they did. They dismissed the murder suspicions on the logically correct ground that the cause of death could not be established. However, the other possible causes of death they mentioned were even less supported by any evidence. Moreover, the logic of the case, as well as the meager previous experience of similar cases, did reasonably lead to the conclusion of homicide. But still, Olsson did not admit or even discuss that there was valid doubt about much of the evidence in the case and also great difficulty for a court to convict for murder in a case where the cause of death was still in doubt. A further legal complication of great importance is that two suspects were indicted and

that, even if their guilt had been established, it would probably have been impossible to determine *who* had committed the murder. In such a case, Swedish law prescribed acquittal.

## The Media

The media clearly played a very central role in the events, and the way they functioned is not very flattering to the standards of media integrity. The case was clearly seen by media as having a great commercial interest, but that is no excuse for misleading media reports. The privacy of the suspects was not honored; their identity could very easily be found out on the basis of media information. In addition, the media were very gullible when it came to the matter of "the Child's Story". This "story" was never anything more than summaries made by the child's mother, summaries of alleged conversations between her and her daughter.

Since media had so gravely misled the public about the amount and quality of evidence against the two doctors, it is no wonder that the acquittal brought about a very angry reaction from many quarters. The prosecutor was also strongly criticized for not having invited testimony by the several prostitutes who claimed that they had known Hansson as a customer, that they knew he was a customer of da Costa, or even seen him together with da Costa<sup>8</sup>. The way the trial was conducted was therefore seen as an example of male oppression of women, and the fact that the two doctors were acquitted was said to be a denial of justice to da Costa.

The media treatment of the case was not very balanced or factually correct, with a few exceptions. The media tended to take for granted that the suspects were guilty of heinous crimes: to recapitulate, very frequent adultery with prostitutes, ritualistic abuse of at least one of these and a child, homosexual intercourse (not a crime but morally condemned), cutting-up of the murdered woman's body and eating parts of it, all this in the full view of a child aged about a year. The "evidence" of all these crimes was stories by prostitutes who tended to talk about what they heard others had said about abuse, but some of them probably were suppliers of sex services to the post-mortem dissector. Further evidence cited were the Child's Story as told to the mother, some witnesses (especially the photoshop owners) and forensic evidence from the dead body. Few critical analyses of all this were available, and what was published tended to be vehemently attacked and even smeared.

The strong aggression against the skeptics in some media, and the media siding with the prosecutor and police, warrant some discussion. Media in Sweden are often quite skeptical about the police and have by no means usually accepted police or official versions of other famous crimes. In particular, the contemporary attempts of the police and prosecutors to establish credibility of their explanation of the murder of Prime Minister Palme (first it was a group of alleged terrorists, then a "lone maniac") has largely failed and the media give much space to other speculations<sup>9</sup>. However, the

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<sup>8</sup> The latter claim also came from two police officers but was later shown to be false (Lindeberg, 1999).

<sup>9</sup> It may be noted that the only trial for the murder of Olof Palme, so far, took place in 1989 and that some of the key actors in the cutting-up murder case were involved also in the Palme murder trial. The suspect - a "lone maniac" - was convicted by the District Court, which was however not

media tend to take an "underdog" perspective and in the case of the cutting-up murder the suspects were members of the elite. This very fact made the case much more sensational and salient to media than if the suspect had been, say, a Polish butcher who could well have become a prime suspect in the case<sup>10</sup>. The media were certainly not trying to protect two members of the male elite - on the contrary these two persons were given a very harsh treatment and enormous media exposure to great detriment to their lives.

The strongest reactions were directed against the Forensic Council<sup>11</sup> of the National Board of Health and Welfare whose members had found Rajs's assessment of the cutting-up evidence wanting. The statement made by the council was quite sober and factual but some in the media depicted it as an unjustified and slanderous attack on Rajs. The council statement was even to be all but ignored in the final sentence by the Administrative Court of Appeal in 1991. A leading witness psychologist, Holgerson, was subjected to some very negative and contemptuous comments in media when she had concluded that the Child's Story was not credible evidence. It may be noted that some media, among them even important quality newspapers, had asserted that the child had told the story to expert child psychologists and psychiatrists, something which was simply not true.

### **The Courts And The Government**

In all fairness, it must be said that the legal system was by no means as gullible as the media. As we have seen, it took strong pressure to make Chief Prosecutor Helin re-introduce the case after the declaration of a mistrial in 1988. He had available, at that point, all the evidence that was to be used by the courts and some of it was very persuasive to the media and the lay public. Indeed, his very reluctance and his unwillingness to hear in court some of the several drug addicts/prostitutes who had provided information about links between Hansson and da Costa, was to be the subject of outrage and very strong criticisms by Hanna Olsson and other feminist opinion leaders. As I noted, the Court of Appeal stated, in their unusual intervention<sup>12</sup>, that they found it very unlikely that a murder conviction would be upheld. In addition, the

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unanimous, and acquitted by the Appeals Court. In the latter court, witness psychologist Astrid Holgerson played a crucial role in criticizing the testimony by the chief eye witness, Palme's wife, who also happened to be a psychologist. Chief Prosecutor Helin was also involved in both the Palme murder case and the cutting-up case.

<sup>10</sup> This man, who died in 1988, committed several murders in Sweden, one of them a cutting-up case, had no alibi and was seen among Stockholm prostitutes at the time when da Costa disappeared. He was very dangerous, especially when under the influence of alcohol, but, on no known factual grounds, the police dismissed him as a suspect at a very early stage. They had their eyes on Hansson from the very beginning.

<sup>11</sup> Its members were three senior specialists in forensic medicine and two senior judges.

<sup>12</sup> This intervention was strongly criticized by the Attorney General (in Swedish "Justitiekanslern" who is not a cabinet member) about a year later. His office is in charge of assessing any complaints about the legality of decisions made by authorities, including courts, and they seldom find any fault with those authorities.

question of the revocation of the licenses to practice medicine of the suspects was to be treated by the courts and administrative bodies in several phases before a final decision was reached in 1991.

That process went forward under considerable public opinion pressure. Strong pressure was exerted on the Supreme Administrative Court to take action and they finally instructed the Administrative Court of Appeal to do so, which was inconsistent with their usual practice in cases of license revocation.

It is paradoxical that the interference by the Court of Appeals with the District Court trial was instrumental in depriving the suspects of their right of appeal. They were formally acquitted, as noted above, by the District Court, but the sentence was formulated in such a manner that they still were regarded as guilty. Only the prosecutor<sup>13</sup> could then have appealed the sentence. He did not, and has explained that, since the Appeals Court had already made a public statement in the case, he considered an appeal to be meaningless. However, he apparently did not consider that it was also *his* responsibility to guard the rights of the suspects, and an appeal would have given them a chance to question the conclusions in the District Court reluctant acquittal.

The political leadership of the country assumed a very low profile in the case. The trade union of medical doctors (unions are very important in Sweden and a very high percentage also of professionals are members) first defended the rights of the suspects to continue to practice medicine, once they were acquitted of the charged crimes, but this position led to a split within the union and very angry protests from a large group of female doctors.

### **Ineffective Defense Counsel**

The credibility of the psychologists/psychiatrists is such that few attorneys apparently feel up to questioning them in court and the weakness of many defense counsels is only too obvious. Scharnberg (1998) has pointed to the defense counsels as a weak link in the Swedish system of justice. In the case discussed in the present article, an employee of one of the counsels even stated in public her belief in the guilt of the accused.

The defense counsels tended to be ineffective, possibly to some extent because they were not prepared to carry out a critical analysis of some of the psychiatric evidence offered against their clients. Maybe they were also not really convinced that their clients were innocent - the whole story was ever present in the media and the media depicted the case in a manner very negative to the suspects.

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<sup>13</sup> To be fully correct, the family members could also have appealed. Mrs. Jansson actually did so, but later retracted her appeal. Da Costa's family were considering an appeal but later claimed that the prosecutor told them they were not allowed to file an appeal. They then tried to get permission by the Supreme Court to file a late appeal, but such permission was not granted.

## **The Feminist And Anti-Incest Movement**

Olsson (1990) had intervened effectively with her articles and book on the feminist theme<sup>14</sup>. Feminist groups, now holding strong opinions, filed many letters to courts and authorities where they demanded that the suspects should at least have their licenses to practice medicine revoked (Lindeberg, 1999). It is interesting to note that Olsson's book was finished when the case was still pending and the final revocation of the licenses was highly uncertain, and that the 1994 reprint, which included a new preface by da Costa's sister, did not mention what the final outcome of the case had been. The reader who consults only Olsson's book is thus left in ignorance of the outcome and his or her outrage is not mitigated by the events that did take place after the book was finished.

The enormous interest and outrage connected with the case of the cutting-up murder must be seen in the context of rising feminism and incest outrage. In the 1980's the previous sexual liberalism of the 1960's and 1970's was beginning to be replaced by a moralistic and puritanistic attitude, perhaps under the influence of the AIDS epidemic<sup>15</sup>. But how should incest outrage be explained? It can be viewed in the context of the changed roles of men and women and the weakened status of the family, changes which took place in the 1970's and the 1980's. Women no longer stayed at home and kept a constant watch over their children, they had to leave them to daycare centers to pursue their own professional careers. The role of a homemaker was frowned upon and held in contempt. Homemaking was economically punished by harsh new tax legislation. These momentous changes of long standing norms could have given rise to feelings of guilt and anxiety among women, in particular, over the fate of their children.

At this point in time, the anti-incest movement was at a high point and had still not been subjected to the critical analysis which was to come later in the 1990's (Öhrström, 1996). Many people believed that incest was a very large problem and that a very large share of all children, especially girls, were at risk. Many also believed that psychologists and psychiatrists on the basis of tests and behavior observations could diagnose incest. That is, there were clear "symptoms" of incest.

Under the influence of events in the USA, even accusations about satanic ritual abuse and organized cults were beginning to appear in Scandinavia at that time. There are, of course, by now many stories of satanic incest cults that were rejected as untrue (La Fontaine, 1998). In Sweden, there were a few cases. In Norway, there was the case of Bjugn where a small community was tormented by widespread accusations starting in a pre-school and quickly spreading to leading members of the community (Kring-

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<sup>14</sup> Olsson was promoted Honorary Doctor by the University of Umeå for her contributions to the case. Such an honor is very rare in Sweden and is usually awarded only to outstanding scholars or to people who have supported scientific research. Olsson's honorary degree illustrates well the climate in Swedish society at the time.

<sup>15</sup> Hansson's young son was denied access to school until he and Hansson were tested for the HIV virus.

stad, 1997). Nobody was convicted in the Bjugn case but the County Board demonstrated its belief in the guilt of at least some of the suspects (or maybe only in one of them) by awarding financial compensation to the children. Some of the children in Bjugn, but not all, later retracted their accusations, and the physical examinations which were the most solid base of evidence in the eyes of medical experts, that some abuse had occurred, are by now no longer considered credible by a unanimous expert opinion.

The Bjugn case illustrates how the administrative authorities, in contrast to the courts, are likely to believe in the truth of outrageous accusations. In the cutting-up murder case, the National Board of Health and Welfare even argued officially that the demands for solid evidence should be lowered in trying whether a doctor's license should be revoked as compared to criminal proceedings. This suggestion was, however, rejected by the Supreme Administrative Court. As another example, the Union of Psychologists published a statement denouncing Holgerson's contribution as a witness psychologist.

### **The Rise Of Psychologists**

Starting in the 1960's, the traditional core family pattern of differentiated gender roles began to break up (Barnett & Hyde, 2001). Parenthood was something that could and should be taught by experts. Experts and specially educated staff of daycare centers were believed to be better equipped to take care of children than were parents. Nobel laureates Alva and Gunnar Myrdal, very influential Social Democrats, had already delineated this movement and its ideology in a much discussed book in the 1930's (Myrdal & Myrdal, 1934). Of course, collectivistic approaches to child upbringing and the idea of "social engineering" were at the core of these ideological beliefs and were shared by many brands of socialism.

New and greatly expanded professional groups of psychologists, psychiatrists and social workers institutionalized the demands to be put upon parents, and these demands were not small, nor were they precise. The new breed of experts claimed that they could formulate the demands a parent must meet, such as "see to the needs of the child", "defining boundaries", avoiding something nebulously called a "symbiotic relationship", etc. The Government willingly and readily accepted the claims made for a scientific basis of such concepts and norms, and also awarded to psychologists, for the first time, official certification by the National Board of Health and Welfare in 1978. Hence, the Government officially accepted that the activities of psychologists were based on respectable and reliable science.

Similar claims made in the USA have been strongly criticized (Dawes, 1994; Hagen, 1997). Therapy in the sense of a "talk cure" can probably be just as well delivered by an intelligent and mature person with no formal education in psychology or psychiatry (Strupp & Hadley, 1979). The diagnostic power of personality tests and clinical judgments in forensic applications was challenged and little evidence in support of strong claims made by the clinical profession has been presented (Wood et al., 2003). Yet, the claims continue to be made, and continue to be believed (Sjöberg, 1998-99).

The new "experts" were given great power as consultants in the courts and the social authorities, and their statements could easily decide the fate of families. The state was eager to intervene and children were taken, every year in the thousands, from their parents and put in foster homes. (This practice is still carried out). In the foster homes, the children were rarely attended to by the authorities who seldom found complaints about such homes credible. Moreover, the power of the social authorities was such that they need not heed to court decisions. E.g., if a father was prosecuted for incest, tried and acquitted, his child (sometimes all his children) were still taken by force from the family and placed in a foster home, and that decision would not be rescinded just because the suspicions against the father had turned out to be unfounded by a Court of Law. A few such cases were successfully brought to the European Court, but that is a very slow and uncertain process. Settlements between Sweden and the parents happened sometimes, and were quite cheap for the state, or the Swedish authorities just ignored European Court sentences.

All of these cases were not cases of incest, but also of alleged neglect. The debate about the Swedish "kinder-gulag" has been intense since the 1980's when some cases were given wide publicity, e.g. the so-called Alexander case (Wolff, 1986). This case illustrated in a convincing manner how the social authorities stuck to their policy, even in the face of overwhelming evidence of their having made a mistake. Psychologists often play an important supportive role in such a process by investigating, often testing, the child and coming up with "scientific" conclusions supporting interventions.

In one recent case, a father was prevented from seeing his daughter on the basis of flimsy "evidence" partially consisting of evaluating the girl with projective tests. One is a well-known American test, the Children's Apperception Test, and the other a local variant, the so-called Erica Method, which builds upon observations of a child's play. The latter method has no research foundation at all worth mentioning (Sjöberg, 1997; 2000). The former method has been object of very serious criticism (Knoff, 1998; Reinehr, 1998). The man, who is a senior medical researcher, appealed to the Swedish Psychological Association and asked about the scientific basis for these methods, which, being used by one of its members, was instrumental in destroying his life as he saw it. After a very long wait and many reminders, he was informed by the Association's Chairperson about some research on the Rorschach test with adult patients. The Rorschach is rightly criticized for its doubtful validity (Wood et al., 2003), but even if it were to be granted that it has some validity, it would not be transferable to very different projective tests used for different purposes and with children, not adults. The case shows quite clearly that the Association embraces such test use as was practiced in this case, and also that it feels that there is no need for specific support of tests in the concrete applications to which they are put.

### **Forensic Psychological Perspectives**

The case will now be analyzed both from the standpoint of the judgments actually made and the more general background, which probably affected all, or most of the people making those judgments. The case is quite complex and developed over a long period of time. There was no physical evidence against the two doctors, nor were there any witnesses to the alleged murder and cutting-up of the woman's body. Opinions about the case differed widely, but it is fair to state that the majority opinion of the

courts was that it was likely that the accused were guilty, although the evidence was not strong enough to convict them. The main evidence for their guilt was:

- The child's story as told to and reported by the mother.
- The line-up judgments made by the photo shop owners.
- Hansson's personality and behavior were unusual and that made it seem quite possible or even likely that he was guilty.

These bases for inferring guilt are fragile. First, the child's story was merely hearsay and it is very doubtful that a child can remember such events that took place very early in her life. Considerable research on child testimony has shown that there is a danger that adults lead children to make false accusations (Ceci & Bruck, 1995). In this case, the child's mother had ample opportunity, over a prolonged period of time, to guide her daughter into constructing a false memory. It was also likely that the mother had a motive for doing so due both to her strong dislike and suspicions against Hansson and the pending conflict with her former husband. This is not to say, of course, that the mother did not herself believe that her daughter's memories were correct.

The line-up was conducted in a non-professional manner. It cannot be excluded that the police officer in charge more or less unconsciously guided the witnesses to identify the two doctors. Also, the identification that was made was quite uncertain and not made consistently. It was found that illegal photographs of autopsies were by no means unique in the area (the photoshop was quite close to the Medical School) and the vivid memories that the photoshop owners had of gruesome pictures may have stemmed from quite a different source than the cutting-up of da Costa's body.

The personality arguments, especially concerning Hansson, may have contributed in an important way to the courts' assessment of the case, even if they are peripheral in the official statements made by the courts. However, the facts that a person was a customer of prostitutes, showed much interest in very violent movies, and took an intense interest in his work as a post-mortem dissector do not speak for his being a murderer. All the cited attributes of the man are, or were, by no means unique. What is unique is being a murderer. In Sweden, the homicide rate is very low, only about 300 cases per year in the whole country with a population of about 9 million. The probability that a person is a murderer is therefore exceedingly low. The base rate fallacy is well known (Tversky & Kahneman, 1974). People make probability judgments without taking due consideration of the base rate, and are much influenced by the representativeness. In this case, Hansson may well have seemed to be a likely killer on the basis of the attributes cited, yet such an inference would be quite misleading and unfounded.

The development of the case shows a strongly hypothesis-driven process. From the very start, the police officers in charge seem to have had grave suspicions about Hansson due to the peculiar circumstances surrounding his first wife's suicide. Also, they were annoyed and troubled by his being a customer of prostitutes which was considered to be unacceptable behavior by someone working in forensic medicine and hence in close cooperation with the police. Hansson's behavior also aroused annoyance and

even suspicions in other people, especially Mrs. Jansson. What we see here is the gradual build-up of Hansson as a likely killer, and the media supported the process.

The media, in fact, displayed a common tendency to "psychologize". Several commentators found it easy to construct and contribute to the scenario of the two doctors being guilty as accused. Again, Hansson's unusual personality and behavior was fruitful material for constructing a scenario of guilt. The members of the courts were not unaffected by the media coverage, and besides they had probably themselves similar tendencies to construct scenarios and draw premature conclusions from them.

Finally, it is pertinent to inquire whether a different forensic psychological practice would have helped in the case and would have mitigated the wider implications of it. The answer is definitely yes. The initial analysis of the credibility of the child's story was quite speculative and gullible, as shown above. The problem here seems to have been closely connected to the psychodynamic framework of the two consultants. Current research on human memory and suggestibility prescribes a much more skeptical attitude than they displayed.

In addition, what was known about eyewitness testimony and line-up identification errors should have prescribed a different practice in conducting the line-up or, since that did not happen, a skeptical attitude to the evidence it produced. In addition, it would have been valuable to conduct some research on base rates. For example, just how common was it for photo shops in the area to work with gruesome pictures of autopsies? The case was presented at the time as if such an event was completely unique but now it seems that it may not have been.

The literature on human judgment errors is vast. Some of the phenomena documented there, such as biased probability judgments due to heuristics, are quite relevant in the case. Such errors could have been made by both judges and the media and, indeed, even by defense counsels.

Could these errors have been avoided? Perhaps not, after all. In the final hearings by the Administrative Court in 1991, Holgerson and Hellbom forcefully criticized both the gullible report on the child's story and the line-up identification. Yet, the two doctors had their licenses revoked. This may have been due to the courts affording more belief to the original report about the child's story and the line-up results, or it could also have happened wholly or partly due to the very strong opinion pressure in the case.

### **The Present Situation Of The Case**

In the wake of the cutting-up case, there were many other cases in Sweden where suspects were convicted on the basis of weak evidence. Just how many is not known, but there is ample enough documentation (Scharnberg, 1996a, 1996b; Öhrström, 1996). Scharnberg documents 50 cases. Media are strongly interested in reporting any news about sexual abuse of children and some cases where day-care personnel have been suspects have been given enormous publicity recently.

A small group of witness psychologists, working in a tradition established by Trankell (1972) had specialized in the critical scrutiny of evidence offered by witnesses, often children. Their activity was, and still is, highly controversial, as illustrated by strong emotional reactions to an excellent book on these themes by Hellblom Sjögren (Hellblom Sjögren, 1997; Sjöberg, 1998). The controversy was exemplified in a book review by legal scholar Diesen (1997-98) in a leading scientific law journal in Sweden.

Lindeberg's book about the case was published in January 1999 and was immediately given a very unusual amount of media attention. Several newspapers published not one, but several, reviews and debate articles about it, and the reactions were quite polarized. Some well known authors and journalists gave the book high praise and others condemned it as a reflection of "contempt for women". Some participants in the debate argued that even if the two MD's were innocent of murder they should have their licenses revoked because they had committed perverse sexual acts. It may be added that license revocation, being a very serious event to those affected by it, is quite rare and requires very serious crimes. Being a customer of prostitutes is currently illegal<sup>16</sup> in Sweden but was not so in the 1980's. Incest is of course a serious crime and was so also in the 1980's but the charges at this point were not the important point in the legal proceedings leading to license revocation, and they were probably not seen as well substantiated<sup>17</sup>.

In 1999, the two MD's, filed an appeal to the Supreme Administrative Court in order to try to have their cases re-opened. Media also reported on some important new clues in the case that apparently were brought to the attention of the police due to the publicity given to Lindeberg's book. It was said that there is reliable testimony certifying that da Costa was alive well after the date when she was murdered according to the prosecutor's statement in the 1988 trial (Annerud, 1999). In three articles published in June, 1999, in the leading tabloid *Aftonbladet*, Cantwell reported that the police were working very hard to find a new suspect and that they were convinced that the two doctors were innocent (Cantwell, 1999). The crucial testimony that da Costa was alive well after Whitsuntide 1984 was allegedly forgotten due to the tremendous pressure on the police after the murder of Prime Minister Olof Palme in 1986, and the subsequent personnel changes and re-allocation of resources. It also seems that a mistake was done in filing one of the key testimonies regarding da Costa's alleged activities after the Whitsuntide holiday, leading to its dismissal. A thesis by two law students of the University of Stockholm (Styrlin & Nyberg, 1999)<sup>18</sup> is critical to the fact that the whereabouts of da Costa at that time were not investigated more carefully by

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<sup>16</sup> Yet, prostitution *per se* is not illegal.

<sup>17</sup> Here, views differ as in so many other aspects of the case. Olsson argues that it was the specific details cited by the prosecutor that made acquittal necessary and the Court may well have convicted at least the father if the indictment had been formulated in a more general manner (Olsson, 1990). However, the incest suspicions were thoroughly investigated and found to be insufficiently supported and Olsson's speculations at this point seem very far-fetched.

<sup>18</sup> The authors are very critical also of Lindeberg's book which they find highly subjective. It is, at the same time, very easy to find their own text subjective, on the opposite side, e.g. in their acceptance of the "testimony of the child".

police and prosecutor. Finally, da Costa is known to have injected narcotics of some kind on the Sunday before the alleged murder took place, but traces of a drug were not found at the autopsy to the extent necessary to confirm the "official" day of death.

In 2001, both the Supreme Court and the Supreme Administrative Court denied the two doctors a new trial. According to them, the new evidence about another perpetrator was not strong enough, and technical legal arguments about the District Court sentence were rejected on the ground that a sentence of acquittal could not be appealed. The doctors later failed to have their case admitted to the European Court. The most recent development is the use of new technology to recover traces of fingerprints on the plastic bags containing the remnants of da Costa. When such an investigation was carried out in 2003, fingerprints were indeed discovered on the bags. These fingerprints were not those of the two doctors. In the fall of 2003, a new appeal was filed. Also, a new book was published (Borgnäs, 2003), where Lindeberg's book is criticized for being subjective, and some evidence against Hansson is described.

### **Does the case contribute to forensic psychological knowledge?**

How can something of general value and interest be learned from a case such as the present one? In my view, the best way to use the case is to deduce tentative principles or hypotheses that it suggests and illustrates. Thus, six principles and topics for further research may be formulated on the basis of the case, and they may be of value in accumulating knowledge from this and other cases:

1. *Stigmatizing those who behave in an unusual way.* The process of stigmatization (Goffman, 1963) of the doctors took, as its starting point, the suspicions aroused in some key actors by the unusual behavior and personality of one of them. It is possible that deviating people are at risk when other factors are at play which demand that a culprit be found. Deviations can be quite innocent, yet a basis for ominous scenarios. Consider the case of preschool teacher Michaels (Bruck & Ceci, 1995) who was accused, and convicted, of severe sexual abuse of children. She may have acted in an unusual way at times (talking to herself). There is sometimes a small step, in the minds of many, from being a bit unusual to committing severe and perverse crimes. Hence it is hypothesized that deviant behavior, no matter if it is innocent in itself, may form a basis for the construction of ominous scenarios, if the opportunity arises to do so.
2. *Neglect of base rates.* The behavior of one of the doctors was unusual, but not *that* unusual. It was certainly within the boundaries of normality, which murder of course is not. The conclusion of murder involved highly unusual behavior, and the strength of the evidence was clearly below a reasonable verdict of guilty. Yet, many concluded that the doctors were guilty and their lives were ruined. Base rate neglect has been well documented in research on judgment and decision making (Kahneman & Tversky, 1984) and the phenomenon quite possibly has many potentially fruitful applications in forensic settings.

3. *Premature closure.* In spite of the relatively large resources spent on the case, some clues were neglected and investigations were concentrated against the two doctors. It appears that a feeling developed very early among prosecutors and police officers on the case, that the doctors were guilty. Nobody knows, of course, who was guilty but in order to increase quality of the investigation it would have been important to approach it with a more open mind. The situation is similar to the problem of deciding if a person is lying. This is more difficult than most people think (Vrij, 2000) but it can be achieved to some extent by keeping an open mind. The importance of expectations and made-up scenarios for a low quality investigation is an interesting hypothesis that is brought up by the circumstances of the case.
  
4. *Rhetoric as a way of escaping from responsibility.* The case does not show Swedish justice at its best. It was clear that the courts and authorities conceded more to public outrage than they should have done and what happened is still a source of considerable embarrassment. Chief Prosecutor Helin claims to have forgotten mistakes he made, and can offer no explanation of them. The present Chief Prosecutor (Bjarne Rosén) refuses to re-consider the case with the argument that “the doctors have been acquitted and they cannot be more acquitted than that”<sup>19</sup>. This is similar to the argument made by the Prosecutor-General in 1991 that the statement by the District Court that the doctors were guilty of the cutting-up could have no legal consequences and hence that the doctors should not be allowed a new trial. In both cases the rhetoric is quite cynical and misleading since the doctors have indeed suffered the consequences greatly. Rhetoric involves the shifting use of words in a more or less clever way, so as to persuade or at least silence somebody with embarrassing demands or claims. The use of shifting perspectives is common in discussions about various socially “hot” topics (Sjöberg & Montgomery, 1999). Its prevalence and particular uses in legal contexts constitute an interesting topic.
  
5. *Exaggerated belief in recovered memories.* The present case is in one sense only one of many where recall of events, in this case by a child, has been attributed what is probably grossly exaggerated credibility. The child’s story was produced under wholly uncontrolled circumstances and by her mother, not by a professional. The two experts that did testify to the credibility of the story stepped on very thin ice indeed. It should, in all fairness, be added that this was in 1984 and the whole modern debate about recovered memories had hardly begun. It is possible that the child’s story would have met with more skepticism to-day, but that is not certain. However, Gudjonsson found indications of skepticism about recovered memories in a recent study in the UK (Gudjonsson, 1997).

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<sup>19</sup> Swedish TV Channel 1 program, 21 December 2001, The program contained interviews with the prosecutors and some police officers who investigated the case in the 1980's. The last person known to have seen da Costa alive was one of her customers, and his whereabouts at the time of the alleged murder were never investigated in depth. The program illustrates that Swedish media even at the end of 2001 pursued the case with great interest, in spite of what seems to be a definite closure due to the decisions made by the Supreme Court and the Supreme Administrative court earlier in that year.

6. *Folk psychology in the courts.* The problem of recovered memories is just one example of the power of intuitive, or folk, psychology notions. It just seems to be very credible that memories can be repressed, and later recovered in great and dramatic detail. Maybe it is less likely to the layman that such accounts can be wholly false when created under the influence of an authority figure such as a psychologist, a police officer or a parent. What makes a testimony about remembered events credible? How do judges, prosecutors, police officers and defense counsels reach their conclusions about the matter? Granhag and Strömwall recently carried out a survey and found that members of the legal professions entertained quite erroneous notions about what constitutes a credible memory report (Granhag & Strömwall, 2003). The notions they have are probably quite important for the conclusions they reach, and hence central to the functioning of the courts. The topic is in urgent need of further research.

### **Conclusion**

The cutting-up murder case, second in importance of Swedish homicide cases in the 20th century, appeared on the media agenda in the middle of the 1980's when incest and child abuse concern was at its peak. Its many grisly details made for excellent media sales, and honest outrage was felt and expressed by many people over the alleged crimes of murder, child abuse and cannibalism. There is nothing to be said against such outrage, on the contrary it was justified given that the media story and the prosecution's case against the suspects was true and proven. However, that was hardly the case. The evidence boiled down to the highly questionable "Child's Story" - supported only by a low quality psychological analysis - and line-up evidence which also was very uncertain. No physical evidence was brought forward. The suspects all the time claimed they were innocent. The time contingencies alone made it quite unlikely that the murder could have been carried out as stated by the prosecutor. On the other hand, there was at least one other suspect who seemed to be much more likely as the perpetrator (see note 10). On top of all this, the legal system worked in unusual and highly questionable ways in this particular case, probably to a large extent because of the strong public sentiment against the suspects. The final outcome of the District Court trial, acquittal with stigmatization combined with later license revocation, was disastrous for the suspects and could not be appealed due to formalities.

Forensic psychological work of higher quality throughout the case could possibly have contributed to a more reasonable and just process. It would have been most important to have a higher quality process from the very beginning since the case involved a build-up over a prolonged period of time, when expectations were formed which led to new expectations. It may be quite difficult to change the direction of a process once it has started in a certain direction. In the present case, there was some very good forensic psychological work, but it came in the very last phase when opinions about guilt were quite difficult to change - in addition to the tremendous public outrage that demanded action against the doctors.

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