

## Table of Contents

Declaration.....	i
Acknowledgements .....	iii
List of Figures.....	xiv
List of Tables .....	xv
List of Appendices.....	xvi
Summary.....	xvii
Chapter 1: Introduction.....	1
Introduction .....	1
Chapter Outline .....	6
Chapter 2: In Propinquity – Both Absolute and Relative? How to Deal With a Changed World-View .....	10
Introduction .....	10
The New Science and Its Meaning for the Discipline of Psychology .....	16
A Movement Away From the Individual Towards the Individual in Context: A Movement Towards Relativity.....	16
The Observing System and Model-Dependent Realism .....	19
Post-Modernism and Psychology .....	21
Neopragmatism and Heuristic Value .....	25
Language and Narrative .....	29
Conclusion.....	31
Chapter 3: The Spaces Between – Creating Reality and Understanding Through Narratives .....	32
Introduction .....	32
Reality, Knowledge, and Knowing: Embracing a Subjectivist Position.....	34

Meaning and the Death of the Subject .....	45
Language and the Ties That Bind Through the Eyes of the Observer .....	53
The Significance of the Text as Separate From the Writer of the Text.....	57
Constructing the Fabric: The Observer as Both Weaver and Weave.....	60
The Weave That is Constructivism .....	61
The Threads as Language.....	66
The Importance of the Loom: Context and Community .....	68
The Role of the Psychologist: Both Thread and Weaver .....	70
The Nexus of the Fabric: Problem-Determined Systems.....	71
Unpredictable Evolution in the Construction of the Fabric .....	74
Conclusion.....	77
Chapter 4: Particle or Wave? Drawing a Distinction Between the Role of a Therapeutic and a Child Custody Forensic Psychologist .....	79
Introduction .....	79
Drawing Distinctions Between Therapeutic and Forensic Intentions, Process, Methodology, Outcomes, and Roles .....	81
Objective and Subjective Processes .....	89
A Brief Digression on Expert Evidence in South African Law .....	95
Ethical Considerations.....	98
Conclusion.....	100
Chapter 5: A Journey Away From the Archimedean Point – A Journey Into Contingency .....	101
Introduction .....	101
Stepping Away From a Detached Theory Tester Towards a Participant Observer Researcher .....	106

Congruence Between the Archimedean Point and Quantitative Research.....	106
One Step Away: Qualitative Research .....	107
Two Steps Away: Hermeneutical Observations and Interpretations in Conjunction With Qualitative Research.....	108
The Researcher: Taking an Auto-Ethnographic Position.....	113
The Researcher in a Meta-Level Auto-Ethnographic Position .....	114
The Subject of This Research: A Case Study.....	115
The Methodological Approach of This Study .....	117
Data Collection in the Case Study.....	119
The Construction of the Narrative.....	120
Ethical Considerations.....	122
Strategies Employed to Ensure Data Quality .....	123
The Psychometric Methodology Applied Within the Case Study .....	126
Family Relations Test – Bene and Anthony (1957) .....	127
Draw-a-Person (DAP) Test .....	128
The Tree Test.....	128
Kinetic Family Drawing (KFD) .....	128
Personality Assessment Inventory (PAI) .....	129
Minnesota Multiphasic Personality Inventory-2 (MMPI-2) .....	130
Millon Clinical Multiaxial Inventory-III (MCMI-III).....	131
Sexual Adaptation and Functioning Test (SAFT).....	132
Thematic Apperception Test (TAT).....	132
Conclusion.....	134
Chapter 6: Alice’s Adventures in Wonderland: A Journey of Wonder, Curiosity, and Hypothesis Generation Through a Professional Problem-Determined System.....	135

Part 1 – Down the Rabbit Hole: Introduction.....	135
The Risk Involved in This Investigation .....	144
The Start of the Investigation .....	145
How I Eventually Became Involved in the Investigation.....	147
The Investigation .....	149
Mrs Mater’s Storey.....	150
Mr Pater’s Storey.....	178
Adam’s Storey.....	197
Eve’s Storey .....	206
Mr Mater’s Storey .....	219
Ms Amica’s Storey.....	230
Conclusion.....	235
Chapter 7: Collateral Perspectives.....	237
Down the Rabbit Hole – Part 2: Introduction.....	237
The Storeys of Adam’s Teachers .....	238
The Storeys of Eve’s Teachers .....	242
The Storeys of the Dubai Doctors and Therapists.....	244
Dr Freud’s Storey .....	245
Mr Rogers’ Storey .....	247
Dr Skinner’s Storey .....	250
Dr Good’s Storey.....	250
The Storeys of the Johannesburg Doctors and Therapists.....	251
Dr Klein’s Storey.....	251
Dr White’s Storey.....	258
Ms Jung’s Storey .....	262

Dr Green’s Storey.....	265
Ms Allen’s Storey.....	267
Dr Piaget’s Storey .....	268
Dr Fisher’s Storey .....	268
Ms Jackson’s Storey.....	269
The Storeys of Mr Pater’s Family Members .....	269
The Storey of Mr Pater’s Brother and Sister-in-Law .....	269
The Storey of Mr Pater’s Sister.....	271
The Storey of Mr Pater’s Father.....	272
Other Storeys .....	273
The Storey of the Sex Educationalist .....	273
The Storey of Ms Amica’s Employer.....	274
Some of the Written Storey .....	274
Letter Dated 8 October 2006 From Mrs Mater to Mr Pater .....	274
Letter Dated 10 October 2006 From Mrs Mater to Mr Pater .....	275
Letter Dated February 2007 From Mrs Mater to Mr Pater.....	275
Letters Dated 15 February 2007 From Mrs Mater and Mr Mater to Adam .....	275
E-Mail Dated 21 February 2007 From Mrs Mater to Mr Pater.....	275
E-Mail Dated 11 April 2007 From Mrs Mater to Mr Pater.....	275
Letter Dated 22 April 2007 From Mrs Mater to Mr Pater.....	276
E-mail Dated 5 May 2007 From Mr Mater to Mr Pater .....	276
Letter Dated 5 May 2007 From Mrs Mater to Mr Pater – Referred to in Mr Pater’s Clinical Interview .....	276
Letter Dated 7 May 2007 From Mrs Mater to Mr Pater.....	277
E-mail Dated 9 May 2007 From Mr Pater to Mrs Mater .....	277

Letter Dated 11 May 2007 From Mrs Mater to Mr Pater.....	277
E-mail Dated 24 October 2007 From Mrs Mater to Mr Pater.....	277
E-mail Dated 26 October 2007 From Mr Pater to Mrs Mater.....	277
E-mails Dated 16 November 2007 Between Mrs Mater and Mr Pater .....	277
E-mail Dated 31 October 2007 From Mr Pater to Mrs Mater.....	278
E-mails Dated 1 February 2008 Between Mrs Mater and Mr Pater.....	278
E-mail Dated 27 February 2008 From Mrs Mater to Mr Pater .....	278
E-mail Dated 27 July 2008 From Mr Pater to Mrs Mater .....	278
E-mail Dated 28 July 2008 From Mrs Mater to Mr Pater .....	278
E-mail Dated 11 August 2008 From Mrs Mater to Mr Pater .....	278
E-mail Dated 26 August 2008 From Mrs Mater to Mr Pater .....	278
E-mail Dated 5 September 2008 From Mrs Mater to Mr Pater.....	279
E-mail Dated 6 October 2008 From Mr Pater to Mrs Mater.....	279
E-mail Dated 15 December 2008 From Mr Pater to Mrs Mater .....	279
E-mail Dated 22 December 2008 From Mr Pater to Mrs Mater .....	279
E-mail Dated 20 January 2009 From Mrs Mater to Mr Pater .....	279
E-mail Dated 23 January 2009 From Mr Pater to Mrs Mater .....	279
E-mail Dated 23 January 2009 From Mr Pater to Mrs Mater .....	279
E-mail Dated 9 April 2009 From Mrs Mater to Mr Pater .....	280
Mrs Mater’s Affidavit Dated 27 May 2009.....	280
Legal Correspondence .....	282
Concluding Remarks .....	283
Chapter 8: What the Psychometric Tests Evidence.....	284
Down the Rabbit Hole – Part 3: Introduction.....	284
The Results of the Assessments .....	288

Adam’s Assessment Results.....	288
Eve’s Assessment Results .....	291
Mr Pater’s Assessment Results .....	292
Mrs Mater’s Assessment Results .....	295
Mr Mater’s Assessment Results .....	296
Ms Amica’s Assessment Results.....	299
Conclusion.....	301
Chapter 9: The Integration of the Information and the Construction of a Meta-Storey....	302
Introduction .....	302
The Storeys of the Consultants – Yet Another Layer of Interpretation .....	302
My Meta-Storey as Told in my Report .....	304
Describing the Likely Veracity of the Children’s Storeys From a Psychological Point of View .....	308
My Findings Regarding Adam .....	312
My Findings Regarding Eve.....	323
My Findings Regarding Mr Pater and Mr Mater .....	335
Hypotheses for Why Such Allegations Occurred at That Time and in This Family..	337
The First Hypothesis – The Role of a Mother can be Important in Establishing Allegations of Alleged Sexual Abuse Committed by a Father in a Post-Divorce Family.....	338
The Second Hypothesis – Pathological Patterns of Communication can Facilitate the Emergence of Sexual Abuse Allegations in a Post-Divorce Family. ....	347
The Third Hypothesis – Suggestibility can Lead to Allegations of Sexual Abuse, Especially in Children Who Have Been Questioned Repeatedly by Non-Professionals .....	349

The Fourth Hypothesis – The Alleged Victim’s Vulnerability, Both With Regard to Their Maturation and Psychological Development, can Have an Effect on the Emergence of Sexual Abuse Allegations .....	351
The Fifth Hypothesis – The Personality Profile of the Alleged Perpetrator can Have an Effect on the Emergence of Allegations of Sexual Abuse .....	354
The Sixth Hypothesis – The Dynamics Inherent in a Family System can Have an Effect on the Emergence of Allegations of Sexual Abuse Within the Family System .....	356
My Conclusions.....	360
Conclusion: My Recommendations .....	369
Chapter 10: Waves and Reverberations.....	371
A Point of Departure .....	371
The Journey .....	373
Conclusion: The Destination? .....	386
Chapter 11: Alice Through the Looking Glass – Reflection and Reflections .....	387
Introduction .....	387
The Problem-Determined System .....	389
The Emergence of the Problem-Determined System in This Study .....	390
Order From Chaos After a Point of Bifurcation.....	393
My Initial Engagement With the Problem-Determined System .....	396
My Ultimate Involvement With the Problem-Determined System.....	400
The Journey Through the Investigation.....	402
The Amplification of the Dynamics and Patterns in the Problem-Determined System .....	407
An Attempt at Meta-Communicating.....	408



Being Reported to my Professional Body .....	410
Visitors to Ersilia Comment on the Threads .....	411
Dr Vilia Lyell’s Reflections .....	411
Dr Ronel Duchen’s Reflections.....	412
Dr Sonja Snyman’s Reflections .....	415
Jeris Fasser’s Reflections .....	418
Conclusion.....	425
Chapter 12: The Benefit of Being an Expert Learner.....	427
Introduction .....	427
Added Learning for the Expert Learner .....	430
Following the White Rabbit .....	435
Added Learning About the Investigative Process for the Expert Learner .....	437
Being an Expert Learner With Regard to Theory and Research .....	441
Learning About the Ecosystem in Which the Expert Learner Functions.....	444
Basic Proposal for Training as a Child Custody Investigator .....	448
The Potential for an Extended Team for the Expert Learner .....	450
Conclusion.....	452
List of References .....	457

## List of Figures

<i>Figure 4.1.</i> Venn diagram describing the forensic process.....	94
<i>Figure 5.1.</i> A constructivist investigative process (adapted from Shotter, 1992, p. 62)....	111
<i>Figure 6.1.</i> Eco-gram of the Pater-Mater extended system that existed during the investigation.....	137
<i>Figure 10.1.</i> Point of bifurcation (adapted from Elkaim, 1981).....	372
<i>Figure 11.1.</i> Diagram describing the initial problem-determined system.....	400

## List of Tables

Table 5.1 <i>People involved in the Pater-Mater investigation</i> .....	118
Table 6.1 <i>Timeline of Pater-Mater family investigation from 1990 to 2012</i> .....	138
Table 9.1 <i>Application of Bala et al. 's (2007) protocol</i> .....	311
Table 12.1 <i>Proposed training</i> .....	449

## List of Appendices

Appendix A: Consent Form.....	468
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## Summary

With the maturation of the child custody investigative process, the role of investigators and the process of these investigations have come under increasing scrutiny. The investigators are expected to be objective, neutral, and professional while following procedures that conform to model standards. However, this assumption of a lack of bias has been largely overlooked in the literature regarding the investigative process. It is assumed that investigators should self-monitor to ensure that their stance is objective and neutral. Furthermore, this position of neutrality and objectivity is assumed to be intuitive and natural.

By using a case study, this thesis investigates and describes the process of a child custody investigation predicated on a constructivist epistemology. It highlights the impossibility of any investigator to be objective and neutral in any investigation automatically, regardless of the procedures and methods employed. The thesis highlights the participant observer status of investigators. An aim of the thesis is thus to sensitise investigators to this inevitable vulnerability with the expectation that such an awareness may allow investigators to establish processes to render investigations consciously more balanced, considered, and transparent.

A further aim is to describe a child custody evaluation from an eco-systemic perspective by contextualising the investigation in the larger ecosystem to which it belongs. This description includes the investigation as part of an evolving problem-determined system. An awareness of this wider and evolving context may enable investigators to approximate a position of objectivity and neutrality more effectively. It may also act as an inoculation against the ‘contamination’ of the investigator by the investigative system.

In South Africa, we have yet to formulate a document that establishes a model standard of practice or specific, dedicated training in this area. This thesis identifies what could be included in both areas (in addition to the expected protocols and procedures) by describing the investigator's position as an expert learner, rather than just an 'expert'. In line with current literature, it highlights the benefits of thinking consciously and in a considered manner. Furthermore, it indicates the benefits of a team approach to investigations, which could be considered an area for further investigation.

### **Key Terms**

Child custody investigations

Conflicted custody

Constructivist epistemology

Objectivity

Participant observer

Family system

Eco-systemic

Problem-determined system

Expert

Team approach

Expert learner

## Chapter 1: Introduction

*According to Democritus, truth lies at the bottom of a well, the depth of which, alas! gives but little hope of release. To be sure, one advantage is derived from this, that the water serves for a mirror, in which truth may be reflected. I have heard, however, that some philosophers, in seeking for truth, to pay homage to her, have seen their own image and adored it instead.*

(Richter, cited in Catrevas et al, 1964, pp. 691-692)

### Introduction

According to Saposnek (1998), “every year since the mid-1970’s, more than one million children living in the United States experience the divorce of their parents” (p. ix). According to Gould and Martindale (2007), it has been primarily in the past ten to twenty years that there has been a maturation in the field of child custody disputes and hence an increase in the involvement of mental health professionals in the resolution of such disputes. Since then, the role of mental health professionals has increased substantially to form an integral part of contested custody matters.

Stahl (1999) identifies certain concerns regarding the role of evaluators in evaluating child custody cases. Stahl (1999) includes in his concerns the impact of decisions on children, the insufficient training of evaluators, and the oversimplification of issues. Stahl (1999) also identifies the area of ‘truth’<sup>1</sup> as a problem “when judges, attorneys, and

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<sup>1</sup> The concept of ‘truth’ is a philosophical issue. A fundamental concern of this thesis is the nature of truth and the questioning of its assertion in psychology and specifically child custody evaluations. As such, when truth is referred to in the text it should not be read as an objective truth. Therefore, for reasons of ease and simplification, when the concept is referred to it should be so considered and will not necessarily always be placed in quotation marks.

evaluators do not understand that there are limits to the ‘truths’ one can learn in any given evaluation” (p. xiii).

More than ten years later, Stahl and Martin (2013) summarised the maturation of child custody evaluations and investigations over the past 30 years. Stahl and Martin (2013) state that few people in the United States of America were conducting child custody work in the 1980s and that there was very limited information available to guide those who were conducting such work. Stahl and Martin (2013) comment that in the 1990s, there was little distinction made between child custody evaluations and general clinical psychological assessments – mental health professionals primarily assessed the parents and decided which parent was the most psychologically healthy. However, in the mid 1990s, the American Psychological Association published guidelines for child custody evaluations (Stahl & Martin, 2013). These guidelines were vague, but they did include certain protocols. Stahl and Martin (2013) identify that there were many more publications and information resources that emerged by 2000 that attended to the area of child custody evaluations.

However, Stahl and Martin (2013) also identify that along with the new millennium there was an increase in criticism regarding child custody evaluations. This increased criticism was metaphorically declared by Stahl and Martin (2013) as a sign of the maturation of child custody evaluations from childhood into adolescence or young adulthood. In their article, they identify the need for future research in the area of “Bias” (Stahl & Martin, 2013, p. 45) in child custody evaluations. In their article, Stahl and Martin (2013) cite Gutheil and Simon (2004) with regard to evaluator bias:

With a growing emphasis on consultation and expert witness review of child custody evaluations, the evidence suggests that all too often evaluator



conclusions and recommendations are affected by evaluator bias. Future empirical research on this critical area will be useful. (p. 45)

This study highlights, inter alia, the notion of bias on the part of the evaluator. It also attempts to elucidate and to promote awareness and processes that can be employed to delimit such bias.

The ostensible role of the mental health professional is one that is aimed at preserving and supporting the best interests of children in a divorce matter. The professional's position has thus been elevated to that of an 'expert'<sup>2</sup>. As an expert, the mental health professional is thus often viewed as an inviolate and neutral observer of a particular 'truth'. The notions of neutrality and a lack of bias on the part of mental health professionals when observing a family's journey are based on the assumption of a disconnection and a lack of contamination between the mental health professionals and the dynamics they observe. These assumptions are also inherent in the accepted notions of the 'expert' and the 'professional'.

Gould and Martindale (2007) also identify the potential for bias in child custody evaluations. Gould and Martindale (2007) suggest that in order to minimise these effects, transparency and an identification of the limits and strengths of any evaluation should be embraced. However, none of the above researchers, namely Gould and Martindale (2007), Stahl (1999), or Stahl and Martin (2013), appear to attend to the role of the evaluator as a player in the complex system that revolves around and within a custody evaluation from its inception to its conclusion. Furthermore, in many instances, the initial problem that may

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<sup>2</sup> The role of the 'expert' is questioned in this thesis. Aside from an understanding that the expert is certainly someone with expert knowledge, the role's limitations are highlighted. As such whenever the role of expert is referred to in the text it should be read as being questioned. For this reason, it will not always be placed in quotation marks.

beset the family becomes insignificant in comparison to what evolves thereafter through the course of the legal, familial, social, and mental health processes involved.

As various truth-filled observations are made and recorded by mental health and other professionals during the course of a matter, so too are different layered interpretations imposed on the process. Throughout this process, and over time, it may become increasingly difficult or impossible to imagine that the attending mental health professionals can remain separate from and uninfluenced by the process, or that they do not themselves influence the process. It is my contention that it is naïve to believe that mental health professionals are able to maintain a pure, objective position in their search for the truth in such a process.

However, it would appear that the aforementioned authors accept the fundamental principle of the absolute separateness of the investigator from the subject matter – provided that ethical rules are adhered to rigorously and transparently. Notwithstanding the importance and applicability of the abovementioned literature/research in the area of forensic investigations, and, without discarding these very important elements, it is my contention that a constructivist epistemological approach to this area of psychological investigation would enhance an understanding of bias for professionals involved in such work.

A constructivist approach challenges the naïve notion that the mental health professional is, can be, or can remain separate and independent from what is observed. Without an awareness of observer participation in an investigative process, the mental health professional would be at risk of both ethical and observational flaws by blindly embracing a biased position. The risk of making these errors could ultimately affect what should be done in the best interests of a child. Both the inclusion of a constructivist epistemology and the assumption that neutrality and the observation of an absolute truth

are impossible will sensitise the mental health professional to their own constructions in the investigative process. An awareness of these factors would ultimately allow this bias to be acknowledged and, therefore, accounted for.

If the area of child custody evaluations and the role of mental health professionals (in evaluating the best interests of the children) appear to be emerging from adolescence into adulthood, then it is appropriate that these areas of professional endeavour are researched. In this study, I describe a forensic investigation, a case study, from the perspective of a constructivist epistemology. As such, this study promotes a complex description of the role of the professional from a systemic and eco-systemic point of view.

With an increased awareness of the unavoidable observer participation position of any evaluator of child custody, the mental health professional should be able to understand the role played by the constructions and meanings that they bring to the system. As part of a team of various players, the mental health professional is as responsible as anyone else involved in the process for the layers of meaning that are created through an ongoing forensic process. This awareness should serve to calibrate individual accountability and responsibility for meaning construction through meaning drawing and languaging amongst other potential types of family systems (pathological, non-pathological, evolving, or dissipating family systems).

Furthermore, mental health professionals could become aware of more than blindly following the protocols inherent in model standards of practice. Such an awareness could be established through a process of understanding how a problem ultimately determines the system of which it is a part (or understanding the components that will coalesce around the system), understanding how an open system evolves through deviation that amplifies points of bifurcation, and understanding how the larger ecosystem functions in which

custody evaluations occur. Such an awareness and insight should elevate the conscious engagement of the investigator with the subject matter under investigation.

### **Chapter Outline**

Chapter 2 examines the shift in Western culture from modernity to post-modernity. It traces the concomitant movement that has transpired within the study of psychology and includes the movement away from the individual towards the individual in context. In this chapter, systems theory as applied to psychology is described. The manner in which this theory has moved psychology away from certainty to uncertainty and relativity is also described. This movement has been accelerated by the acceptance of the observing system which includes the participant observer and culminates in the emphasis of the post-modern discourse of language and narrative within psychology.

Chapter 3 briefly traces the philosophical evolution of reality, knowledge, and knowing from Plato to Descartes, Berkley, Kant, Whitehead, Marx, Nietzsche, Wittgenstein, Habermas, Merleau-Ponty, and the structuralist movement including Saussure, as well as the post-structuralist movement including Derrida, Lyotard, and Foucault. It concludes with the epistemological framework of constructivism on which this study is predicated. In this chapter, the work of Watzlawick, Beavin, and Jackson (1967), Elkaïm (1981) (who cites Prigogine), Hoffman (1990), Gergen (1992), Anderson, Goolishian, and Winderman (1986), and Anderson and Goolishian (1988) are highlighted with specific reference to psychology.

Chapter 4 identifies the fundamental differences between working within a forensic context rather than a therapeutic context. In this chapter, the differences highlight the complexity involved in the forensic context where expectations of objectivity and neutrality are paramount.

Chapter 5 attends to the qualitative aspects of the study. The chosen case study is presented using auto-ethnographic methodology.

Chapter 6 is the first chapter of the case study to cover the subject of this study. The parameters and description of the family system that I investigated are given. The “Storeys”<sup>3</sup> (Auerswald, 1985, p. 1) of the main protagonists are recorded as they were encountered in the investigation.

Chapter 7 includes the Storeys of all the collateral sources who were interviewed during the course of the investigation.

Chapter 8 describes the results of the psychometric tests that were conducted on the main family members during the course of the investigation.

Chapter 9 represents the integration of the previously collated information into a meta-Storey that reflects my integration and interpretation of the case study.

Chapter 10 examines the point of bifurcation that the rendering of my initial report created within the problem-determined system that was the Pater-Mater family and the larger ecosystem in which this family was contextualised. This chapter includes a narrative of the course of the matter after the rendering of my initial report and the subsequent supplementary report. It also includes a narrative regarding the process of my hearing where I appeared before the Health Professions Council of South Africa (HPCSA) to answer allegations of unethical conduct.

Chapter 11 reflects on the meanings I gained through experiencing the investigation and the HPCSA hearing. The narrative describes the evolution of various problem-determined systems and the manner in which these systems evolved through

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<sup>3</sup> The terms ‘Storey’ and ‘Storeys’ as coined by Auerswald (1985) are used throughout the thesis. For reasons of ease and simplification, this reference is applicable to all uses of these terms throughout the thesis.

points of bifurcation. In addition, the narrative describes and defines the various and multiple systems that coalesced around the defined problem. The chapter also describes the meanings I created and took from the experience, including my process of healing. It contains reflections from other professionals and my husband regarding how they perceived and experienced me throughout the process of the investigation and the writing of this study.

Chapter 12 summarises what I learnt and developed through the course of the investigation and the writing of this study. The intention of this study is to highlight the impossibility of a lack of bias. Furthermore, it intends to highlight potential processes that could delimit the negative effects that could result if an awareness of the impossibility of a lack of bias is missing. The chapter also indicates the potential for further investigation.

Included in the study are four photographic plates, one at the beginning of each of the case study chapters (Chapters 6, 7, 8, and 9). These photographic plates are of a sculptural work/installation, *Blackfield*, by Zadok Ben-David (Omer, 2009, pp. 92-103). This sculpture is a work that requires the proactive input of the observer to realise the sculpture's full potential and impact. On entering the room in which the sculpture is laid out, the observer is faced with a landscape of black, metallic, miniature plants and trees that are laid out in a field of sand. As the observer walks the length of the sculpture, so the sculpture changes – it becomes alive, enters spring and summer, and then emerges in full colour at the other end of the room. This sculpture, which I was fortunate enough to see at the Tel Aviv Museum of Art in December 2009, resonated with me. Metaphorically, it symbolises the act of engaging in any life experience, but it specifically resonated with my engagement with investigations of child custody. Such engagement results in a co-evolution of meaning between the observer and what is observed. It is a dynamic observation that renders the observer a participant observer who is inextricably bound to

what is observed. As a result, I have included these four plates at the beginning of each of the stages of the case study. Hadar (2009) describes Ben-David's sculpture as the following:

Characterized as a ruse, a bait aiming to prolong the gaze, perhaps due to a momentary yearning for a world represented as a relatively simple system of causes and effects. Yet it seems that observing these 'certain' demonstrations, which stem from the optimism of the perception of progress, from a current point of view that has already been touched by the complexity of reality and its perceptions alike – from a sober position which sees an unravelled reality, an entirety of 'surfaces' devoid of beginning, middle and end – will necessarily lead to doubts about the validity of knowledge methods that present a lasting narrative. (p. 140)

## **Chapter 2: In Propinquity – Both Absolute and Relative? How to Deal With a Changed World-View**

*A few years ago the city council of Monza, Italy, barred pet owners from keeping goldfish in curved goldfish bowls. The measure's sponsor explained the measure in part by saying that it is cruel to keep fish in a bowl with curved sides because, gazing out, the fish would have a distorted view of reality. But how do we know we have the true, undistorted picture of reality? Might not we ourselves also be inside some big goldfish bowl and have our vision distorted by an enormous lens? The goldfish's picture of reality is different from ours, but can we be sure it is less real? (Hawking & Mlodinow, 2010, p. 39)*

### **Introduction**

In order to contextualise this study, it is important to describe the evolution that brought about the current context in which it is situated. The discipline of psychology allies itself with and runs parallel to the scientific context. Thus, psychology inevitably finds itself echoing the parallel evolutionary changes in scientific thought. This study resonates with these changes and thus hopes to elucidate descriptions that parallel those scientific evolutions in a context that is traditionally thought of as calibrated by an absolute world-view. As I work as a psychologist in the 21<sup>st</sup> century and I look back at the evolution of the discipline, my perspective cannot be seen as uncontaminated by my 21<sup>st</sup> century position. What follows must be seen as my post-modern lenses constructing my understanding of this evolution.

Early in the 20<sup>th</sup> century Planck proposed the quantum for which he won the Nobel Prize in 1918. It was also early in the 20<sup>th</sup> century that Lord Kelvin, one of the greatest physicists of his day, surveyed his context and declared the following: “There is nothing



new to be discovered in physics now. All that remains is more and more precise measurement” (cited in Isaacson, 2007, p. 90, Footnote 1). It could be considered that, at the turn of the century, when Lord Kelvin made this pronouncement, the world was at the height of the modern age that evolved from what Young (1992, p. 136) identifies as a pre-modern age. Young (1992, p. 136) describes this pre-modern age as including the implied presence of a transpersonal presence – a creator. He also includes in his description an acceptance that the structural dynamics and mechanics of the physical cosmos would always exceed our human comprehension. Furthermore, he includes an acceptance of the fact that the source of human happiness was not the conquering of nature but living side by side with it and hearing the laws of the creator. His pre-modern view relegates the human being’s power to that of their deity and the laws of the universe. By the time Lord Kelvin made his pronouncement, the modern age was announced and it would appear that such humility had been diluted and a new hubris had emerged. This modern age provided the fertile ground in which psychology, as a discipline, laid its roots and grew.

In order to be taken seriously and indeed to take itself seriously within this context, psychology, as a discipline, found itself compelled to be as rigorous and as exemplary as the scientific genre into which it was born. Currently, this need to be rigorous and exemplary has led to the common description of psychology as a “child of modernity” (Kvale, 1992, p. 39). Therefore, with regard to psychology’s ambition for legitimacy and its desire to be a modernist discipline, the imperative was to be defined by the parameters that physicists like Lord Kelvin would respect.

What this meant for the discipline of psychology was that the development of its epistemological and paradigmatic stance had to fit with that of the modernist age. To understand what factors were embraced by the discipline of psychology in this ‘dance with

science', the principles inherent in modern scientific thought need to be identified.

Auerswald (1992) describes these principles as conforming to the then-dominant modernist Newtonian/Cartesian framework. He highlights that the principles imply an acceptance of the rules of linear causal process. In this explanation, there is the suggestion that temporal reality indicates a clear linear relationship between two events occurring sequentially in time. Furthermore, he describes that the framework implies an acceptance of pejorative dualism, which underlines the absolute dichotomy between mind and body and an inherent hierarchy of categories, as well as the acceptance of the rule of certainty that states that it is possible to determine an absolute truth. These rules are predicated on the certainty of one reality and the belief that objects and systems are ordered hierarchically to result in power-based relationships (Auerswald, 1992).

Inherent in this acceptance is the assumption that it is possible to reduce everyday reality to quantifiable and provable elements experienced by all people in the same way. Moreover, a fundamental principle underlying these rules is the absolute separateness of the investigator from the subject matter, provided that ethical rules are adhered to rigorously and transparently.

Much of what Kvale (1992) identifies as 'modern' lies in sharp contrast to what Young (1992) identifies as pre-modern. Kvale (1992) describes the main tenets of modernity as the continuation of certain themes originating in the Renaissance, permeating the Age of Enlightenment, and culminating in the French Revolution. He identifies these themes as prioritising human beings as rational and as being at the fulcrum of the world they inhabit, along with the basic assumption that freedom and progress could be achieved if a scientific and rational methodology was employed. From the perspective of a psychological discipline, tenets such as focusing on the individual subject's internal psychological structures (that are either rational or not) would form the object of

observation. If these observations were made legitimately and according to proper scientific method (for example, observations accommodating variables and controls), then universal laws regarding human behaviour could be identified which could be used to describe universal human situations adequately.

Gergen (1992) describes these modernist notions as including the acceptance of a knowable world. Gergen (1992) also states that the knowable world includes universal laws that can be discovered. He points out, however, that these discoveries depended on a rigorous empirical methodology that, if employed correctly, was designed to discover the truth. Given the assumptions of a knowable world and that universal laws can be discovered, he identifies that there was then the assurance that the subsequent findings of such discoveries would increase the reliable knowledge regarding the foundation of the world in a progressive manner. He concludes that, in so doing, ultimately, an absolute, value-free truth could be declared. In calibrating itself in this context, psychology identified its subject matter as the human being's mind and behaviour (Gergen, 1992). Gergen (1992) identifies that psychology attempted to build theory based on observations from which generalisations were made in an ostensibly value-free manner with the aim of ultimately declaring fundamental truths about human beings.

In addition, Polkinghorne (1992, p. 148) suggests that modernist thinkers, although aware of evidence of things being ephemeral, transient, and contingent, saw this evidence as a challenge to be incorporated in an epistemology that was modern and absolute. He describes modernism as assuming that universal laws were the underpinning of the observable world and that "these laws could be uncovered by science" (Polkinghorne, 1992, p. 147). If one applied such an assumption to the discipline of psychology, it would allow a psychological expert, such as a researcher or an academic, to develop theories that conform to the consistent and predictable laws that inform human behaviour and emotion.

This application was carried out on the proviso that the method of uncovering such laws was “hypothetical-deductive experimentation” (Polkinghorne, 1992, p. 153).

In summary, the discipline of psychology accepted, as part of its epistemological framework, the individual as an empowered being who is able to observe any subject, including the individual self, in a neutral manner from an objective perspective. This process of acceptance extended to an acceptance of the fact that the measurement tools used were the only limiting aspects of total, absolute knowledge as is inherent in Lord Kelvin’s (1900) declaration. Psychology’s acceptance of an inherent, profound, unconscious truth precipitated a journey of detection with instruments designed specifically to uncover such a profound, unconscious truth. For example, personality tests, projective tests, and research designs were assembled according to these assumptions and were based on the need to quantify and to reduce complex human factors into understandable, reified constructs that could form the building blocks for theories about human beings.

Furthermore, in order for the discipline of psychology to experience itself as legitimate and in order for it to be perceived as such by the other academic disciplines, it had to accept that surface descriptions were routine (Kvale, 1992). Over and above the acceptance of the rationality inherent in human beings, there was a drive to uncover and explain underlying invisible angst and absurdity (Kvale, 1992). Such an uncovering, if scientifically undertaken, automatically legitimised and validated what was uncovered, which was thus declared the truth.

Kvale (1992) describes this tension as “a self stretched out between what is and what ought to be” (p. 34). Both the discipline of psychology and its subject matter were ‘stretched’. Psychology was stretched in its attempt to be scientific, both in terms of its rigorousness and its adherence to modernist principles. However, this stretching was

perhaps not a perfect fit. Human beings were stretched by having to observe complexity, a complexity that may have defied simplification, reduction, and quantification. This challenge created a situation where psychological thought mirrored the assumed order and the universality inherent in the assumptions of the modern world. Moreover, as a result, psychological thought was imbued with the view that truth, and, in fact, absolute truth, could be attained. This position was held as a preferred position so that the newly born discipline could come of age.

Inherent in the above assumptions and epistemology is an acceptance of the concept of an 'absolute' position. An absolute position is one that has a unitary meaning that stands separately from and is unrelated to anything else. Such a position is not comparable to and is not defined by anything else. Psychology attempted to achieve such an absolute position with regard to the discoveries it endeavoured to make concerning human beings. A reliance on the quality of absoluteness came to mean that certainty and predictability, specifically with regard to human beings, their behaviour, emotions, and flaws, was attainable. This reliance on an absolute position reflected the same assumption of certainty which Lord Kelvin (1900) supported.

In the discipline of psychology, the consequence of accepting absoluteness and certainty led to what Keeney (1979) called "psychiatric nomenclature and the classical medical model of psychopathology" (p. 118). It can be said that "[t]raditionally, psychology was concerned with those elements of old science that allowed for traits or pathologies to be real, measurable and predictable" (Fasser, 1989, p. 10). Psychologists working in such a paradigm would have considered themselves to be detached, theory-testing observers describing objective observations. These descriptions would perforce be mechanistic and linear, and would form part of the Cartesian/Newtonian

paradigm inherent in the modernistic age of which Lord Kelvin was a product. However, despite Lord Kelvin's pronouncements, in propinquity, Planck proposed the quantum.

### **The New Science and Its Meaning for the Discipline of Psychology**

#### **A Movement Away From the Individual Towards the Individual in Context: A Movement Towards Relativity**

It is noteworthy that in synchrony with the pinnacle of Newtonian scientific achievement, an ecology that focused on inquiry in the scientific arena generated the emergence of quantum scientific theory. Various strands of inquiry result in questions that cannot be answered by using traditional methodology. Thus, new methodologies, new questions, and revolutionary explanations are forged. According to Fasser (1989),

The unanswered questions, left open in the Newtonian explanation of reality, were to entice physicists like Planck and Einstein into trying to answer them. Their investigations, however, led, not to answers, but to the development of a new science that disobeyed the rules of the old. (p. 9).

In the scientific arena, according to Gribbin (1984), the ideas of the quantum physicists Bohr and Born (concerning uncertainty being inherent in quantum mechanics) "tied in well with Heisenberg's discovery, late in 1926" (p. 119). Heisenberg's discovery can be summarised as the impossibility inherent in quantum mechanics of being able to know or to establish accurately two complementary variables. In other words, one cannot know the position of a particle while at the same time being able to establish its momentum. The relationship, for example, between these two variables, namely position and momentum, creates uncertainty and implies the impossibility of measuring both at the same time. These two variables are inversely related to each other such that the more certain the position, the less certain the momentum and vice versa.

This uncertainty is not a function of imperfect measuring tools, but it is rather a function at the heart of understanding reality. According to Gribbin (1984), “The more accurately we know the position of an object, the less certain we are of its momentum . . . . And if we know its momentum very accurately, then we can’t be quite sure where it is” (p. 119). The implication of this dilemma at a subatomic level is that there is no way to ascertain an absolute description – rather descriptions are deemed relative or contingent. This dilemma is the essence of the uncertainty principle for which Heisenberg became renowned.

Gribbin (1984) continues by stating that a particle, rather than a wave, can have the property of position, while a wave has the property of momentum. The more you know about one of these aspects or variables, the less you can establish about the other by implication. Furthermore, depending on the experimental design employed, the findings of an investigation will be confined to the type of questions asked. Thus, it can be said that “[e]xperiments designed to detect particles, always detect particles; experiments designed to detect waves always detect waves” (Gribbin, 1984, p. 120).

The culmination of some aspects of this new science serve to highlight how the discipline of psychology engaged with these new challenges in the milieu of scientific thinking. These contingent or relativist notions had implications with regard to psychology because of the reverberations of the changes in awareness in science across all thinking and questioning in the West. Over and above the implications inherent in the movement away from the individual to the individual in context is the inherent lack of predictability involved in measuring or ascertaining truths about the individual in context. A reciprocal influence exists between the individual and their context. Thus, it is not possible to determine predictable linear causality absolutely or to determine the certainty of one attribute or construct as hierarchically more prioritised than another in isolation.

In line with the notions of quantum physics and mechanics, the practice of psychology evolved from a child of modernity to a pre-teen of cybernetics. In this regard, a cybernetic model, and, more specifically, first-order cybernetics, proposes that pathological behaviour cannot be seen as separate from its context. This context is usually the family context within which the pathological individual resides. Watzlawick, Beavin and Jackson (1967) describe any observation of individual behaviour as a punctuation or snippet of behaviour that is seen as part of “an uninterrupted sequence of interchanges” (p. 54). This paradigmatic shift and the widening of the observable vista formed the fundamental basis for the advent of the family therapy movement and the development of the systems theory in the discipline of psychology.

During the evolution from its purely modernistic childhood, some areas within the discipline of psychology experienced a shift in perspective in tandem with scientific and technological advancement. This shift involved a move away from viewing the individual as separate from their context to viewing the individual in their context in order to make sense of the complexity of human behaviour and the human psyche (Watzlawick et al., 1967). Such a perspective allowed for an understanding that was more inclusive of the relationship effects that informed the observed complexity. This context, the family system, and family relationships became the object of a family therapists involved in psychological investigation and research.

Although the abovementioned first-order cybernetics model was evidence of a paradigm shift, it did not, however, include the impact and effect of the observed system on the individual components within the system. Furthermore, as Sluzki (1985) notes the system being observed was seen as independent of the observer and was therefore more in line with modernist epistemology than with the new science. This model, therefore,



remained modernistic in that it retained the mechanistic and technological aspects of the modernist age.

### **The Observing System and Model-Dependent Realism**

It has been noted that, aside from the ideas generated by quantum mechanics (including concepts of uncertainty, complementarity, and probability), the inherent notion of the observer being able to disturb the system was also included (Gribbin, 1995).

Although these concepts make the most sense at the subatomic or atomic level, it is my contention that the application of these concepts can elucidate psychological and system processes on a macro level.

When considering Hawking and Mlodinow's (2010, p. 6) theory, it appears that the inclusion of an observer-dependent reality has been applied to astrophysics, which is a far more vast arena than the atomic or subatomic level. Hawking and Mlodinow (2010) apply the apparent violation of common sense that is inherent in today's science when they declare that, according to Feynman (cited in Hawking & Mlodinow, 2010), "a system has not just one history but every possible history" (p. 6). The universe, as a system, should be conceived of in this manner and may not even have an independent existence (Hawking & Mlodinow, 2010). Hawking and Mlodinow (2010) emphasise that this complex and relative view of reality challenges a naïve view of reality. In order to explain this position, Hawking and Mlodinow (2010) use an approach called "model-dependent realism" (p. 7).

Hawking and Mlodinow (2010) explain that this model relies on the attribution of reality or truth to what is observed based on the successful explanation made by the observer given the input to the observer's brain of information that successfully explains events. However, Hawking and Mlodinow (2010) furthermore explain that if more than one model or theory "accurately predict[s] the same events" (p. 7), then one model cannot

be said to be more real than another is. In addition, they say that either such model may be heuristically used, depending on convenience.

Therefore, Hawking and Mlodinow (2010) adopt a view that is based on “model-dependent realism: the idea that a physical theory or world picture is a model (generally mathematical in nature) and a set of rules that connect the elements of the model to observations.” (pp. 42-43). The justification for using model-dependent realism is that its value lies not in whether the model is real, but rather whether it agrees with observation and if it can therefore make detailed predictions about future observations. They continue that such observations can also be disproved or falsified. This process allows for more than one model to exist simultaneously without having to establish the veracity of either model.

Hawking and Mlodinow (2010, p. 46) expand the above model to include everyday life. This expansion echoes Bateson’s (1951) notion in that it describes the process of the mind creating models to interpret and understand the world. As such, both descriptions include the proactive role played by the observer and the lens through which they observe the world. In quantum theory, the inclusion of the observer becomes central. The act of observation impacts on what is observed on a subatomic level so that, as Gribbin (1984, p. 120) asserts, depending on the experimental design employed, the findings will be confined to the types of questions asked such that experiments designed to detect particles actually detect particles and those designed to detect waves actually detect waves. Based on Hawking and Mlodinow’s (2010) research, it would appear that the same could be said for very large contexts.

The acceptance of the effects of observation on what is observed, which is inherent in quantum theory, translated into what Von Foerster (1984) called the observing system when he called into question the claim of objectivity by prevailing scientific thought. Von Foerster’s (1984, cited in Keeney, 1982) phrase ““second order cybernetics”” (p. 77) places

the observer in a paradoxical, self-referential position that dilutes any claims of objectivity. Under this influence, some areas within the discipline of psychology moved to include the researcher and/or therapist in the same paradoxical and self-referential position, which thus increased the distance of certain areas of psychology from their maternal origins in modernity. Ultimately, given the above evolution in some areas of psychological thought, a disconnection arose between modernist psychology and the kind of psychology that subsequently emerged.

### **Post-Modernism and Psychology**

Gottschalk (2000) notes that because of continuous and accelerated transformation, momentous changes that take place distinguish the present moment from the previous, modern one. Snyman and Fasser (2008) note that

[t]he 20<sup>th</sup> century in the Western world, inter alia, was characterized by the demise of the patriarchal system which brought about a devolution of power, the rise of feminism, a redefinition of roles and the need for individuals to adhere to sometimes diametrically opposed societal demands. The century was tarnished by the horror of the dehumanizing cruelty of the Second World War and left people questioning human beings' assumption of their integrity. (p. 27)

Furthermore, Snyman and Fasser (2008) note that “. . . contemporary society differs radically from the pre-World War II modern world of control, predictability and truth” (p. 26). Similarly, Kvale (1992) comments that the modernist faith in emancipation and progress through reason and science was severely tested by “Auschwitz and Hiroshima” (p. 32). Lyotard (1984, cited in Polkinghorne, 1992, p. 147) identifies that the grand narrative of modernist thinking was that accumulated knowledge and its inherent laws would ultimately benefit humankind. Polkinghorne (1992) states that such a view was

“eroded by the atrocities of two world wars, the awareness of environmental crises, the intractability of urban ghettos and the continuing possibility of nuclear holocaust” (p. 147). Furthermore, Polkinghorne (1992) also identifies the impact of new philosophical thought and its undercutting of the modernist view.

The implications of these societal, political, philosophical, and scientific changes with regard to the discipline of psychology have forced psychology to question its fundamental assumptions. This questioning has inevitably been done in a context where what the discipline of psychology had previously taken for granted within a modernist framework had been challenged, and, in so doing, a difficult maturation to become an adolescent in post-modernity has been forged.

Kvale (1992, p. 1) asserts that psychology in the post-modern era breaks with major assumptions that are inherent in modern psychology. In addition, Kvale (1992) asserts that post-modernity “has lost the Enlightenment belief in emancipation and progress through more knowledge and scientific research” (p. 2). The post-modern era is marked by an evolution away from some of the mainstay notions inherent in modernist thinking, as can be seen above. Thus, there is the seduction of viewing the post-modern era in opposition to modernist thinking. My contention is that post-modern thinking should rather be seen as having evolved out of modern thinking in order to cope more effectively with and to assimilate the pressures and changes of the 20<sup>th</sup> century. This process of change is similar to the growth process experienced by any child – a child is a combination of each of their parent’s genes and DNA, albeit a different combination from each parent individually. Children are also influenced and impacted on by different contexts. Children do not evolve into a clone of their parents, but rather they evolve into something other while echoing and resonating the themes that they inherit.

If post-modernism accepts that society, culture, and lifestyle are significantly different from what they were at the turn of the 20<sup>th</sup> century, then, on a more abstract level, these changes have implications for the current understanding of meaning, identity, and reality. In view of these differences in relation to the understanding of meaning, identity, and reality, there have also been various post-modern descriptions that highlight these shifts in evolution. Many of these descriptions look to the language, discourse, and narrative that are used to communicate a perception of reality and therewith to imbue the language, rather than the observer, with the creation of reality.

Kvale (1992) notes that the “modern dichotomy of an objective reality distinct from subjective images is breaking down and being replaced by a hyperreality of self-referential signs” (p. 2). Kvale (1992) emphasises the notion of language as a vehicle that constitutes the structure of the perceived reality rather than the observer. Gergen (1992) attends to what he perceives as “the problematic values inherent in psychological research” (p. 17). In doing so, Gergen (1992) identifies and moves away from value-neutral truths and an “optimistic romance with [the] foundations and essence” (p. 17) of a knowable world with universal properties to a rejection of the notion that propositions of the world could be derived from observations of that world. Gergen (1992) notes that Kuhn and Feyerabend reasoned that “truth seems primarily to be a matter of perspective” (p. 21). Furthermore, this notion has led to the acceptance that perspectives are a function of interpersonal space filled with communication and language.

According to Gergen (1992), Habermas identified the process whereby scientists, transform questions of “value or ideology” (p. 21) into technical questions thereby “suppressing” questions of value (p. 21). Gergen (1992) therefore highlights that the consequence of any inquiry has inherent bias and that this bias cannot be eradicated by claims of empirical methodology. Extending this process to language and the interpersonal

space of communication, as based on Derrida, Gergen (1992) accepts that any understanding of the world is a function of the “putative objects” (p. 22) inherent in the language. Thus, we cannot be ‘inside’ and ‘outside’ of our language at the same time. Therefore, because our language usage depends on wider ideological and value-laden biases, narratives such as scientific writing and conversations about objectivity and what is observed are “essentially value-saturated products of social agreement” (Gergen, 1992, p. 22).

Foucault (1966/2002) refers to the “unconscious of science” (pp. xi-xii) and acknowledges that this is the negative side of science – a side that is resisted and deflected. Furthermore, Foucault (1966/2002) describes that this side of science “disturbs it” (p. xi). Foucault (1966/2002) proposes to “reveal a positive unconscious” (p. xi) as part of scientific discourse by uncovering the “rules of formulation which were never formulated in their own right” (p. xii). Foucault (1966/2002) thus proposes, in other words, the “archaeological” (p. xii) level of the discourse. Furthermore, Gergen (1992, p. 23) refers to Foucault’s assertion that any said discourse cannot be separated from issues of power. Citing Foucault, he continues that discourse is reflexively developed because it reflects and creates societal arrangements, values, and punctuations at the same time. Discourse can therefore facilitate stasis, or it can have the potential to facilitate change. If discourse is applied to scientific writing, it can therefore reflect and/or promote both stasis and change. As a pertinent example, Namenwirth (cited in Lather, 1992) identifies bias in a feminist context when she asserts the following: “Scientists firmly believe that as long as they are not conscious of any bias or political agenda, they are neutral and objective, when in fact they are only unconscious” (p. 91).

Polkinghorne (1992) proposes that the discipline of psychology, in effect, consists of two arms – the academic arm and the arm of day-to-day practice. The academic arm is

focused on highlighting general laws and obtaining evidence that could be considered the truth, while the arm of practice deals with pragmatic action focused on “the mental health and personal development of people” (Polkinghorne, 1992, p. 146). In essence, Polkinghorne (1992) proposes that psychological practice has already made an epistemological shift by de-emphasising “indubitable truth” (p. 147) because of the accumulation of fragmentary knowledge that is constructed through the interaction between “cognitive schemes and embodied interactions with the environment” (p. 147). Furthermore, such a shift may also have been created by testing knowledge in terms of its heuristic value rather than “its deviation from an approved set of methodological rules” (Polkinghorne, 1992, p. 147).

In addition, Polkinghorne (1992) goes on to assert that post-modern epistemology embodies four basic tenets: “foundationlessness” (p. 148), “fragmentariness” (p. 149), “constructivism” (p. 150), and “neopragmatism” (p. 151). Inherent in these tenets are the building blocks for the approach used in this study. This approach is primarily post-modern in its world-view, but it is also inherently and epistemologically constructivist. This study thus accepts that human knowing is the result of constructed ideas in which the observer has been proactively involved. The constructivist epistemology used is dealt with more fully in the next chapter.

### **Neopragmatism and Heuristic Value**

According to Polkinghorne (1992), the abovementioned themes of foundationlessness, fragmentariness, and constructivism alone can lead to a negative solipsistic epistemology. In fact, one such popular critique voiced by Sokal (1993), a physicist and the author of the well-known ‘Sokal Hoax’, levelled a vehement attack of the academic humanities by publishing a fundamentally flawed article in a leading North American cultural journal. In the article, Sokal (1993) purports to deride

the dogma imposed by the long post-Enlightenment hegemony over the Western intellectual outlook that there exists an external world, whose properties are independent of any individual human being and indeed of humanity as a whole; that these properties are encoded in ‘eternal’ physical laws; and that human beings can obtain reliable, albeit imperfect and tentative, knowledge of these laws by hewing to the ‘objective’ procedures and epistemological strictures prescribed by the (so-called) scientific method. (p. 1)

Sokal (1993) questions, “[i]s it now dogma in Cultural Studies that there exists no external world? Or that there exists an external world but science obtains no knowledge of it?” (p. 1). Sokal’s questions appear serious at first glance, but they prove to be sarcastic because it is his contention that the haphazard acceptance of scientific knowledge by cultural studies without profound understanding indicates a “decline in the standards of intellectual rigor” (p. 1). Furthermore, Sokal (1993) states the following:

In short, my concern over the spread of subjectivist thinking is both intellectual and political. Intellectually, the problem with such doctrines is that they are false (when not simply meaningless). There *is* a real world; its properties are *not* merely social constructions; facts and evidence *do* matter. What sane person would contend otherwise? And yet, much contemporary academic theorizing consists precisely of attempts to blur these obvious truths – the utter absurdity of it all being concealed through obscure and pretentious language. (p. 1)

It is my contention that taking a radical view of the construction of reality, such that there is nothing except that which is contingent and relative, can be seen as just as absolute and unitary as the meta-narrative of the modernist period. That being said, I do,



however, take cognisance of such positions and also of the trap of ‘marrying’ psychology and science without understanding their differences. The challenge of balancing these two opposing positions is twofold. Firstly, one has to accept that, on a material level, there is a reality that impinges on our senses and that appears to follow certain scientific laws. Secondly, one has to accept that this material level is pragmatic because it has allowed for space travel amongst other comforting scientific advancements.

However, this absolute meta-narrative has to be communicated and given value by those communicating it. In addition, it is in this realm that absolute values become obsolete. Interestingly, given Sokal’s (1993) critique and also being aware of Hawking and Mlodinow’s, (2010) erudite position, it would appear that even in the discipline of science the areas of astrophysics and physics themselves can language their realities differently depending on what is heuristically valuable. Such distinctions indicate that we can only know what we are able to describe because we describe or construct what we know in language. Ultimately, what we construct through language is that for which we have to take responsibility.

With regard to the above, Polkinghorne (1992) proposes that the addition of neopragmatism to the mix allows the potential for solipsism to be ameliorated. Polkinghorne (1992) asserts that human beings function productively in every day existence because they are informed by historic experience. Neopragmatism is presented as the “program to collect descriptions of actions that have effectively accomplished intended ends” (Polkinghorne, 1992, p. 151). Thus, there is no drive to represent the ‘real’, but rather a drive to deliver a “collection of examples of action that have worked to bring about desired ends” (Polkinghorne, 1992, p. 151).

The aim of neopragmatism is thus not to build a final and completed body of knowledge, but it is rather to produce an ever-changing summary of effective responses to

previous problem solving (Polkinghorne, 1992). There is no given assumption of predictability, but rather there is an acceptance of the uniqueness of differing situations. Neopragmatism also allows for a multiplicity of actions that differ in type and that have the potential to achieve the same ends (Polkinghorne, 1992).

Polkinghorne (1992) asserts that neopragmatism allows for scientific effort that, instead of searching for “underlying laws and truths about the universe” (p. 151), “serves to collect, organize and distribute the practices that have produced their intended results” (p. 151). Furthermore, neopragmatic scientific effort includes the implementation of new practices that can be accommodated and reused in safe environments if they prove helpful. There is no claim to universality, and the trials retain their parochial flavour (Polkinghorne, 1992). This position attends more fundamentally to the need to take responsibility for the descriptions, actions, and efforts that are employed, and it is based on positive desired ends.

Moreover, Gergen (1992) asserts that there is “nothing about postmodernism that argues against investments in technological inquiry” (p. 25). Gergen (1992) predicates his argument on a rejection of the historically ubiquitous claims of truth that accompany the findings of such inquiries. Instead, Gergen (1992) posits that prediction, testing, evaluation, therapy, skills-training, and educational programmes all use technology. Furthermore, Gergen (1992) posits that, instead of embracing the reification of these actions and objectifying their terms, an understanding of their heuristic value rather than an attempt at defining absolutes would be practical in certain psychological settings. In view of both Gergen’s (1992) research and Polkinghorne’s (1992) propositions, it appears that excluding any form of inquiry because it is not post-modern is, in fact, not in line with the basic tenets of post-modernism.

To revisit the question posed in the title of this chapter with regard to an acceptance of both the absolute and the relative when dealing with a changed world-view, it is my proposition that taking a position of pure relativism and excluding the concept of absolutism is paradoxically an absolute position. However, albeit that *prima facie* the concepts appear ontologically mutually exclusive, on a meta-level, if treated as paradigms, rather than epistemologies, it is possible to view the points of view as complementary and inclusive. Such a view is supported by the assertions of both Gergen (1992) and Polkinghorne (1992) discussed above. Aside from applying the criteria of pragmatism and heuristic value to their joint inclusion, the meta-level at which it becomes possible to incorporate both is the level of language. For the purposes of this study, as well as in the area of forensic investigation, the both/and meta-level is pragmatic and workable rather than an approach of either/or.

### **Language and Narrative**

With the above discussion in mind, it then follows that it is impossible to consider that the language used to describe the world represents the world exactly. In fact, any discourse must be seen, at least, as an interplay between societal values (including power relationships, biases, and perspectives) and individual values. This interplay emerges as a response to some particular stimulus which itself has inherent values, power relationships, biases, and perspectives. The resulting discourse or narrative defies reification, reduction, or any absolute truth-value. Taken to its logical conclusion, the notion of inevitable truth and research as a means to identify truth is more the function of an acceptance of a “grand narrative” (Lyotard, 1984, cited in Gergen, 1992, p. 25) that permeates Western culture than actual scientific progress has revealed. Kvale (1992) reiterates this notion when he describes “a loss of belief in an objective world and an incredulity towards meta-narratives of legitimation” (p. 32) in the themes that permeate post-modernity.

The above factors lead to the assumption that language cannot represent reality. Language is rather in a reflexive relationship with reality because it is created by and creates particular realities that result in particular meanings and reflections of particular contexts. These reflections are inevitably parochial rather than universal and have concomitant parochial meanings. This reflexivity and parochial reality embodies a theme of the loss of unitary meaning that inheres in post-modern thought.

Kvale (1992, p. 49) identifies a post-modern shift in the everyday practice of psychology. Kvale (1992) contrasts the everyday practice of psychology with academic psychology that he indicts for becoming a “museum of modern thought” (p. 49). In addition, Kvale (1992) uses the example of systemic therapy as espoused by Anderson and Goolishian (1988) and describes that their shift has been away from intra-physic study to a study of the family as a linguistic system with pathology residing in the “structures of language” (Kvale, 1992, p. 49). Kvale (1992) emphasises that, in this type of evaluation, the focus is on “the interaction of participants in local contexts; the system as an entity is held responsible and accountable for its results” (p. 49). The object of the systemic evaluation is heuristic and pragmatic most specifically for the members and participants of the system itself.

If the focus of psychological evaluation is language and if it is through language that the psychologist and the subject interact to create an observing system that can be determined, understood, and translated through language, then, as Shotter (1992) suggests, human beings’ and hence psychologists’ “prosthetic device” (p. 64) is language. Shotter (1992) states that language should be understood to be as much a function of our frame as it is a device for communication. Wittgenstein (1953, no. 114), as cited in Shotter (1992), says in this regard: ““One thinks that one is tracing the outline of the thing’s nature over and over again, and one is tracing round the frame through which we look at it”” (p. 64).

The unavoidable interposing of the frame interferes with and precludes any bias-free perception. Language is also not, therefore, representational, but it is “[a] constitutive . . . matrix of enabling and constraining boundaries rather than a mirror” (Lather, 1992, p. 90). According to Lather (1992), Derrida’s “the always already” (p. 90) means that our production of language, whether spoken or written, represents more about ourselves than about the object of the communication. Polkinghorne (1992), based on Rorty’s (1989) research, identifies that a common theme of post-modern epistemology is that “linguistic systems stand between reality and experience” (p. 149).

Given the role of language and narrative in any post-modern study, identified above, the epistemological frame of this study is performative that of constructivism. Various paradigms are associated under the constructivist epistemology, including systems theory, first-order and second-order cybernetics, and social constructionism (the construction of meaning systems through language and narration). More specifically, and as is indicated by the proposed title of this study, the paradigmatic frame is based on the theory of problem-determined systems (Anderson et al., 1986).

### **Conclusion**

Psychology has emerged from the modern era into a post-modern, scientific context that embraces uncertainty, relativity, interrelatedness, observer dependence, and the relative nature of truth. In order to engage in such a post-modern context, certain branches of psychology, such as *inter alia* family therapy and narrative therapy, have embraced this divergence from the assumptions of the modern era. This study attends to the area of child custody investigations from a post-modern perspective and thus challenges the modern assumptions of objective truth, certainty, an absolute position, and observer independence in the forensic arena. The following chapter attends to the philosophical underpinnings of a constructivist epistemology that is fundamental to this challenge.

## **Chapter 3: The Spaces Between – Creating Reality and Understanding Through Narratives**

*In Ersilia, to establish the relationships that sustain the city's life, the inhabitants stretch strings from the corners of the houses, white or black or gray or black-and-white according to whether they mark a relationship of blood, of trade, authority, agency. When the strings become so numerous that you can no longer pass among them, the inhabitants leave: the houses are dismantled; only the strings and their supports remain. From a mountainside, camping with their household goods, Ersilia's refugees look at the labyrinth of taut strings and poles that rise in the plain. That is the city of Ersilia still, and they are nothing. They rebuild Ersilia elsewhere. They weave a similar pattern of strings which they would like to be more complex and at the same time more regular than the other. Then they abandon it and take themselves and their houses still farther away. Thus, when travelling in the territory of Ersilia, you come upon the ruins of the abandoned cities, without the walls which do not last, without the bones of the dead which the wind rolls away: spider-webs of intricate relationships seeking a form. (Calvino, 1974/1997, p. 76)*

### **Introduction**

In the above extract, Calvino (1974/1997), an Italian post-modern writer, conjures up a context that resonates with the essence of how I understand the 'spaces between human beings'. Although Calvino's (1974/1997) metaphors cannot be succinctly correlated with many of the philosophical subtexts that I have interpreted as inherent in these metaphors, the approximation is inviting. Calvino's (1974/1997) imaginative, rich creation and its allusions to the context in which his literature appears resonate with the

context of this study. The impact of the metaphors and their resonance for me when I read the passage motivated my inclusion of this passage in the study.

Gill (1994), an American philosopher and educator who attempted to construct a comprehensive and articulate approach to the philosophy of art on a reader or observer, refers to Langer's (cited in Gill, 1994) description of the effect of a work of art as [presenting] . . . feeling . . . for our contemplation, making it visible or audible or in some way perceivable through a symbol, not inferable from a symptom. Artistic form is congruent with the dynamic forms of our direct sensuous, mental, and emotional life; works of art are projections of 'felt life,' as Henry James called it, into spatial, temporal, and poetic structures. They are images of feeling, that formulate it for our cognition. What is artistically good is whatever articulates and presents feeling to our understanding . . . . Form, in the sense in which artists speak of 'significant form' or 'expressive form,' is not an abstracted structure, but an apparition; and the vital processes of sense and emotion that a good work of art expresses seem to the beholder to be directly contained in it, not symbolized but really presented. The congruence is so striking that symbol and meaning appear as one reality. (pp. 419-432)

Langer's (cited in Gill, 1994) words express my response to Calvino's (1974/1997) images. The many layers of meaning in Calvino's (1974/1997) text blend into a single image that affects both my sensibilities and thinking by forming a complex, congruent reality. Moreover, Calvino's (1974/1997) metaphoric image appears to encapsulate many of the philosophical themes I need to attend to in this chapter. However, one should bear in mind that a complete and analogous mimesis between Calvino's (1974/1997) text and my identified themes is not my intention.

The philosophical themes that are approached in this chapter are reality, knowledge, knowing, and meaning. In attending to these philosophical themes, it is my intention to give meaning to the spaces that exist between human beings and within contexts. In this process and by reverberating with Calvino's (1974/1997) text, it is my intention that the philosophical themes and the text above interact by resonating with one another and by resulting in elucidation and expansion. Ultimately, I hope to describe the epistemological basis of this study through this process.

### **Reality, Knowledge, and Knowing: Embracing a Subjectivist Position**

The question regarding what is real about the world and what is not is fundamental in philosophical thought from the inception of formal philosophy. The nature and understanding of the real world presented and still presents a challenge to philosophers from before Plato through to those following post-modern thought. In these endeavours, philosophers' intentions have been to understand the world by using their senses and rational thought rather than ubiquitous mythological or superstitious explanations. In this philosophical realm, the starting point in these endeavours has been the human being as a subject. Ultimately, in post-modern thought, the effect of meeting this challenge has, for example, evolved to the point of reducing the subject to near extinction and simultaneously elevating the status of written text.

In the endeavour to establish the nature of the world and the place of human beings in it, a fundamental dilemma that appears to have permeated philosophical thought is whether the real world exists as separate from or because of an experience and perception of it. In Calvino's (1974/1997) imagery, it is posited that both of these positions are possible – there is a human element that creates the strings of connection between the houses, but the connections remain present even without a human presence and thus portray an apparent city to an observer.



In attending to this dilemma, Russell (1946/2010a) summarises Plato theory of ideas. He indicates that Plato's theory begins by differentiating between opinion and knowledge. Plato posits that rational knowledge can only be of a thing that exists and therefore 'is'. However, opinion can be about something that is or is not and can therefore be mistaken. The basis of Plato's theory is that an opinion, in implying both what is and what is not, is neither grounded in nor is it evidence of certainty. Knowledge, however, because it is rational and concerned with what is, can be grounded and certain. Moreover, knowledge attends to the meta-category to which an opinion may be referring. For example, opinion could be about the particular beauty or ugliness of a thing, while knowledge applies to the meta-category of beauty.

Plato calls this meta-category the "form" or the "idea" (Russell, 1946/2010a, p. 123). Russell (1946/2010a) describes Plato's use of these terms as implying that the category exists regardless of the existence of particular examples of the category and regardless of it being directly known. For Plato, these universal meta-categories exist as pure and true forms which are "ideal" and "unique" (Russell, 1946/2010a, p. 123), and to which particular examples only approximate. In reality, it is almost impossible to experience or know this level of form at all. This lack is in spite of Plato's notion that form has an ontological existence separate from the knowing of it. Furthermore, according to Russell (1946/2010a), Plato asserts that, in fact, the role of the philosopher is to work to achieve rational and perfect knowledge of the form. Until such a time as a philosopher can accomplish this knowledge, Plato accepts that the philosopher will most likely only be working with opinion through their senses.

Plato (trans. 1992) elucidated this difference between form and everyday opinion through his 'shadows on the wall of a cave' metaphor:

Imagine human beings living in an underground, cavelike dwelling. With an entrance a long way up, which is both open to the light and as wide as the cave itself. They've been there since childhood, fixed in the same place, with their legs and necks fettered, able to see only in front of them, because their bonds prevent them from turning their heads around. Light is provided by a fire burning far above and behind them. Also behind them, but on higher ground, there is a path stretching between them and the fire. Imagine along its path a low wall has been built, like the screen in front of puppeteers above which they show their puppets . . . . Then also imagine that there are people along the wall, carrying all kinds of artifacts that project above it – statues of people and other animals, made out of stone, wood, and every material. And, as you'd expect, some of the carriers are talking, and some are silent . . . .

Then the prisoners would in every way believe that the truth is nothing other than the shadows of those artifacts. (pp. 186-187)

The prisoners' experiences described above by Plato can never be of form but only a shadow-like representation of form that would include merely opinion.

Calvino's (1974/1997) images of de-housed and de-populated cities that leave relationship remnants in the form of threads of connections mirror the shadows on the wall of Plato's (trans. 1992) cave. These remnants are the images and opinions created by activities which themselves cannot be seen but only interpreted from their representations. In Plato's (trans. 1992) example, the people along the wall behind the observers render a contemporaneous touchstone of ontological reality. In Calvino's (1974/1997) image, this contemporaneity is replaced by an observation made after the fact to introduce distance. Calvino (1974/1997) uses temporal and historical descriptions that leave only imperfect and approximate traces over the landscape.

Plato accepted the ontological existence of form but believed that form was fundamentally unattainable except potentially to very few people (Russell, 1946/2010a). Both this acceptance and Plato's emphasis of rationality and reason as the means to achieving the knowledge of form rather than observation remained fundamental tenets of philosophical thought right into modern philosophy. Plato furthermore believed that observation remained in the realm of the senses (Russell, 1946/2010a). Plato's impact on the philosophers who followed him is commented on by Russell (1946/2010a). In Russell's (1946/2010a) introduction of Descartes, both Plato and Descartes are described as specifically revolutionary thinkers who performed the role of discoverers and explorers in philosophical thought. In other words, they are regarded as fresh thinkers rather than just teachers (Russell, 1946/2010a).

According to Russell (1946/2010a), Descartes, in his attempt to grapple with the problem of a known reality, employed a methodology of scepticism in which he doubted, in a progressive manner, anything that could be doubted. Russell (1946/2010a) continues that in this argument, which was progressively refined, Descartes arrived at the fundamental acceptance that his existence could not be doubted, regardless of whether he was encased in his corporal body. Descartes believed that in order for him to think about his existence, the 'he' had to exist: "*I think therefore I am*" (Russell, 1946/2010a, p. 516). This way of thinking is an example of subjectivity by definition.

However, Descartes' argument elevates the mind above matter by laying the foundation for Cartesian dualism (Russell, 1946/2010a). This concept is premised on the acceptance that the mind and body are different kinds of things. According to Russell (1946/2010a), "There is thus, in all philosophy derived from Descartes, a tendency to subjectivism, and to regarding matter as something only knowable, if at all, by inference

from what is known of mind” (p. 516). For Descartes, therefore, matter was ontologically subservient to the mind. Descartes (1641/2005) states the following:

I suppose then, that all the things I see are false; I persuade myself that nothing has ever existed of all that my fallacious memory represents to me. I consider that I possess no senses; . . . for is it not possible that I am capable of producing them myself? I myself, am I not at least something? . . . I myself did exist since I persuaded myself of something . . . . So that after having reflected well and carefully examined all things, we must come to the definite conclusion that this proposition: I am, I exist, is necessarily true each time that I pronounce it, or that I mentally conceive it . . . . But what then am I? A thing which thinks. What is a thing which thinks? It is a thing which doubts, understands, [conceives], affirms, denies, wills, refuses, which also imagines and feels. (pp. 221-223)

Descartes’ belief is that we can still reach knowledge even from a very sceptical position of doubting everything. Descartes’ acceptance of the belief of his existence curtailed his doubt and set him on a journey to pursue knowledge. The act of thinking is bound up in Descartes’ “cogito” (Russell, 1946/2010a, p. 516). Based on this subjectivist foundation, Descartes evolved a case for attaining knowledge in a progressively sound manner. Sober (2005) explains Descartes’ foundationalism as Descartes wanting the following:

to show that (many if not all) the beliefs we have about the world are cases of genuine knowledge . . . he wanted to divide our beliefs into two categories . . . foundational beliefs, which are perfectly solid [and] . . . superstructural beliefs, which count as knowledge because they rest securely on that solid foundation. (pp. 158-159)

Sober (2005) explains this foundationalism as being the special relationship that exists between the rest of our beliefs because they are based on the ‘axioms’ that are the foundation of our beliefs. One of the foundations on which Descartes based his theory of knowing was the “thesis of the incorrigibility of the mental” (Sober, 2005, p. 163) – the act of introspection allows the mind to “accurately grasp its own content” (Sober, 2005, p. 163). Interestingly, Sober (2005) then refers to the implausibility of this thesis on the basis of psychology and Freud’s research. Sober (2005) indicates that perhaps behaviour or the verbalisation of what is thought rather than what is believed should be considered as indications of belief and what is known. These themes were explored by Watzlawick et al. (1967) and are discussed later.

In the continuing quest for a theory that could resolve the dilemma between reality and how we know reality, subjectivity, and the import of human perception and experience, according to Russell (1946/2010a), Berkley took metaphysics to an even more extreme position. Russell (1946/2010a) continues that Berkley, like Locke, saw experience as the primary source of knowledge. However, unlike Locke, Berkley moved away from Locke’s inclusion of an external world that is independent of the senses. Berkley concluded that the act of perception allows the perceiver and what is perceived (the world of substance) to exist (Russell, 1946/2010a). Without the act of perception, substance remains separate and unattainable. Therefore, substance also remains unknowable and unverifiable by human beings. According to Russell (1946/2010a), Berkley was “important in philosophy through his denial of the existence of matter – a denial which he supported by a number of ingenious arguments” (p. 589).

However, Berkley did accept that the ontological existence of matter was perceived by God and that matter was rendered permanent in this manner (Russell, 1946/2010a). Russell (1946/2010a, p. 589) quotes two limericks – the first by Ronald Knox and the

second by Berkley in reply to Knox. These limericks encapsulate Berkley's ontological position:

There was a young man who said, 'God  
Must think it exceedingly odd  
If he finds that this tree  
Continues to be  
When there's no one about in the Quad.'  
(Knox, cited in Russell, 1946/2010a, p. 589)

Berkley's reply was the following:

Dear Sir:  
Your astonishment's odd:  
*I* am always about in the Quad.  
And that's why the tree  
Will continue to be,  
Since observed by,  
*Yours Faithfully,*  
GOD.

(Berkley, cited in Russell, 1946/2010a, p. 589)

According to Russell (1946/2010a), Berkley's subjectivist contention, therefore, is that human beings cannot perceive anything material but only the qualities of these things as ideas in the mind. Berkley distinguishes the act of perceiving from the object that is perceived by specifying that act of perceiving is a "mental" process (Russell, 1946/2010a, p. 592). Russell (1946/2010a) continues that Berkley's assertion is that we can only know something through our senses and that we then have an idea of the particular thing. Berkley distinguishes between material and mental, and he disallows anything that

proposes to be both. Furthermore, Russell (1946/2010a) indicates that Berkley accepts that some things, namely spiritual substances, cannot be perceived. Russell (1946/2010a, p. 596) includes the act of remembering within Berkley's notion of 'mental' and supposes then that a specific memory becomes connected to a habit. A certain memory therefore induces a habitual pattern in the perceiver, which becomes part of the perceiver and not of the perceived.

Calvino's (1974/1997) description touches on both Descartes' and Berkley's subjectivism. Calvino's (1974/1997) description of the previous inhabitants of Ersilia, who look at their former city from a distance and experience themselves as "nothing" (Calvino, 1974/1997, p. 76), represents the first step in what could be described as Descartes' refining process. This process could be described to take place through sceptical rejection. Calvino's (1974/1997) description also represents Berkley's subjectivist assertion that only the quality of the thing and not the material thing itself can be perceived.

Calvino's (1974/1997) description allows us – the readers as quasi-archaeologists – to enter the inhabitants' attempts to understand who and what they are through both our own perception and their perception of their former material world. Their perception is of the material world without their presence, which renders them as "nothing" (Calvino, 1974/1997, p. 76). This "nothing" (Calvino, 1974/1997, p. 76) is their described subjective experience. However, from the point of view of the reader, the former residents' act of observing their former city is a paradox as it challenges their 'nothingness' because if they were really nothing, they would not have been able to observe anything. Their observation thus gives meaning to what is observed, although this observation is without the ontological certainty engendered by the observations of Berkley's God.

Moreover, Calvino's (1974/1997) temporal-historical narrative and context, in describing the ever-changing attempts of the inhabitants to establish cities that can more

clearly define themselves and their relationships, echo Kant's (1781, cited in Russell, 1946/2010a) assertion that there are two worlds. These two worlds are the world of experience (as sensed by our bodies and as calibrated by *a priori* intuitions inherent in the mind) and the world as it is in itself. Calvino's (1974/1997) creation, if viewed along a timeline and within the space of the construction of evolving cities, connects with Kant's imposition of time and space as *a priori* intuitions, perspectives, or an *Anschauung* (notion) inherent in the mind to determine what is seen, known, and independent of the world itself (Russell, 1946/2010a). The inhabitants' perspectives of their world cannot be separated from their ideas and concepts about that world. The inhabitants also cannot know that world separate from their sense and understanding of it.

Kant continued the challenge to establish how human beings come to know and experience their world (Russell, 1946/2010a). According to Russell (1946/2010a), Kant's philosophical stance, as expounded in Kant's *Critique of Pure Reason*, concludes the following:

. . . the outer world causes only the matter of sensation, but our own mental apparatus orders this matter in space and time, and supplies the concepts by means of which we understand and experience. Things in themselves, which are the causes of our sensations, are unknowable; they are not in space or time, they are not substances, nor can they be described by any of those other general concepts which Kant calls 'categories'. Space and time are subjective, they are part of our apparatus of perception. (p. 642)

According to Kant, these concepts are *a priori* concepts that exist regardless of perception (Russell, 1946/2010a). Kant's concepts of space and time are forms of *Anschauung* (a view or perspective) (Russell, 1946/2010a), although in traditional translations of his work, the word "intuition" has been adopted (Russell, 1946/2010a,



p. 642). Kant also describes *a priori* concepts – concepts that exist within our minds, regardless of experience (Russell, 1946/2010a). Kant divides these concepts into four meta-categories, namely concepts of quantity, quality, relation, and modality (Russell, 1946/2010a). These *a priori* concepts, although they are applicable to whatever is experienced, cannot be applied to things in themselves. These concepts are independent of what the human being is thinking about and are independent of contextual influences (Russell, 1946/2010a). They thus give thinking and consciousness knowledge about the outside world (Russell, 1946/2010a). *A priori* knowledge supplies a framework against which and within which human beings can know their world. However, knowledge of the world does not represent the world itself because that world is noumenal and is therefore only unknowable through the senses (Russell, 1946/2010a).

Kant concluded that because the world of material substance is unknowable except as it is sensed in our minds, our understanding of the world of substance depends on how it is sensed (Russell, 1946/2010a). Kant combined Berkley's emphasis on sensibility with what Descartes emphasised as understanding in terms of knowing the world. Kant argued that both the emphasis on sensibility and understanding in terms of knowing the world, as essential for our experience of the world, and he termed this transcendental idealism (Russell, 1946/2010a).

I experienced my attempts to mirror Calvino's (1974/1997) text with the philosophies of the above philosophers as both frustrating and exciting. The challenge led me to accept that, at times, the process of my exercise rendered the beauty, complexity, and intricacy of Calvino's (1974/1997) images less accurately than when I first experienced them as a whole. However, at the same time, imposing different philosophical frames on the text broadened and nuanced my understanding and experience of both the text and the frames. This exercise increased the variety of meanings that could be

constructed around the text, which then appeared to come alive. At the same time, the philosophical frames were elucidated for me and, in so doing, revealed as much about the frames I employed as the process did about the text itself. Given these various, constructed meanings, my original reason for selecting the excerpt from Calvino (1974/1997) was reinforced and made more apparent. At the same time, this exercise offered me even more complexity with regard to the interplay between the text and philosophy.

In doing research for this study and at the time of writing this chapter, I came across Gill's (2010) description of Whitehead's notion of reality as process. Gill's (2010) description evoked in me a similar complexity of image that Calvino's (1974/1997) text had. This description also echoed my own use of the term 'tapestried', which I used in my proposal for this study. Gill (2010) describes the notion of reality as process in the following manner:

So what we have in Whitehead's process philosophy is a vast network, or patchwork quilt, if you will, of interlocking and interacting threads that produce different and fluid patterns across the cosmic loom that comprises the world 'writ large'. In other words, it is the interweaving of relational interactions, not external objects, that gives rise to what we experience and know as physical, psychic, and social 'reality'. What we call 'objects' are actually only the slowed-up inter-relational interactions, or the intersections thereof. Thus process is seen as the matrix or 'receptacle,' to use Plato's term, out of or within which the physical world is created. (p. 33)

It is in the context of such complexity and inter-relationships that meaning is ultimately made.

## Meaning and the Death of the Subject

In Calvino's (1974/1997) text, the threads that fill the spaces represent the interpersonal connections that ultimately form part of the system. These threads represent meanings that inhere in that system. In Calvino's (1974/1997) text, it cannot be said that the system creates the meaning or that the meanings create the system. Both the system and its meanings are mutually dependent and hence symbiotic. Although Calvino (1974/1997) chooses to represent the connections as threads, the threads represent a material manifestation of language connections, in other words, narratives and discourses. Philosophical thought has mainly attended to this area of language and communication in the last century and specifically "as part of the philosophical movement of post-structuralism" (Snyman, 1998, p. 44). However, the emphasis on discourse was facilitated by a change of focus away from the importance of the subjective to a relegation of the self. Furthermore, this change of focus represented a move away from the importance of the individual to a focus on the individual in context. The shift in focus was also a movement away from establishing whether there is a reality to regarding how we experience, perceive, and construct reality and what meanings exist therein.

In this regard, Marx (1859/2008) declared the following: "It is not the consciousness of men that determines their existence, but their social existence that determines their consciousness" (p. 7). This declaration epitomises the destruction of a "predetermined, unified, subjectivity" (Badmington & Thomas, 2008, p. 2). Interestingly, in 1859, Darwin published *The Origin of Species by Means of Natural Selection* (Sober, 2005, p. 63). In propinquity with Marx's apparent destruction of the subject, Darwinism was inadvertently creating the destruction of a blind acceptance of the ontological existence of God. The search for an understanding of God and for an ontological explanation of God had been one of the fundamental *raison d'être* of a great deal of

previous philosophical inquiry. It could be hypothesised that the undermining of a God-centred world-view correlates with a de-emphasis of the individual as the medium through which to experience God. According to Fultner (2011), Habermas, referring to Weber, appears to confirm this notion when he states that Weber “characterised cultural modernity as the separation of the substantive reason expressed in religion and metaphysics into three autonomous spheres . . . . These came to be differentiated because the unified world-views of religion and meta-physics fell apart” (p. 9).

Furthermore, Nietzsche’s influence on the philosophical thinking that followed him also appears to follow this correlate. Nietzsche’s rejection of God and his rejection of the history of Western philosophy that evolved before him echo these themes (Badmington & Thomas, 2008). Nietzsche’s rejection of Plato’s dualism of the apparent world as opposed to an ideal world of form and his rejection of Kant’s un-attainability of the real world indicate his rejection of the emphasis placed on subjectivism as the only and definitive manner to attain knowledge and reality. This rejection “produced two strands of post-Nietzschean thought, one leading to Foucault and the other to Heidegger. Both strands inform present postmodern thinking” (Snyman, 1998, p. 21).

Without the anchor of a predictable, stable subject, the focus on ‘spaces’ and what fills these spaces becomes apposite. Moreover, because language is the medium for transferring ideas (whether thought, spoken, or written), the focus on the role of language, narration, and discourse is highlighted. However, this change in focus was not automatic and immediate. The transition from a purely subjective position to a position of discourse can be seen in the philosophy of language as espoused by Wittgenstein. Wittgenstein’s philosophy stemmed from the 18<sup>th</sup> century philosophy of Kant and was heavily influenced by Russell’s work in the 20<sup>th</sup> century. However, Wittgenstein’s ideas then evolved, and

their influence can be detected in the works of the structuralist movement and the post-modern view as espoused by Lyotard (Badmington & Thomas, 2008).

Wittgenstein (1921/2010), the German philosopher of language from the early 20<sup>th</sup> century, in his early work, *Tractatus Logico-Philosophicus*, posited that everything that needs to be said should be able to be said clearly and according to the rules of logic. Furthermore, in the event that this is not possible, it then should not be spoken of (Wittgenstein, 1921/2010). Wittgenstein's (1921/2010) 'language' is based on the use of propositions as assertions, thereby excluding ambiguity. Thus, Wittgenstein's (1921/2010) assertion was that language 'pictures' the world:

At first sight a proposition – one set out on the printed page, for example – does not seem to be a picture of the reality with which it is concerned. But neither do written notes seem at first sight to be a picture of a piece of music, nor our phonetic notation (the alphabet) to be a picture of our speech. And yet these sign-languages prove to be pictures, even in the ordinary sense, of what they represent. (p. 23)

Furthermore, Wittgenstein (1921/2010) asserts the following:

Each item can be the case or not the case while everything else remains the same. What is the case – a fact – is the existence of states of affairs. A state of affairs (a state of things) is a combination of objects (things). If I can imagine objects combined in states of affairs, I cannot imagine them excluded from the possibility of such combinations. Objects make up the substance of the world. That is why they cannot be composite. (pp. 5-6)

This stance places Wittgenstein's (1921/2010) early philosophy of language within the realm of modernist philosophy identified by three features, "namely, the notions of fixed meanings, objective knowledge, and monolithic systems of thought" (Gill, 2010,

p. 36). The process (of language ruled by logic) Wittgenstein (1921/2010) hoped to refine could be seen as having the objective of a subject who is well versed in logical reasoning and in identifying an absolute, objective truth.

Wittgenstein's later philosophy repudiates his early work and reflects his movement away from a modernist stance of "absolute precision and complete knowledge" (Gill, 2010, p. 37). Wittgenstein appears to have swapped his metaphor of a 'picture' for one of 'games', which is a more dynamic and fluid image (Gill, 2010). In Wittgenstein's later work, he describes language as having many functions that he then termed "language-games" (Gill, 2010, p. 37). Furthermore, Wittgenstein's acknowledgement that language has a dynamic, multifaceted, multifunctional character negates the possibility of absolute precision or completeness (Gill, 2010). Here Wittgenstein attends to the reciprocity between people, language, and social realities. These areas have their dynamic and evolving nature as a commonality rather than the static, absolute descriptions of Wittgenstein's earlier work. A common theme within Wittgenstein's later work is the use of language to solve everyday problems without any ultimate goal, other than a local focus (Gill, 2010). This process of problem solving is bound up with language, knowledge, and socio-physical reality (Gill, 2010).

Wittgenstein's later philosophy focuses on spaces – in other words, the language connections rather than points of reference. The fact that these spaces contain language that is used for localised problem solving then become the focus. Wittgenstein (cited in Gill, 2010) introduces these concepts in the following manner:

But how many kinds of sentences are there? Say assertions, question, and command? There are countless kinds: countless different kinds of use of what we call 'symbols,' 'words,' 'sentences.' And this multiplicity is not something fixed, given once and for all; but new types of language, new

language-games, as we may say, come into existence, and others become obsolete and get forgotten. (p. 38)

The above quotation indicates that Wittgenstein saw language and hence reality as in a constant state of evolution that is never static. Wittgenstein (cited in Gill, 2010) identifies the connections between our use of language and our context by stating that “[w]e do not speak in a vacuum simply to picture the state of affairs comprising reality . . . we speak, even when describing something, to get something done: in order to alter the reality around us” (p. 39). Furthermore, Wittgenstein (cited in Gill, 2010) also said, “I shall also call the whole consisting of language and the actions into which it is woven, the language-game” (p. 40). This image of a ‘language game’ was adopted by Lyotard in his description of discourse (Badmington & Thomas, 2008).

Wittgenstein’s (cited in Gill, 2010) description of the language game as a weave echoes the threads in Calvino’s (1974/1997) text. The threads, which can be seen as language connections, connect the parts within the whole, and, at the same time, these threads become the whole. The language game and the patterning of the threads can be seen as comparable.

In a similar vein to Wittgenstein (1921/2010) but for different reasons, the German political philosopher of the later 20<sup>th</sup> century, Habermas, also appears to represent elements from both the modern and post-modern period. Habermas’ ideas both combine and reject notions from the modern and post-modern era of thought. The notion that modernity is merely a term describing the present as opposed to the past implies that the term ‘modern’ cannot be contained as an era, but may rather describe “a moment of crises or reckoning in which it becomes self-conscious as a period” (Foster, 1985, p. viii). Such a description appears to be supported by Habermas (1981/1985) as he writes the following:

In the course of the 19<sup>th</sup> century, there emerged out of this romantic spirit that radicalized consciousness of modernity which freed itself from all historical ties. This most recent modernism simply makes an abstract opposition between tradition and the present; and we are, in a way, still; the contemporaries of that kind of aesthetic modernity which first appeared in the midst of the 19<sup>th</sup> century. (p. 4)

Habermas' (1981/1985) position is that modernity is still an incomplete project. He thus appears to combine and to reject elements from both modern and post-modern thought. Fultner (2011) identifies that Habermas, as a critical modernist, has developed a critique of the transcendental disembodied subject and the equally unbiased disembodied scientist. Habermas (1980/1985) thus rejects naturalist reductionism. Habermas (1980/2011) replaces naturalist reductionism with a human, embodied, and historically situated knowing subject who is a product of evolution and who is mediated by learned socio-cultural processes. Therefore, Habermas (1980/2011) rejects Kantian subjectivism and consciousness as the starting point of social theory in favour of social evolution and human history. However, Habermas (1980/2011) retains a Kantian view of a dependence on rationalisation as the basis for the development of intersubjective communication.

Fultner (2011) states that one of the unifying themes in Habermas' philosophy is that humans are "who they are because they interact with one another and the norms whereby they abide are normatively binding if they are or can be backed by reason . . . a discursive, linguistically embodied and historically situated reason" (pp. 7-8).

Albeit that Habermas rejects the relativism of post-modern thought, in his notion of the evolution, learning, and the establishment of this intersubjective accord, he does embrace the post-modern notion that focuses on language. According to Fultner (2011), Habermas considers language as "the only thing whose nature we can know" (p. 4).



Accordingly, Fultner (2011) identifies the “linguistic turn” (p. 54) that is the foundation of Habermas’ theory of communicative action. Human action and understanding can be fruitfully analysed as having a linguistic structure. Habermas (1981/2011) argues that to understand one another’s utterances, we must know what makes them acceptable – in other words, we should understand the reasons that could be garnered to fulfil the implicit or explicit claims that the utterances make (Fultner, 2011). During this process, mutual understanding can be reached. Furthermore, in the area of knowledge and meaning, according to Yates (2011), “On his [Habermas’] view, philosophical knowledge is produced communicatively, through socially embedded dialogue” (p. 35).

Habermas (1986, cited in Fultner, 2011) considers social evolution as a form of societal learning which is “sedimented in social systems” (p. 5). Fultner (2011) states that Habermas’ notion is that as “these systems become increasingly complex and differentiated, they take on a logic of their own and may no longer be subject to the control of individual or even collective agents” (p. 5). This systemic view, which is based on Parson’s functionalist theory (Anderson et al., 1986), albeit an acceptance and embracing of the subject in context, retains the tone of a modernist approach as identified by Anderson et al. (1986). Anderson et al. (1986) identify Parsonian functionality as modernist in that it emphasises role, structure, and hierarchy. Therefore, the implication is that the system has an ontological status. This assumption leads to an acceptance of an objective and observationally independent reality. Therefore, Habermas’ embracing of this systemic description appears to be contradicted by Fultner’s (2011) claim that “Habermas mounts a critique of positivism in the sciences. He rejects the notion of a false objectivity in science” (p. 3).

Notwithstanding Habermas’ embracing of modernist notions and his apparent objectification of a system, his emphasis on language as the cornerstone of human activity

that binds, fills, and constructs meaning by existing in the spaces between humans resonates with Calvino's (1974/1997) threads. It is these threads which create communities of consensus that define agreed upon relationships and hence also the social embeddedness of dialogue.

The emphasis on the importance of language as the 'stuff of reality' and the construction of meaning is extended by Merleau-Ponty, the French philosopher from the first half of the 20<sup>th</sup> century, whose notions of meaning, reality, and consensus focus on process rather than the entities generated by the process (Gill, 2010). For Merleau-Ponty (cited in Gill, 2010), the real world does not consist of the sum total of objects or entities that we usually think of as the "furniture" of the universe (p. 45). Rather, this sum total of objects consists of the relational, interactive systems that sustain and evolve life.

According to Gill (2010), Merleau-Ponty asserts that concrete reality is made up of the ongoing interactions (including speech) that create the weave of the real world. According to Gill (2010), Merleau-Ponty held the view that "... language often has a kind of 'orphic' or creative function in the warp and weft of reality, calling things, facts, and persons into being" (p. 70). Merleau-Ponty considered the relationship between language and meaning to be a symbiotic relationship as each component, namely language and meaning, defines and sustains the other in the context of everyday life (Gill, 2010). Therefore, it can be said that language weaves speakers, their thoughts, and the world together.

The resonance of this symbiotic notion with Calvino's (1974/1997) text is evident in the necessity for the inhabitants to maintain the thread connections regardless of the 'furniture' of each city. The threads are given meaning by the inhabitants, and, when the threads are established, the patterning of the threads indicates the complexity and intensity (or not) of the various relationships. In turn, this process creates the potential for new relationships or an increased number of relationships to emerge. The threads weave the

inhabitants together and give them life. In so doing, the threads represent the world of the inhabitants. The threads and the inhabitants, or the meanings and the reality, are maintained, sustained, and defined in a symbiotic manner with neither the threads nor the relationships given precedence. Ultimately, this relationship is a dynamic and interdependent relationship that needs the input of all the components to become real. However, this created meaning, without being observed, remembered, or read about, can be lost and its significance can fade.

### **Language and the Ties That Bind Through the Eyes of the Observer**

Calvino's (1974/1997) text highlights the multiple meta-levels of perception through language. It furthermore highlights the role of observation (by the inhabitants) that gives the threads meaning – otherwise these threads would remain simply threads. The role of observation also results in created realities that can therefore abound. In order for Calvino's (1974/1997) text to be relevant, it can only be read by a reader who can imbue the text with an approximation of what Calvino intended. This reader, in turn, reads about the vista that a traveller, yet another observer, would experience when travelling through Ersilia. The particular segments of that vista are observed in turn by the inhabitants who have left their cities. The inhabitant's experience includes their once-off inhabitation of these cities during which they created connections between the spaces.

The connections that begin as threads in the text extend between the cities and the observations made by the ex-inhabitants as recorded by the words of the author. These threads, as recorded by the author, create a reality for the imagined traveller, which is then read by the reader. Interestingly, the reader, in turn, then records the text as well as their interpretations. I, as the reader, have recorded the text and my interpretations in this study to be read by any other reader who chooses to read this study.

The inclusion of the effect or impact of a speaker or observer adds another dimension to any description, be it about knowledge, consciousness, art, or diagnosis. This inclusion of an observer includes an assumption that knowledge or observation, when narrated by the observer, includes what the observer brings to what has been observed. In the movement away from an acceptance of the positivist stance of an absolute, objective truth, the inclusion of the observer has become fundamental. As a result the assumption of the relative and contingent descriptions that result from the observation have emerged through the descriptions, philosophy, and hence the understanding of the role of language in the creation of meaning.

The frames that I have employed to analyse and to understand Calvino's (1974/1997) text originate from my own observations and have to be considered as influential and fundamental to what I have ultimately created in my analysis. The product of my analysis cannot be seen as separate from my input and my choice of frames. In this regard, it is interesting that in reading a *Time* magazine many years ago, I came across a quotation by Lévi-Strauss, the French anthropologist and structuralist. This quotation is written on the first piece of paper in the file that holds my preparations for this study – “The scientific mind does not so much provide the right answers as ask the right questions” (Lévi-Strauss, 1990, p. 7). At that time, without knowing where Lévi-Strauss integrated into the development of post-modern thinking, my response was of admiration for Lévi-Strauss' thought and thankful for its part in the initiation for this study.

Lévi-Strauss, Saussure, Jakobson, and Lacan were (Lacan still is) amongst the foremost proponents of the structuralist movement that emerged in the middle of the last century and that, in some way, remains a force today. Structuralism is primarily a method that is employed to identify underlying patterns in human activity by using overt signs (Snyman, 1998). In the realm of language, the concern about how language is used by

human beings elucidates how human beings understand reality (Snyman, 1998). Here, the personal use, group use, or communal use of language cannot be separated from the user, and these different types of uses elucidate both the user's reality as well as what is thereby constructed in the wider context. According to Snyman (1998), "Previously philosophy used the subject or object under investigation as the point of entry or departure. In modern philosophy language itself has become the primary frame of reference in exploring philosophical issues" (p. 39). The emphasis on language inevitably includes the actors or agents doing the thinking, talking, or writing.

The inter-relationship between thought and sound is fundamental to structuralist thinking. Saussure (1916/2008), the Swiss linguist of the late 19<sup>th</sup> and early 20<sup>th</sup> century, explains this relationship in the following manner:

The characteristic role of language with respect to thought is not to create a material phonic means for expressing ideas but to serve as a link between thought and sound, under conditions that of necessity bring about the reciprocal delimitations of units. (p. 17)

Saussure (1916/2008) identifies signs as the components of language (Badmington & Thomas, 2008). A sign consists of the signifier and the signified, and it is the relationship between these two components, and also their relationship to the sign as either similar or dissimilar, that ultimately results in meaning and value (Badmington & Thomas, 2008).

Saussure (1916/2008) states that thought, on its own, is chaotic. Furthermore, Saussure (1916/2008) states that the inter-relationship between thoughts and the system of sounds produces the overt manifestation of organised ideas. In this, Saussure (1916/2008) explains the following: "Linguistics then works in the borderland where the elements of sound and thought combine; *their combination produces a form not a substance*" (p. 17).

Saussure (1916/2008) emphasises that “. . . all mistakes in our terminology, all our incorrect ways of naming things that pertain to language, stem from the involuntary supposition that the linguistic phenomenon must have substance” (p. 23). In rejecting these errors, Saussure (1916/2008) emphasises the relational and the contingent – in other words, the spaces between – rather than emphasising the thing itself.

Many structuralist thinkers, such as Derrida, Kristeva, and De Man, amongst others, ultimately moved away from the main tenets of structuralism (Mikics, 2009). Although this move indicates disagreement or evolution, these theorists intuitively remained in concert with certain elements of structuralism. These elements include the use of language (to organise and construct reality by allowing meaning to be attributed to the world), meaning as a function of the relationship between structures (rather than forming a part of the structure itself), and written and spoken communication (demonstrating the structural relationship of meaning).

In Calvino’s (1974/1997) text, the use of threads is a seemingly local but acceptable and understood form of communication within Ersilia because it is a system of signs that can be identified by the inhabitants. The use of threads allows a consensual meaning and its concomitant value to be expressed. Furthermore, when I engage with the author’s description, I use my understanding of what the threads mean to me, and I then imbue my analysis with this meaning. It is the relationships expressed by the inhabitants’ ‘thread signage’ as well as Calvino’s (1974/1997) description of their relationships (expressed in the written text) and my analysis of these factors in writing this study as a communication to you (the reader) that ultimately translate into some form of meaning and value. This narrative is a function of the spaces between – the form rather than the substance itself. It is noteworthy that there is added meaning in using Calvino’s (1974/1997) text as an exemplar to elucidate my understanding of and the meanings I have

attributed to the theories I have used in this study. These meanings are then meta-meanings in contrast to the meaning and value of the text itself.

### **The Significance of the Text as Separate From the Writer of the Text**

The inclusion of the agents (or actors) of language is inherent in the thinking before the formalisation of structuralist thought. However, it is pertinent that what evolved thereafter and in parallel to structuralism attempted to neutralise the speaker to focus purely on the text (Badmington & Thomas, 2008). This change was exemplified in the work of Derrida (1968/2008), an Algerian-born philosopher and proponent of deconstruction.

Derrida, a leading post-structuralist, in his attempt to understand written texts, is primarily associated with deconstruction (Mikics, 2009). This approach is used to understand how we read and make meaning of written texts. In his approach, Derrida wanted to make meaning available to consciousness and, in so doing, wanted to make the mind the master of thought (Mikics, 2009). At the same time, Derrida wanted to establish a clear argument about the self (Mikics, 2009). In order to achieve this aim, Derrida's (1968/2008) focus employed a sceptical method of analysis that he associated with "différance" (p. 126) – in short the unreliability of language to convey specific meanings. Accepting this lack of reliability, the sceptic then questions words and actions so that ultimately even the assumption of a reliable, consistent self becomes questionable. According to Mikics (2009), "The world begins to seem a realm of illusion, where we have tricked ourselves into supposing that we are real" (p. 2).

Derrida's use of the term *différance* is in and of itself an exemplar of his need not to anchor any words (substance) with any one specific meaning (1968/2008). Derrida (1968/2008) explains that to have used the word *difference* would have indicated difference "as distinction, inequality, or discernability; . . . [also] it expresses the

interposition of delay, the interval of *spacing* and *temporalizing* that puts off until ‘later’ what is presently denied, the possible that is presently impossible [act of deferring something]” (p. 126).

However, Derrida relies on the order or category to which words belong to define their complementarity. This complementarity is, at the level of order, an indication of an element of the words sameness. *Différance* applies to “this *sameness* which is not identical” (Derrida, 1968/2008, p. 127). He asserts that *différance* also defies “*temporalizing*” (Derrida, 1968/2008, p. 126) by being neither active nor passive, but a “middle voice . . . it precedes and sets up the opposition between passivity and activity” (Derrida, 1968/2008, p. 126). Therefore, the word cannot be anchored in time. The word *différance* therefore is itself an exemplar of what Derrida (1968/2008) wants to elucidate.

The above exposition echoes Saussure’s assertion that signifiers and the signified alone have no meaning outside of their relationship with and to each other. According to Saussure (1916/2008),

. . . in language there are only differences . . . in language there are only differences *without positive terms* . . . the idea or phonic substance that a sign contains is of less importance than the other signs that surround it. (p. 22)

For Derrida (1968/2008), *différance* is a “juncture rather than a summation” (p. 126), not a word or a concept. Like Saussure, Derrida (1968/2008) emphasises form rather than substance, or the relationship between substance rather than the substance itself – the spaces between.

Therefore, Derrida’s (1968/2008) inclusion of the act of selecting what is written, by implication, indicates a choice of what is not written. Furthermore, what is written cannot be seen as separate from the contextual information of what is written before and after the identified communication. Derrida (cited in Ulmer 1985), explains the following:



Whether in the order of spoken or written discourse, no element can function as a sign without referring to another ‘element’ – phoneme or grapheme – being constituted on the basis of the trace within it of the other elements of the chain or system. This interweaving, this textile, is the *text* produced only in the transformation of another text. (p. 88)

Derrida (1968/2009) was also motivated to separate philosophy from psychological interest. In this process, Derrida ultimately elected to follow Husserl’s phenomenology rather than Sartre who he felt had taken Husserl’s ideas to a dramatic level of psychology. According to Mikics (2009), “In his treatment of Plato and Freud, in particular, Derrida argued against the psychological” (p. 3). Also according to Mikics (2009), Derrida appreciated Freud’s description of the unconscious as linguistic, and he therefore felt it was open to scepticism. According to Mikics (2009), Derrida did not embrace Freud’s understanding of the soul as neurotic nor did he support the notion of transference and counter-transference described by Freud to be present in the therapist-patient relationship. According to Mikics (2009), these aspects of Freud’s theory concerning transference and counter-transference seemed to be too intra-psychic and psychological for Derrida.

With regard to his view of human beings, Derrida was influenced by Nietzsche’s vision of people as irresponsible, de-centred, random, and liberated beings (Mikics, 2009). In this view, Derrida avoided imagining the inner life of the human being as relying totally on the text, and he saw writing as subjectless (Mikics, 2009) – “there is nothing outside the text” (Mikics, 2009, p. 2).

Snyman (1998) asserts that in order to de-subjectify a philosophical position, post-modern thought relies on Derrida’s focus on text, Foucault’s focus on power, and Lyotard’s focus on narrative. Any notion of identifying, describing, or elucidating the

concept of self is undercut by these emphases because the individual is seen as secondary to other forces and to language itself.

If one were to apply the above ‘de-subjectification’ to Calvino’s (1974/1997) text, then the text should not be seen as elucidating anything about Calvino’s psychology or about the internal world of the inhabitants. Furthermore, there should be no clues to Calvino’s sense of self in the text. The inhabitants would then also have to be seen as ‘de-subjectified’. The resultant image of the de-populated cities and the patterning of the threads that represent the previous relationships within the cities echo the subjectless texts that Derrida (1968/2009) elevates above the individual. However, the ‘de-subjectification’ of the text is undermined by the acceptance that the text has to be written by the author and read by the reader. Thus, the meanings that the protagonists bring to the text cannot be excluded. Furthermore, as a traveller travelling through the landscape, and also as a reader engaging with the patterning of the threads, the possibility of elucidating the inherent meanings and reality represented by the threads can be assumed. This elucidation could occur by applying a process of “*différance*” (Derrida, 1968/2008). However, it can also be accepted that any deeper psychological agendas may have to be approximated. Calvino’s (1974/1997) text does stand alone, but engaging with it is the only way for it to become meaningful.

### **Constructing the Fabric: The Observer as Both Weaver and Weave**

What became apparent to me in constructing the above narrative was that Calvino’s (1974/1997) text facilitated many different interpretations, whether ancient, modern, or post-modern. The text facilitated what I needed it to facilitate and elucidated for me the arbitrary nature of drawing distinctions. Inherent in the text are elements of many forms of philosophy, interpretation, and the influence of various eras. Although this plurality of perspectives is the essence of post-modernism in art, literature, and texts, it is not always

possible to draw clear and precise distinctions between categories, eras, themes, and philosophies. These distinctions or edits must be seen as arbitrarily imposed by the reader, in this case, me.

However, a reader or interpreter cannot be seen as separate from what the text presents. The text or stimulus has as much of an influence on which distinctions can be drawn as it does on which cannot. The confluence of two or more particular participants in the construction of meaning through language, whether the participants are individuals or individuals and a text, will generate a co-evolved meaning. In turn, this meaning will create a co-evolved reality that describes the space between the protagonists rather than the protagonists themselves. With regard to the co-creation of meaning and reality, any text, other than the one I have selected here, would certainly have influenced me and would have been influenced differently by my above narrative. In addition, the resultant descriptions would also have been different.

Moreover, the question will always arise regarding why I selected Calvino's (1974/1997) text and what ignited my interest in the text. One has to question what it was about the text that resonated with my subjective frames and which of my subjective frames were imposed on the text. These interplays – the form rather than the substance and the inter-relationships between context and observer, between thought and meaning, between psychologist and subject matter, the spaces between – are the focus of this study.

### **The Weave That is Constructivism**

This study is predicated on an epistemology that has evolved from the discourse described in the narrative I have recorded to this point and within the post-modern *Weltanschauung* of discursive reality (Hare-Mustin, 1994). This discursive reality implies a plurality of ways of understanding that are “interested in a process, in the interpenetrative

experiences that weave contemporary culture . . . a perception of relatedness that rejects reduction” (Amiran & Unsworth, 1994, p. 5).

A constructivist epistemology has developed within and from, amongst other ideas and thoughts, the ideas of the scientific world such as those from Planck, Einstein, and Heisenberg to Hawking, as well as the philosophical thoughts from Plato, Berkley, Kant, and Wittgenstein to Derrida. Keeney (1982) defines epistemology as “a process of knowing, constructing, and maintaining a world of experience” (p. 165). In the process of punctuating, constructing, and maintaining experience, aside from the context in which this process occurs, the constructor, perceiver, and editor are fundamental.

The introduction of the observer in constructing reality must be seen as arising from both a scientific and philosophical narrative. Watzlawick et al. (1967), in their exposition of an interactional frame in the process of constructing reality, attend to the need to include both technology and psychology (which they imply is philosophical) when describing human behaviour. Watzlawick et al. (1967) admit that

the question arises whether any of the principles of our theory of the pragmatics of human communication can be of any use when the focus is shifted from the interpersonal to the existential . . . in pursuing the issue we must leave the domain of science and become avowedly subjective. (p. 257)

This admission indicates that both science (including technology) and philosophy are necessary in examining the domain of human consciousness and meaning-making.

Furthermore, Watzlawick et al. (1967) attend to an understanding of how to understand and to conceptualise the existence of human beings. Watzlawick et al. (1967) acknowledge that human existence is not observable in the same manner as human interactions and behaviours and that in this it is then imperative to abandon any objective, neutral, or separate position. In addition, Watzlawick et al. (1967) acknowledge in their thesis on the

pragmatics of human communication that they consciously attempted to be as objective as possible and, as such, as scientific as possible. However, as soon as Watzlawick et al. (1967) focused on human existence, this position of objectivity was challenged:

Man cannot go beyond the limits set by his own mind; subject and object are ultimately identical, the mind studies itself, and any statement made about man in his existential nexus is likely to run into the same phenomena of self-reflexiveness, which, as we have seen, generate paradox. (p. 258)

Kallenbach (2011) attends to a similar theme when he discusses the mind-body dualism inherent in studying consciousness that is inevitably conducted “by something like the brain” (p. 61). Both Kallenbach (2011) and Watzlawick et al. (1967) discuss the impossibility of nature studying itself. Kallenbach (2011) quotes Peat on Max Planck as saying that “[sc]ience cannot solve the ultimate mystery of nature, and that is because, in the last analysis, we ourselves are part of nature, and therefore, part of the mystery we are trying to solve” (p. 64). Watzlawick et al. (1967) discuss different “kinds of knowledge” (p. 260), namely first-order and second-order knowledge. First-order knowledge is the knowledge of a thing, whereas second-order knowledge is knowledge about the knowledge of a thing (meta-knowledge) (Watzlawick et al., 1967). One of their examples is the difference between knowing a language and then knowing something about the language – in other words, the different orders of knowing.

Watzlawick et al. (1967) believe that in human experience “first order knowledge alone is probably a very rare thing . . . . It would be tantamount to a perception for which neither past experience nor the present context provides an explanation” (p. 261).

First-order knowledge consists of substance or a thing in itself, whereas second-order knowledge consists of form, ideas, and inter-relationships about the thing (Watzlawick et al., 1967). Watzlawick et al. (1967) state that human beings never stop seeking information

about what they know because they wish to create meanings and select responses to their experiences. The accumulated meanings eventually become a world-view. It is this world-view that Watzlawick et al. (1967) then term the third order of knowledge. This third order of knowledge is an epistemology or, as Dell (cited in Snyman, 1998) describes, a paradigm (epistemology-as-paradigm) “providing a ‘grammar of reality’ which specifies how the world is punctuated” (p. 32). Watzlawick et al. (1967) posit that the complexity of this third-order knowledge is such that any exploration of the “genesis” (p. 262) is impossible.

In addition, Watzlawick et al. (1967) posit that, based on Gödel’s work in proof theory in mathematics, it is not possible to change any premise held at any order of knowledge without, at the same time, being outside of that order of knowledge (in fact, one has to be in a position to see the order of knowledge as a whole). Watzlawick et al. (1967) conclude that it is, therefore, impossible for human beings to understand themselves fully and to alter or meta-comment on their own epistemological punctuation or edit unless they are able to transcend the third level and objectively examine the third level as separate from themselves. The process of meta-commentary includes the paradox of infinite regress or, as Kallenbach (2011) describes, “a hall of mirrors” (p. 63).

Watzlawick et al. (1967) posit that it is only theoretically possible to conceptualise a fourth order of knowledge. This position is one from which a human being could hypothetically attend to third-order premises. However, Watzlawick et al. (1967) doubt whether the human mind can achieve this alone and suggest that it is only possible to approximate this fourth order in a context such as a therapeutic context. In such a context, the client’s interactions with the therapist have the potential to create an awareness that is similar to the fourth order of knowledge. In an interaction, it is during the conversation that the ‘aha’ of self-reflective enlightenment could possibly occur.

A constructivist epistemology acknowledges this self-reflexivity and hence also the limitations, if not the impossibility, of any pretence with regard to an objective position. An understanding of the impossibility of standing outside of one's order of knowledge (in other words, outside of an epistemological position or on an Archimedean point) relegates any positivistic stance in the study of consciousness or knowing reality to a paradoxical conundrum. Hence, because the domain of psychology is ultimately complex and self-referential, and because it involves conversation, meaning creation, and reality construction, a constructivist epistemology within this context is both apposite and pragmatic.

Calvino (1974/1997) manages to construct a text in which meta-fictional methods highlight the multiple levels of knowledge. The inhabitants have knowledge and create realities based on first- and second-order knowledge, which ultimately combine into third-order knowledge. The product of their knowledge is observed by a traveller travelling through Ersilia. Such a traveller is potentially in a position to understand and to build on the former inhabitants' knowledge if the traveller comes from a country where threads have some similar meanings. This traveller would be able to understand the former inhabitants' knowledge at the next order of knowledge but would be limited by their perspective or paradigm.

In turn, these descriptions are contained in Calvino's (1974/1997) text and thus represent first- and second-order knowledge as recorded by Calvino. It is these orders of knowledge to which my reading of the text brings a third order. My reference to the text is recorded in this study, which is then read by the reader. Each order of knowledge depends on being separate from the previous order by creating an infinite regression and by introducing various observers who each have their own construction and who may never identify the origin. Moreover, as a reader of the text, I have the knowledge that Calvino is

a post-modern writer whose use of metaphor and symbolism renders the text interpretable on many levels, which again highlights that the text is about meanings rather than something 'real'.

### **The Threads as Language**

When studying consciousness, the paradox of a mind-body duality leads to a focus on behaviour and overt manifestations of thought inherent in language. The role of language is necessary to human process in the act of creating an understanding and in making and transferring meaning through thought, speech, or texts. Anderson and Goolishian (1988) state that “[t]o be in language is, however, a distinctly human process” (p. 4). Anderson and Goolishian (1988) refer to language as

. . . the linguistically mediated and contextually relevant meaning that is interactively generated through the medium of words and other communicative action . . . . We live with each other, we think with each other, we work with each other, and we love with each other. All this occurs in language. (p. 4)

The fundamental and intrinsic role of language in human interaction and meaning construction is highlighted in research around child attachment. In this research, it is accepted that until a child develops the verbal capability to ‘understand’, to create pictures through words, and to lay down memories, the experience of attachment remains a right-brained, non-verbal function that should not be interfered with (Schore & McIntosh, 2011). Until a young child evolves their verbal ability (left-brain maturation) to the extent that they can verbalise an experience or a perception in language so that it can be stored in memory to be remembered at a later stage, their resilience regarding attachment is limited (Schore & McIntosh, 2011).



A child's distinctions of time, place, and relationships can only be given relevant meaning (for the child) once they can language these different distinctions. Thus, before a child can make these distinctions, everything that changes for the child upsets the status quo and the child's equilibrium. Languaging, which is the subjective ability to draw distinctions, allows the child to pre-empt, predict, and hence maintain some sense of control and equilibrium.

With regard to a human beings' distinction-making, an application of the notions of difference and *différance*, as espoused by Saussure (1916/2008) and Derrida (1968/2008) respectively, implies the subjective act of making distinctions – although this notion is not entirely in concert with their philosophy. These choices or marks of distinction are the act of constructing reality, and, as Keeney (1982) elucidates, like Jung's *creatura*, epistemology belongs in the world of making distinctions. This belief echoes Dell's (cited in Snyman, 1998, p. 32) concept of an epistemological paradigm and Watzlawick et al.'s (1967) third-order knowledge. The process of making distinctions implies a backdrop consisting of a complex and interwoven reservoir of knowledge out of which subjective edits and punctuations are made and presented in language. This process of punctuation or editing implies that the presented idea also reveals its complementarity. The presented idea's complementarity is its opposite and that which it is not – a foreground to the background against which it stands or the yin of the yang.

In knowing and being able to compare the complementarity of parts, the order or category to which the complementary parts belong must also be understood. This category or gestalt in turn defines the parts and, consequentially, the relationship between the parts themselves and the whole. In this process, what is languaged and observed or understood cannot be construed as the 'thing' itself. Thus, what is observed cannot be considered the substance but rather the form or the informing context of ideas from which and in which it

is constructed. This construction is twofold. Firstly, language and its creation of meaning and reality is a function of drawn distinctions, subjective construction, or an edit of parts. Secondly, the use of language and the creation of meaning indicate relationships between the various parts, between the parts and their complementary parts, and between the parts and the whole. Constructivism, therefore, includes the confirmation of a subjectively experienced world that results in the drawing of distinctions that ultimately construct meaning.

### **The Importance of the Loom: Context and Community**

According to Anderson et al. (1986), “all we have are our descriptions, and all descriptions are valid within the specified domains of discourse which give rise to them. Descriptions have no ontological validity outside of the contextual domain which exists in language” (p. 9). This act of knowing depends on a subjective understanding of the weave of information within specific contexts while being reactive to contextual cues from the individual’s thoughts, the environment, the culture, or during conversations with others. These ideas and meanings are thus carried and transferred by language. Language then becomes the external manifestation of the meanings and understandings discerned by anyone at any point in time in a particular context. It is language, rather than the subject, that constructs reality. In the creation of these connections between people, realities are constructed through language.

Within a constructivist epistemology, the emergence of a social constructionist paradigm attends to the emergence of reality external to “the notion of an isolated knower” (Raskin, 2002, p. 15). This social constructionism is identified and discussed by Hoffman (1990) referring to Kenneth Gergen. According to Hoffman (1990), Gergen holds that beliefs are socially constructed during conversations with others against a background of “the intersubjective influence of language, family, and culture” (p. 4). Gergen (cited in

Hoffman, 1990) describes that “[s]ocial constructionism views discourse about the world not as a reflection or map of the world but as an artefact of communal interchange” (p. 4). This view emphasises the mutable and ever-changing possibilities that these social exchanges can attain. Hoffman (1990) elucidates that “social construction theory sees the development of knowledge as a social phenomenon and holds that perception can only evolve within a cradle of communication” (p. 4). Anderson et al. (1986), combine the notion of epistemological constructivism as proposed by George Kelly’s theory of personal constructs with the paradigm of constructionism as espoused by Hoffman and Gergen when they describe: “[H]ow a person makes sense of the world is a phenomenon that is reciprocally influenced by self and others in his or her social domain” (p. 8).

Anderson and Goolishian (1988) speak of an “evolving state of affairs in which two or more people agree (understand) that they are experiencing the same event in the same way” (p. 1). However, because the “agreement is fragile” (Anderson & Goolishian, 1988, p. 1), it is not stable and will “always [be] open to renegotiation and dispute” (Anderson & Goolishian, 1988, p. 1). Hence, common or co-evolved realities are created by groups of people in conversation with one another. According to Anderson et al. (1986), “The German social theorist Niklaus Luhman . . . views social action (social behavior) as the force that constructs, in language, the relational networks that comprise a system” (p. 2).

In Calvino’s (1974/1997) text, aside from the functional relationships that the threads are said to signify, the truth or not of what the threads signify for individual inhabitants at a meaning and value level cannot be ascertained by the traveller or the reader. Assumptions can be made that certain relationships are more positive or more important than others are, but these assumptions can only be made abstractly. Without a conversation with the inhabitants to determine their meaning and value attributions, the resultant narrative should be seen as contingent and pending the arrival of any new

information. From this position, the observer or reader cannot claim to have objective knowledge about the inhabitants, their threads, or Ersilia itself. Thus, any observer or reader has to define the position of a learner detective, to keep the option of constructed hypotheses viable.

### **The Role of the Psychologist: Both Thread and Weaver**

Given the above constructivist epistemological stance, the roles and functions of psychologists have been revisited. The former position of psychologists was a position where they stood as an expert definer of an objectively discoverable truth and as separate from the patient or client, provided that the application of therapeutic skill was ethical and rigorous. This position is particularly the case with a psychological forensic investigator who is asked to contribute expertise and professional knowledge to legal cases. This demand on the forensic psychologist will be dealt with more fully later.

Within a constructivist epistemology, there is an acceptance that psychologists cannot be separated from what Hoffman (1990) describes as the “Art of Lenses” (p. 1). These lenses are what psychologists use to filter what is known and understood in the context in which observations are made and hence narrated. The process of observer dependence results in a distillation of subjective information in relation to information that is generated within the observed context. The psychologist is a learner and observer detective who is always in the process of discovering and co-evolving meanings in conjunction with the patient or client. In this conversation between the psychologist and the patient or client, the concepts of objective knowledge, diagnosis, truth, and linear causal relationships are challenged. Nothing can be considered more than a relative description or a contingent hypothesis that functions at one point in time in an attempt to create a new layer of meaning that elucidates certain co-identified behaviours. According

to Hoffman (1990), “Maturana talked about placing objectivism in parentheses and . . . Von Foerster had also emphasized the importance of the observer” (p. 1).

Within this conversational context, reality and meaning are constructed, deconstructed, and reconstructed. These realities and meanings are, therefore, a function of negotiation between the psychologist and the client. This negotiation is based on a co-evolution of meaning where the meanings generated are as much a function of the psychologist’s own perspective as they are of the client’s perspective. What is co-created cannot be seen as an absolute or verifiable truth. Created meaning and understanding, in the service of knowing and building knowledge, do not have an ontological existence separate from the act of knowing. The act of knowing is a function of individual subjective editing. Many perspectives thus abound that are languaged in a subjective manner to accommodate the edit of the individual or group that is communicating.

Auerswald (1985) describes these created perspectives languaged in conversations around what may well be a distressing event, as a “Storey” (p. 1). These Storeys consist of the key events that are highlighted subjectively by the individual or family in their presentation of that distress. In support of this approach, Hoffman (1990) is of the opinion that “it is particularly helpful for the therapist to think of problems as stories that people have agreed to tell themselves” (p. 4).

### **The Nexus of the Fabric: Problem-Determined Systems**

Anderson et al. (1986) state that “social systems are systems that exist only in meaningful linguistic exchange” (p. 3). This definition of a system, unlike that of a functional and role-determined system, allows for the dynamic and evolving complexity inherent in language. If indeed a system consists of any conversation where a constructed reality is agreed upon – whether this construction of reality takes place in an individual’s thoughts or is externalised as between individuals or between individuals and stimuli –

then such a description may be useful when examining a specific linguistic system such as the psychological forensic system.

According to Anderson and Goolishian (1988), “Human systems are language-generating systems and, simultaneously, meaning-generating systems” (p. 1). In a psychological forensic system, there is an agreement regarding certain meanings which pertain specifically to a forensic context and which exist in order to find a resolution to an identified problem. The problem is language and contextually bound within a conversation designed to explore resolutions, solutions, or descriptions. In this regard, Anderson et al. (1986) assert that, rather than defining a psychological relationship based on system structures and roles, psychological conversations (such as the conversations occurring in psychological forensic investigations) are concerned with communication and communication systems that are continually evolving. The result of such conversations is the evolution of a system of ideas or “. . . the shared, cognitive, and linguistic discourse through which we derive meaning, and out of which we create the realities of coordinated action systems” (Anderson et al., 1986, p. 6). Anderson et al. (1986) expand on this notion to include the shared, cognitive, and linguistic discourse situated around the identified problem. Anderson et al. (1986) call the emerging discourse situated around a problem “a problem-determined system” (p. 6).

A problem-determined system may include an individual, a dyad, a family, a couple, a work group, an organisation, or any collection of individuals holding a conversation around the specified and identified problem (Anderson et al., 1986). Anderson et al. (1986) further state that because the members of the problem-determined system use language to interact and to coordinate their behaviour, language defines the components of the system. Therefore, all the people communicating about a problem (both the people who are observed and those who are doing the observing), including any

professionals, co-create an ecology of ideas around the defined problem. Hence, they thereby define themselves as members of the same problem-determined system. In a psychological forensic investigation, a psychologist forms a part of the problem-determined system. This description can therefore be applied to a psychological forensic investigative system.

In the creation of a problem-determined system, the description of the problem is an act of making a specific distinction. The distinction that is made is partly subjective and partly co-evolved or negotiated by those coalescing around the problem. The description is also an edit taken from a gestalt that holds far more information than is usually apparent in the initial presentation of the problem. Furthermore, Anderson et al. (1986) state that “language around what is identified as a problem, defines the components (membership) of the systems we must work with in treatment” (p. 6).

With regard to the act of languaging a problem, and hence initiating a problem-determined system, the nuance and understanding presented by the description of the problem (yet again, a process of making distinctions) can be lost. The act of describing the problem may render the problem a fact. Hoffman (1990), in her embracing of social constructionism, states the following:

. . . you don't realize that a 'fact' is merely an 'opinion' until you are shocked by the discovery of another 'fact,' equally persuasive and exactly contradictory to the first one. The pair of facts then presents you with a larger frame that allows you to alternate or choose. At the cost of giving up moral and scientific absolutes, your social constructionist does get an enlarged sense of choice. (p. 5)

Furthermore, the edit of the 'problem-facts' inevitably determines the engagement of various and specific members. Their coalescence around the problem is, firstly,

determined by the definition and description of the problem, and, secondly, determined by their potential either to confirm or to disconfirm the problem. Herein is the fundamental complementarity inherent in a forensic problem-determined system that, by its very nature, pits one constructed reality against another as though each represent the truth. The mere disagreement regarding the originally constructed problem becomes the next problem to emerge. Anderson et al. (1986) identify the following: “frequently, however, we deal with problems where there is communicated disagreement . . . and the resulting language system is an active and communicative disagreement about the nature, or presence, of a problem” (p. 7).

In the forensic arena, the vortex of the problem-determined system that is the initially constructed and languaged problem magnetically attracts members engaged in the matter either to confirm or to disconfirm the constructed problem. Significantly, for the purposes of this study, the forensic process and the system that emerges because of the problem that created the system (including all the participants, the legal system, and the professionals involved in investigating the problem) can be conceptualised as a problem-determined system.

### **Unpredictable Evolution in the Construction of the Fabric**

The metaphor of a vortex, as used above, can be misleading as it depicts a consistent swirling of ever-increasing concentric circles. This image is not necessarily the patterning of the growth of a problem-determined system. If the definition and redefinition of this system is a function of an ever-changing problem definition and of the inclusion of new members, the change in the system is not necessarily predictive and consequential. According to Elkaïm (1981), there is evidence within a systemic model that indicates that abrupt, unpredictable changes may or may not necessarily be a result of something that occurs within the system.



Elkaïm (1981) posits that despite the fact that “the observer decodes reality through his map of the world” (p. 292), this map only allows the observer “to recognize what he already knows” (p. 292). Elkaïm (1981) points out that an incident is only as important as the observer allows it to be and that even change is, therefore, observer dependent. Elkaïm (1981) confirms that at a point of bifurcation (the critical point when fluctuations will amplify), the notions of chance and evolutionary feedback must be considered. This view is based on the work of Ilya Prigogine, the Russian-born naturalised Belgian scientist and chemist. This view is specifically based on Prigogine’s work in the field of organisational forms that are likely to appear away from thermodynamic equilibrium or dissipative structures.

The notion of chance indicates that it is not possible to predict which fluctuation will be amplified. The notion of evolutionary feedback describes the new state of the system after the chance change has taken place. Elkaïm (1981) describes that this feedback is at a “higher interaction level of the system with the environment” (p. 292). The system thus organises itself around the chance change in a new and perhaps more accommodating manner than before (Elkaïm, 1981). According to Prigogine (1977, cited in Elkaïm, 1981), “This increase in entropy production in turn makes possible the appearance of new instabilities” (p. 292).

Given the notion of a problem-determined system and the metaphor of a vortex, the inclusion of the above description challenges the image of ever-increasing concentric circles. In addition, Elkaïm’s (1981) description of the unpredictability of change may indicate that the system of ever-increasing concentric circles may not appear as symmetrical and predictable as the metaphor leads one to imagine. In fact, the metaphor of a vortex is too consistent and predictable to encompass the maelstrom that evolves in a

psychological forensic investigation. This context can thus be seen as unpredictable and uncertain, but the ferocity and/or speed should thus be seen as ever-changing.

Therefore, given the notion of problem-determined systems with the potential for unpredictable change at points of bifurcation, the metaphor of a vortex may not adequately describe the emerging observer-dependent system. Rather than the contained and predictable movement around a central point of the vortex, the initially constructed problem causes many more external interactions and engagements in an unpredictable and uncertain manner through the connections expressed by language. These external engagements increase problem creations and problem descriptions, as well as the investment of ever-increasing members.

Ultimately, the metaphor of strings connecting the houses in an ever-increasing random pattern, as expressed in Calvino's (1974/1997) description, appears to be more appropriate. When these threads become unmanageable (the point at which there are too many threads), the inhabitants move. This point cannot be predetermined and planned. The inhabitants thus experience a point of bifurcation and move to a different location where they attempt to accommodate change and to live in their environment at a higher or better level of interaction. It is this ongoing change of residence that occurs because of an ever-increasing network of threads and that provides the context for evolutionary change.

If the threads are considered to represent the relationships between the individual inhabitants, the threads thus create the system. These threads are, in turn, evidence of the relationships between the inhabitants. Regarding the evolution and emergence of problem-determined systems, it could be posited that it is these threads that ultimately create such a system. In the same manner, the threads that arise during a psychological forensic investigation connect the individuals involved, but they also draw attention to the nature of the spaces between the individuals. The subject of this study is a consideration of

these threads, the spaces between individuals, and the points joined by the threads, as well as the constant engagement of these elements with points of bifurcation in the evolution of the problem-determined system that is the psychological forensic investigative system.

### **Conclusion**

Both the problem and hence the system that is determined by the problem are communicated through language and meaning. Therefore, the study is concerned with the evolution of the languaged meanings that evolve during the forensic process. This investigation necessitates a use of both the spaces between individuals as well as identifying the things/individuals in themselves. The study also necessitates an understanding of complexity rather than linear causality and ultimately necessitates an awareness of subjectivity that challenges the notion of an inviolate expert who observes a context and pronounces an outcome. Gergen (1992) comments that what is

. . . required, then, is a form of professional investment in which the scholar attempts to de-objectify the existing realities, to demonstrate their social and historical embeddedness and to explore their implications for social life.

Rather than remaining neutral on all questions of value, as in the modernist frame, the psychologist is invited to co join the personal, the professional and the political. (p. 27)

Such an approach would challenge the naïve and modernist notion that psychologists involved in forensic investigations are separate and independent from what is observed.

Without being aware of observer participation, of Gergen's (1992) requirements contained in a forensic investigative process, and of the notion of a problem-determined system, psychologists would potentially be at risk of both ethical and observational limits that may ultimately impact on the decision regarding what is in the best interests of a child

in a custody case. The use of constructivist epistemology and the assumption that neutrality and the observation of an absolute truth are impossible have the potential to sensitise the mental health professional to their own constructions in the investigative process. A psychologist's awareness of their own knowledge, the knowledge of what they know, and the knowledge of how they know these things all loosen the ties that bind the investigator to an absolute and verifiable truth. This self-reflexive process causes an acceptance of the notion of created meanings and realities, and it increases the variety of descriptions and explanations available to the investigator in describing a problem-determined system. This awareness would ultimately allow for the creation of checks and balances to be considered to calibrate the meanings that evolve throughout an investigation. This sensitivity and awareness on the part of a mental health professional would certainly enhance the goal of achieving an outcome that is in a child's best interests.

## **Chapter 4: Particle or Wave? Drawing a Distinction Between the Role of a Therapeutic and a Child Custody Forensic Psychologist**

*Ever since her last science class, Alice had been deeply puzzled by something, and she hoped one of her new acquaintances might straighten out the confusion. Putting down her cup of tea, she asked in a timid voice, 'Is light made of waves, or is it made of particles?'*

*'Yes, exactly so,' replied the Mad Hatter.*

*Somewhat irritated, Alice asked in a more forceful voice, 'What kind of answer is that? I will repeat my question: Is light particles or is it waves?'*

*'That's right,' said the Mad Hatter. (Carroll, 1865, cited in Susskind, 2008, pp. 76-77)*

### **Introduction**

The same difficulty that Alice appears to have in resolving her puzzle above can be seen in the area of psychology when the roles of the therapeutic psychologist and the child custody forensic psychologist are not clearly defined. Often, even the psychologist feels as confused as the Mad Hatter and cannot defend a position, while those engaging the psychologist appear to have no need to understand the difference if they are assisted. The development of my own understanding of the distinction between these two areas of psychological endeavour has evolved from confusion to increased clarity, and more specifically as a result of being engaged in this study. I have come to understand that for both efficacious and ethical reasons, a clear distinction needs to be drawn between these two roles within the field of psychology. Furthermore, because my position is one that argues for the impossibility of neutrality and objectivity, the understanding of the differences has become essential in order for me to approximate, as best as possible,

neutrality and objectivity through my procedures when conducting child custody investigations.

I have come to understand that the application of psychological training in therapy and forensic investigations is fundamentally different. This difference thus necessitates an understanding of the different role/s that each activity delimits. Once the psychologist has assumed either role, the implication is that the psychologist is excluded from functioning in the other role simultaneously. In the same way that a photon of light can be measured as either a particle or a wave but not both at the same time, so too can a psychologist act in either a therapeutic or a forensic role but not simultaneously. Although the two roles have the application of psychological theory and research in common, the two applications are informed by different intentions, different methods, and different intended outcomes.

In 2011, the Health Professions Council of South Africa included a new registration category for psychologists – that of a forensic psychologist (*Government Notice R704*, South Africa, 2011). In the notice, in addition to the scope of the profession as prescribed in the regulation, the following functions have been included in the scope of practice of clinical psychologists (*Government Notice R704*, South Africa, 2011):

- conducting psychological assessments, diagnoses, and interventions, and referring clients to appropriate professionals for further assessments or interventions;
- providing therapeutic interventions;
- advising on the development of policies which are based on forensic psychological theory and research;
- designing, managing, and evaluating forensic psychological-based programmes and interventions;
- designing, managing, and conducting research in forensic psychology;
- reporting on and supervising research in forensic psychology;

- training and supervising students, interns, and other registered psychology practitioners in forensic psychology;
- conducting psychological practice and research in accordance with the Ethical Rules of Conduct for Practitioners registered under the Health Professions Act (*Government Notice R704*, South Africa, 2011, pp. 11-12);
- adhering to the scope of practice of forensic psychologists; and
- providing expert evidence and/or opinions.

As became evident to me from the above inclusions, albeit that the inclusions have a forensic flavour, this definition of the scope of practice of clinical psychologists does not clearly demarcate the intentionality, process, or outcomes of a forensic process. Hence, it also does not elucidate the role distinctions between a forensic and a therapeutic process. For the purposes of this study, given my position for the impossibility of neutrality, such a distinction is essential.

In this particular study, my forensic role and my experience as a psychologist are in the area of family law, and the study thus concerns a family law case. Anecdotal examples are also taken from this area of law and my experiences as a psychologist.

### **Drawing Distinctions Between Therapeutic and Forensic Intentions, Process, Methodology, Outcomes, and Roles**

If the analogy of light is applied to the general role of psychologists, then the analogy of light as a wave could be seen as more descriptive of the therapeutic role, while that of a particle could be seen as comparable to the forensic role. Waves are continuous, while particles are discrete (Gribbin, 1984). Thus, the therapeutic role is generally ongoing, extended, and has up and down momentum as the process evolves, while the forensic role is specified and delimited without the intention of developing an ongoing

relationship. The distinctions discussed below, drawn from my own experience, further serve to elucidate the differences between these two roles.

With regard to intention, the aim of a therapeutic relationship is psychological healing or growth, be it of an individual or of a relationship. However, the aim of a psychological child custody forensic assessment is to arrive at an unbiased and objective psychological evaluation of behaviour for the purposes of assisting a court of law to determine the best possible action to take that will be in the best interests of a minor child (or children) in a family law matter.

The ultimate aim of therapy and the therapeutic relationship is to provide a private, confidential journey to the client. This relationship is calibrated with a client-psychologist contract that, *inter alia*, would respect confidentiality and the therapist-patient or doctor-patient relationship. In a child custody forensic investigation, because the ultimate purpose is a court hearing in open court, the nature of the professional relationship that is entered into precludes confidentiality and hence excludes the implications of a therapist-patient or doctor-patient relationship.

Clients may not intuitively understand the difference between the two roles. Thus, once a process is underway, one party may try either inadvertently or by design to align with the psychologist in ways that challenge the implicit and necessary transparency of the investigation. For example, a party may want to speak to the psychologist ‘off the record’ or they may send correspondence that they have marked ‘private and confidential’ in order to present their position in a favourable light or to malign the other party. Another example is that one of the parties may privately contact the psychological investigator to ask them for therapy for a child or to ask for advice. These attempts at off-the-record information giving cannot be permitted. There should be a clear understanding of the distinction between the aims of the two roles. This understanding should also preclude the



psychologist from engaging in such dual roles that are diametrically opposed and that may ultimately be perceived as collusion with one or other party.

With regard to methodology, it can be assumed that a therapeutic process necessarily involves establishing a definite psychologically intimate relationship between the therapist and the presenting client(s). A psychologist conducting a forensic assessment in a child custody matter does not establish the same intimate relationship(s) with the subject(s) of the assessment because it is assumed that such relationships could defeat or contaminate the process. The forensic relationship would therefore be a more formal, factual (albeit engaged), and information-gathering relationship.

The initiation of each of the processes is fundamentally different. Generally, in a therapeutic process, the client agrees to therapy voluntarily. In a child custody forensic process, the client is usually referred to an investigator by an attorney or because of a court order. Moreover, forensic psychologists may well be instructed by and asked to act as an expert for both parties, or they may be appointed by one party as that party's expert. These variations should not affect the forensic psychologist's procedures used, their intention, or transparency with regard to being an expert serving the court.

A therapeutic relationship is not limited in terms of time, while a child custody forensic investigation usually has to be completed within a prescribed period. With regard to the expectation that a forensic investigation needs to be completed within a short period of time, it can be understood that delays, procrastination, or prevarication – whether overtly deliberate, circumstantial, or unintentional – on the part of either party has to be avoided and, in any event, recorded. This process has to be followed in order to make findings or recommend interventions that will serve the best interests of any minor children involved in a family law dispute.

It is often the case that one party has denied the other party contact with a minor child, pending the outcome of an investigation. It may well suit the first party to delay the process for as long as possible in the hope that frustration, a lack of financial resources, or intimidation will force the second party to withdraw from the matter. The aim of extending this process may also be to estrange the child from the parent. In such cases, the strict implementation of timelines and the use of controlled procedures allow for unbiased and fair treatment to both parties so that the best interests of the child are ultimately serviced. The impact of the above type of behaviour is that all interactions between the forensic psychologist and both parties should be meticulously recorded and used in reports as collateral information to establish patterns that may affect the best interests of the child.

The questions asked in a therapeutic relationship are reflective of the client's and the therapist's reality. Thus, the problem is usually prompted by the clients' presenting position and emotional state/s. However, the questions asked in a child custody forensic investigation are predetermined by the identification of an external problem inherent in the presenting case. These questions are, therefore, direct in that they are meant to gather and clarify information, and, if necessary, they can be used to test and challenge reality.

In a therapeutic relationship, the therapist's clinical impression and the information provided by the client are the sources of most of the information. In certain situations, this information may be supplemented by a collateral source, such as a referring doctor or a psychiatrist, or by psychometric assessments. However, gathering supplementary information is not a prescribed method. In a child custody forensic investigation, there is the need to combine interview content (information), the input of pertinent and participating parties, clinical impressions, results from psychometric test results and

assessments, and the collation of collateral source material that is obtained either in person or from reports and legal papers<sup>4</sup>.

In a therapeutic relationship, the psychologist's use of psychometric tools, assessment procedures, and collateral information is purely at the psychologist's discretion, provided that the psychologist can ethically justify the use (or not) of these procedures. Psychologists are not necessarily expected to use such procedures.

However, it is the psychologist's responsibility in a child custody psychological forensic investigation to include any and all relevant information to support the findings they make. The psychologist must use a process that includes interviews with all of the relevant parties, observations of the minor children with those relevant parties, psychometric assessments of all the relevant parties, information from relevant collateral sources, and ultimately the psychologist's own clinical impressions. Any dilution of this procedure leaves the psychologist's process vulnerable to scrutiny and dismissal by either the legal process or other professionals who may be employed to negate or rebut the findings of the psychologist.

The client's identified outcome in each of the processes is also different. The client presenting for therapy would want to heal emotional pain or loss, or to engage in psychological growth. However, the client presenting for a child custody forensic investigation is interested in the resolution of a legal dispute and usually expects to win the dispute with the help of a forensic psychologist. The forensic psychologist should be aware that the expectation and aim of either one or both of the parties is to win the case. These

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<sup>4</sup> The use of legal papers as collateral information should include the understanding that affidavits and pleadings do not constitute 'true' facts. This information should be seen as one party's perception and, hence, their edit of a situation. Legal papers have to be treated in the same manner as any other collateral information by being seen in their context and not automatically as an objective truth.

expectations and aims will, in many cases, pervade the information given to the psychologist, will contaminate any perspective given to the psychologist, and will dilute each party's accountability. Child custody forensic psychologists cannot treat the parties as needing psychological growth or healing, albeit that this may well be the case. The ultimate understanding of the psychological state of all the parties, including the children, should be dealt with through recommendations that are made based on the findings of the investigation.

Given these differences between the intention, motivations, and process distinctions discussed above, the roles filled by therapeutic psychologists and forensic psychologists are fundamentally different. Like the analogy of the particle or wave the source of which appears to be the same but the expression of which appears to take different forms, the training and qualification of psychologists may be primarily the same, but in the areas of therapy or child custody forensic investigations the practical application of the psychological skill is very different. The role of the psychologist in a therapeutic relationship is to follow where the client leads by focusing on the client's reality and by being on the client's 'side' – this process is like a wave of motion and evolution. This process may also lead to the psychologist challenging the client at a later point once a safe relationship has been established. In such a relationship, the notion of objectivity is not a fundamental demand of the endeavour.

Psychologists in a child custody forensic investigation, however, have to meet the expectation of the forensic context of being objective, neutral and information focused. This, despite my argument that this position is impossible. However, in trying to approximate this required objectivity, they use an inquiring approach by asking direct questions and by being transparent about the process. The role of the child custody forensic psychologist, therefore, can be compared to a delimited, discrete particle. This process

does not involve the ongoing creation of a safe relationship as an aim. Any safety should arise from an agreement of clearly defined processes and outcome expectations in terms of a child custody forensic process that is established between the client and the psychologist. Given this predetermined and predefined process, the resulting predictability inherent in the child custody forensic process should help the client to feel safe.

In my experience of investigating child custody matters, the assumption on the part of the psychologist of Auerswald's (1985) role of the "non-blaming ecological detective" (p. 4) has proved helpful. Albeit that Auerswald (1985) describes a therapeutic case study, his focus is the family. When entering a child custody investigation, the object of the investigation is also a family – a family in distress. Using a family therapy model lends itself to the investigative process. Auerswald (1985) states that any understanding of a family's distress will not necessarily be contained in the interview or appointment in which it is first presented. The forensic investigator will also need to move beyond what is first presented. In fact, Auerswald (1985) insists that the psychologist should "seek out and identify the ecological event shape in time/space that includes the situation that led the family to issue a distress call" (p. 6). Auerswald's (1985) view allows for the emergence of different event shapes in time/space. For the child custody forensic psychologist, albeit that the techniques employed will be different from those of the therapeutic psychologist, investigating the family system and the various ecological event shapes in time/space that may have caused the distress is served by assuming the role of "non-blaming ecological detective" (Auerswald, 1985, p. 4).

The nature of the relationship between the client and the psychologist is determined by the specific role that the psychologist fulfils. In a therapeutic context, a confidential, trusting, potentially long-term, and intimate relationship based on acceptance and non-judgemental regard will be developed. The relationship involves a mutually and

subjectively defined relationship that accepts personal influence and perspective.

Regardless of the school of psychology followed or the methodology employed, constructs such as transference, counter-transference, meaning-making, and cognitive behavioural shaping, *inter alia*, indicate the subjective involvement of the psychologist.

However, in a child custody forensic investigation, the relationship is ultimately a functional, on-the-record, neutral, impartial, and very short-term relationship. The role of the child custody forensic psychologist is to deliver a description that is neutral, objective, and free of subjective bias in order to assist the court.

In support of the above distinctions, Gould and Martindale (2007) state that the practitioner should appreciate the differences between clinical and forensic assessments in that the purpose, procedures, and duration of each are distinct and that the “primary goal [in a forensic assessment] is to assist the court” (p. 355). The court must therefore be seen as the primary recipient of the ultimate report, regardless of whether the court ever receives the report. The understanding that the court is ultimately the recipient of the report implies the use of transparency and neutral descriptions – even descriptions of deficits that the professional understands may affect either of the parties. Ultimately, in the service of transparency, the forensic psychologist’s report must also identify any strengths and limitations with regard to the psychologist’s opinion and conclusions. Furthermore, forensic psychologists should identify any contentions or controversies in the field of research that may be applicable, and they have to justify whatever position they adopt.

Given the above distinctions, it is appropriate to define what is considered objective and what is considered subjective for the purposes of drawing distinctions between the above two roles.

## Objective and Subjective Processes

I postulate that a major distinction should be made between the two psychological roles. This distinction is made based on the potential of contamination of the psychologist's perspective because of the acceptance in a therapeutic relationship of subjectivity. The investigation into child custody assumes an attempt to supply objective interpretations and descriptions. Subjective descriptions are common in a therapeutic relationship, while such descriptions should be calibrated in a child custody forensic investigative relationship. Inherent in the distinction between the subjective and objective is the modernist assumption that the more objective a description is, the closer it is to the truth, while the more subjective a description is, the further away it may be from the truth. This position is difficult to accommodate based on the argument of the impossibility of objectivity and neutrality.

In the field of child custody psychological forensic investigations, however, the emphasis is to give a description that is as objective as possible to assist a court in discerning matters of fact. Any potential bias therefore should be excluded. However, if this is not possible, as my argument against the possibility of absolute objectivity suggests, such bias should at least be transparently identified and given as a warning or caution against which the findings need to be read.

Harris (2010) differentiates the sense of the terms 'objective' and 'subjective'. Referring to John Searle, Harris (2010) states the following:

The first sense relates to how we know (i.e., epistemology), and the second to what there is to know (i.e., ontology). When we say we are reasoning or speaking 'objectively,' we generally mean that we are free of obvious bias, open to counter arguments, cognizant of the relevant facts, and so on. This is to make a claim about how we are thinking. In this sense, there is no

impediment to our studying *subjective* (i.e., first-person) facts ‘objectively’.

(p. 29)

In this process, a fact can be experienced as true for a particular person subjectively. This ‘speaking’ of the subjectively experienced fact can be considered an objective fact.

As in the therapeutic process, the child custody forensic psychologist’s experience of an investigation can only be a subjective experience. In this regard, both processes draw distinctions that are a function of subjective experience. This is the constructivist epistemological stance of my thesis. However, the forensic psychologist cannot remain in this position as it undermines the expectation that the descriptions they generate will be as free of obvious bias, as open to counter arguments, and as aware of relevant facts as possible. In order to calibrate the investigator’s subjective experience, the child custody forensic psychologist needs to speak or reason objectively. Doing this effectively facilitates an approximate objective position. The information that the forensic psychologist uses to substantiate the findings should rest on more than just the subjective distinctions drawn. The findings that are reported on in the report based on the child custody investigation should also be based on a process that includes all the pertinent parties, the results of the psychometric tests, and collateral information. These information sources should be combined with the clinical impressions and content of the interviews that the psychologist has subjectively experienced. Any findings that are then made and any distinctions that are then drawn can be seen as potentially supported by a consensual domain of observations or a “reality that is socially negotiated” (Raskin, 2002, p.16). This position is the paradigmatic position of social constructionism as discussed by Raskin (2002) and is based on the “postmodern and poststructuralist perspectives in social psychology, with Kenneth Gergen’s (1985, 1994) work being an exemplar” (p. 14).



As a consequence of the variety of measurement procedures and descriptions used, and because, therefore, of the inclusion of many voices or lenses in the child custody forensic process, including the lenses of the investigator, the process can be defined as belonging to a consensual domain. Given the argument that neutrality and objectivity are impossible to achieve, the assumption that a reality can be created through social constructionism, as described by Raskin (2002) in the following: “Reality, in social constructionism, is usually viewed as dependent on how groups of people collectively elaborate their ideas” (p. 17), is viable. In this manner, the objectivity of the ultimate description is a function of what Searle (cited in Harris, 2010) describes as the phenomena that needs to be socially constructed. Searle (cited in Harris, 2010) uses the example of money as an example of a phenomenon that has a function of consensus as its accepted state of reality. Pieces of paper are considered money because there are a sufficient number of people willing to treat these pieces of paper as money (Searle, cited in Harris, 2010, p. 198).

In such a process of social constructionism, the potential ontological essence of something is a function of the plurality of the agreed upon existence of the thing. The inclusion of these various voices and lenses elevates the sense of the objective beyond a merely objectively calibrated process of thinking about something in a subjective manner to a meta-level. This meta-level attributes a more ontological existence to the composite description. Therefore, in a child custody forensic investigation, the process that the child custody forensic psychologist employs should be epistemologically objective – in other words, free of obvious bias, open to counter arguments, and cognisant of the relevant facts. However, the process should also include a consensual domain of information, “contextual, linguistic, and relational factors [that] combine” (Raskin, 2002, p. 15) and can then approximate ontological objectivity by including a plurality of information. The

combination of an approximation of epistemological objectivity and plurality of information resulting in a consensual domain is what would be of value to a court of law.

It can also be assumed that the physical world of things, such as mountains and rivers, are not dependent on opinion or attitude – they just are; they exist. However, because descriptions in a psychological process depict a social and interpersonal domain rather than the physical world, they have the potential to be both objective and subjective. For example, the objective fact that there is a mother, a father, and a number of children in a family under investigation can be considered an objective and physical fact. However, the distinctions drawn by the family members and those drawn by the investigating psychologist regarding the relative nature and intensity of the family's interpersonal relationships remain subjective and open to opinion and attitude. In order to approximate some objectivity with regard to the findings around these interpersonal and social relations, it can be assumed that the more congruence there is around these subjective descriptions, the more objective the descriptions can be considered.

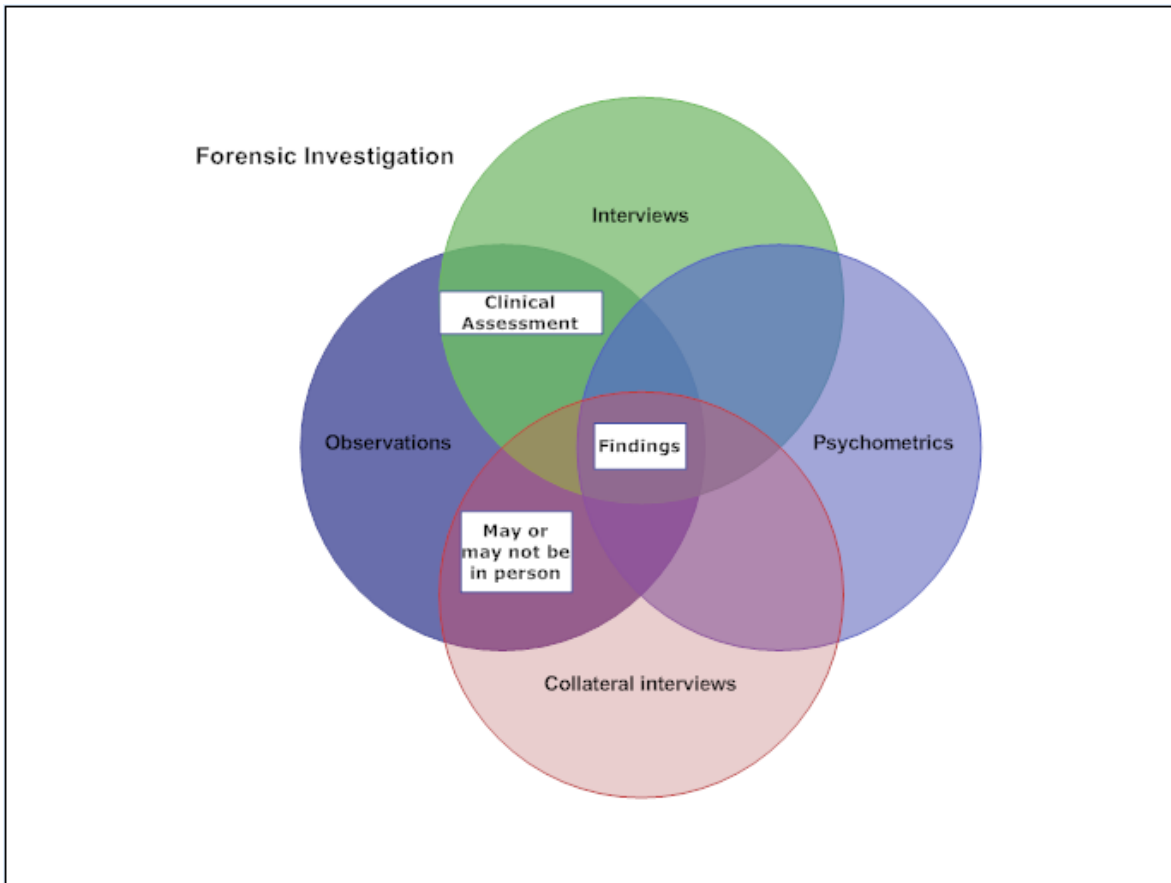
In the area of family law, because of the acrimonious and often contentious allegations between competing parents, the child custody forensic psychologist should ensure that the procedures employed are above suspicion, able to be scrutinised, and, albeit that the opinion drawn may be attacked, should be comprehensive. In so doing, the forensic psychologist can make a claim that the opinion, albeit a subjective one, is based on objective procedures that have been assimilated to support the final opinion.

It is my experience in many cases (for example, cases involving allegations of sexual abuse) that an investigating child custody forensic psychologist will not interview the alleged perpetrator or will not arrange to observe the alleged victim together with the perpetrator. It is often the other parent, in their zealous overprotection of the child (at times justified but at other times not) or by deliberate obstruction, who pressures the forensic

investigator to make findings about the allegations without this information. However, it is the duty of the forensic investigator to challenge such pressure.

Indeed, if such an investigation, lacking in the appropriate measures, finds that a child has in fact been violated, such findings may be susceptible to attack and even to being voided when they are scrutinised by the legal process, another forensic psychologist, or the other party themselves. The greatest risk in such a situation could be that the findings were objectively correct, but that the procedures were found to be too subjective. Ultimately, the child is again placed at risk. The use of various transparent methods, the inclusion of all of the parties, and the inclusion of various collateral sources allow the forensic psychologist to claim to have followed an objective method to support their findings, recommendations, or opinions.

In order for findings in a forensic investigation to be considered as objective as possible, the combination of the information across all of the investigative processes has to be identified. The following Venn diagram, Figure 4.1, illustrates how the area of combination and the ultimate findings, as supported by all the processes, can be presented as approaching objectivity.



*Figure 4.1.* Venn diagram describing the forensic process

In support of the above process, Gould and Martindale (2007) refer to the establishment of a “community standard among practitioners” (p. 353). Compliance with peer-reviewed methods and literature, including “the use of interviews, psychological tests, direct behavioural observations, third-party record review, and collateral interviews” (Gould & Martindale, 2007, p. 353), is an accepted procedure. Gould and Martindale (2007) comment that any non-compliance with these procedures may be hypothesised to indicate that the professional believes that “their individual knowledge exceeds the collective knowledge of the profession in which they were trained” (p. 353). Furthermore, Gould and Martindale (2007) also state the following: “some [professionals] may be unfamiliar with generally accepted procedures” (p. 353) and that “some [professionals] . . .

may feel that their clinical skills are sufficient and that they need not use the methods employed by others” (p. 353). I posit that these hypothesised potential non-compliance positions represent too much of a subjective position and that they defy objective scrutiny.

### **A Brief Digression on Expert Evidence in South African Law**

As this study is contextualised within the family law arena in South Africa, it is appropriate to describe (briefly) the current legal backdrop that informs the forensic psychological role from the point of view of the court. The forensic psychologist functions primarily as an expert that gives evidence to the court in matters where the court requires guidance as it lacks particular expertise in the field of psychology. Although the forensic psychologist functions as an expert, the court retains the right to make the final decision regarding, for example, whether to accept the evidence proffered by the expert or to accept the opinion of one expert above another. The court thus remains the ultimate judge of fact<sup>5</sup>.

In the case of family law, the input of a skilled mental health practitioner benefits the court by providing “appreciable help” (Schwikkard & Van der Merwe, 2009, p. 93) in an area with regard to which the court does not claim expertise. This area of expertise lies in the theory and application inherent in psychological training. According to the Association of Family and Conciliation Courts (2006), a leading international interdisciplinary association in the field of family law, the *Model Standards of Practice for Child Custody Evaluation* demand that the expertise of the psychologist giving evidence in a family law matter should include specific areas. Inter alia, the psychologist’s expertise should include knowledge of the following: the psychological and developmental needs of

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<sup>5</sup> It should be noted that the forensic psychologist is not and should not be required to present findings on fact. They are purely required to present the possibilities, probabilities, and hypotheses from a psychological point of view and should clearly indicate the factual basis relied on for those presentations.

children; family dynamics; effects of separation and divorce on children, adolescents, and adults; domestic violence; substance abuse; child alienation; maltreatment of children (including sexual abuse); effects of relocation; sexual orientation issues; inter-parental conflict; significance of culture and religion; the forensic investigation process itself; general mental health issues; and developmental and learning issues. The court cannot be expected to impart expertise with regard to these areas and hence relies on expert evidence to elucidate such issues.

According to Schwikkard and Van der Merwe (2009), the role of the expert is subject to certain caveats. Aside from an expert being appropriately skilled and in fact more skilled than the court in a particular area, the expert's evidence should be relevant, should be of appreciable assistance to the court, and should be based on facts that are not hypothetical and that are supported by valid reasons (Schwikkard & Van der Merwe, 2009). The expert themselves should remain objective and neutral "despite the fact that he [the professional] is – in terms of our adversarial system – called by a party to testify in support of the latter's case" (Schwikkard & Van der Merwe, 2009, p. 99).

In a recent South African case, *Schneider NO and Others v AA and Another (5) SA (WCC)* (*South African Law Reports*, 2010, pp. 203-223), the above requirements were underlined. The Court clarified the role of an expert witness as one which is restricted by objective and unbiased testimony, despite being called by a particular party because the expert's opinion favours the party's line (*South African Law Reports*, 2010, pp. 203-223). The Court underlined the need for the expert to give only evidence in line with claimed expertise and most importantly not to act as a 'hired gun' or advocate supporting a particular case (*South African Law Reports*, 2010, pp. 203-223). The Court stated the following (*South African Law Reports*, 2010):

In Zeffert, Paizes & Skeen . . . the learned authors . . . set out the duties of an expert witness thus:

1. Expert evidence presented to the court should be, and should be seen to be, the independent product of the expert uninfluenced as to form or content by the exigencies of litigation.

2. An expert witness should provide independent assistance to the court by way of objective, unbiased opinion in relation to matters within his expertise . . . . An expert witness should never assume the role of an advocate.

3. An expert witness should state the facts or assumptions upon which his opinion is based. He should not omit to consider material facts which could detract from his concluded opinion.

4. An expert witness should make it clear when a particular question or issue falls outside his expertise.

5. If an expert opinion is not properly researched because he considers that insufficient data is available, then this must be stated with an indication that the opinion is no more than a provisional one. In cases where an expert witness who has prepared a report could not assert that the report contained the truth, the whole truth and nothing but the truth without some qualification, that qualification should be stated in the report. (p. 211)

It is clear from the above information that forensic psychologists are expected to present descriptions that are impartial and neutral. These descriptions should also be objective in so much as they are supported by valid reasons, expertise, and research, and in that they highlight any controversial issues that may be present in the area in question.

With regard to the role of the forensic psychologist and in light of the above, it is not surprising that many psychologists entering the forensic arena either naïvely or advertently are found to be inadequate with regard to this particular defined role.

### **Ethical Considerations**

Given the expectation of the court context in which the forensic psychologist works, there is a wholly unbiased, neutral position that exists. The descriptions presented to the court should be objective, and the expert should be transparent regarding the limitations of their evidence. Thus, the forensic psychologist has much responsibility. This responsibility exists aside from the specific responsibility related to the case at hand. In family law, this responsibility is more profound as it is more often the best interests of the children involved in such cases that are uncertain.

This responsibility is further complicated by the epistemological position affirming that neutrality and the observation of an absolute truth are impossible, as was suggested at the end of the last chapter. Given that any observer, in this case the child custody forensic psychologist, brings their own constructions to the investigative process, any lack of awareness of this epistemological stance may leave them vulnerable to the demands of litigation, the lure of advocacy, and the capacity for naïve assumptions. Such assumptions by the professional may include, for example, that their perspective is the best and only one, and that the final decision resides with them. Such decisions, of course, lie solely with the court.

However, an awareness of observer dependence created by embracing knowing what one knows, knowing how one knows, and hence also exercising self-reflexivity ultimately allows for the creation of checks and balances to moderate the meanings that evolve through the investigation. Such sensitivity and awareness on the part of the forensic psychologist enhances the goal of achieving what is in a particular child's best interests.



Snyman and Fasser (2004) highlight that, in order to work ethically, aside from adhering to an external code of ethics, the psychologist needs to conform to an internal ethical standard that is aligned with a constructivist epistemology. This internal emphasis “is as a result of the rejection of an objective truth, the linguistically co-evolved descriptions of problems, the observer-participant status of the psychotherapist, and the changing definition of ‘the client’” (Snyman & Fasser, 2004, p. 80). Although the reference here is to psychotherapy, it can be seen as equally valid for the forensic psychologist.

As child custody forensic psychologists work in a context that expects and identifies objective truths, searches for diagnoses, and demands impartiality, these psychologists must have an internal barometer against which to measure ethical behaviour. Primarily, within this epistemological stance, the forensic psychologist is obliged to take full responsibility for the descriptions that are presented. They are also required to remain transparent at all times with regard to the processes and agendas involved. Furthermore, they should continually self-monitor and should be cognisant of their role and the impact thereof on the context.

Becvar and Becvar (2006) highlight some ethical considerations that are grounded in a position that considers neutrality and the observation of an absolute truth impossible and where observer dependence is accepted. Becvar and Becvar (2006) emphasise, *inter alia*, the importance of certain criteria for the psychologist and, in this case, the investigating child custody forensic psychologist. Their criteria are summarised here:

- being constantly self-aware in terms of not pathologising the clients;
- constantly asking how the clients see their world;
- being aware of the impact of questions and examples that are offered by the psychologist regarding the stories or answers then proffered by the clients;

- testing subjective values and biases on the part of the psychologist;
- calibrating the role of the psychologist so that the psychologist remains respectful and aware of their potential impact;
- being conscious to include the psychologist in the observations made and therefore in the resultant created reality;
- including competing theories, descriptions, and explanations in establishing a final finding; and
- accepting that the ultimate description is not necessarily the truth. (Becvar & Becvar, 2006, p. 139)

### **Conclusion**

Ultimately, from both practical and ethical points of view, it is necessary for psychologists working in the forensic arena and for psychologists who may register within the new scope of practice of forensic psychology to become aware of the above distinctions. The area of forensic psychological work, and particularly child custody investigations, can be harsh and unforgiving on forensic psychologists as the legal case referred to in this chapter and this thesis indicates.

Notwithstanding the fact that all psychologists cannot help but engage with their subject matter in a subjective manner, the use of objectively verifiable procedures, balanced and fair investigative techniques, transparency, and accountability in forensic investigations mitigate the risk of operating in a purely subjective realm and allow for an approximation of objectivity.

## **Chapter 5: A Journey Away From the Archimedean Point – A Journey**

### **Into Contingency**

*There is no Archimedean point from which to judge, since the mind is indistinguishable from its manifestations. The mind is the object of psychology, and – fatally enough – also its subject. There is no getting away from this fact. (Jung, 1938, cited in Friesen, 2005, p. 1)*

### **Introduction**

It can be assumed that the existence of physical things, such as mountains and rivers, are not dependent for their existence on opinion or attitude – they just are.

Descriptions in a psychological process depict the social, intra-psychic, and interpersonal domain rather than the physical world. Thus, the methodology employed to describe or research these different phenomena should also be different. It is possible to stand apart from a mountain or a river and to describe what is being observed with some confidence that the resulting description will approximate an objectively repeatable experience.

However, in the social, intra-psychic, and interpersonal spaces such objectivity may be impossible and may not appropriate.

Hypothetically, in the world of things, by repeatedly standing at the same point, an Archimedean point, the same vista or perspective can be approximated whether the observation is repeated by the same observer or multiple observers. This hypothetical vantage point implies that an observer can objectively perceive the subject of an inquiry. From such a vantage point, the potential for any observer bias is neutralised, and the hypothetical observer is rendered independent of what is observed. The researcher in such a position would aim to find unified rules and laws that would ultimately uncover the truth about nature's existence, motive, and design. This aim is the basis of positivistic research, which flourishes in physical science. Inherent in such a positivistic methodology is the

assumption that reality is stable and can thus be observed from an objective viewpoint without the observer having an impact on what is observed. The objective of such a methodology is to establish linear, causal relationships between variables and between objects and variables that thus establish some predictive value from the relationship.

According to Denzin and Lincoln (2008), “The experimental (positivist) sciences (physics, chemistry, economics, and psychology, for example) are often seen as the crowning achievements of Western civilisation, and in their practices it is assumed that ‘truth’ can transcend opinion and personal bias” (p. 11). Based on Carey’s (1989, cited in Denzin & Lincoln, 2008) assessment that positivist researchers assume a value-free objectivist science it can be assumed that positivistic research resides in a modernist Newtonian/Cartesian framework. This framework implies an acceptance of the rules of linear causal process and proposes that temporal reality suggests a clear, linear relationship between two events that occur sequentially in time. Following from the positive position, such research includes the concept of pejorative dualism, which underlines the absolute dichotomy between mind and body. It also follows an inherent hierarchy of categories as well as the rule of certainty that states that it is possible to determine an absolute truth. These rules are predicated on the certainty of one reality and that objects and systems are ordered hierarchically to result in power-based relationships (Auerswald, 1992). Within such a paradigm, the observer or researcher assumes that the observer’s influence can be controlled. Furthermore, such an epistemological position supports the selection of a quantitative methodology as this kind of methodology is designed to generate generalisations, causal relationships, and quantifiable descriptions of these relationships.

However, in the domain of social, intra-psychic, and interpersonal spaces, I posit that subjectivity trumps this Archimedean point. The subjectivity that I posit resides more easily in what Shotter (1992) describes as a move to “hermeneutical enquiry” (p. 60).

Hermeneutical inquiry moves away from the principles of positivistic research and embraces the interaction between the researcher and the world in which a process of construction is assumed.

In research focused on social, intra-psychoic, or interpersonal relationships, there is an implication that what is being observed includes the internal intra-psychoic space within the observer, the space between the observer and what is observed, the spaces within what is observed, and the spaces between what is observed – potentially all at the same time. The ‘space’, whether internal or between, is not a thing in a positivistic sense. It cannot be objectified and identified in its totality, but it consists of interactions, perceptions, and dynamics. Many of these attributes are a function of subjective interpretation on the part of the person who is doing the observing, which in turn increases complexity and unpredictability.

Research of interactions and interpersonal or intra-psychoic dynamics requires a methodology that can do it justice. This precludes the assumption of an Archimedean point and dictates a move towards a position of being a participant observer. The position of a participant observer thus includes the role of an inclusive, dependent, and contingent perspective, as well as a stance of embracing a plurality of perspectives, an understanding of subjective influence, and an acceptance of temporary, local information. Lather (1992) asserts that there is no final knowledge, merely contingent knowledge that is “contested, temporal and emergent” (p. 96).

As this study is one without the possibility of an Archimedean point or the objectives of identifying universal rules, categorical causal relationships, or precise, measurable, and objective information, a methodology that embraces description, interpretation (hermeneutics), and usefulness becomes more appropriate. As this study is aimed at improving practice in the forensic arena through the process of describing a

forensic investigation as an evolving problem-determined system, the methodology employed must correspond with the aim. According to Kvale (1992), “Research aimed at improving practice, as *system evaluation*, does not pursue knowledge for some universal and eternal audience, but rather seeks to provide knowledge for particular audiences dealing with context-bound issues” (p. 49).

In defining the role of the researcher to depict and mirror an epistemological stance that excludes the discovery of an ultimate, objective truth, Kvale (1992) uses the example of Umberto Eco, an Italian semiotician, essayist, philosopher, literary critic, and novelist. Kvale (1992) allies the role of the post-modern researcher and observer with Eco when Kvale (1992) states that rather than “[l]ooking for concealed and buried meanings awaiting discovery” (p. 45), the “detective of Eco’s novels does not find himself an independent solution to the plot, but is himself part of the game becoming co-creator of the mystery he seeks to solve” (p. 45).

In defining the nature of the appropriate research to depict and to mirror an epistemological stance that excludes the discovery of an ultimate, objective truth, Kvale (1992, p. 49) identifies that research aimed at improving practice (such as systemic therapy, system evaluation, practitioners’ knowledge, and qualitative research) transcends positivist, objective, truth-dependent procedures. Kvale (1992) states that system evaluation does not want to find “universal laws of behavior, nor a depth penetration of an individual psyche” (p. 49) but rather “the interaction of participants in local contexts” (p. 49) where “the system as an entity is held responsible and accountable for its results” (p. 49). This position, without excluding intra-psyche descriptions, highlights the space between rather than fundamental rules – in other words, it emphasises breadth rather than depth.

For Kvale (1992), there is an assumption that it is not possible, in a “lived, complex, heterogenous and conflictual practical world” (p. 49), to work with the linear logic of scientific rationality which prizes controlling and measuring variables that are observed by a detached observer in the “interest of prediction and control” (p. 49). Kvale (1992) prizes “communicative and pragmatic evaluation” (p. 50) and “whether the knowledge produced can be understood, accepted and used by the participants in the evaluated system” (p. 50). Because the process of a forensic investigation is lived, heterogeneous, and particularly conflictual, as seen above, it is the aim of this study to describe and to evaluate a forensic investigation pragmatically so that psychologists within a forensic community can facilitate an understanding of the forensic process that would be useful for them.

Kvale (1992) asserts that qualitative methods best serve the epistemological perspective inherent in a post-modern, constructivist, and narrative approach. Furthermore, Kvale (1992) states that “[t]he intentional nature of human practice is well captured by *qualitative methods*” (p. 51) including “interactive and contextual approaches, and including case studies” (p. 51). Kvale (1992) identifies that “[t]he current qualitative research interest reflects a linguistic and conversational turn within the philosophy of science” (p. 51).

My epistemological stance is constructivism. The approach of this study is, therefore, a constructivist approach based on a constructivist epistemology. In order to resonate with such an epistemological stance, this study embraces a qualitative methodology to describe a case study by using Anderson et al.’s (1986) description of problem-determined systems.

This study is a meta-study of an already conducted study or investigation – a family law, conflicted custody case study. As such, this study positions itself in the practical

arena. As I am a psychologist working in the field of forensic investigations, the study represents my own account of the matter from within the area of forensic psychology. The study is thus “committed to an emic, [arising from my perspective as a player in the forensic psychology culture] idiographic, case-based position that directs attention to the specifics of particular cases” (Denzin & Lincoln, 2008, p. 16), rather than “a nomothetic or etic [culturally neutral observer] science based on probabilities derived from the study of large numbers of randomly selected cases” (Denzin & Lincoln, 2008, p. 16). The study attempts to capture, as described by Denzin and Lincoln (2008), the “constraints of everyday life” (p. 16). It is my intention that this methodology will secure a tapestried and rich description of this area of psychology.

### **Stepping Away From a Detached Theory Tester Towards a Participant Observer**

#### **Researcher**

#### **Congruence Between the Archimedean Point and Quantitative Research**

If one stands on the Archimedean point, it implies a detachment that allows for neutral and bias-free observation of what can then be viewed as the truth. Given that the epistemological stance of this study precludes such an illusion of comfort, an alternative research method must be embraced. The first step away from the Archimedean point would be to exclude a methodology that relies on such an Archimedean assumption. Quantitative methods assume that it is possible, with enough rigour, to identify causal relationships between events and/or objects. They also assume that generalisations and predictable patterns can be established from this identification. Given that the structure of such research is rigorous, the assumption follows that any subjective influence by the observer can be precluded. In this methodology, there is no room for any construction of reality or information, and thus such an approach is the closest methodology to an elusive



Archimedean point. A quantitative research methodology would therefore not lend itself to the epistemological stance of constructivism that is used in this study.

### **One Step Away: Qualitative Research**

To be more consistent with the constructivist epistemology that underpins this study, the first step away from the Archimedean point is to consider using qualitative methodology rather than quantitative methodology. Denzin and Lincoln (2003) define qualitative research as the following:

a situated activity that locates the observer in the world . . . qualitative research involves an interpretive, naturalistic approach to the world. This means qualitative researchers study things in their natural settings, attempting to make sense of, or to interpret, phenomena in terms of meanings people bring to them. (pp. 4-5)

The qualitative method contextualises the observer within the context being observed, rather than as being separate from it. However, this one step away from the Archimedean point does not guarantee a process that will elucidate the complexity and nuances of what is being observed and the nuances inherent in the act of observation.

Maione (1997, p. 1) confirms that a qualitative research methodology becomes apposite when the epistemological frame is constructivism and when, as a result, the observer is seen as a part of what is observed and as a participant observer. However, the assumption that this methodology attends to all the demands of a constructivist epistemology is remiss. I posit that the demands of a constructivist epistemology, specifically in the arena of human behaviour, thought, and relationships require an acknowledgement that what is being observed is itself a construction, while the process of observation becomes a meta-construction. To present the research methodology in this

study as merely a qualitative investigation may deny the complexity of method that is required to do justice to the constructivist epistemological underpinnings.

Maione (1997) states that the design of qualitative research supports the inclusion of varying viewpoints and ultimately may help clinicians learn about their work with the benefit of immediacy because it “allows therapists to design studies that are immediately relevant to their ongoing clinical work” (p. 1). This stance includes one of the aims of this study as applied to a psychological forensic process in that it would be useful to gain a more intimate and immediate understanding of the forensic investigation. However, it is my opinion that it is still necessary to take a second step away from the Archimedean point.

### **Two Steps Away: Hermeneutical Observations and Interpretations in Conjunction With Qualitative Research**

In order to bring any observations, descriptions, methodology, and/or design in line with a constructivist epistemology, it is essential to describe a methodology that incorporates the active participation of the researcher/observer in the construction of any proffered descriptions. Shotter’s (1992) description of such an observer/researcher in an investigatory activity appears to approximate such an activity:

We thus move away from the individual, third-person, external, contemplative observer stance, the investigator who collects *fragmented* data from a position ‘outside’ of the activity observed, and who bridges the ‘gaps’ between the fragments by the imaginative invention of theoretical entities, toward a more interpretive approach: away from the use of *inference* – the *assertion* (on some basis of course) that essentially unobservable, subjective entities, supposedly ‘inside’ individuals, nonetheless exist, toward a concern with modes of *hermeneutical* inquiry; away from theoretical toward interests

of a more practical kind, concerned with the aids and devices we inevitably make use of in the conduct of our inquiries. (p. 60)

Shotter (1992) expands on the above by stating that such an investigation prioritises the following:

A shift away from investigations *based* in foundations already accepted as authoritative – which thus claim an acceptability for their results ahead of time – towards modes of investigation which allow for error correction ‘on the spot’, so to speak (Barnes, 1982; Bernstein, 1983; Rorty, 1980), which find their ‘warrants’ in locally constituted situations or circumstances. (p. 59)

Shotter (1992) explains that the devices we use in such a hermeneutical inquiry reside both in ourselves and in the context in which we are operating so that the process of discovery and description is a “back-and-forth process” (p. 61). Shotter (1992) states the following:

As each ‘part’ of the description is supplied, a conceptual ‘whole’ has to be fashioned to accommodate it. Mentally we have to ‘construct’ a context (a world) into which it can fit and play its part – where each new fact ‘points to’ or ‘indicates’ a ‘world’ in which they all have their place or function. (p. 61)

Polkinghorne (1992, p. 155) summarises the findings of a study by Dreyfus and Dreyfus (1986). According to Polkinghorne (1992), Dreyfus and Dreyfus found that experienced practitioners’ expertise is dynamic and that an understanding of psychological contexts is context-dependent. A practitioner’s expertise and their use of such experience are thus an interaction of the practitioner’s accumulated repertoire in conjunction with contextual clues. The knowledge so gained is, therefore, a construction. According to Polkinghorne (1992), Dreyfus and Dreyfus call the practitioners’ organising schemes “patterns” (p. 156). Polkinghorne (1992) identifies that in various other sources they are

also called “*frames, schemata, scripts, attunements and working theories*” (p. 156). These patterns predispose the practitioner to certain expectations, images, and techniques in response and in relation to the context.

This description of the interaction between observer and the observed is an echo of what Bateson (1951) describes in the following: “. . . in value seeking he (the observer) is achieving a coincidence or congruence between something in his head . . . and something external” (p. 179). As the application of a frame fails to fit the presentation, or the presentation fails to fit the frame, the practitioner can adapt existing patterns by enlarging or expanding them (or even, at times, constructing new patterns that better fit the presentation). Practitioners can also, as Bateson (1951) identifies, “. . . achieve this coincidence by altering the external objects and events” (p. 179). These changes are specific to the presenting context and are not ubiquitous across all contexts. With regard to this dynamic interaction between the observer and the observed, Polkinghorne (1992, p. 156) refers to Schön’s term ‘reflection-in-action’. Furthermore, Polkinghorne (1992) also refers to Schön’s concept of ‘reflection-on-action’ that represents the reflexive action on the part of the practitioner with regard to thinking about the patterns of their thinking in order to gain a meta-cognitive awareness of those patterns.

Shotter’s (1992) description of the post-modern investigation, one in which there is an interaction between the observer and the observed, is not designed to discover a predetermined order. According to Shotter (1992),

we must consider activities which begin with vague but not wholly unspecified ‘tendencies’ which are then open to, or which permit a degree of, actual further specification . . . we must now think in terms of process of investigation involving both ‘finding’ *and* ‘making’. (pp. 61-62)

Shotter's (1992) description enlarges the empirical assumption of an agent 'finding' or discovering information in the world to include the act of 'making'. This act implies that what is thought about the world is influenced and impacted on by what assumptions pre-empt the agent's engagement with it (Shotter, 1992). Both the 'finding' (the discovery inherent in an empirical methodology) and the 'making' identified above constitute the construction of contingent information rather than just the assumption of finding and/or discovering information alone. Shotter (1992) illustrates this interaction as can be seen in Figure 5.1 below.

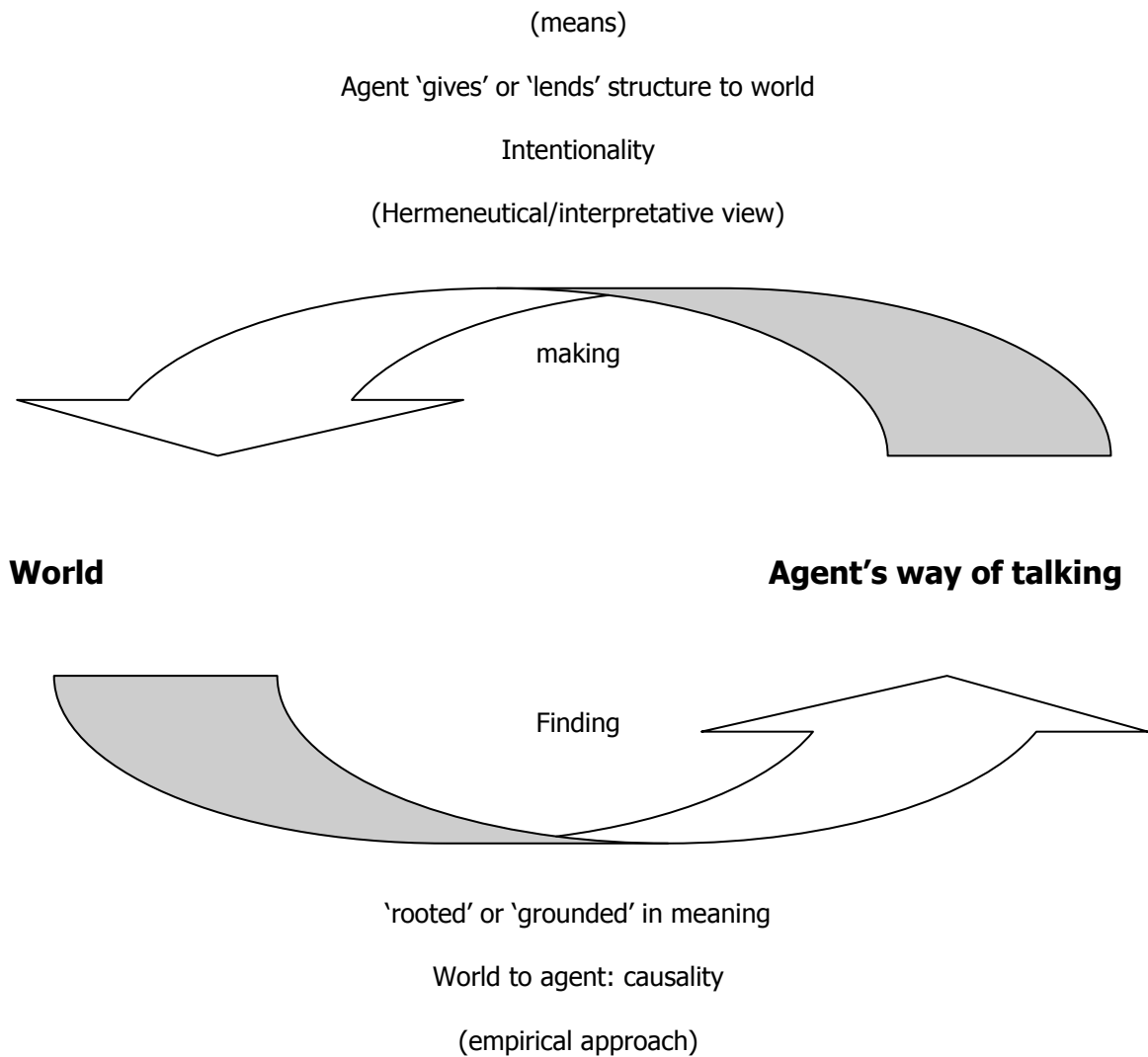


Figure 5.1. A constructivist investigative process (adapted from Shotter, 1992, p. 62)

The interaction above implies the absence of an Archimedean point and the embracing of a methodology that is contingent on the world and on the interpretation of the researcher or observer agent. Such an interrelated process forms the basis of a methodology that is in concert with a constructivist epistemology. Thus, it is the researcher's responsibility to establish a manner of recording the descriptions so that the complexities and interactions between the observer and the observed can be elucidated. Michael (1992) states that in projecting a post-modern subject position it is necessary that "[e]ffort is directed at developing modes of writing that can reflect upon themselves and that admit of their own status as representations by effectively deconstructing the textual means by which representation is achieved" (p. 77).

It can be posited that, in the interaction described by Shotter (1992), such a position need not be seen as excluding modernist, qualitative, and quantitative methodologies or notions. For the purposes of this study and because the study is itself a study of an investigation that included both quantitative and qualitative data as sources of information, the following point made by Michael (1992) is appropriate: "within the postmodern, modernist positions are perfectly feasible" (p. 78). Polkinghorne (1992) extends the acceptance of a combination of notions in stating the following:

At the explicit level the professional body of literature is a mixture of modernist and postmodern notions . . . . Within a postmodern epistemology, these systems (the theories of Freud, Jung, and Skinner, for example) are reinterpreted as models or metaphors that can serve as heuristic devices or as possible cognitive templates for organizing client experiences. (p. 155)

In accepting the necessity of taking a second step away from the Archimedean point, the manner of description employed in this study accepts the interrelatedness of the observer and the observed. Furthermore, the study attempts to be self-reflexive and

self-reflective, and it admits the observer's own status, the investigation's own status, and the participant's own status.

This approach focuses on a meta-description of a case study – a conflicted custody investigation. This approach is followed to enhance the production of the descriptions that consist of contextual information and particularised knowledge. Such descriptions are adapted and revised through the lenses of the patterns or frames held by the practitioner and are interrelated to form a whole or gestalt. As previously discussed, Auerswald (1985) advocates that psychologists should “seek out and identify the ecological event shape in time/space that includes the situation that led the family to issue a distress call” (p. 4). This view allows for the emergence of different event shapes and indicates that “what techniques are used in the exploratory process and in the plan of action will depend on a combination of the nature of the event shape and what techniques the therapists are comfortable with” (Auerswald, 1985, p. 6). Through this interactive process, a Storey (Auerswald, 1985) will emerge to create a plethora of descriptions that are designed to illuminate and to elucidate the forensic investigative process. At the same time, these descriptions incorporate the influence and subjective position of the observer participant (me).

In conjunction with the emergence of this Storey, it is necessary to include the meta-description of the storey-teller and the constructions identified in the process of telling the Storey. Such a methodological process requires an intimate and engaged research vehicle. In the service of these criteria, an auto-ethnographic approach has been employed.

### **The Researcher: Taking an Auto-Ethnographic Position**

Chang (2008) asserts that auto-ethnography “is used to elucidate the understanding of the author, the author's world, and also in understanding others in that world. It also aids

in reaching a ‘holistic and in-depth cultural analysis’” (p. 57). Chang (2008) believes that this style of research allows the researcher to enter the object of the research and to examine it in context rather than observing the object separate from its context. This process then allows for the study of a system in its ecology rather than the system and its ecology. As such, auto-ethnography aids the understanding of both the self and others.

In this study, the auto-ethnographic method is stretched to include the creation and construction of descriptions in conjunction with observer recall, recorded narratives, and data sources. Ellis and Bochner (2003), when describing the goals of how to “tell about the empirical world” (p. 214), replace the attempt to generalise the correctness of descriptions with the movement towards human communication and the attribution of meaning in those communications. Ellis and Bochner (2003) imply that the investigator or observer should be

compelled to produce narrative, evocative, dialogic texts that show human beings, including ourselves, in the process of creating, negotiating, and performing meaning in a world of others, making our way through a world that poses obstacles, interruptions, contingencies, turning points, epiphanies, and moral choices. (p. 214)

### **The Researcher in a Meta-Level Auto-Ethnographic Position**

If an auto-ethnographic position includes the observer in the context of the object of the research, I posit that the object of this current research – the case study itself, a forensic investigation in a case of conflicted custody – represents an auto-ethnographic journey. As the investigator, I was responsible for gathering data, interviewing the family members, interviewing the collateral sources, observing interactions, and using psychometric assessment tools to determine what would be in the best interests of the minor children. In this role as the investigator, I entered and examined “the object of his



[my] research in context rather than observe[ing] the object of his [my] research separate from its context” (Chang, 2008, p. 57). The resulting findings and recommendations of my investigation reflected a composite of what was evident in that context in conjunction with my clinical impressions and the distinctions I drew. In addition, these findings were also a product of the legal imperative that I was charged with, which was to determine the action/s that would serve the interests of the minor children in the best possible way. The process I experienced in conducting the investigation reflected the ‘finding’ and ‘making’ of Shotter’s (1992, pp. 61-62) hermeneutical, post-modern investigation.

The focus of the current research – the case study – is itself a hermeneutical inquiry with me as the investigator. Thus, this research, again with me as the researcher, can be described as a meta-level, auto-ethnographic research process. The process at this meta-level is to review the investigation by examining and describing the patterns, events, “Storeys” (Auerswald, 1985, p. 4), and the different players from different professions, as well as the parties and family members that were involved in the investigation. I have conducted and viewed this process through my current lenses to facilitate self-reflection with regard to both my current and my historic edit of the subject matter. The sample under reflection therefore includes the interviews, observations, reports, events, and test results that resulted in the many patterns and events, relationships and dynamics, and narratives of narratives that comprised the unfolding of this professional, problem-determined system that is the forensic investigation under study.

### **The Subject of This Research: A Case Study**

The subject of this study is itself a study – a case study (investigation) of a conflicted custody investigation. Yin (cited in Davies 2005) asserts that the use of a case study is “an empirical enquiry that investigates a contemporary phenomenon within its real-life context; when the boundaries between phenomenon and context are not so clearly

evident; and in which multiple sources of evidence are used” (p. 23). The case study presents as a real-life context that uses multiple sources of evidence. It is empirical and charts the evolution of a system by focusing on nodes of change as well as patterns that appear redundant. This forensic case study lends itself to such descriptions. The nodes of change or the points of bifurcation are identified and described in terms of the unfolding of a problem-determined system. Furthermore, Bromley (1990) makes a strong association between the case study approach and judicial inquiries and calls the case study method “the quasi-judicial method” (p. 337). Given that the case study lies within a forensic context, it is fitting that the case study method is employed.

Through the journey of this study, by using the auto-ethnographic vehicle of the case study, the search for objectivity is replaced by, amongst others, the leitmotif suggested by the questions presented below. These questions direct the study’s destination in line with a constructivist epistemology. The following questions are cited by Lather (1992) with regard to the destination of this study:

- “How do we *frame* meaning possibilities rather than *close* them in working with empirical data?” (p. 97)
- “How do we create multi-voiced, multi-centred texts from such data?” (p. 97)
- “How do we deconstruct the ways our own desires as emancipator inquiries shape the texts we create?” (p. 97)
- “Why do we do our research: to use our privileges as academics to give voice to what Foucault terms ‘subjugated knowledges’? As another version of writing the self?” (p. 97)
- “What are the race, class and gender relations that produce the research itself?” (p. 97)

Ultimately, the journey should result in the unfolding of a professional problem-determined system.

### **The Methodological Approach of This Study**

This study's aim is to narrate the forensic investigation through the lenses of the investigator (me) so that, ultimately, the unfolding of the professional problem-determined system that forms part of the forensic investigation is described. The topic is identified as a forensic case study that I have investigated to analyse the issue of conflicted custody in family forensic systems as problem-determined systems. Through this method, the reader should be sensitised to the impossibility of neutrality and encouraged to move to a participant-observer position when engaging in child custody evaluations. Furthermore, the aim is to sensitise the reader to the importance of including the eco-system and to be alerted to the reflexivity of being part of the eco-system under investigation as well as the various points of change throughout an investigation. Moreover, it is hoped that this thesis can contribute to the development of dedicated child custody training and a model standard of practice in this area of endeavour.

The research case study (the forensic investigation) has already been completed. It was conducted both overseas and in South Africa over approximately a four-month period. The initial investigation was conducted over an intense 6-week period with a further supplementary investigation conducted in the 2 months thereafter. The people included in the investigation as interviewees were dictated by the forensic context and included family members, other mental healthcare professionals, and interested parties. The subjects of the investigation and the subsequent research include the people represented in Table 5.1 below.

Table 5.1

*People involved in the Pater-Mater investigation*

<b>Subject</b>	<b>Relationship</b>
Eve	Daughter alleging sexual abuse by her father, Mr Pater.
Adam	Son subsequently alleging sexual abuse by his father, Mr Pater. Until the investigation, he had been living with his father in Dubai for 2 years.
Mr Pater	Adam and Eve's father accused of sexual abuse (divorced from their mother 9 years earlier). Lives in Dubai with Ms Amica.
Mrs Mater	Adam and Eve's mother. Remarried to Mr Mater after divorce from Mr Pater 9 years earlier. Lives in Johannesburg
Mr Mater	Mrs Mater's second husband and Adam and Eve's stepfather.
Ms Amica	Mr Pater's co-habiting romantic partner in Dubai.
Ms Jung	Psychologist initially engaged by Mrs Mater to investigate the allegations of sexual abuse by Eve against Mr Pater.
Mr Smith	Mrs Mater's lawyer.
Ms Jones	M. Pater's lawyer.
Dubai teachers	Teachers at Adam's school.
Johannesburg teachers	Teachers at Eve's school.
Dr Freud	Adam's psychiatrist in Dubai.
Mr Rogers	Adam's psychotherapist in Dubai.
Dr Skinner	Adam's cognitive behavioural therapist in Dubai.
Dr Good	Adam's general practitioner in Dubai.
Dr Klein	Child and Adolescent psychiatrist at Tara Hospital in Johannesburg.
Dr White	Adam and Eve's child and adolescent psychiatrist in Johannesburg.
Dr Green	Adam's former psychiatrist in Cape Town.
Ms Allen	Eve's psychotherapist.
Dr Piaget	Forensic psychiatrist who interviewed Eve and rendered a short report.
Dr Fisher	Head of sexual abuse clinic in Johannesburg.
Ms Jackson	Mr and Mrs Mater's marital therapist.
Mr Pater's family in Dubai	Mr Pater's brother and sister-in-law
Mr Pater's sister	Living in Cape Town
Mr Pater's father	Living in Dubai
Sex educationalist	At Eve's school in Johannesburg.
Ms Amica's employer	In Dubai.
Dr Duchon	Robyn Fasser's collegiate consultant.
Dr Lyell	Robyn Fasser's collegiate consultant.
Ms Brown	Psychologist asked to write rebuttal of Fasser's report.
Ms Grey	Psychologist asked to write rebuttal of Fasser's report.

The interviews were conducted in Dubai, at my practice in Johannesburg, at the homes of the various family members in both Dubai and Johannesburg, and at the practices of various healthcare professionals.

My motivation to research this area of child custody investigations grew out of my subjective experience of this particular case, its impact on me, and the resulting complexity that evolved around the matter. As a clinical psychologist who has been in private practice for the past 20 years, I have developed a portion of my practice as an investigator in child custody cases. The case under study was referred to me by attorneys who work in the field of family law and who had used my investigative services in the past. I was also motivated to research this area of child custody investigations by my training and practice in a systemic and ecological paradigm within a constructivist epistemology. An understanding of myself as a participant observer who can be viewed as a co-member of the system under study provoked me to understand this case in terms of a constructivist epistemology.

### **Data Collection in the Case Study**

The case under study included allegations of the minor children having been sexually abused by their father. Aside from interviewing the family members residing in South Africa, the investigation necessitated interviewing the biological father and his romantic partner overseas where they had resided for 9 years prior to the investigation. The investigation included interviewing the professionals such as teachers, doctors, and therapists involved with the minor children. Some of these professionals were also interviewed overseas as one of the minor children had been residing with his father in Dubai. He had thus attended school there and had been treated both medically and psychotherapeutically there. All the family members were psychometrically assessed by using formal psychometric assessment tools.

The data included information that was collected through many hours of interviews with all of the relevant parties referred to above, observations of the various people involved in the matter, and formal psychometric testing of both the adults and the minor children. All of the material that was established in the investigation was recorded either in

written or taped form. The information was then re-recorded in the form of an initial forensic report and then subsequently in a supplementary report.

The previously recorded data, information, observations, and the resulting reports form the sample of observations in this current research process. Consequently, the sample under investigation consists of the hundreds of patterns and events, the various narratives from various players, and the results of the psychometric assessments as observed and constructed through my lenses as an investigator. All this information has furthermore been constructed, on a meta-level, through my lenses as a researcher. In this process, the current research includes personal memories and self-observation, including self-reflection data that elucidates the distinctions I have drawn in the construction of this current narrative. Moreover, I have included the reflections of three professional colleagues and my husband who travelled with me through the case and the research.

### **The Construction of the Narrative**

The method used in the study is to construct a narrative or a “Storey” (Auerswald, 1985, p. 1) of the investigation from its inception to its conclusion which represents a version that is as close as possible to how it can be remembered. This recollection is supplemented by the recorded interviews, hypotheses, and findings that were made through the course of the investigation.

The case study began in April 2009 when I was first contacted to investigate this matter. My investigation ultimately concluded in July 2009 after my initial report was challenged by two other professionals engaged for this purpose. As a result, I had to render a supplementary report justifying my methodology and findings. Thereafter, one of the parties reported me to the Health Professions Council of South Africa for unethical and unprofessional conduct during the course of the investigation, as allegedly evidenced in my report. The resultant hearing process extended from August 2009 and was ultimately

finalised in May 2012. It was during this long process that the motivation for this research study emerged and when I decided to understand the process from a holistic and problem-determined point of view.

The final narrative serves as a basis for an analysis of how the evolving investigation was constructed and how it evolved into a problem-determined system. The analysis is then woven throughout the narrative. This weaving is designed to elucidate points of evolution and nodes of change such as those described by Prigogine (cited in Elkaïm, 1981) as points of “*bifurcation*” (p. 292). The ultimate aim of the Storey and the analysis is to highlight the inexorable influence of the child custody context in which the investigation took place. Furthermore, the aim is to examine the unavoidable role of the investigators (including myself) and all the participants who, through their understanding, languaging, and narratives of and around the investigation, became part of the problem-determined system.

The narrative of the investigation is analysed with reference to the theoretical underpinnings of the research study, namely a constructivist epistemology. The analysis narrates and constructs the investigation in terms of a problem-determined system. It therefore highlights the emergence of the investigative system as an unhealthy, unconstructive process. The analysis focuses on inclusions and exclusions. It also makes connections between past, present, and future occurrences and analyses the relationships that evolved between the researcher and the subject matter as well as between all the mental health professionals involved. Ultimately, the methodology should allow the study to be positioned within a constructivist epistemology that resonates congruently with the social science theory on which it is predicated.

## **Ethical Considerations**

Dane (1990, cited in De Vos, 2001) states that the researcher has an ethical obligation to protect the participants against any form of physical discomfort that may emerge from the research study. However, emotional harm is often more difficult to predict and to determine than physical harm, and, furthermore, it may have more far-reaching consequences for the participants.

The participants in this study were involved in a forensic investigation long before the case was considered as a subject for this research study. The process of the initial investigation and the subsequent emotional consequences of the findings and recommendations were encountered at the point of conducting the initial forensic investigation. The acrimonious and conflicted nature of the case meant that it was a given that there was emotional harm – both from the context of divorce as well as from the investigation itself. Ultimately, the initial report (including the findings and recommendations, ancillary mental health reports, and supplementary reports) was presented in open court.

During the investigation, ethical guidelines were adhered to at all times. The parties gave their informed consent and signed a forensic contract that required the release of confidentiality inherent in a forensic investigation (See Appendix A). All of the collateral sources were informed that their interviews would be conducted on the record. All of the mental health professionals who subsequently became involved in the matter were aware of the litigious nature of the matter and the fact that their reports would be used in a court of law.

The initial investigation was presented in open court, and the aforementioned contract was entered into and agreed upon by the parties involved. However, to ensure anonymity and confidentiality, specifically in this study, the names of all the participants



as well as the places where the investigations were conducted have been changed to further protect anyone who was involved in the investigation.

De Vos (2001) states that every researcher is ethically bound to ensure that they are competent and adequately skilled to conduct the proposed study. The original research (the investigation) was conducted in my professional capacity as a clinical and forensic psychologist. I have been involved in custody investigations for the past 15 years. Furthermore, the research that has evolved from the original investigation has been conducted under the supervision of an appointed promoter at the University of South Africa.

Mouton (2001, pp. 239-245) highlights the need for the researcher to be objective and to research with integrity. The researcher should therefore indicate the limitations of their research, especially with regard to the validity of their findings. In order to be ethical in relation to the practice of science, no observations can be changed or falsified and all sources used should be accurately acknowledged. This approach has been adhered to in this study at all times.

### **Strategies Employed to Ensure Data Quality**

According to Davies (2005), the advantages of using a case study include the small data set, a real-life context that can lead to generalised interpretations, and a holistic investigation of the data collected over a period of time within a relevant context by using a range of different collection techniques. However, Davies (2005) does point out that it is difficult to ensure the reliability and generality of findings. Furthermore, there is the possibility that the intense exposure of the researcher to the subject matter may affect bias (Davies, 2005). The sample of one case study is small, and therefore it could be considered that certain empirical techniques are not useful. If the assumption is that only the case study itself is under investigation, then the research may lack methodological rigour while

being limited by the uniqueness of the context. However, in this research study, the very many patterns, events, narratives, observations, and reports that comprise the case study are investigated, and hence this limitation may be ameliorated.

Furthermore, reliability and validity are expressed differently in qualitative versus quantitative research. Quantitative research designs consider reliability as the reliability of the measuring instrument and validity as the instrument being able to measure what it intends to measure. Reliability and validity should be coherent with the methodology, and, in qualitative research designs, “*reliability refers to trustworthiness of observations or data*”, whereas “*validity refers to credibility of interpretations or conclusion*” (Stiles, 1993, p. 267).

In order to comply with the above criteria, I have adopted a number of Stiles’ (1993) guidelines to render the data and observations as reliable as possible. The guidelines I have used are the following (Stiles, 1993, pp. 602-607):

- Disclosure of orientation

This concept necessitates a disclosure of one’s theoretical epistemology, preconceptions, and the expectations for the study. In the case study under examination, my orientation, preconceptions, and expectations were clearly understood by all of the participants. The investigation was a forensic investigation to determine what would be in the best interests of the minor children. All of the family participants signed a contract that elucidated these principles.

- Explication of social and cultural context

The context of the investigation should be disclosed. The researcher should also clarify the reasons for conducting the research to elucidate any influence this may have on the participants’ stories. All the participants were made aware of the forensic nature of the investigation under study.

- Description of internal processes of investigation

It is necessary to disclose the researcher's internal process and how the research may affect the researcher. This process forms part of the meta-level auto-ethnographic research journey.

- Engagement with the material

This guideline requires the researcher to develop a rapport with the participants.

The researcher should also use interview transcripts to understand the world of the participants. The transcripts should be read and re-read, edited, and then both the abridged and unabridged versions should be used in the research. This process of engagement was my motivation and intention with regard to the original investigation. A need to engage with the subject matter was also enhanced through my current research journey.

- Iteration

The researcher should continually be a part of and apart from the process of interpretation. This position is inherent in the constructivist epistemology on which this research is based.

- Grounding of interpretations

This guideline compels the researcher to be involved in connecting the context and content of the interviews to the interpretations. The goal of the method that is employed is to connect the context and content of the interviews with the various interpretations including those of the researcher (me) with regard to the ultimate aim of describing and identifying the spaces between.

According to Guba (cited in Krefting, 1990), four attributes should be considered when assessing the trustworthiness and interpretations or conclusions of a study. These

aspects can be applied to both qualitative and quantitative research. They are applicability,

consistency, neutrality, and truth-value (Guba, cited in Krefting, 1990). However, Krefting (1990) asserts that with regard to applicability, the research findings of qualitative research cannot always be generalised to other contexts. This aspect becomes less relevant to the current study as the setting is naturalistic and the research is unique.

Krefting (1990) states that the aspect of consistency, of being able to repeat the research by using the same subjects in the same context, is also contraindicated in qualitative research that claims to investigate uniqueness rather than repetition. In order to remain neutral, Krefting (1990) suggests limited exposure to the participants. As described above, in conducting a forensic investigation, the attainment of neutrality is generally delimited by the short engagement with the participants, which thereby reduces the chance of developing a relationship of influence.

The truth-value of a study refers to the confidence with which the researcher is able to ensure that the findings of the research are truthful and are based on a research design, the participants, and the context (Lincoln & Guba, cited in Krefting, 1990). I have embraced this aspect in the study. As the research design is congruent with the constructivist epistemology on which it is predicated and as the epistemology and its manifestations within a forensic context are under investigation, the truth-value of the study is ensured.

### **The Psychometric Methodology Applied Within the Case Study**

Within the case study itself, as described above and in Chapter 4 of this study, I used clinical interviews, direct observations, a collection of collateral information, documentation, and my clinical impression of the family members to establish workable information. I psychometrically assessed the family members to establish assessed

personality and clinical profiles, as well as to describe the family relationships as they were at that time<sup>6</sup>.

In South Africa, there is not a model standard for child custody evaluations, and, in the absence of one, there is a ubiquitous tendency for most professionals in this field to use the *Model Standards of Practice for Child Custody Evaluation* as promoted by the Association of Family and Conciliation Courts (2006) as a guideline. These guidelines serve to calibrate ethical and professional standards with specific reference to child custody evaluations. According to the Association of Family and Conciliation Courts (2006), “6 - The decision to use formal assessment instruments. – Use of formal assessment instruments is within the discretion of the child custody evaluator” (p. 17). For the purposes of my investigation, I used the assessment tools discussed below to assess the children.

#### **Family Relations Test – Bene and Anthony (1957)**

This test is designed to “objectively reliably and rapidly assess the direction and intensity of [a] child’s feelings” (Bene & Anthony, 1957, p. 3) towards various members of the family and to assess the child’s estimate of their family’s regard for them. The test is a simple, objective device for the exploration of the child’s emotional relationships with their family.

According to Bene and Anthony (1957), “none of the usual methods of assessing the reliability of a test is quite suitable for the Family Relations Test” (p. 36). Bene and Anthony (1957) dismiss the test-retest method as having the potential of contamination of memory and the potential for change in the child’s circumstances over time. Furthermore,

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<sup>6</sup> I would like to point out that there is no standard or required battery of assessment tools that a psychologist needs to follow when assessing parties and/or children in a child custody investigation.

they also reject the split-half method as the items in the test are not homogenous. However, Bene and Anthony (1957) did attempt to use a modified split-half reliability method and found that their test was reasonably reliable by using the Spearman-Brown prophecy formula.

### **Draw-a-Person (DAP) Test**

Although the Goodenough Draw-a-Person Test is used as a measure of a child's intelligence, for the purposes of my investigation intelligence was not a criterion that was fundamental. I used the test as a projective test designed to reveal how the children saw themselves with reference to factors such as self-image, self-concept, and self-confidence. The projective technique can also be valuable in determining feelings that are not readily available to the child. There are studies concerning the test's reliability with regard to intelligence, but the reliability of the test's use as a projective tool has not been established, and this kind of testing was therefore used in conjunction with other assessment tools.

### **The Tree Test**

The Tree Test is a projective test, but the reliability of this test has not been established. The test was therefore used in conjunction with other tools. It is based on the assumption that the tree form with its symmetrical construction around a central axis can be used to interpret the projection of psychic content with the aid of the space which we carry in us. This is a non-threatening test and is thus easy for children. It adds to the battery of tests designed to describe the child's emerging personality.

### **Kinetic Family Drawing (KFD)**

In drawing the family actively doing things, the person who is tested projects their experience of their family. In this projection, they project its structure and relationships as far as alliances, tensions, and roles are concerned. Again, this test is not considered reliable

as it is based on a projective technique and should be used in conjunction with a battery of tests.

For the purposes of my investigation, the assessment tools described below were used with regard to testing the adults.

### **Personality Assessment Inventory (PAI)**

The PAI is a self-administered, objective inventory of personality designed to provide information on critical clinical variables (Morey, 1991). The reliability of the PAI has been evaluated across two properties, namely internal consistency and test-retest reliability. The internal consistency reliability values were consistently high (Morey, 1991). Morey (1991) states that “the development of the PAI included an effort to identify and eliminate items that were biased in respect of gender, race, or age” (p. 85). Regarding test-retest reliability, Morey (1991) states that “[t]hus, one can be 95% certain that the subject’s true score on the PAI scale falls within 1.96 standard errors of measurement of his or her observed score” (p. 86). Based on the statistical analysis, Morey (1991) concludes that “the absolute changes over time were also quite small, on the order of two to three T-score points for most of the full scales” (p. 86).

The PAI provides a number of validity indexes that are designed to provide an assessment of factors that could distort the results of tests. Morey (1991) states, “[t]o establish the validity of the PAI, a number of best available diagnostic indicators were administered concurrently to various samples to determine their convergence with corresponding PAI scales” (p. 93). Correlations were established with other diagnostic instruments such as the Beck Depression Inventory, the Minnesota Multiphasic Personality Inventory (MMPI), the Michigan Alcoholism Screening Test, the Neo Personality Inventory, and the Interpersonal Adjective Scale-Revised, inter alia. Regarding the influences that may affect responses and the validity of the clinical scales themselves,

correlations were confirmed with the assessment instruments previously measured (Morey, 1991).

The interpretive information that results from the PAI inventory should be viewed as only one source of hypotheses about the individual being evaluated (Morey, 1991). The information from the test should thus be integrated with all other sources of information.

### **Minnesota Multiphasic Personality Inventory-2 (MMPI-2)**

The MMPI-2 is a re-standardised format of the original 1950 MMPI that was initially developed by Hathaway and McKinley (1989). The MMPI-2 is a broadband test designed to assess a number of the major patterns of personality and emotional disorders (Hathaway & McKinley, 1989). It is a self-administered, objective inventory designed to provide objective scores and profiles determined from well-documented norms (Hathaway & McKinley, 1989).

The reliability data of the MMPI-2 was based on 82 males and 111 females retested at an average interval of 8.58 days (Hathaway & McKinley, 1989). This data revealed that the test-retest reliability and internal consistency of the assessment was reasonable with a standard error of measurement of two to three raw score points (Hathaway & McKinley, 1989). Becker (2013) states that, in the South African context,

The data from 1166 respondents from an existing user database showed that the content subscales of the MMPI-2™ demonstrate satisfactory to high internal consistency. Six out of ten of the clinical subscales demonstrate satisfactory to high internal consistency, while four of the subscales did not report satisfactory internal consistency values. Statistically significant gender differences were found, although the effect sizes of these differences were small. (p. 2)



The MMPI-2 includes validity scales to test for the dependability of a particular test record (Hathaway & McKinley, 1989). It also includes the number of unanswered items, the lie scale (designed to measure the respondents tendency to present information in a favourable light), and random item responses (Hathaway & McKinley, 1989). These response sets can be further validated by using correction scales, variable response inconsistency scales, and true response inconsistency scales (Hathaway & McKinley, 1989).

### **Millon Clinical Multiaxial Inventory-III (MCMI-III)**

The MCMI-III is a self-administered inventory designed to profile the respondent along certain scales that include basic personality styles, pathological personality syndromes, and symptom disorders (Millon, Davis, Millon, & Grossman, 2009). In order to establish the assessment tool's validity, Millon et al. (2009) reported that the selection of items

progressed through a sequence of three validation steps: (1) theoretical-substantive; (2) internal-structural; and (3) external-criterion. In the theoretical-substantive stage, items for each syndrome were generated to conform both to theoretical requirements and to the substance of DSM criteria. In the internal-structural stage, these "rational" items were subjected to internal consistency analyses. Items having higher correlations with scales for which they were not intended were either dropped entirely or re-examined against theoretical criteria and reassigned or reweighted. Only items surviving each successive validation stage were included in subsequent analyses. In the external-criterion phase, items were examined in terms of their ability to discriminate between clinical groups, rather than between clinical groups and normal subjects. This tripartite model of test construction

attempts to synthesize the strengths of each construction phase by rejecting items that are found to be deficient in particular respects, thus ensuring that the final scales do not consist of items which optimize one particular parameter of test construction, but instead conjointly satisfy multiple requirements, increasing the generalizability of the end product. (p. 1)

Van Zyl (2012) states that, in the South African context, the following is relevant:

Factor analysis has demonstrated stability for the MCMI-III across samples with a general personality or clinical factor often emerging (Ryder & Wetzler, 2005). However certain theoretical constraints of the MCMI-III have resulted in the measure being difficult to factor analyse (Ryder & Wetzler, 2005). Studies have shown that the MCMI-III scales typically loads strongly on a first factor – accounting for a large proportion of the variance – and two or three secondary factors (Ryder & Wetzler, 2005). (p. 2)

### **Sexual Adaptation and Functioning Test (SAFT)**

This test is designed to aid in the planning of psychotherapeutic intervention techniques and to gain insight into an individual's sexual adaptation and sexual functioning. In this investigation, the results of the test were interpreted qualitatively and were not scored. The testing and interpretation was primarily based on the well-known principle of projection and the reliability of the test's use as a projective tool has not been established. The information gained from this test was used in conjunction with other assessment tools and collateral information.

### **Thematic Apperception Test (TAT)**

The TAT is a projective test and is a useful tool to explore the way in which the subject sees and experiences their world. According to Murray (1943), the TAT is

a method of revealing to the trained interpreter some of the dominant drives, emotions, sentiments, complexes and conflicts of a personality. Special value resides in its power to expose the underlying inhibited tendencies which the subject . . . is not willing to admit or can not admit because he is unconscious of them. (p. 1)

In conjunction with contextual data and information from other tests, this test is an invaluable instrument to confirm hypotheses, but, again, it cannot be reliably and validly confirmed as it is a projective test.

The interviews with all of the family members and the collateral sources, as well as all of the descriptions of my clinical impressions and my direct observations are recorded in the chapters that follow. In addition to this information, the following is a list of the documentation that was also given to me before and during the investigation:

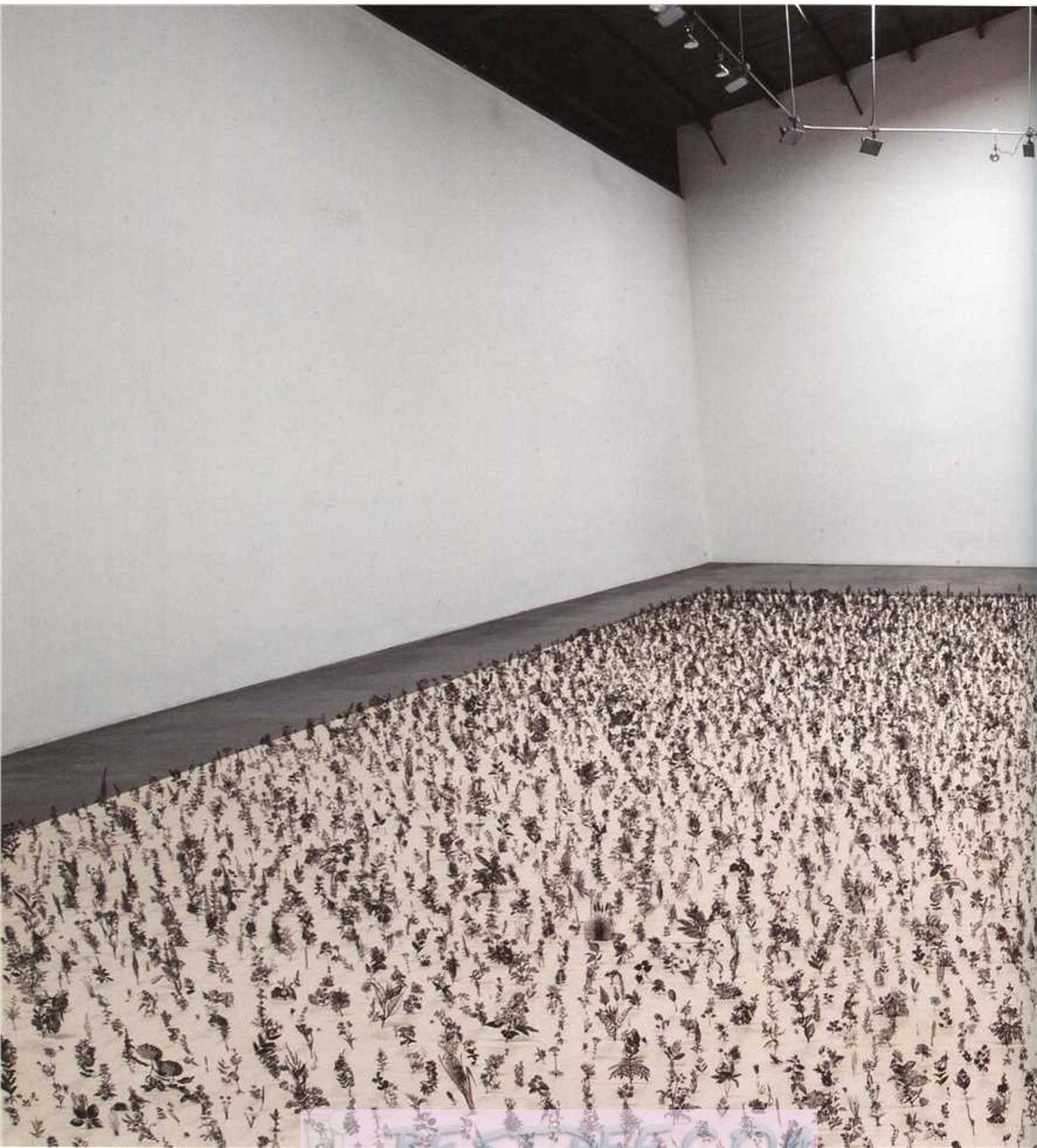
- a court order dated 16 April 2009;
- a letter from Dr Klein addressed to the children's psychiatrist, Dr White, dated 23 November 2006;
- a letter from Mr and Mrs Mater to Tara Hospital, dated 20 November 2006;
- an affidavit from Ms Jung dated 16 April 2009;
- raw data regarding the assessment done on Eve, provided by Ms Jung;
- a report from Dr Green, the children's former psychiatrist in Cape Town, dated 9 May 2009;
- documents relating to visa applications for Eve;
- various correspondence and emails between the parties;
- legal documentation and annexures;

- a letter sent to Mr Pater's attorneys by Mrs Mater's attorneys, dated 18 May 2009, which requested maintenance for Adam; and
- a report from Dr Piaget, a psychiatrist, dated 9 April 2009.

### **Conclusion**

As there are two aspects to this study, namely the case study, which is the content of the meta-study, and the meta-study itself, each process has to conform to reliable and valid standards. Furthermore, these two aspects of the study need to be combined in a valid and reliable manner. It is my belief that the assessments and procedures employed in the case study were reliable and valid, while the combination of the case study and the meta-study conforms to the constructivist epistemology upon which the meta-study is predicated. The resultant information from the case study, which informed my thinking, interpretations, and understanding of my own role, is described in the meta-study. This qualitative validity and coherence in the meta-study is evidenced in the self-reflections and self-reflexivity that form a major part of the integration of all the information ultimately presented in the study.

According to Maione (1997), in a qualitative research study, reliability is replaced with credibility. The information that emanates from this study should thus be credible. In the service of this credibility, it is my intention that what can be learnt from this study should be transferable, credible, dependable, and authentic. It should therefore also be regarded as trustworthy by those who want to engage with the subject matter. The results of my investigation (the case study) are provided in the following four chapters.



## **Chapter 6: Alice’s Adventures in Wonderland: A Journey of Wonder, Curiosity, and Hypothesis Generation Through a Professional Problem-Determined System**

### **Part 1 – Down the Rabbit Hole: Introduction**

*“‘Curiouser and curiouser,’ cried Alice.”* (Carroll, 1865/2007, p. 21)

Auerswald (1985), referring to Bateson, describes the living universe (as opposed to the inanimate universe) as an ecosystem in which even the smallest segment or part of the larger ecosystem could be considered an ecosystem on its own. The smaller ecosystems could be described either as open ecosystems or as having “varying degrees of openness/closedness and viability” (Auerswald, 1985, p. 4). These smaller ecosystems could be influenced by or could also influence the larger ecosystems in which they reside. As exemplars of these embedded ecosystems, Auerswald (1985) describes individuals, families, and communities as such ecosystems that evolve into the world populated by human beings and the world as part of the universe.

Auerswald (1985), within this eco-systemic frame, describes the therapist, or the psychological investigator in the case of this study, as a “benign detective” (p. 1) charged with the responsibility of determining the “ecological event shape in time/space that led the family to issue a distress call” (Auerswald, 1985, p. 6). Auerswald (1985) calls this event shape in time/space “the Storey” (p. 1) that contains the family’s distress at the time of presentation.

The narrative that follows here takes the form of the various actors or characters that were intimately included in the Storey of this investigation in the ecological event shape in time/space. The list of characters is large and includes me as the investigator. I worked as the benign detective in trying to understand the distress of the whole family. In

working as a benign detective, it was my responsibility to remain “nonblaming” (Auerswald, 1985, p. 6), curious, and descriptive, rather than definitive and diagnostic. In order to retain this position as a detective, I employed tentative and contingent descriptions of the distressed ecosystem by evolving hypotheses about the primary Storey and also about the various characters’ Storeys.

Alice, in her journey through Wonderland, is driven by her curiosity and wonder. She teases out ideas, evolves speculations and suppositions, and queries and questions the Storeys she encounters. I too was driven just like Alice. My journey through the unfolding of the professional problem-determined system was filled with ideas, speculations, questions, and queries, which is similar to Alice’s journey.

In order to represent the Pater-Mater family system at the time of my involvement, I have constructed an eco-map by taking the reconstructed family and the professionals who were already involved with the family into consideration. The eco-gram below (Figure 6.1) does not include the colleagues I consulted with for peer input during the course of the investigation. Figure 6.1 below represents an eco-map of the ecosystem involved in the investigation.



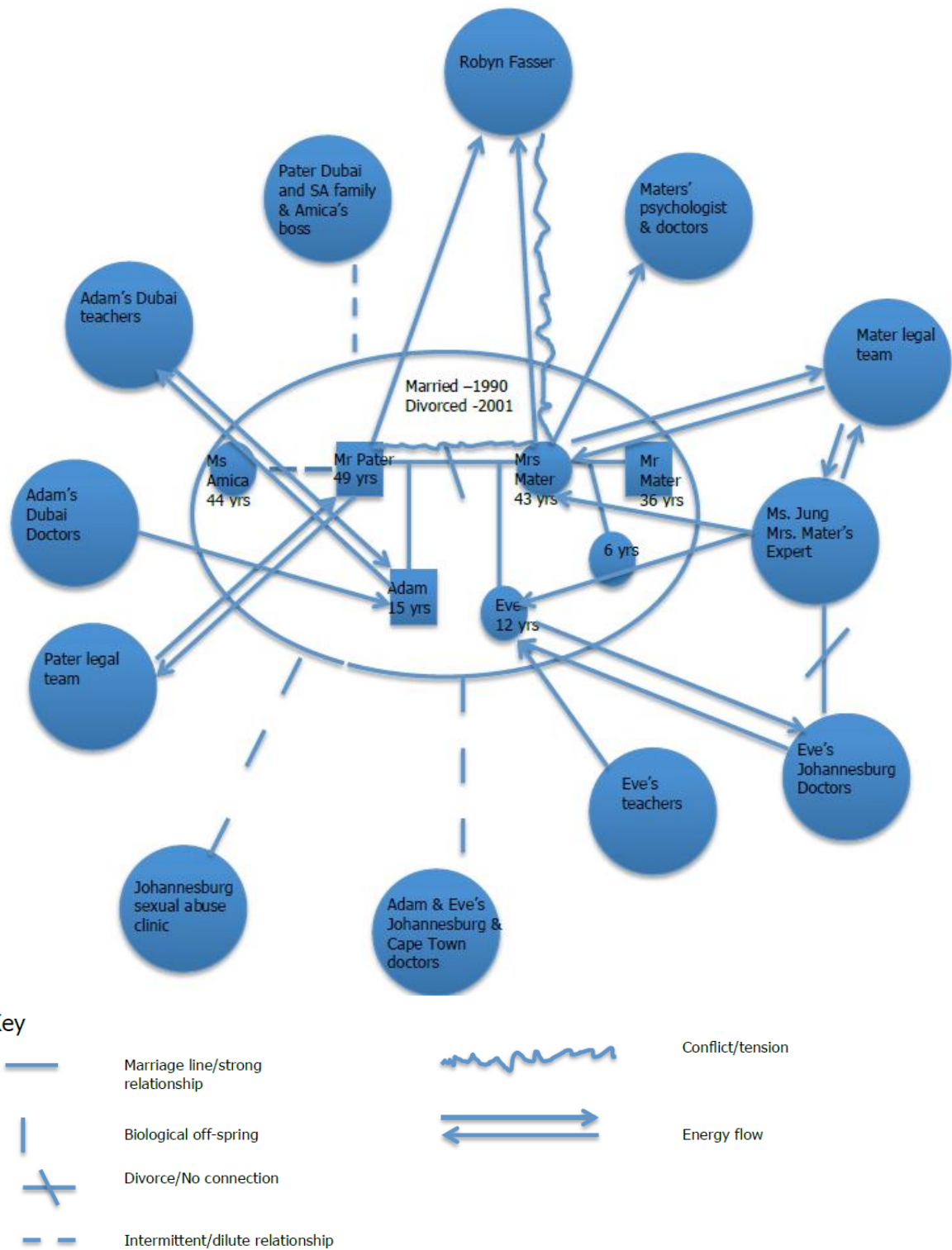


Figure 6.1. Eco-gram of the Pater-Mater extended system that existed during the investigation

Table 6.1 below indicates the timeline of the events that took place with regard to the Pater-Mater family as these events emerged from my investigation. The diagram



extends to the result of my hearing with the Health Professions Council of South Africa (HPCSA). It summarises the most important events in the narrative of the family as edited from my perspective.

Table 6.1

*Timeline of Pater-Mater family investigation from 1990 to 2012*

Key

Red – points of bifurcation

Blue – Psychological assessments by Ms Jung and Mrs Fasser

Orange – Other Mental health professionals' involvement

Green – HPCSA process

Purple – Children's symptomatology

Brown – Legal involvement

Year	Mr Pater	Mrs Mater	Mr Mater	Adam	Eve	R. Fasser
1990	- Married Mrs Mater	- Married Mr Pater				
1994				- Adam born		
1996					- Eve born	
1997 Adam 3 yrs Eve 1 yr				- Incident at nursery school, cherries up bum - Mrs Mater questions if paedophile - Insists other child sexually abused her son - Adam withholds faeces, will not swallow saliva, fear of flies		
1999 Adam 5 yrs Eve 3 yrs					- Excessive masturbation, wetting herself - Neuro-developmental therapist consulted	

(Table 6.1 continues on next page.)

(Table 6.1 continued)

Year	Mr Pater	Mrs Mater	Mr Mater	Adam	Eve	R. Fasser
2000 Adam 6 yrs Eve 4 yrs		- Begins relationship with Mr Mater	- Begins relationship with Mrs Mater	- Symptoms exacerbated, phobias, obsessive-compulsive behaviours. - Child psychiatrist consulted - Early-onset schizophrenia diagnosis		
2001 Adam 7 yrs Eve 5 yrs	- Mr Pater divorced from Mrs Mater and relocates to Dubai  - Reasonable contact with children	- Mrs Mater divorced from Mr Pater - Primary residence of children	- Mr Mater moves into the residence	- Psychiatrist consulted – prescribed, Risperdal & Prozac - Provisional diagnosis of Asperger's syndrome	Begins sucking her thumb and having night terrors	
2002 Adam 8 yrs Eve 6 yrs	- Begins relationship with Ms Amica in Dubai	- Marries Mr Mater - Mrs Mater diagnosed with Cushing's syndrome – loses hair, puts on weight, marriage begins to take strain - Because of Eve's masturbatory behaviour, begin annual check with her re anyone interfering with her	- Marries Mrs Mater - Because of Eve's masturbatory behaviour, begin annual check with her re anyone interfering with her	- Sent for SPECT brain scan to rule out congenital brain damage - no evidence	- Petite mal black-outs - Psychological and neuro-development assessments - EEG - Prescribed Tegretol, then Ritalin, then Concerta, and then Stratera – unsuccessful - Also sent for SPECT brain scan to rule out congenital brain damage - no evidence	
2006 Adam 12 yrs Eve 10 yrs	- Consult with Dr Klein regarding Adam	- Letter written regarding dissatisfaction with Dr Klein and Tara - Marriage to Mr Mater begins taking strain – contacts Mr Pater to have Adam	- Relationship with Mrs Mater takes strain	- Admitted to Tara - Consults Dr Klein - Self-mutilating behaviour, suicide threats, OCD, thought disorder, and anorexia ( <u>not</u> confirmed during hospitalisation) - Reduction of medication - Adam relocates to Dubai	- Occupational therapy, eye-therapy, remedial lessons, and extra maths lessons – moves to remedial school	

(Table 6.1 continues on next page.)

(Table 6.1 continued)

Year	Mr Pater	Mrs Mater	Mr Mater	Adam	Eve	R. Fasser
2007 Adam 13 yrs Eve 11 yrs	<ul style="list-style-type: none"> <li>- With Ms Amica, begins to care for Adam</li> <li>- Engages doctors and therapists for Adam</li> <li>- Enrols Adam in school</li> </ul>	<ul style="list-style-type: none"> <li>- Relationship with Mr Mater breakdown</li> <li>- Surgery for pituitary tumour removal</li> <li>- Reconciled with Mr Mater</li> </ul>	<ul style="list-style-type: none"> <li>- Relationship with Mrs Mater breakdown – leaves for a short while but returns because of biological daughter</li> </ul>	<ul style="list-style-type: none"> <li>- In Dubai - improved, less symptomatic, consults psychiatrist and therapists less frequently, far less medication</li> <li>- Doing well at school</li> </ul>	<ul style="list-style-type: none"> <li>- Eve symptomatic</li> <li>- Seizures</li> <li>- Arrives in Dubai for visit completely uncontained, wetting herself</li> <li>- Insists that Adam cannot be as well as he is – “Adam you are ill”</li> </ul>	
2008 Adam 14 yrs Eve 12 yrs	<ul style="list-style-type: none"> <li>- After Eve has visited in Dubai in April, visits SA in October and takes Eve away to Cape Town for weekend</li> <li>- Eve asks him if he has made her pregnant</li> <li>- Mr Pater consults Eve’s psychiatrist in SA who allays his fears re causes for her question</li> <li>- Mr Pater contacts neutral mental health investigator to investigate allegations of sexual abuse made by Eve</li> </ul>	<ul style="list-style-type: none"> <li>- Mrs Mater has to return with Adam to Dubai after he has broken down during his visit to Mrs Mater in SA in August</li> <li>- September investigates pseudo-seizures on Internet, sees causal relationship with childhood sexual abuse</li> <li>- Mrs Mater has her 6 yr old daughter in hospital for “40 days” of the year for right-middle lobe syndrome – Lung condition</li> <li>- December contacts Mr Pater regarding allegations of sexual abuse of Eve</li> <li>- Engages legal team</li> </ul>	<ul style="list-style-type: none"> <li>- In October, Mr Mater fetches Eve from school after a seizure and sternly asks what is going on</li> <li>- She says she thinks her father made her pregnant</li> </ul>	<ul style="list-style-type: none"> <li>- In Dubai – only symptomatic when he has contact with Mrs Mater</li> <li>- Coping with mainstream school</li> <li>- Needs less medication</li> <li>- August – goes on visit to SA, but needs Mrs Mater to accompany him back to Dubai as he becomes symptomatic again</li> </ul>	<ul style="list-style-type: none"> <li>- Begins grand mal seizures</li> <li>- Five episodes</li> <li>- Neuro-developmental therapist and physician consulted (EEG clear)</li> <li>- Prescribed Tegretol</li> <li>- Visits Dubai in April, then comes back to SA, and is taken off Ritalin</li> <li>- Second opinion re seizures in September – no physical causes</li> <li>- Goes with Mr Pater to Cape Town in October, asks if he has made her pregnant</li> <li>- After visit, speaks to Mr Pater, tells him she misses him and asks when she will see him again</li> <li>- November seizure at school</li> <li>- Prescribed Cipramil by psychiatrist re pseudo-seizures</li> <li>- Begins “relating” all incidents of sexual abuse to Mr and Mrs Mater over next number of weeks</li> <li>- Regular sessions of questioning</li> </ul>	

(Table 6.1 continues on next page.)

(Table 6.1 continued)

Year	Mr Pater	Mrs Mater	Mr Mater	Adam	Eve	R. Fasser
2009 Adam 15 yrs Eve 13 yrs	<ul style="list-style-type: none"> <li>- Engages legal team</li> <li>- April opposes urgent application in court</li> <li>- Brings court application in July against rebuttal reports on the basis of my report</li> <li>- No court decision</li> <li>- Referred to oral evidence and trial</li> <li>- Requests supplementary report</li> <li>- November - Request to me regarding children's increased prescribed medication</li> <li>- Decides not to take matter to trial</li> </ul>	<ul style="list-style-type: none"> <li>- Ms Jung contracted to assess Eve</li> <li>- Refuses to speak to Mr Pater</li> <li>- Ms Jung prepares expert testimony to support court application regarding custody</li> <li>- After receiving report in June, appoints two rebuttal mental health professionals to challenge report</li> <li>- Makes complaint to HPCSA re Fasser</li> </ul>	<ul style="list-style-type: none"> <li>- Consults with one of rebuttal mental health professionals</li> </ul>	<ul style="list-style-type: none"> <li>- Is contacted by Mrs Mater telephonically, has breakdown, threatens suicide and is hospitalised in Dubai</li> <li>- Tricked into returning to SA</li> <li>- Kept in a hotel for three days and questioned regarding his need to corroborate Eve's story</li> <li>- Eventually breaks down</li> <li>- Is assessed by Ms Jung</li> <li>- Refuses to speak to Mr Pater</li> </ul>	<ul style="list-style-type: none"> <li>- Assessed by Ms Jung and is asked continued questions by Mr and Mrs Mater</li> <li>- Refuses to speak to father</li> <li>- Wants to change her name to "Mater"</li> <li>- Alleged 'flight into health' short-lived</li> <li>- Anxiety incapacitating</li> <li>- Increased dosage of Cipramil</li> </ul>	<ul style="list-style-type: none"> <li>- April – appointed as per court order to investigate matter</li> <li>- Travelled to Dubai in the beginning of May and continued interview in SA through May</li> <li>- Report concluded and rendered in June</li> <li>- Supplementary report completed by August</li> <li>- Complaint from HPCSA received by August</li> <li>- September - Engage Medical Protection Society, legal team, and expert to defend complaint</li> <li>- Explanation submitted by November</li> </ul>
2010						<ul style="list-style-type: none"> <li>- Informed that the matter should go to a hearing in November</li> </ul>
2011						<ul style="list-style-type: none"> <li>- Hearing date set for March, then postponed</li> <li>- Hearing date set for September – part heard and postponed for November</li> <li>- Postponed again</li> </ul>
2012						<ul style="list-style-type: none"> <li>- May – final HPCSA hearing, verdict – not guilty</li> </ul>

The timeline given below is that of the child custody investigation. After I had been appointed to conduct this investigation, the course of my investigation included the following interviews and assessments:

- 23 April 2009

- 14h00 – Interview with Mrs Mater in Johannesburg (3 hours)
- 29 April 2009 (Dubai)
  - 13h00 – International School of Dubai (interviews conducted with the headmistress and 13 teachers who were involved with Adam)
  - 16h00 – Interview with Ms Amica’s employer
  - 17h00 – Interview with Mr Pater (2 hours)
- 30 April 2009
  - 09h00 – Interview with Adam’s psychiatrist
  - 11h30 – Interview with Adam’s behavioural therapist
  - 14h00 – Interview with Adam’s psychotherapist
  - 17h00 – Interview with Adam’s paediatrician
  - Dinner with Mr Pater and Ms Amica
- 1 May 2009
  - 09h00 – Interview and assessment with Ms Amica (2 hours)
  - 11h00 – Interview (continued) with and assessment of Mr Pater (3 hours)
  - 14h00 – Visit with Ms Amica to the couple’s weekend cottage
  - 18h00 – Viewing of holiday video tapes at apartment
- 2 May 2009
  - 09h00 – Visit to a church
  - 12h00 – Interview with Mr Pater’s brother and sister-in-law (2 hours)

I conducted the following interviews in Johannesburg:

- 6 May 2009 – Telephonic interview with the ex-headmistress of Eve’s school (1 hour)

- 7 May 2008 – Interview and assessment with Mr Mater (5 hours)
- 7 May 2009 – Interview with Dr Klein (Professor of Child Psychiatry) (2 hours)
- 8 May 2009 – Interview and assessment of minors (4 hours)
- 8 May 2009 – Telephonic interview with Cape Town-based child and adolescent psychiatrist (half an hour)
- 12 May 2009 – Interview with Dr White (a child and adolescent psychiatrist) (1 hour)
- 13 May 2009 – Interview with Mrs Mater (3.5 hours)
- 15 May 2009 – Interview with Eve’s psychotherapist (1.5 hours)
- 17 May 2009 – House visit to Mr and Mrs Mater (3 hours)
- 20 and 21 May 2009 – Assessment of Mrs Mater (3 hours)
- 21 May 2009 – Interview at Eve’s School (2 hours)
- 29 May 2009 – Second interview with minors (1 hour)
- 18 to 22 May 2009 – Various telephone calls to collateral sources
- 15 and 31 May 2009 – Consultations with Dr Ronel Duchon, a counselling psychologist who is highly experienced in forensic work
- 22 May 2009 – Consultation with Dr Vilia Lyell, a clinical social worker and research psychologist working as a forensic clinician with alleged perpetrators and children in the field of criminal sexual offences

It is noteworthy that after I returned from Dubai and on the basis of my interviews there as well as my initial interview with Mrs Mater, I felt no more enlightened as to whether the alleged sexual abuse had occurred. It felt as if a black cloud hung over me and as if the huge responsibility of this case was suffocating me. Although most of the people

who knew I was conducting this investigation in part in Dubai assumed that this was a luxurious benefit, the reality of the situation was that it was oppressive and isolating. Although I am not a Christian, I felt the need to enter a church while in Dubai to light a candle in the hope that I would be guided in the case.

### **The Risk Involved in This Investigation**

*'Hold your tongue!' said the Queen turning purple.*

*'I won't!' said Alice.*

*'Off with her head!' the Queen shouted at the top of her voice. (Carroll, 1865/2007, p. 146)*

On 3 August 2009, I received a formal complaint from the Health Profession's Council of South Africa in the post. It was lodged against me by the mother in the matter, Mrs Mater. This complaint came after I had completed this very complex and contentious family law investigation that had taken approximately four months of interviewing, travelling overseas, writing two reports, and dealing with both parents. Mrs Mater alleged that I had been unethical and unprofessional in my investigation. Although her general demeanour during the course of my investigation as well as her previous conduct towards another professional had led me to expect such a complaint, the reality of actually receiving such correspondence after the investigation was an experience that filled me with terror, fear, and trepidation. My professionalism has always been sacrosanct to me. I have always endeavoured to remain as ethical and professional as possible during all the investigations in which I had been involved. The threat of being sanctioned by the Health Profession's Council of South Africa was real, and because of the extremely tense and highly pressured 4 months leading up to this complaint, my emotional and psychological resistance was depleted. It felt as if my lifeline was to be severed and that my professional life could end.

However, the process of dealing with the complaint took a number of years and was only resolved in May 2012 – 3 years after the initial investigation had begun. The story itself (its genesis and course over approximately four months from April 2009 to August 2009) is the material and substance of this study, and I therefore need to begin at the beginning.

### **The Start of the Investigation**

*. . . when suddenly a White Rabbit with pink eyes ran close by her . . . . Alice started to her feet, for it flashed across her mind that she had never before seen a rabbit with either a waistcoat-pocket, or a watch to take out of it, and burning with curiosity, she ran across the field after it, and fortunately was just in time to see it pop down a large rabbit-hole under the hedge. (Carroll, 1865/2007, p. 12)*

The Storey began on 14 April 2009 when I received a call from a senior counsel at the Johannesburg Bar who asked whether I could do an urgent assessment of her client, a father, Mr Pater, who had allegedly sexually abused his daughter. She told me that Mr Pater and Mrs Mater had been divorced for some time and that the father had been living in Dubai since the divorce. She explained that the case was urgent because the court hearing had been set down for 16 April 2009 – two days after the call.

The White Rabbit had appeared and my curiosity was peaked, but I knew that just following the White Rabbit alone was problematic. I understood that by assessing only the father in the matter, the information that would result would not necessarily elucidate the extent of the psychological, contextual, and familial patterns that pertained to the family. Such information would be essential for the court to make a relevant finding regarding what might have happened and therefore what would be in the child's best interests.



The type of assessment requested by the senior counsel could only describe the father's psychological profile and could perhaps elucidate whether he did or did not have a propensity for paedophilia. However, the assessment could not contextualise his profile within the extended family context. Furthermore, it could not interweave how he was placed in the family context and would thus be a reduced description rather than a tapestried one. On its own, such an investigation would deliver only a singular description as it would blinker the view of both the investigator and then the court. What would then emerge from such an investigation would be thin and potentially less helpful or, in the worst case, harmful to the best interests of the child. The best that could be hoped for from such a thin investigation would be the recommendation for a more complete investigation involving the whole family.

In my experience with regard to cases of alleged sexual abuse, it has often happened that a previously involved therapist, play therapist, or other mental health professional has been instrumental in 'establishing' that sexual abuse indeed occurred. This finding is often made without the concomitant medical evidence of penetration or anal damage. In many cases, such findings have been made without interviewing the alleged perpetrator – often the father or another male figure involved in the child's familial context – and without interviewing any other collateral sources (such as consulting doctors, psychiatrists, teachers, or other family members). In such cases, it is often only the child with the overlaid voice of the 'protective' parent, most often the mother (although sometimes the maternal grandmother), to whom the mental health professional would listen. Based on the story revealed by only one or two family members, without corroboration by other family members, and without the input of the alleged perpetrator, findings are made that claim to be a representation of the 'truth'. Whatever these finding

are, the mental health professional, having just followed a white rabbit, would deliver an incomplete finding based on a flawed process.

I explained my reservations to the senior counsel by stating that I could not conduct such an assessment without a full investigation that would include all the parties involved. I declined and explained that there were too many people's lives that would be affected by my findings and the outcome of the assessment. I thus curbed my curiosity, and I decided not to follow the White Rabbit. I then thought that another expert might be found who would be happy to assess only the father, and then I wondered to myself where the White Rabbit would have led.

### **How I Eventually Became Involved in the Investigation**

*However, the bottle was not marked 'poison', so Alice ventured to taste it, and finding it very nice, . . . she very soon finished it off.*

*'What a curious feeling!' said Alice, 'I must be shutting up like a telescope.'*

*And so it was indeed: she was now only ten inches high, and her face*

*brightened up at the thought that she was now the right size for going*

*through the little door into that lovely garden. (Carroll, 1865/2007, p. 18)*

The White Rabbit then reappeared on 16 April 2009 when Mrs Mater's attorney, Mr Smith, contacted me from court. Mrs Mater was the mother of the allegedly sexually abused daughter, Eve, and of Adam, her son who had been living with his father, Mr Pater, in Dubai. Mr Smith informed me that an application by Mrs Mater had been successful and that both children would thus reside with their mother pending a full investigation into the allegations of sexual abuse. The Court had ordered the Office of the Family Advocate and myself to conduct a full investigation regarding these allegations. Mr Smith told me that both parties and their respective legal teams had agreed that I should conduct the

investigation. Mr Smith also mentioned that Mr Pater had been ordered to pay for the investigation.

I was told that another psychologist, Ms Jung, had been involved in assessing the daughter, Eve, during the course of the early months in 2009. Ms Jung had found that it was 'probable' that sexual abuse had occurred. It was on the basis of her assessment that the urgent court application had been granted. I enquired as to the reason why Ms Jung had not been appointed by the Court, given that she was already involved in the case. I was told that Mr Pater and his legal advisors had rejected her involvement because Ms Jung had not consulted with anyone other than Eve and her mother, Mrs Mater. Furthermore, Ms Jung had not consulted with any collateral sources and had refused to communicate with Eve's father, Mr Pater, the alleged perpetrator. It appeared to me that Ms Jung had followed the White Rabbit.

The White Rabbit's reappearance for me, on this occasion at least, included the full cast of characters involved in the matter, and I thus accepted that I would conduct the investigation. Very shortly thereafter, I was contacted by Ms Jones, the attorney of record for the father, Mr Pater. Ms Jones informed me that I would be required to travel overseas to Dubai to where the father, Mr Pater, resided. The reason for this journey was twofold. Firstly, Mr Pater had decided to return to Dubai rather speedily because of the threat of criminal charges being brought against him. He feared that he would be arrested and would then not be able to get bail because he was a resident of a foreign country. Secondly, his son, Adam, who had been living with him in Dubai for the previous 2 years had also alleged sexual abuse, and it was thus imperative for me to interview the professionals and collateral sources who had been involved in his son's life while he had resided in Dubai. It was also thus important to interview Mr Pater's current partner, Ms Amica, with whom he lived in Dubai.

In conjunction with Mr Pater himself and his attorney of record, I then arranged to travel to Dubai over the long weekend (including a public holiday in South Africa) from 29 April to 3 May 2009. Mr Pater had to arrange for the professionals, teachers, and doctors who had been involved in his son's life to be available for consultation during this time. Mr Pater arranged accommodation for me at a local hotel near his residence. Once the accommodation was settled, Mr Pater then booked my flight accordingly.

On Thursday 23 April 2009, before I left for Dubai, I consulted with Mrs Mater for the first time for 2 hours. During this interview, I learnt about the background of the case and the events that had resulted in the court action that was underway. We did not finish the interview, and I then arranged to see Mrs Mater again when I returned from Dubai.

While travelling to the airport with my husband, I felt overwhelmed by the implications and the enormity of the task ahead. I was about to journey into the domain of an alleged paedophile – on my own and without my normal familial or professional support structures. Although I am usually a strong person, this sense of my vulnerability led me to tears. Instead of engaging in the excitement of the journey I was about to embark on, my trepidation made me feel “only ten inches high” (Carroll, 1865/2007, p. 18). I realised that to step through the door into the lovely garden theoretically looked attractive, but when I felt vulnerable and alone, the garden seemed more like a forest.

However, feeling only ten inches tall was certainly a prophylactic measure against the possibility of hubris.

### **The Investigation**

*There was a table set out under a tree in front of the house, and the March Hare and the Hatter were having tea at it: a dormouse was sitting between them, fast asleep and the other two were using it as a cushion, resting their elbows on it, and talking over its head . . . Alice felt dreadfully puzzled. The*

*Hatter's remark seemed to have no sort of meaning in it, and yet it was certainly English.*

*'I don't quite understand you,' she said, as politely as she could. (Carroll, 1865/ 2007, pp. 82-84)*

Between Dubai and Johannesburg, between the children and their respective ecosystems, and between Mr Pater and his ecosystem and Mrs Mater and her ecosystem, I interviewed and collated information from 33 people involved with or ancillary to the children. However, I initially navigated through their Storeys in the 'garden' where the immediate family members were gathered attending the 'tea party'. The challenge was to be curious, to understand meanings, to interpret messages, to decode communications, and ultimately to collate a sense of what had been and what was happening. Although the language used for the communication was English, the messages were contradictory, the meanings were opaque, and the communications were varied. Below, I examine Mrs Mater's Storey and then Mr Pater's Storey. I then also provide each of the children's Storeys. Mr Mater's Storey and Ms Amica's Storey are given thereafter.

### **Mrs Mater's Storey**

Mrs Mater's communications about the sexual abuse allegations were detailed. At times, she appeared to me to be distanced, while at other times she was emotionally intense and volatile. Her distress at 'discovering' that her daughter was allegedly sexually abused by Mr Pater and then the further 'discovery' that her son, Adam, had also been sexually abused by Mr Pater coloured all of her communications.

When she presented for her first interview, Mrs Mater commented on the fact that my practice looked familiar and that she thought that she had consulted with me at some point in the past. However, I could not remember her, and she could not remember me. I examined my records and saw that she had in fact consulted with me twice in May 2007.

Neither of us could remember the content of the consultations, and my notes were not elucidating at all. As our previous contact had been about two years prior to the interview and because a therapeutic relationship had not evolved at the time of our initial encounter, I believed that there would not be a conflict of interest.

However, in line with my ethical and professional stance, I contacted two colleagues immediately after Mrs Mater had left my practice to ask for guidance and direction as to whether I was in any way breaching professional ethics. One of the colleagues I contacted had served on the Health Profession's Council of South Africa. Both colleagues indicated that because the intervening time was approximately two years and because I could not remember Mrs Mater, it was ethical to continue with the investigation.

In the first interview, Mrs Mater presented as a warm and enthusiastic parent whose verbal style was connected and engaging. However, she spoke about what had happened to her children in a manner that appeared a little distanced. She told her Storey in detail and appeared, at least superficially, to have been able to deal with the extreme subject matter with decorum.

At the end of the second interview, Mrs Mater became more emotional and threatening. She appeared frustrated with the fact that I would not confirm for her that I categorically believed the children's stories. She was also frustrated by the fact that I would not confirm that the case of sexual abuse by their father was clear. She also appeared frustrated by my methodology and forced me to explain it to her repeatedly. During Mrs Mater's emotional outburst about how desperate she was, I made a note that she appeared more emotional and distraught than either of her children had appeared when they had told me about the abuse that had allegedly happened to them.

Mrs Mater was born in Cape Town, and she had grown up there. She was a qualified speech and hearing therapist, but she had been running a playschool from her home at the time of the investigation. She said that she was the eldest of her parents' four daughters and that her parents divorced when she was approximately twenty one years old. She said that her parents' marriage was not particularly good as they were incompatible. Both her parents had subsequently remarried.

Mrs Mater was married to Mr Pater, her first husband, from 1990 to 2001. They had two children, Adam, who was 15 years old at the time of the investigation, and Eve, who was 12 years old at the time of the investigation. In the divorce settlement, Mrs Mater was awarded custody of the children, and they had resided primarily with her until her son, Adam, had gone to live with his father in Dubai for approximately two years prior to the emergence of the allegations. In their divorce agreement, Mr Pater was to have reasonable rights of access to the children. Mr Pater left South Africa quite soon after the divorce to live in Dubai. The contact between the children and their father that ensued was arranged around the fact that he was living abroad. Mrs Mater then married Mr Mater in February 2002. They had one daughter, who was 6 years old at the time of the investigation.

Mrs Mater told me that she had met Mr Pater when she was 20 years old and that he was her first serious boyfriend. She left home to marry him and described herself as immature and naïve. She described Mr Pater as exceptionally controlling and said that she was completely dependent on him financially. She said that it felt as though his work was his "mistress". According to Mrs Mater, Mr Pater had then started his business and was very passionate about it. After they married, he travelled extensively for work. He would also work long hours and would be away from home for two to three weeks at a time. She said that this amounted to Mr Pater being away for about 40% of the time. Mrs Mater told me that Mr Pater had been at home for the births of their children but that he would travel

until just before the children were born. He would also then leave again soon afterwards. Mrs Mater mentioned that Mr Pater's actions had made her feel that his work was his priority.

Mrs Mater described her sex life with Mr Pater as mundane, conservative, and clinical. She felt that there had been no emotional connection in their physical relationship. She said Mr Pater was very perfectionistic and wanted the house to be perfect all the time. She also mentioned that she had felt like she had begun to live a "part in a play". Her life had reportedly seemed unreal to her, and she had also felt as though she had been living a double life.

Mrs Mater never had any idea that there was any sexual abuse happening between her first husband, Mr Pater, and the children while she had been married to him because, according to her, it was "the last thing" she would have thought about. Aside from her children's symptomatic behaviour that had been present from early on in their lives, there was nothing to indicate that anything of a sexual nature was wrong. However, Mrs Mater said that, looking back, she believed that it had been the sexual abuse that had caused her children's problems. She knew that there was something wrong with her children from when they were 3.5 years old.

Adam was born prematurely at 31 weeks and suffered from low muscular tone as a result. However, Mrs Mater said that until the age of 3.5 years old, he was a "happy, sunny boy". Adam then reportedly underwent a personality change and became quiet and withdrawn. He displayed nervousness and separation anxiety. Mrs Mater related an incident where another nursery school child had put berries up Adam's anus at nursery school. She told me that when Adam told her about this incident, she then sent him for play therapy for sexual abuse. He was approximately three to four years old at the time. Mrs



Mater said that Adam was fine thereafter, but she was afraid that there would be long-term consequences.

Mrs Mater told me that by the time Adam was 4 years old, he was withholding his faeces and had become very emotional and angry. Furthermore, she mentioned that the agony associated with this behaviour disrupted his whole world. This behaviour continued until he was 8 years old, which was 2 years after Mr Pater had left the marital home and a year after Mr Pater had relocated to Dubai. She observed that Adam had regressed even further when Mr Pater had left for Dubai.

Adam then attended play therapy on a weekly basis for a period of eighteen months to two years to attend to his condition. At that time, he had then also developed obsessive-compulsive disorder symptoms, which included excessive hand washing, a fear of germs, and a fear of his own saliva. Adam could also not eat any food that had not been cooked by Mrs Mater. Adam was certainly not functioning well. When Adam was 7 years old, Mrs Mater's second husband, Mr Mater (stepfather to the children), initiated the decision to take Adam to a psychiatrist. Adam was then put on Risperdal and appeared to improve. He was also put on Prozac for depression. Mrs Mater said that Adam would be catatonic at times without the medication.

Mrs Mater said that, after the divorce, she never saw Mr Pater with the children because his contact with the children would occur away from her home. Mr Pater would also limit her telephonic contact with the children when they were with him because he said that she would upset the children when they spoke to her. However, Mrs Mater said that after Adam's visits to his father, she would have to increase his medication as Adam usually became more symptomatic. Subsequently, when Adam was due to see his father, Mrs Mater reported that she would only tell Adam a week before because once he was aware of an upcoming visit, he then displayed extreme resistance to it. She said that the

children told her that when they were away with Mr Pater, he would be very controlling with regard to taking photographs. Furthermore, he would reportedly insist that they should smile for photographs. Mr Pater also reportedly controlled their e-mails.

After a trip away with his father, Adam came back and started to self-mutilate. He also threatened to commit suicide. Mrs Mater and her second husband, Mr Mater, had to admit Adam to Tara Hospital. She said that while Adam was living with his father in Dubai<sup>7</sup>, Mr Pater was so controlling that he chose the children's (her words, referring to both children when both children were together for holidays) clothes every day for them. Furthermore, Mrs Mater reported that Mr Pater denied the children free access to their cell phones and would tell Adam when he had to shower, regardless of whether Adam wanted to shower or not.

Mrs Mater told me that before Adam had finally returned to South Africa in April 2009 (prior to the court case), Mr Pater had already told Adam that Eve had accused him (Mr Pater) of sexually abusing her. Mrs Mater commented that the first thing that Adam had asked her on his return was whether she thought that Mr Pater had been abused by Adam's grandfather (Mr Pater's father). Adam then told Mrs Mater that his grandfather had abused him in the shower. Adam had reportedly told Mr Pater about this incident, but Mr Pater had dismissed it.

Mrs Mater then complained generally to me that when she had visited Adam in Dubai, she had seen that all the locks had been removed from the doors going to Adam's room in his father's apartment. She also complained that Mr Pater had neglected Adam and that he had allowed Adam's acne to worsen. Mrs Mater was very concerned about the fact that Mr Pater had allowed Adam to continue certain medication. Her concern arose

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<sup>7</sup> Adam had been living with his father for 2 years prior to my investigation.

because the medication had the side effect of developing an enlargement of Adam's left breast, albeit that the medication had been prescribed by Adam's psychiatrist in Dubai.

Mrs Mater insisted that she had never resented the fact that Adam had been residing with Mr Pater because she had asked Mr Pater to have Adam reside with him. She had asked for Adam to reside with Mr Pater because Adam had become very difficult for her to handle, which had affected her marriage to Mr Mater. She also insisted that she had never denied Mr Pater access to either of the children, although, at times, his visits might have been inconvenient, and she thus had to work around Mr Pater's visits. In fact, Mrs Mater confirmed that because she had requested Adam to live with Mr Pater in Dubai and given the allegations that had emerged, she felt very guilty about "pushing" the father-son relationship. However, she confirmed that she had always felt that it was important for the children to have a good relationship with their father. Mrs Mater also confirmed that since Adam had been living with his father in Dubai, she had only received maintenance payments for Eve, who had still been living with her (Mrs Mater).

Mrs Mater defended the possibility of any ulterior motives on her part regarding the claims of sexual abuse. She maintained that she has been desperate for Mr Pater to be in the children's lives because she had feared that Adam, because of his diagnosed psychological problems, may not have been able to maintain himself in the future without his father's financial support. She confirmed that Mr Pater was able to support Adam financially and suggested that it therefore made no sense for her to sabotage the children's relationship with their father. Mrs Mater said that she needed Mr Pater to provide for the children.

Furthermore, in support of not having any ulterior motives for suggesting the sexual abuse, Mrs Mater indicated that a good, healthy relationship between the children and their father would have allowed her to have more private and alone time with her

current husband, Mr Mater. She indicated that she had only been alone with her second husband twice since they had been married. She also added that with both children residing with her and without them having contact with their father, she had less of a chance of being alone with her current husband. She insisted that any motivation for falsely accusing her ex-husband of abusing her children should be seen against this light. Moreover, Mrs Mater insisted that the allegations that had been made regarding the children having witnessed pornographic films could not have originated from her as the content that was described was beyond her experience.

Mrs Mater confirmed that since Adam had revealed the sexual abuse he had endured at his father's hands, he had been quite a different child. He was reportedly less anxious and more settled. She told me that she had felt very protective towards her younger daughter (her daughter with Mr Mater), who was 6 years old at the time of the investigation. Mrs Mater said that since Adam had returned from Dubai, both her youngest daughter and the whole family may have been at risk – she said that she had to lock Adam's bedroom door at night so that Eve would feel safe. Furthermore, Mrs Mater said that her feeling of discomfort with regard to having Adam back in the midst of the family was compounded by her having to endure this “entire trauma in her life”. She indicated that she did not have a vendetta against Mr Pater, and she had thus refrained from having him arrested. She indicated that she would only have had him arrested if the children had chosen to do so. She insisted, while she was relating the trauma to me, that she did not want revenge.

Mrs Mater then spoke of her daughter, Eve, who had initially alleged that her father had sexually abused her. She said that Eve had been a “bright, funny, and sweet little girl” until Eve was 3.5 years old. Eve had then begun to display sexually explicit play and had also begun to wet herself after having been toilet-trained for some time. Mr And Mrs

Mater then took Eve to a neuro-developmental paediatrician as a result. Moreover, Mrs Mater reported that when Eve was approximately four and a half to five years old, Eve had started sucking her thumb and had begun having night terrors. Mrs Mater said that she and Mr Mater had become concerned from the beginning of 2001 (Mr Pater had left for Dubai in the middle of 2001) that Eve was not coping at school. Various assessments that were done at that stage suggested that Eve was fine, but Mrs Mater said that Eve never really “came right”.

Furthermore, Mrs Mater said that when Eve was 6 years old, they had a psychological assessment done by an educational psychologist because Eve had started to “blank out”. It was suggested that Eve was having petite mal seizures. Eve then had an EEG (electroencephalography) and was put on anti-convulsant medication. This medication did not appear to help as much as was expected. Eve’s inability to concentrate was identified, and this inability continued. Eve had been medicated with Ritalin, Concerta, and Stratera, which are all attention-enhancing medications for children diagnosed with attention deficit disorder (ADD), but nothing really helped according to Mrs Mater.

Mrs Mater told me that Eve was prescribed 60 mgs of long-acting Ritalin in 2008. However, there had been no evidence of an improvement in Eve’s “blank outs”. In December 2008, Eve was then taken off all Ritalin. According to Mrs Mater, Eve’s school results in 2009 had been her best yet, despite 2009 having been a very traumatic year for Eve. It was in 2009 that the allegations of sexual abuse had emerged and when my investigation was initiated.

Mrs Mater also told me that because she was concerned that Eve's concentration and anxiety issues could be the result of a degenerative causal factor<sup>8</sup>, she had taken Eve for a brain scan. She had felt that this action was also justified because, despite all the efforts, investigations, and applied solutions to reduce Eve's "blank outs", nothing appeared to work. Mrs Mater said that Eve also went for eye therapy, remedial lessons, extra maths, and occupational therapy. In addition, Mrs Mater worked with Eve for 2 hours every day. Ultimately, Eve had been placed in a remedial school. Mrs Mater believed that this was an excellent decision because, since Eve had begun attending the remedial school, Mrs Mater stated that she saw "a whole new person coming out", that Eve had "no more concentration issues", and that Eve was no longer on medication.

Mrs Mater confided that she had once thought that Eve may have been suffering from Asperger's syndrome because Eve had appeared emotionally blunt and would build puzzles all day. Mrs Mater said that Eve had also become difficult to communicate with by being withdrawn and emotionally isolated. In addition, Mrs Mater said that Eve had said that the reason for her behaviour was that she had so many heavy secrets that she could not speak about "light nonsense" such as everyday subject matter.

Furthermore, Mrs Mater told me that Eve had suffered from occasional epilepsy, and, in February 2008, she had suffered from what appeared to be a grand mal seizure at school. Mrs Mater indicated that she and her second husband, Mr Mater, then consulted a neuro-developmental paediatrician. Eve then underwent an EEG, which did not show anything. Eve then had another seizure. Eve reportedly had about five episodes and was prescribed Tegretol, an anti-convulsant medication. Mrs Mater said that when she told Eve's father, Mr Pater, about Eve's problems, Mr Pater suggested that they should get a

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<sup>8</sup> Mrs Mater said that Mr Pater's mother had died of a degenerative brain condition.

second opinion. Mr and Mrs Mater then consulted another doctor. When Mr Pater was in South Africa, he then saw the second doctor. He did so after he had written a letter to the doctor suggesting that Eve's condition was perhaps the result of her experiences in the home (Mrs Mater's home). The doctor then insisted on a 48-hour EEG. However, this EEG was not conclusive. Eve's medication was changed as a result, but the seizures continued.

As nothing seemed to alleviate Eve's seizures, Mrs Mater, in September 2008, began doing research on the Internet regarding psychogenic seizures. Her research indicated that such seizures could be symptomatic of sexual abuse and the burden of keeping a secret. Mrs Mater printed this research out, and she and Mr Mater then read the information. They then decided to approach Eve and to ask her about what was bothering her. They told her the story of a little girl who had had bad things happen to her, and they wanted to know if bad things had happened to Eve. Mrs Mater said that Eve had responded abruptly and insisted that nothing had happened.

The following month, in October 2008, when Eve turned 12 years old, her father, Mr Pater, arranged to take her away during her midterm break on the weekend after her birthday. He had been in South Africa at the time. When Eve heard that her father was coming to visit and that he would be taking her to Cape Town for the weekend, she asked her mother to arrange with Mr Pater for her to have her own room rather than sharing a room with Mr Pater, as had been the case when he had visited in the past. Mrs Mater spoke to Mr Pater about this arrangement, and he had agreed to it. However, when Eve and her father arrived at the hotel, separate rooms had not been arranged. Eve thus had to share a room and a double bed with her father. Mrs Mater said that when Eve had returned from Cape Town, she did not appear to be herself. However, Mrs Mater reports that she did not think that anything sinister such as sexual abuse had occurred. Mrs Mater mentioned that, thereafter, Eve's seizures had started again and occurred almost on a daily basis. The

seizures appeared to be genuine seizures. Eve became exhausted, was not sleeping, and remained awake for hours.

Mrs Mater said that, prior to this visit by Mr Pater to South Africa, Adam, who had been residing with his father in Dubai, had also been in South Africa for a visit during his school holidays. She said that Adam had “had a really bad time psychologically”. Mrs Mater had to travel back to Dubai with Adam because he had many psychological difficulties. It was then decided that Eve should not travel to Dubai for her usual visit with her father but that Mr Pater would rather visit her in South Africa.

Mrs Mater said that Mr Mater, Eve’s stepfather, had gone to pick Eve up from school on 19 November 2008 as she had had a seizure. Mrs Mater indicated that both she and Mr Mater did not know what to do about the seizures, nor their impact on Eve, her school career, and their lives in general. On the way home, Mr Mater questioned Eve about what was happening. Eve then blurted out that she was afraid that her father had made her pregnant. Mrs Mater said that when Mr Mater and Eve had arrived home, she could see from their faces that something was very wrong.

During the conversation that ensued between Mrs Mater, Mr Mater, and Eve, Eve reiterated that she thought that her father had made her pregnant. She then said that her father had done things to her in Cape Town. Eve reported that Mr Pater had touched her and had made her sleep in the same bed as him. Mrs Mater indicated that Eve had struggled to give details at that point. Eve reportedly said that when she had woken up in the morning, her father was holding her “like a spoon” (they ‘fitted’ into each other) and that she could smell his breath and could hear him breathing. Eve also reportedly said that the experience “freaked” her out. Eve also told her mother that when they had gone to sleep, she had placed cushions along the bed between them but that these were not in place in the morning. Mrs Mater indicated that Eve had said that her nightie (nightgown) was up



around her stomach. Mrs and Mr Mater then asked Eve why she thought she was pregnant. Eve kept saying that she thought she was pregnant and that she could not remember why.

Mrs Mater said that, at that stage, she did not think that Mr Pater had done anything, but she described Eve as “white and shaky”. Mrs Mater reported that she had thought that there had to be a reasonable explanation for Eve’s behaviour. She and Mr Mater then asked Eve if Mr Pater had put his penis inside her, but Eve had replied that she did not know. Mrs Mater said that, thereafter, “bits and pieces” of the story came out on a daily basis.

As a result of Eve’s story, Mrs Mater had then phoned her gynaecologist, who then referred Eve to a female gynaecologist for an examination. This investigation established that Eve’s hymen was still intact. Mrs Mater then contacted Mr Pater telephonically. She said that she had made a concerted effort to remain calm, and, while reading notes to Mr Pater, she had made sure that she had covered everything and that she did not lose her temper. However, she said that Mr Pater had subsequently accused her of shouting at him during the call.

Mrs Mater believed that Eve had repressed much of what had happened to her. Furthermore, Mrs Mater believed that through repetitively building puzzles as a child and through other repetitive behaviour, Eve had managed to block out her memories. Mrs Mater believed that when these things were happening to Eve, Eve could not deal with them or process them, and thus Eve would block the memories and images out of her mind.

Mrs Mater indicated that when Eve had first told them about what had happened in Cape Town, Eve’s behaviour had become increasingly strange. Eve would reportedly watch a television programme and would display regressive, withdrawn behaviour. She would then go into her room, her hands and legs would go numb, her breathing would

become laboured, and she would cry hysterically. She would then recount other instances or occurrences of sexual abuse by her father. Eve would weep and then display a physical shock reaction. She would then say that she had just remembered something about the abuse. Mr and Mrs Mater would then have to prompt her, and then, although with much difficulty, Eve would recount what she had remembered.

Mrs Mater then said that 2 weeks prior to her (Mrs Mater's) first interview with me (6 months after the Cape Town weekend), it was in the manner described above that Eve had recollected information regarding the allegations of Mr Pater forcing the children to watch pornographic films. It was also when details emerged of the children having been exposed to pornographic films that involved black women engaging in sexual acts with white men and white women engaging in sexual acts with black men. Eve also described to her mother that the people in these films had performed oral sex on each other and that the films had featured a man ejaculating on a woman's face.

I asked Mrs Mater if Eve could have been exposed to any pornographic material in other contexts. Mrs Mater insisted that Eve's access to the Internet was very limited and controlled, and that, therefore, Eve's exposure to any pornography was extremely unlikely. Mrs Mater indicated that, at the time of her (Mrs Mater's) interview with me, Eve was becoming more engaging and talkative and was sharing more with them. Mrs Mater indicated that Eve had begun initiating a re-engagement with the family. Mrs Mater indicated that she felt as though she had finally "got her daughter back".

Mrs Mater explained that she believed that after Eve had expressed all this information, the experiences became "real" and that Eve could then integrate them. Mrs Mater believed that Eve had been two people because Eve had wanted to pretend that the alleged abuse had not happened. Mrs Mater said that Eve had said the following to her: "When you say it, it's like it's happening again". Mrs Mater believed that it was easier for

Eve not to deal with the abuse and that Eve had been very brave in “putting it out there”. Mrs Mater believed that Eve felt an enormous amount of shame, especially because Eve might also have had an orgasm during the abuse – Eve had described a tingly feeling that went over her whole body.

Mrs Mater then described Eve’s Cape Town weekend with Mr Pater as a lovers’ romantic weekend with the curtains having been constantly drawn closed and with them not having gone out at all. She said that even when Eve was in the bathroom, Mr Pater had sexually abused Eve. Furthermore, Mrs Mater told me that Mr Pater would ask Eve if she enjoyed what he was doing to her. Mrs Mater believed that Eve did enjoy some of the experiences because it was enjoyable. Mrs Mater thus believed that these opposing experiences confused Eve.

Mrs Mater said that she did not want to believe that she had married a paedophile, and she felt terrible because she believed that Mr Pater had done this to her children “on her watch”. In addition, Mrs Mater believed that she was an irresponsible mother to have had this happen to her children.

Mrs Mater told me that she was convinced that Eve’s story was authentic. Mrs Mater said that she believed Eve because of the manner in which Eve had related her story. In addition, Mrs Mater said that every time Eve spoke about the abuse, she had physical responses. Therefore, Mrs Mater did not believe that these responses could be “put on” or faked. She believed that few adults could have made up what Eve had recounted. She also said that Eve’s personality had changed positively since the revelations, which had further convinced Mrs Mater that there had always been something wrong. According to Mrs Mater, everything had finally made sense to her. Mrs Mater said that her beliefs were further confirmed when she had listened to Adam’s story because his information dovetailed with Eve’s story without any input from Eve herself.

Mrs Mater was further convinced of the authenticity of the children's stories when she heard about what Adam's paternal grandfather had done to him. Adam told Mrs Mater that his paternal grandfather had 'interfered' with him while he had been showering at the gym in Dubai. Mrs Mater thus felt that Adam's story was evidence of the likelihood that Mr Pater had also been abused by his father (Adam's paternal grandfather). Mrs Mater said that Adam had told her that these incidents had occurred twice at the Dubai gym. Adam furthermore told her that his grandfather had said that they had to conserve water so they had to shower together. Adam's grandfather reportedly then rubbed soap over Adam's whole body, including his genitals and his bottom. Mrs Mater said that Adam had felt humiliated. Adam said that the door to the bathroom had been locked. Adam also said that his grandfather had said that he (Adam) could not leave the shower until they had showered together and until his grandfather had then touched him (Adam) everywhere.

I asked Mrs Mater if it were at all possible that her present husband, Mr Mater, could have been the potential perpetrator. Mrs Mater insisted that Mr Mater could never be considered the alleged perpetrator as Eve had first gone to him with the information. In addition, Eve reportedly needed Mr Mater to be present when she had something to say. Mrs Mater believed that Eve looked to Mr Mater for comfort and support. In Mrs Mater's account, she also mentioned that she saw Mr Mater weeping with regard to the situation. Furthermore, Mrs Mater said that whenever Mr Mater got up at night, she was aware of him getting up. She felt strongly that Mr Mater's relationship with the children was positive and that Mr Mater did many things for the children as a "Daddy". She said that this was the case, although she was still a very involved mother.

Mrs Mater said that Eve had given away everything that her father had ever given her. Eve also could not look at the clothes that she had worn in Cape Town. In addition,

Eve began changing her surname to 'Mater' rather than 'Pater' and called herself 'Eve Mater' at school. Eve was also very warm towards Mr Mater.

Mrs Mater believed that she only had to keep her children safe in order to perform as a good mother. She believed that although she had never listened to the children until then, they had been telling her that they had been unhappy for a long time. She reportedly asked herself if they could both have had the same psychological experience, and, retrospectively, their behaviour had then made sense to her. She believed that they had been telling her about the alleged abuse in another way for many years.

Mrs Mater then told me that the children had subsequently recounted a story that included them being asked by their father to perform sexual acts together. During these acts, their father would then videotape them to make pornographic films. She said that she could not believe how this could have involved Mr Mater without her being aware of it. With regard to how such incidents could have occurred, Mrs Mater believed that when the children were away on holiday with Mr Pater and his partner, Ms Amica, the children and the couple had hotel rooms on different floors of the hotel. This arrangement then allowed Mr Pater to leave Ms Amica in their room to say goodnight to the children, who were staying in another room.

Mrs Mater also told me that Mr Pater never knocked on the children's doors before entering their rooms in his home in Dubai when the children were visiting. She said that this was unusual for the children as knocking on doors in her home before entering was the norm. In addition, Mrs Mater said that Eve had said that Mr Pater would choose which bras and panties she should wear and that he always insisted on blow-drying Eve's hair when she did not want him to do so. Mr Pater was also reportedly very pedantic about cleanliness and neatness.

Mrs Mater said that since Adam's return to South Africa, she and Mr Mater had been talking to him about what had happened. They had asked him what had been the hardest part for him. Adam had said that he found what he had to do with his sister the most difficult. She said that Adam then asked if he would be able to have a normal sex life. Mr Mater had then assured Adam that they would love him regardless of whether he preferred girls or boys, as long as he was happy. Mrs Mater then said that Adam had responded by saying that he did not prefer boys and that that was disgusting. They had then asked Adam what had happened. He then said that the "bottom-thing", which had happened between all three of them, was disgusting.

They had then asked Adam what else was difficult for him, and he responded that it was difficult for him when he had been raped. Mrs Mater then said that although Adam had never directly heard Eve speak about being anally raped, Adam then told her that he believed that Mr Pater had never put his penis in Eve's anus. Adam reportedly said that Mr Pater had tried to do this to Eve once, but it was too sore for her (Eve). According to Mrs Mater, Adam had never heard Eve speak of anal rape. Mrs Mater thus believed that it must have been the children's historical, joint experiences that had allowed Adam to make the statement that Eve had never been anally raped. In support of there being no cross-contamination between the children's stories, Mrs Mater said that the children tended to speak separately to her and Mr Mater because they said it was too difficult for them to speak about their experiences together. The children had also reportedly said that they each wanted Mr and Mrs Mater present when they told their stories. Mrs Mater said that Adam only asked for Eve to be present on one occasion when he was talking to them. Otherwise, Adam had told his story on his own.

Mrs Mater commented that when Adam had first arrived back from Dubai, he denied that anything had happened until one night when he insisted that Eve had to be

woken up. He then apologised to his sister and confirmed everything that she had been recounting. Mrs Mater said that Adam had told her that the first time his father had raped him was when he was approximately eight years old. The incident reportedly occurred in a hotel room during the day. Adam told Mrs Mater that he was alone with his father and that his father did not say anything. Mr Pater then reportedly took Adam's clothes off, lay Adam over the side of the bed, put his one hand on Adam's hip and the other over Adam's mouth, and then raped Adam. Mr Pater then reportedly left Adam lying on the bed covered in blood and then walked out as if he "did not have a care in the world". Mrs Mater reported that Adam had said that he was so sore that he could not sit for the whole day.

Mrs Mater related that Adam had said that the second time he was raped by his father was a year after the first rape. Mr Pater had reportedly said to Adam, "This will be fun – you should put your penis in my bottom". She said that Adam had said that the second rape also took place during the day in a hotel room. Adam had told Mrs Mater that when he had refused to do what his father had said, his father got angry and had threatened him. Mr Pater then reportedly said that if Adam did not do it to him, Mr Pater would do it to Adam, and then Mr Pater did so. Adam told Mrs Mater that, on the second occasion, he did not bleed. Adam said that it had happened a third time – a year later, again in a hotel room. With regard to the third incident, Adam had reportedly bled again, but on that occasion, Mr Pater did not put his hand over Adam's mouth. Adam told his mother that on the second and third occasion, Mr Pater did not use pornography to increase his desire but instead used Adam's back and bottom to stimulate himself.

I had already been told by Mr Pater that Adam had had a very upsetting telephonic conversation with his mother while he was still living in Dubai. Therefore, I asked Mrs Mater about the call. Mr Pater had told me that Adam had challenged his mother on the phone with regard to his stepfather (Mr Mater) taking condoms to Eve in her room. Mrs

Mater insisted that both the incident and the telephone call had never occurred. She also told me that when she had spoken to Adam about the matter, he had himself disconfirmed both the call and the reference to the condoms.

Mrs Mater disclosed to me that she had previously been very ill with a pituitary tumour that had been successfully removed in 2007. I asked her how she had been before her treatment. She told me that before her treatment, she had been diagnosed with Cushing's syndrome and that she had suffered from severe symptoms. She reported that she had gained approximately 40 kgs, had gone through early menopause, had lost her hair, had suffered with severe arthritis, and had been chronically tired. Mrs Mater reported that she had also been depressed and had taken a long time to heal if she grazed herself. She described pigmentation and bad skin as some of the symptoms. She reported that she had lost confidence in herself, would snore at night, and eventually she had started lactating. She also reported that she had suffered from this syndrome for approximately five years. Furthermore, Mrs Mater reported that Adam had also been very difficult during this time.

In addition, Mrs Mater told me that her 6-year-old daughter had suffered with right-middle lobe syndrome (a lung condition) and that her daughter had thus spent at least forty nights in hospital. Furthermore, Mrs Mater told me that it was at that time that the family had relocated from Cape Town to Johannesburg. She said that her second husband, Mr Mater, had said that she had "complained a lot" about her health during this time. Eventually, after a brain scan, her tumour was identified and treated. She said that after her operation and once she had recovered, Mr Mater had decided to leave the marriage. She told me that she could understand why Mr Mater had wanted to leave as he had taken on two difficult children (Adam and Eve) and had been there for the children. Mrs Mater thus understood that he had needed space. However, she told me that since that time her marriage had improved. She said that their marriage could not have been better and that



they had been in therapy since March 2008. She said that they had survived the crisis very well. Mrs Mater also told me that their lives had been full of crises.

When I interviewed Eve, she told me that Mr Mater had suggested that she watch the television series *Alias*. I therefore asked Mrs Mater about why this suggestion had been made. Mrs Mater replied that it was coincidental and that Eve had started to identify with the main character while watching the series. Furthermore, Mrs Mater suggested that when Mr Mater and Eve spoke about the series, Mr Mater had told Eve that the woman in the series was a young and attractive woman – a superwoman – who was a double agent living a double life. Mrs Mater said that she believed that this association “pressed buttons” for Eve and that Eve had then identified with the character. Specifically, Mrs Mater believed that the fact that the theme of the series was that ‘one lie leads to the next’ resonated with Eve. In addition, Mr and Mrs Mater then told Eve that even if she pretended the problem was not there, it did not mean that it was not there.

It had been an accepted fact that Mrs Mater had left her marriage to Mr Pater as a result of her extra-marital relationship with Mr Mater. I asked Mrs Mater what the children understood with regard to the reasons for her divorce from Mr Pater. She told me that she and Mr Pater had agreed not to tell the children that Mr Mater was part of the reason for their divorce. They had agreed to tell the children that it was their joint decision, that it was not the children’s fault, and that they still loved the children. Mrs Mater said that Mr Mater had made a sudden appearance in the children’s lives, but the adults felt that the children only needed to know what had really happened when they were older.

When I interviewed Mr Pater in Dubai, he mentioned that, with regard to the weekend in Cape Town with Eve, she had spoken to him about whether he could have made her pregnant. He had then had a discussion with Eve about the ‘facts of life’. Eve had asked him not to speak to her mother about what she had said. When I spoke to Mrs Mater,

she expressed extreme concern about Mr Pater's choice not to tell her about Eve's concerns as Mrs Mater assumed that informing her about Eve's concerns would have been an appropriate parental decision. Moreover, Mrs Mater was also concerned that Mr Pater had not told her that Eve had first menstruated when she had been on holiday with him. She was also very uncomfortable with the fact that Mr Pater had told Adam that her extra-marital affair with Mr Mater had broken up their marriage.

Just before leaving her second interview with me, Mrs Mater appeared to be trying to pressure me with regard to the people I was going to see and interview. She felt that because I had gone to Dubai and had consulted with collateral sources there on a face-to-face basis and because I had spent what appeared to her to be an unusual amount of time with Mr Pater (including a dinner), I had given Mr Pater preferential treatment. Mrs Mater was quite upset and went on to challenge me with regard to whether the case was purely about if the children were to be believed. She insisted that she certainly believed them. To her, it appeared that my procedures did not support this fact.

Furthermore, Mrs Mater was also upset because I indicated that I would be speaking to Mr Pater's sister because his sister had seen Eve on the weekend she had spent in Cape Town with Mr Pater. Mrs Mater felt that Mr Pater's sister hardly knew Eve because she had not seen Eve for a long time. Just before Mrs Mater left, she said to me, in an emotionally heightened state, that if I "found for Mr Pater" then she would rather kill him than let her children go to him. She said that she had promised to keep them safe and that she intended to do so. She said that she could not let them go back to Mr Pater, and she had then begun crying. She then also said that she and Mr Mater were under tremendous financial stress and, as a result, had bonded their home to finance Mr Mater's new business. She told me that there was huge pressure in this area of their lives.

Mrs Mater also asked me about the other people I had seen. I then mentioned that I had interviewed a professor, a child and adolescent psychiatrist, with whom she, Mr Mater, and Mr Pater had consulted when Adam had been admitted to Tara Psychiatric Hospital. Mrs Mater then immediately told me that they had had a very unpleasant experience at Tara, specifically with reference to the particular professional. It was also mentioned that they had threatened to report the professor to the Health Profession's Council of South Africa. I told Mrs Mater that I knew about the threat as I had been told this by the professor herself.

On the day after my second interview with Mrs Mater, I received a call from her during which I again experienced extreme pressure with regard to how I was conducting my investigation. She appeared to want me to justify my methodology and the course of my investigation. She began by telling me that she was bothered by the fact that I had gone to see therapists in Dubai who had a vested interest in confirming that there was no evidence of sexual abuse because, as she put it, they had (erroneously) "not picked it up". Therefore, they had failed in their professional duties, and they had also never met Mrs Mater. She was concerned that I was going to be interviewing some people in South Africa telephonically, whereas I had seen all the people in Dubai in person. She again reiterated her concern regarding my contact with Mr Pater's sister and insisted that I had to ask his sister certain questions. At that point, I replied that as an independent professional, I would conduct my interview as I felt fit. I also told Mrs Mater that she could not control what I asked to whom. In response to my reply, Mrs Mater became hysterical and out of control.

The rest of the telephone conversation consisted of Mrs Mater shouting and screaming at me without allowing me to speak or to answer her. At certain points, I tried to answer, her but she told me not to talk – just to listen to her. I could not record all of the issues raised by Mrs Mater, but the following were some of the issues identified:

- Before I went to Dubai, I had said that I would not have dinner with Mr Pater, but then I had gone to dinner with Mr Pater and Ms Amica while in Dubai.
- I had seen the therapists in Dubai on a face-to-face basis, but I had said that I might only speak to some therapists or collateral sources in South Africa on the phone.
- My actions felt unfair to her.
- She appeared to try to tell me to whom I should and should not speak.
- She felt that my contact with Mr Pater's brother and sister-in-law was a "set up".
- She felt that the fact that I had had an ice cream with Mr Pater and that I had spent 5 days with him entitled her to my services for the same amount of time.
- She also mentioned that I had to inform my family that I would not be back for 5 days as I was to go to her home on that Sunday.

At the end of the call, she resumed a more controlled tone and abruptly ended the call without allowing me to speak. I then visited Mr and Mrs Mater at their home on the following Sunday (17 May 2009) to conclude a home visit and to observe the children in their parents' presence.

When I arrived for the visit, Mrs Mater greeted me in the driveway of her home and immediately apologised for her outburst on the telephone the previous week. She said that she was distraught by the abuse allegations and the impact they were having on her children. I accepted her apology. She then asked me if she could hug me. I agreed.

We then went inside, and I sat and chatted with the family in the lounge. Mr and Mrs Mater, their 6-year-old daughter, and Adam and Eve were present. We spoke a lot about their young daughter and her ability to speak English and Afrikaans with equal fluency. She was a delightful child who was full of confidence, and she appeared to be the centre of the family's focus. It was easy to see why this should be so as she was engaging and entertaining. We also discussed the books that the children had been reading and the

fact that Eve had hardly slept on the previous Friday night. There was confusion regarding why Eve was unable to sleep – Adam said that he thought it was because of what Eve had been reading and the fact that she had been reading in the first place, while her mother said it had been because she was very anxious.

Both Adam and Eve appeared to be happy and contained. They took me to see their rooms, and we spoke about how lovely their rooms were. We then went into a small television room where the children showed me their new Playstation 3 game machine. On my request, the children then began showing me how to play a game called *Ratatouille*. While we were trying to play the game, we were then asked to come for brunch.

Over brunch, we spoke about game reserve holidays as well as Mrs Mater's playschool that she operated from home. We also spoke about the location of Mr Mater's new business. During brunch, their daughter asked for some fruit, and Eve gave her a small banana. When Adam tried to give her a grape, there seemed to be an uncomfortable sense around the table that the action was inappropriate. I did not understand why and did not ask. Generally, the children behaved with decorum and were polite and well mannered at the table.

I was with the whole family for approximately two hours when Mr and Mrs Mater indicated that they wanted to speak to me without the children being present. I then sat with Mr and Mrs Mater alone, without the children, for approximately a further hour so that I could get a sense of them as a couple. At the beginning of the conversation, Mrs Mater gave me the letter that she and Mr Mater had sent to the professor at Tara Hospital after they felt they had received poor attention there. At that point, I told her that the professor had already given me a copy of the letter. Mrs Mater appeared to be quite surprised.

Mrs Mater then mentioned that there was no doubt for her that what the children had said was true. I then asked her if there was any reason why the children would have said such things if their story had been fabricated. She said that there were no reasons she could think of for them to have done so, other than the fact that what they had said was the truth.

Mrs Mater then went on to describe how anxious and unsettled Eve had been on the previous Friday night. She said that Eve had not slept for more than two or three hours. She said that Eve's anxiety was the result of her sister's sixth birthday party. The house was filled with many people who Eve did not know and had not met before the party. Mrs Mater said that the situation had made Eve anxious. In addition, Mrs Mater said that for the whole year (2009), she had had to get up at 05h30 instead of 06h00 to take Eve something to drink and to settle her to begin the day. Mrs Mater said that she had to tell Eve that she was going to get up and go to school and that she would "get through it". Mrs Mater said that after the sexual abuse revelations of the previous year, Eve had hardly attended school. She said that Eve had been so anxious at the time that Mrs Mater believed that Eve might have needed more medication. I asked about the nature of Eve's nightmares; Mrs Mater replied that the theme was mainly that Eve was "not safe".

We then spoke about why I should be interested in whether Mr and Mrs Mater's marriage was sound, and I explained that, as part of my investigation, I had to canvass all aspects of the children's lives. Mr Mater said that he was so proud of his marriage that he "would like to put it up on a screen". He said that their marriage was good even after all they had been through. At that point, he began crying, as did Mrs Mater. Mrs Mater then suggested that I see their marriage therapist to obtain collateral information regarding the state of their marriage. I said that I was happy to do this. However, I pointed out that there may be some implications that they might not have expected because it meant that I would

have to ask invasive questions. I informed them that they should be aware of this possibility. Even after trying to dissuade them, they still felt that I should contact their therapist once they had established that she would be available.

Mr Mater then spoke to me about the issue of pressing criminal charges against Mr Pater – a subject he pointed out that I had not canvassed with him before. He then reiterated what he had already canvassed with me during his interview, which was the second option that he had given to Adam. This second option was that if Adam revealed further details of the sexual abuse, then both he and Eve could be personally involved in whether any criminal charges were to be pressed against their father. Mr Mater then went on to say that he had obtained advice from an advocate who had told them that there was only a 5% chance of conviction if they did press charges. This advocate also told them that the process could take up to five years to complete. The advocate had reportedly said that if the children had been her children, she would rather not press charges.

Mr Mater posed the dilemma to me that, on the one hand, pressing charges would be the correct thing to do and would also verify the veracity of the children's allegations. However, on the other hand, such an action would involve the children in a further 5 years of legal proceedings. By then, the children would probably be treated as adults in court and would be subjected to cross-examination, which would not necessarily be in their best interests. He felt that the children should have a say in whether to take action and that they should make the decision together. He gave the above reasons for "tricking" Mr Pater into bringing Adam back to South Africa. In other words, it gave both of the children the opportunity to press charges if they wanted to do so.

Mr Mater then said that if I happened to recommend that the children reside with Mr Pater in Dubai, then he and Mrs Mater would be forced to press criminal charges against Mr Pater – regardless of whether this action would be in the children's best

interests. Mr Mater then said, “Why are we telling you this . . . we could have pressed charges and we didn’t and if it [my findings] goes against us then so be it”. Mr Mater then said that his reason for telling me that they would do this was that any decision or recommendation made would have consequences with regard to how they would proceed. He mentioned that, depending on the outcome of the investigation, they would then perhaps lay criminal charges against Mr Pater, although they did not want to expose the children to the process. Mr Mater concluded by saying, “The button of criminal charges has not yet been pressed in the best interests of the children”.

I received Mr Mater’s message as having various meanings, some which were directly aimed at threatening me and which attempted to coerce me into providing certain findings. I then responded by suggesting that it could perhaps be presumed that their reticence regarding the laying of criminal charges may have been motivated by financial reasons. Should Mr Pater have been imprisoned, the children would not have been financially supported. Mrs Mater assured me this was not a factor and that even if Mr Pater were to be imprisoned, she would be entitled to sue his estate for maintenance. She said that, in any event, she had not yet received the money that was already due to her for Eve’s maintenance.

Mrs Mater felt that it might be appropriate for me to get to know the children better and to spend more time with them so that I would be convinced of the truthfulness of their allegations. I said to her that I felt that they had been exposed to enough interrogation and that, ultimately, spending more time with them would not necessarily allay her fears that my knowledge would be improved. In fact, I explained that I was of the opinion that I had spent enough time with them and that I would only see them again if I had a pertinent reason to do so.



We then began discussing the proposal that although the children may well have been abused, sometimes there can be misidentifications of the perpetrator. I therefore asked for both Mr and Mrs Mater's opinions with regard to Mr Mater being the perpetrator. Mrs Mater said that it was not possible because Adam's symptoms had begun before Mr Mater became part of the family. Furthermore, she said that when Mr Mater had become involved in the process of discovering what was wrong with Eve, he had been the driving force behind finding out what was then wrong with Adam. She said that Mr Mater's involvement and concern were in direct contrast to Mr Pater, who, according to Mrs Mater, was in total denial. Mrs Mater was sure that Dr Green (Adam and Eve's former psychiatrist in Cape Town) would confirm this belief. She also believed that Mr Pater's denial arose because he knew that he had been abusing Adam. He would therefore have wanted to avoid any investigation. Mr Mater then said that he knew for certain that Mr Pater was a "sociopathic paedophile".

At the end of the visit, I again invited Mr and Mrs Mater to suggest further people they would have liked me to contact. They said they would think about it. Mrs Mater told me that they had been to a professor at the Johannesburg child abuse clinic (The Teddy Bear Clinic for Abused Children) to have Adam physically examined. I confirmed that I would contact the professor, and I then asked for her contact details. Before I concluded my investigation, I called Mrs Mater and confirmed that neither she nor Mr Mater had ever been sexually abused as children.

### **Mr Pater's Storey**

In Dubai, Mr Pater fetched me from the airport and took me to my hotel. During the drive, which was quite formal and strained, Mr Pater told me about the appointments that he had arranged for me over the three days of my stay. During two interview sessions over the next two days, Mr Pater told me his Storey. Mr Pater remained serious and grim

for the duration of my stay in Dubai. He always focused on his children, the position in which the allegations had placed his relationship with them, and how incredulous he was that such allegations could have emerged. He engaged and communicated with me only in terms of my investigation and never breached the boundary of my personal life. When I was leaving, I had to give Mr Pater the credit slip for the meals I had eaten. It was only then that his partner, Ms Amica, saw the picture of my family in my purse. She then asked me how many children I had. Other than on this occasion, the tone of the visit was austere and contained.

During his interviews with me, Mr Pater told me that he had been born in Johannesburg and that he had grown up there. He matriculated and then went on to complete a Bachelor of Commerce (BCom) degree at a university. He told me that he had been in his line of business since he had graduated and owned his own successful business for 27 years. He told me that he had been living in Dubai since 2001, and he had been running his business internationally from there.

Mr Pater said that he was the eldest of three children. He had a younger brother and sister. His parents divorced when he was approximately twenty one years old, and both of his parents had remarried thereafter. His mother had died in 2003. Mr Pater's father also lived in Dubai with his second wife. Mr Pater told me that his father was retired but had worked very successfully in the business world and was the chairperson of a large public company in South Africa and subsequently overseas. He told me that there was no overt conflict in his parents' marriage, but they had not been suited to each other. Mr Pater said that after his father had had an affair, the marriage had been dissolved. His mother had suffered from Alzheimer's disease and dementia, which had caused her death.

Mr Pater described his father as very autocratic and as having a very strong personality. As Mr Pater was the first-born child, he had experienced his father's strictness

more severely than his siblings had. However, he felt that, as an adult, he had developed a good relationship with his father. He also felt that his mother, when she was still alive, had always been there for him as she had been supportive. He believed that he was most like his father with regard to his personality. Mr Pater also believed that he and his siblings were all serious and quite 'anal' in that they needed things to be organised and in place.

Mr Pater described Adam as perhaps not really knowing how he (Mr Pater) felt. However, Mr Pater felt that Adam surely did believe that his father (Mr Pater) was there for him and was his protector. Mr Pater described his relationship with Eve based on when he had last seen her in October 2008 (their weekend in Cape Town) as comprising a strong bond. He said that he believed that Eve loved him dearly. Furthermore, Mr Pater said that he believed that he had developed a close bond with Eve through horse-riding.

Mr Pater told me that he and Mrs Mater were married from 1990 to 2001. They had two children, Adam and Eve. He told me that until the allegations had emerged, Adam had been living with him in Dubai for 2 years while Eve had been living with her mother in Johannesburg.

Mr Pater believed that he and Mrs Mater had come from different backgrounds. Mr Pater described his background as including international travel, while Mrs Mater's background had been locally contained because she had never left Cape Town at the time of their marriage. He revealed that Mrs Mater had never wanted to travel or to go anywhere. He said that after they were married, they had then decided to relocate to Canada. He related the experience as the greatest experience of his life, but he told me that Mrs Mater had experienced it as a nightmare.

Mr Pater described Mrs Mater's mother as very domineering. He said that after Mrs Mater's parents divorced, Mrs Mater and her mother had lived together. He expressed concern over the domineering style of Mrs Mater's mother by giving various examples.

One such example was that after he and Mrs Mater were married, Mrs Mater's mother would freely come into their home, open their fridge, and help herself to what was inside. Furthermore, Mr Pater believed that Mrs Mater's mother also negatively influenced Mrs Mater's experience of their relocation to Canada to the extent that they had nearly divorced. He believed that Mrs Mater's mother made Mrs Mater feel guilty about enjoying her time in Montreal to the extent that Mrs Mater could not freely engage in the experience.

Mr Pater told me that Mrs Mater's mother and his own father engaged in a power struggle that reportedly resulted in conflict because they both had very strong personalities. The conflict between Mrs Mater's mother and Mr Pater's father also led to conflict between Mr Pater's father and Mrs Mater herself. Furthermore, Mr Pater told me that neither Mrs Mater nor his father had really made very much effort to compromise, and, as a result, they had never had a good relationship. He believed that all the men in Mrs Mater's life were villainised by Mrs Mater and that because of Mrs Mater's mother being the dominant figure, her father took the subordinate role. Mr Pater believed that Mrs Mater's father was dominated by the five women in the family, and although Mrs Mater's father was a nice person, Mr Pater believed that he escaped by playing golf. However, Mr Pater said that Mrs Mater ultimately did not have a close relationship with her mother.

In addition, Mr Pater told me that because Mrs Mater did not like his father, she refused to allow their children to see him. Mr Pater believed that because of this decision, his children did not see his father for approximately two years. The effect of this decision on Mr Pater was reportedly that he felt pressured to keep everyone happy, especially over holidays such as Christmas.

Mr Pater reported that Mrs Mater had fallen pregnant in Canada but that Adam had been born in South Africa. Adam had been born prematurely and had had medical

problems, such as that Adam had been in intensive care after his birth. Thus, it was only after he was stronger that Mrs Mater had returned to Canada with him. In addition, Mr Pater said that they remained in Canada for a further six to seven months and then returned to South Africa. He reported that Eve had been born in Cape Town.

Mr Pater told me that, aside from the stress associated with the pressure from their respective families, they had had a relatively calm and non-conflictual relationship. He also felt that they had a good sexual relationship and that he was satisfied. He said that he had travelled quite a lot but that he did not agree with the frequency of his travel that Mrs Mater had claimed. Mr Pater said that he had felt frustrated at the time because Mrs Mater had not embraced internationalism. He reiterated that Mrs Mater had come from a small family with a small business and that there was constant family pressure.

Furthermore, Mr Pater then described how Mrs Mater had begun her extra-marital affair with Mr Mater. Mr Pater told me that Mrs Mater had met Mr Mater at the gym where Mr Mater was her personal trainer. Mr Pater said that, at that time, as a couple, they had been in the process of designing Mrs Mater's dream home. They had reportedly spent a vast amount of money to realise her dream. However, she then had the affair with Mr Mater. Mr Pater described his reaction to her affair as very intense. He said he had loved Mrs Mater very much and that she had been a pretty, young woman. He said he was "very hard hit and lost 10 kgs through the process". Furthermore, he said that, although he had wanted to try to save the marriage, eventually he had to leave. Finally, he reportedly moved out of the marital home into his office. He then said that it was only 2 weeks thereafter that Mr Mater had moved into his home and his bed. Mr Pater said these circumstances allowed him to settle the divorce quickly, which he then did.

Mr Pater described his contact with the children after the divorce as being relatively good, although there had been times when Mrs Mater had denied him contact with the

children. However, he was adamant that he met Mrs Mater's demands regarding his financial responsibilities towards the children. He also maintained that he was sensitive to the children's best interests, while readily paying all the bills for the children.

Once he had moved to Dubai, Mr Pater reportedly found that his contact with the children and the arrangements that were made around this became more fluid. He also stated that he and Mrs Mater were then able to agree mutually and with less acrimony regarding his contact arrangements with his children. Mr Pater said that the contact with his children became more flexible at that stage. Furthermore, he said that, aside from visiting his children in South Africa, they would also travel to Dubai. He said that this arrangement began to happen approximately three years after the divorce was settled – Adam was about eight years old and Eve was about six years old. Mr Pater said that from then on, he would see the children at least twice a year – once during the European summer and once at Christmas time, usually in South Africa.

Mr Pater told me that it was shortly before he and Mrs Mater had divorced that Adam had become quite symptomatic. He described Adam as having rigidly withheld his faeces and mentioned that this behaviour had continued for some years. Mr Pater said that Adam had been taken to see many doctors and believed that the issue of Adam's symptoms eventually "got a life of its own". He said that by the time they consulted with Dr Green, the children's former psychiatrist who attended to them while they lived in Cape Town, she had diagnosed Adam as possibly having early-onset schizophrenia. However, Mr Pater reiterated that he believed that what should have been treated in a normal manner had then appeared to take on greater proportions and had taken on a "life of its own" under Mrs Mater's direction. In fact, Mr Pater told me that as a loose believer of Christian Science, he preferred to focus on where the children were healthy and to strengthen those areas, rather

than focusing on the children's illnesses. He believed that Mrs Mater fed the failures and that she had created self-fulfilling prophecies by doing so.

During the interviews, Mr Pater told me that Mrs Mater knew medical jargon well. He also mentioned that she appeared to be well versed in medical and health issues because of her training as a speech and hearing therapist and because of her work in the pharmaceutical industry. He felt that this quasi-medical jargon and peripheral knowledge was exemplified in Eve's epilepsy, which Mrs Mater focused on as an illness rather than seeing the attacks as anxiety or panic attacks. Mr Pater stated that when Eve used to arrive in Dubai, she would arrive with a huge bag of medication. It concerned him that as a child Eve herself was responsible for administering her medication. Eve reportedly had pills for pain and for sleeping, and whenever anyone was in discomfort, she would offer a tablet as a solution. In her bag, Eve carried 500g Tylenol tablets that she took whenever she felt the need.

As another example of the differences between their approaches to their children's illnesses, Mr Pater suggested that with regard to their descriptions of Adam's condition, he and Mrs Mater offered opposing descriptions. Mr Pater told me that Adam had become medication-free some time after he (Adam) had begun to live with Mr Pater in Dubai. However, Mr Pater did admit that there were times when Adam was living in Dubai when they had experienced difficulties, but Mr Pater felt that these difficulties primarily occurred when Adam had spoken to his mother on the telephone or when she had visited. Mr Pater was of the opinion that these interactions would make Adam feel guilty because of the pressure Mrs Mater would reportedly place on him. Describing what he believed was Eve's attitude to their relationship, Mr Pater said that Eve would say that she and her father could relate to each other and that they had horse-riding in common.

When I then asked him specifically about the sexual abuse allegations made by Eve, he said that none of what she had alleged had happened at all. Mr Pater told me that he had tried very hard to understand her actions and to make sense of why Eve would have said what she had said. He thought that it might have been because Eve had felt abandoned by him when he had moved to Dubai. He also thought that she might have felt that he had not been there for her. Mr Pater believed that both children had wrestled with a sense of abandonment when he had left for Dubai.

When describing his weekend with Eve in October 2008, Mr Pater said that Eve had appeared very excited to see him. He said that he had spent time with Eve in Johannesburg and had taken her to see the Lipizzaners prior to their weekend in Cape Town. He had then fetched her from school on the Wednesday before they flew down to Cape Town together. Mr Pater told me that he had experienced their time together in Cape Town as very enjoyable. However, Mr Pater reported that that it was on the Saturday morning that Eve had woken up stressed and anxious. She reportedly said that her stomach was sore. He said that she had been fidgety and had refused to talk to him. He also said that he thought it was perhaps because she had left her epilepsy tablets at home and could not take them.

Mr Pater said that Eve had then said something very concerning – she asked him if he had made her pregnant. Eve, however, prefaced it by saying that she knew she was being silly and that she did not know what to say. He told me that he had been shocked and had then asked her if she knew how women get pregnant. He established that she did know and then said to her that it could not happen as they had not had sex together. Mr Pater then reportedly asked Eve if anything had happened to her with anyone else, and she had said that nothing had ever happened. She then appeared tired and reportedly slept for the



rest of the morning. Mr Pater said that when Eve had then woken up, she had appeared to be back to her normal self.

Because of what Eve had said to him, Mr Pater then spoke to his sister, who had qualified as a psychotherapist in the United Kingdom. He asked his sister about what Eve had said, and his sister suggested that Eve had probably been having fantasy thoughts and feelings about her father. Once he returned to Dubai, Mr Pater called Eve's Johannesburg psychiatrist, at that time, Dr White. Mr Pater also spoke to Adam's Dubai psychotherapist, Mr Rogers. Mr Pater told me that after Eve had said the above to him, he had been concerned that someone may have been molesting Eve. He was concerned that it may have been Mr Mater. Therefore, Mr Pater reportedly decided to speak to the experts who knew his children. He spoke to them in the hope that they would allay his fears. They did, and they both suggested that Eve's verbalisation could be interpreted as that of an over-anxious child or someone who might have been dreaming or fantasising.

In addition, Mr Pater told me that during the period immediately after the October break, Eve had called him two or three times in Dubai to tell him how much she had missed him and how much she had wanted to be with him. Eve also reportedly wanted to know when she could see her father again. She told him that she had had a great holiday with him. Mr Pater recalled that Eve had been quite emotional during the first call and that she had sobbed during the call. Mr Pater told me that this concerned him as it reminded him of how Adam had behaved on the telephone just before Adam had come to live with him in Dubai.

Describing his weekend with Eve in Cape Town, Mr Pater said that on the first day, after he had had a meeting with some old friends of his, he and Eve had gone to Boulders Beach to see the penguins. They then had lunch in Simon's Town and had then gone to watch the whales off Fish Hoek. While they were there, they reportedly saw a submarine

off the coast. That evening, he and Eve had had dinner at the hotel with Mr Pater's stepfather (his late mother's second husband). On Sunday morning when Eve woke up, she was in the state that he had previously described to me. They then had "the pregnancy discussion" after which Eve had gone straight back to sleep. She reportedly only woke up at approximately 14h00, when they then went to the home of Mr Pater's sister.

Once there, they then went for a walk on the beach where Eve got wet crossing the stream that cut across the beach. They returned to his sister's house where Eve was given his sister's sarong to wear while her clothes were put in the drier. That night, they all went out to dinner at a restaurant. The next day, Eve and Mr Pater met his sister, her partner, and her son on the beach to go canoeing. They reportedly canoed until about 12h00 and then rushed to the airport to return to Johannesburg. Mr Pater reported that Eve was collected by Mrs Mater and that he then flew on to Dubai.

Given Eve's state on the Saturday of her weekend in Cape Town with Mr Pater and her very concerning question about whether she could be pregnant, I asked Mr Pater why he had not told Mrs Mater about the incident. Firstly, Mr Pater told me that he had been afraid to speak to Mrs Mater as he had felt that she may have overreacted. Secondly, he had promised Eve that what they had discussed would remain confidential between them.

I then asked Mr Pater about the subsequent allegations that had emerged. These allegations included that he had always sexually abused both Eve and Adam, that the abuse had begun before he had left the marriage, that he had videotaped Adam and Eve performing pornographic acts, that he had shown them pornography, and that this had all occurred when the children had been on holiday with him alone and also when his partner, Ms Amica, had been on holiday with them. There was also the allegation that he had sexually abuse the children during his supposed afternoon naps. Mr Pater responded by saying that it was his belief that Eve had been influenced to say these things by Mr and

Mrs Mater's questioning. When he had tried to talk to her about what she had said about being pregnant, she had "shut down".

Again, based on the allegations I had been informed of, I asked Mr Pater if his father had ever sexually molested him. His response was that such abuse had certainly never happened. Mr Pater appeared very concerned that Mrs Mater had conveniently used allegations of sexual abuse to explain away the children's history of psychological problems and their "falling apart". He believed that having an external, identifiable excuse had given Mrs Mater justification for her own parental failures.

I then asked Mr Pater why he felt that Eve had said the things that she had. Mr Pater explained that there had been a reasonably long period of time between their Cape Town weekend and his previous visit. During those 6 months, Eve had reportedly matured. Mr Pater stated that he may thus have been insensitive to Eve's maturation, and she may have felt a little infringed upon by having to share a room with her father.

I then asked him about the allegations concerning his molestation and sexual abuse of Adam. Mr Pater responded that he had never molested Adam. Mr Pater also stated that he did not believe that his father had ever molested Adam. Again, Mr Pater told me that he believed that the allegations had been "manufactured" by Mrs Mater. Mrs Mater mentioned to me that when she had been in Dubai at Mr Pater's apartment, she had noticed that there were no locks in the two doors leading to Adam's room. The absence of these locks led Mrs Mater to believe that it allowed Mr Pater to have easy access to Adam's room in order to abuse Adam sexually. I thus questioned Mr Pater about the locks. Mr Pater answered that when Adam was in a bad mood, he would bang the doors shut. The locks in these doors were old and not securely fitted so they would pop out of the doors when Adam banged them. Mr Pater said that they had eventually decided to leave the locks out.

I also asked Mr Pater about Adam's relationship with his father, Adam's paternal grandfather. He said that Adam and his grandfather, who also lived in Dubai, had a special and close relationship and that Adam's grandfather had spent time and energy to develop both his relationship with Adam and Adam's interest in worldly affairs. Mr Pater believed that Adam and his grandfather had bonded well.

Furthermore, I asked Mr Pater about Eve. He said that he thought that Eve was more like him in personality. He said that he felt close to Eve and described her as a gentle person and, therefore, as easily influenced. Mr Pater felt that she often looked for acceptance from the people around her. Their similarity, he felt, was that he also tried to conform and therefore also searched for acceptance. Mr Pater told me that he thought that Eve had felt very left out and like a "third wheel" with Adam being the eldest child and with Mr and Mrs Mater's younger daughter being the baby. Mr Pater told me that he thought Eve may thus have felt like the "second favourite" in the family.

I also asked him about the allegation concerning the fact that it was reportedly during his "afternoon naps" that some of the alleged abuse happened. Mr Pater said that he had not taken afternoon naps as far as he could remember. He said that it was difficult to say categorically but that it was not his habit to nap during the afternoon. After thinking about the question, he then said that when he was not working, such as on a holiday or the weekends, arrangements were made that would take them out for the day, which was the norm. These arrangements would thus have excluded any possibilities for taking afternoon naps. Again, after thinking for a while, Mr Pater told me that he had never had an afternoon nap with his children.

I asked if Mr Pater had been on holiday with the children alone – that is, without his partner, Ms Amica, being present. He told me that there had certainly been holidays when he had taken the children on holiday alone, but he thought that these had mainly been

before he had left South Africa and before he had been involved with Ms Amica. I asked him about the specific holidays that had been referred to in Eve's allegations. When Mr Pater considered these, he told me that, aside from the Cape Town weekend, Ms Amica had certainly been present with regard to these holidays.

Mr Pater referred to the holiday at Lake Constance and said that each of his children had brought a friend along with them with whom they had shared a room. Lana, Ms Amica's niece, had shared one room with Eve, and a family friend's son, Thomas, had shared a second room with Adam. Mr Pater and Ms Amica had shared a third room. Mr Pater told me that the Lake Constance cycling tour had consisted of cycling all day on each day of the holiday, after which they would arrive exhausted at their next destination in the late afternoon. They would then reportedly eat dinner and go to bed. On their Corsican holiday, Mr Pater told me that Lana had joined them and that she had shared a room with Eve while Adam had had his own room. When they holidayed in Chamonix, he remembered that Ms Amica had once again been there and that each child had had their own room.

Mr Pater spoke to me about the call that he had received from Mrs Mater in December 2008, when she had first revealed to him that Eve had alleged sexual abuse. He told me that his memory of the call was blurred but that he did remember Mrs Mater screaming and shouting at him without letting him speak. Amongst all the allegations of abuse that she had shouted at him, he remembered mainly the following comments:

- Mrs Mater had told him that she had "found out" about him molesting Eve and that Eve had "told her everything".
- She had told Mr Pater that she believed everything Eve had told her, but she had not been specific with regard to the allegations.

- She had told him that he would never see Eve again and that she was going to tell everyone she knew if he ever came near Eve again.
- She had threatened to invoke the Hague Convention, to have his passport taken away, and to have him arrested.
- She had reverted to him about making a once-off payment to cover her future financial commitments to Eve.
- She had relayed the message as if she had just heard these allegations from Eve, which did not correspond with what was revealed later, in other words, that the allegations had begun to emerge in late November.

Mr Pater told me that although he had kept trying to interrupt Mrs Mater to suggest that she should speak to Dr White (Eve's psychiatrist with whom he had had a conversation after the Cape Town weekend), she would not listen to him. Mr Pater told me that Mrs Mater had just kept shouting louder. He also told me that he had sent Mrs Mater an SMS afterwards asking her to explain everything in writing, but Mrs Mater had never done this.

Furthermore, Mr Pater told me that he had received a call from Eve the day after Mrs Mater's call. Eve had left a voicemail message on his phone. Before he could return Eve's call, she had then called him back and had begun shouting at him. He said that he had initially thought it was Mrs Mater because Eve had reportedly sounded exactly like her mother had on the previous day. During the call, Eve reportedly accused him of touching her. She also said that she hated him and that he was only interested in money. She then hung up. Mr Pater said that he had tried to speak to her and to ask her why she was doing what she was doing, but she had kept shouting and would not talk to him. He said that he could hear Mrs Mater next to Eve reminding her of what to say.

As Adam was living with Mr Pater in Dubai at the time, he then decided to tell Adam about the allegations. He felt that Mrs Mater would probably put pressure on Adam with regard to the allegations, and he felt that he had to prepare Adam for the eventuality. Mr Pater told me that he had spoken to Adam's therapist in Dubai, Mr Rogers, and that they had planned how to broach the subject with Adam together.

Mr Pater was at pains to tell me that he was very concerned that all the hard work that had been invested in Adam to establish a healthy and productive lifestyle had been sabotaged by the current situation and with Adam having been forced to return to South Africa. Mr Pater was very concerned that Adam would not be doing any schoolwork, that Adam would be missing regular schoolwork, and that the work that was sent through for Adam to do had not been done. Furthermore, Mr Pater told me that he had been making inquiries regarding schooling for Eve in Dubai because he had begun feeling that she would also have benefitted from living with him and Ms Amica because they could offer a healthier and more balanced lifestyle to promote Eve's good health as well.

I asked Mr Pater about the course of his finding out about the allegations. He told me that when he first heard about the full extent of Eve's allegations from Mrs Mater on 21 December 2008, he had felt excluded from the therapeutic processes and investigations. Mr Pater insisted that the allegations were unfounded and fallacious. He told me that prior to my appointment to conduct the investigation, he had initiated, in conjunction with his South African legal advisors, a full forensic investigation by another psychologist so that the reasons for the allegations could be understood and so that the best interests of both his children could be assessed. He said that if he had been guilty of sexual abuse, he would hardly have initiated such an investigation. He felt that his eagerness to find what had been occurring in conjunction with what he thought were Eve's "preposterous" allegations evidenced his innocence and openness to any revelations or queries about his behaviour.

However, he stressed that his feelings with regard to Eve's allegations were secondary to his need to understand what had caused these allegations to surface. Reportedly, it was why the allegations had surfaced that was the most concerning for Mr Pater.

As Mr Pater had initially returned to South Africa with Adam, I asked him why he had agreed to return. He told me that Mrs Mater had convinced him to return to begin a series of interventions with a mental health professional to uncover what had been happening with Eve. He also felt that that it would be in Adam's best interests to be a part of the uncovering of what he had believed would be the truth with regard to the whole situation because Adam had become so tense and stressed by it. Adam was reportedly unable to decide whether and where he would be safe and whether to believe his mother or his father about the allegations. Mr Pater stated that his action of returning to South Africa with Adam, as far as he was concerned, should have supported his innocence. He asked me if I thought he would have risked returning to South Africa if indeed he had been guilty because he had expected and had been pre-warned that he could have criminal charges brought against him. He reported that he had returned to South Africa in the knowledge and confidence of his innocence and with the belief that the truth would prevail.

Mr Pater expressed deep concern for what he considered was Mrs Mater's very negative influence on the children. Mr Pater, Mr Rogers (Adam's therapist), and Dr Freud (Adam's psychiatrist in Dubai) commented on the fact that when Adam had any contact with his mother, his confidence and potential for health was destroyed. Mr Pater had observed, as had both of Adam's mental health professionals, that Mrs Mater treated Adam like an ill person, which was accompanied by her concomitant definition of him as a symptomatic and incapable boy. Mr Pater indicated that he believed that Mrs Mater might have been suffering from "Munchausen's by proxy syndrome", which was a condition that Mrs Mater had herself alluded to in correspondence with Mr Pater. At that point, I felt that



such a diagnosis was a very novel defence against allegations of sexual abuse, and I privately dismissed the notion.

However, Mr Pater appeared to be convinced that Mrs Mater found it difficult to accept that her children may not, in fact, have been ill and that Adam had improved significantly since he had been living in Dubai. To corroborate Adam's improvement, Mr Pater described Eve's response to her brother when she had first visited them after Adam had begun living in Dubai. Mr Pater told me that Eve had expressed disbelief towards Adam's normal behaviour and that she had kept checking on him by saying things like, "you cannot do that Adam, you're sick". Mr Pater said that Adam would rebuff Eve's statements and that Adam had insisted that he was fine. In addition, Mr Pater told me that he experienced Mrs Mater as having a compulsive need to control things, especially the children. In contrast to Mrs Mater's interactional style, Adam learnt to be far more independent, to think for himself, and to have his own views while living with Mr Pater and Ms Amica.

Mr Pater appeared to be convinced that Mrs Mater's motive for helping to create such unfounded allegations was because she had wanted to destroy him. He could not understand why she would have wanted to do such a thing, but he felt that his destruction would have facilitated financial relief for her because she may have been under financial pressure. He was convinced that Mrs Mater might have been motivated by greed or envy. Mr Pater told me that he had readily supported Eve in whatever manner Mrs Mater had prescribed. He said that in 2008, he had paid maintenance that amounted to R400 000.00 after taxes to support Eve. Mr Pater also said that he would not have been surprised if Mrs Mater had begun to demand maintenance payments for Adam as well.

Mr Pater then spoke about Mr and Mrs Mater's marriage and stated that in 2007 he had become aware that Mr and Mrs Mater's marriage had broken down. Adam was living

with him at that time. Mr Pater reportedly discovered SMS messages on Eve's phone that indicated that Mr Mater had called his relationship with Mrs Mater "acidic" and "corrosive". Furthermore, these messages reportedly also revealed that Mr Mater had been concerned that their relationship was not good for the girls (Eve and Mr and Mrs Mater's younger daughter) to live with and that there was no chance of reconciling.

Mr Pater told me that after Mr Mater apparently left the marriage, and without any notice, he had received a communication from Mrs Mater who said that she had been desperate. In this communication, Mrs Mater had been talking about moving to Cape Town with her daughters to start over. Mr Pater told me that he had been conciliatory and that Mrs Mater had been thankful for his support. Mr Pater told me that the messages also included messages from Mr Mater to Eve apologising for getting "so excited". Mr Pater also saw messages to Eve from Mr Mater that said, "I really love you and am really worried, and I want you to be safe and well. You are so precious! Love me."

Mr Pater expanded on his concern around Mr Mater when he told me that, at one point in time, when Adam was in a fit of rage, Adam had said, "when Mr Mater visits Eve he takes a box of condoms with him". Mr Pater told me that he had then spoken to Mrs Mater on two occasions to express his concerns about Eve. With regard to these communications, Mr Pater told me that the first call to Mrs Mater had been after Eve's visit to Dubai in April 2007 when she had wet her pants on a number of occasions. During this time, Eve had also been aggressive and rebellious. When Mr Pater spoke to Mrs Mater, he had reportedly asked her about what might have been going on in her home that could precipitate such behaviour. Mr Pater told me that he had specifically asked if there had been anything going on between Mr Mater and Eve, although he was unspecific regarding particular allegations.

Mr Pater told me that Mrs Mater had then written him a letter in reply in which Mrs Mater said that, aside from Eve's sense of loss arising from her brother living in Dubai, things in Mrs Mater's marriage had, in fact, been far better. She attributed Eve's symptomatic bed-wetting to her loss of Adam and to the new family dynamic that had evolved. Mrs Mater had indicated that Eve's prioritised position in Mr Pater's life would change because he would be parenting Adam on a fulltime basis. She also suggested that the fact that they had moved homes and that Eve had changed schools could account for Eve's symptoms. Mrs Mater also identified Mr Pater's resistance to putting Eve on medication as a reason for Eve's behaviour.

Furthermore, Mrs Mater's resulting experience of needing to do all she could to help Eve had emerged. She also said that she did not have "Munchausen's" and that Mr Pater's approach to treating Eve was divisive. Mrs Mater reportedly referred specifically to the issue of sleeping pills, which, according to Mrs Mater, Mr Pater had told Eve were not necessary. Mrs Mater also commented on Eve's report to her that during Eve's visit to Dubai, Eve had felt that she had not done anything right and that Eve had felt continually criticised. In addition, Mrs Mater identified the fact that Mr Pater had allowed Adam to villainise Mr Mater in front of Eve and that this action was concerning as she (Mrs Mater) and Mr Mater had always supported the children's relationship with Mr Pater and Ms Amica.

Mr Pater told me that on the second occasion, he had voiced his concerns to Mrs Mater over the telephone after the "condom episode", regarding Eve and Mr Mater's relationship. Mrs Mater reportedly said that she did not think that anything was happening and saw the episode in the context of Adam viewing Mr Mater as a villain – an issue which she had referred to in her previous letter.

I then asked Mr Pater why he had left South Africa so suddenly. He told me that he had been informed by his legal advisers that there was every indication that he would be presented with criminal charges should he present in court. He was also reportedly told that he could potentially have been jailed on the basis of unproven allegations. The advice given to him was to return to Dubai to await the outcome of the investigation.

### **Adam's Storey**

When Adam came into the interview, I initially asked him if he knew why he was being interviewed. Adam replied that it was to talk about his father and him, and to decide whether he should return to Dubai or to remain in Johannesburg with his mother.

I told him that I had been in Dubai the previous week, and he then wanted to know which people I had seen there. Before I could answer, Adam asked if I had been to his school and if I had seen his science teacher. I confirmed that I had, and I then gave him a card that had been given to me by his science teacher for him. I told Adam that his father did not know of the card and that only his science teacher and I knew of it.

Adam then went on to ask me about all the teachers at his school and about what I had done in Dubai. I told him that I had had an ice cream at his favourite ice-cream parlour and that I had been to various places that he would have visited in Dubai. He asked me if I had had dinner with his father, and I told him that I had had dinner with his father and Ms Amica. We continued conversing about Dubai. Adam recounted his school experiences and his experiences in Dubai. This conversation allowed me to connect with Adam and hopefully allowed me to make him feel more comfortable. Adam engaged very easily in the interview and appeared to be quite relaxed and happy to talk.

I then asked Adam about the sexual abuse allegations he had made concerning his father. When I engaged in this subject, in order not to question Adam in a leading manner, I made a conscious effort to retain a more formal and matter-of-fact approach. I also made

a point of writing down whatever Adam spontaneously said. If Adam paused in his process of recounting, I would look up at him and ask dispassionately if there was anything else that he wanted to add, and I would then wait for his response. This action would either end a subject or continue it from his point of view.

After this process appeared to have ended, I then engaged in a testing process regarding the content of the information he had presented. I tested his narrative by asking him to elucidate certain facts that he had presented. I also used a comparison of the information he had given and the information given by Adam's mother and stepfather. I had already interviewed Mr and Mrs Mater, as well as Mr Pater at this point. The following descriptions serve as a record of the interview, in conjunction with the interspersions of the questions or verbalisations that I made.

I noted that Adam seemed nervous at the beginning of the interview. He said that he believed that I had already heard that he had had some issues when he was young, before his parents divorced. These issues were, for example, that he was known to wash his hands a lot, that he would withhold his faeces, and that he just did not fit in with the other children even as a child in kindergarten<sup>9</sup>. Adam continued to tell me that when he was a child, his father (whom he called by his first name, rather than saying 'my father') would fondle his private parts. He said it had happened over the years and in no specific place. Adam then said that Mr Pater had made him give forced "blow jobs". I asked how many times these incidents had occurred. Adam thought for a moment and then declared "seven times". All these instances reportedly occurred before his parents' divorce and then subsequently during holiday visits. However, Adam insisted that these events had never occurred since he had been living in Dubai.

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<sup>9</sup> In my notes, I then recorded that we joked about pizza that he loved, especially Italian pizza.

Adam said that his father would begin by giving him back scratches. His father would then slide his hand underneath Adam's pants. I then asked Adam whether these incidents occurred in Johannesburg before the divorce or during the various holidays. Adam responded that the incidents had happened on holiday. Adam continued and described that his father would also "shove his finger" up his (Adam's) bum. Adam then immediately said, "This is just coming back. What comes to my mind is what I'm saying".

In addition, Adam continued and said that his father would show them (Adam and Eve) pornographic films and that his father would force them to re-enact the films. Adam stated that his father would force Eve to sit on his (Adam's) face and would also make Eve give him (Adam) a "blow job". He said that these were some of the things Mr Pater had forced them to do. Furthermore, Adam then said that speaking about him and Eve was one of the most difficult things for him to talk about. He then went on to say that his father would tell them how special and lucky they were to have a father like him. He then said, "This is just coming back; he raped me".

In his description, Adam said that his father had done these things mostly in hotels, such as the Vineyard Hotel in Cape Town. I asked Adam when the incidents first happened. He answered that they first took place about five years prior to the time of the investigation (he would have been 10 years old at the time). Adam said that his father had put his hand over his (Adam's) mouth so that he could not scream. Adam also mentioned that he had bled after the incident. He said his father had not used lubricants. When Mr Pater forced Adam to give "blow jobs", Mr Pater would reportedly put his hands against the back of Adam's head and would then ejaculate all over Adam's face. I asked where this would happen, and Adam said "In the bathroom". I asked where the bathroom was, and Adam said it was in the office in which his father had lived before he had left South Africa. Adam said that the second time he had been raped, he had not bled. However, on the third

occasion, he had bled. In addition, Adam said that he did not know where the second and third time had happened. Adam also reported that his father had not put his hand over his (Adam's) mouth on the second occasion, but that, on the third occasion, Mr Pater had done so.

Adam then asked me if he should talk about his sister. I said that he could talk about whatever he wanted. He then said that he would talk about himself because he thought it best that his sister talk about herself. Adam also reportedly had to cup his hands over Mr Mater's penis and then Mr Pater would put his own hands on top of Adam's hands. Mr Pater would then masturbate and ejaculate.

In addition, Adam then said, "Also, . . . let Eve talk". I said again that he could talk about anything in which he had been involved. He then said that he did not feel "that way" (homosexual) with his father. He said that he had felt humiliated and demoralised with regard to his father. Adam then said that his father had given him some back scratches and that his father would come into his bedroom at night in his underpants and would then get into the single bed with him. This reportedly took place in Dubai, (when he was on holiday there). Mr Pater would then rub his penis up and down Adam's back until Mr Pater had an erection. Mr Pater would then leave and go into the guest bathroom.

Furthermore, Adam said that his father tried to make his (Adam's) life look perfect from the outside. Adam said that when his father would make him and Eve perform pornography re-enactments, Mr Pater would film them. I asked where this filming occurred, and Adam answered, "In South Africa or away on holiday in the hotel". Adam also said that he could only remember that they were filmed once, but he was sure that it had happened more often. He thought that he had been younger than ten years old when it had happened.

Additionally, Adam then stated that Mrs Mater would have been able to tell me which house the following event occurred in because they had had only one house with a swimming pool. Mr Pater would reportedly take Adam and Eve skinny-dipping in the mornings. Adam reported that he was three to four years old and that Eve was one to two years old at the time. Mr Pater would reportedly hold them in the deep end of the pool with one child in each arm. The water was apparently too deep for Adam to stand in, and Mr Pater would then touch their private parts. Adam said that he remembered this incident. He then spontaneously went on to say that Mr Pater would also rub his penis between his (Adam's) "butt cheeks" during the holidays before Adam went to stay in Dubai.

I then asked Adam about where his father's partner, Ms Amica, had been while all this was happening. He said that the incidents had only happened on holidays when Ms Amica had not been present – when he and Eve had shared a hotel room with Mr Pater. Adam then said that his father would come alone into their room if Ms Amica was on holiday with them.

I asked about the cycling holiday around Lake Constance in Austria, which was when Ms Amica's niece, Lana, and Thomas (a young family friend who was close to Adam's age) accompanied the children with their father and Ms Amica. Adam said that nothing had happened on this occasion. He said that during their holiday in Corsica when Lana was with them, his father had also given Lana back scratches. Adam said he had walked into Lana and Eve's room when his father was giving Lana a back scratch; Eve was also reportedly in the room. However, Adam was not sure if it was just a back scratch or if anything else had happened to Lana.

Adam mentioned that there had been many holidays with just him, Eve, and his father in South Africa. I then asked Adam about what his mother had told me regarding his grandfather having also touched him. Adam responded indignantly and said that he thought



the interview was only about his father and that the case was not against his grandfather, so there was no need to bring it up. I then said that it was important for him to tell me. In reply, Adam said that his grandfather had made him take showers with him twice at the gym in Dubai. He said the first time that it had happened, his grandfather's excuse was that he (Adam) would not clean himself properly so his grandfather had washed him all over with liquid soap. The second time, Adam reportedly had to share a shower with his grandfather because his grandfather said that they had to conserve water. Adam described his confusion because his grandfather had first showered and had then insisted that Adam shower after him. Adam apparently wondered why he could not have showered in his own shower and why his grandfather had insisted that Adam use the same shower, even if it was one person after the other. I asked Adam if his grandfather had played with his private parts as Mrs Mater had told me. Adam said that his grandfather had not played with his private parts. Spontaneously, Adam did not mention any inappropriate touching but rather displayed confusion at why his grandfather would have said that they had been saving water while they had to shower separately one after the other in the same shower cubicle.

The interview then concluded with a general conversation about what Adam had been doing while he had been back in South Africa. He reported that he had been helping his mother with her playgroup. He had also been reading and watching the National Geographic channel on television. We spoke about the David Attenborough nature programmes that he had watched in Dubai. He said that he had also been shopping for electronics and "stuff", and that his mother and stepfather had bought him a Playstation. Adam said that things had been very quiet. He had also been taking the dog for walks. He stated that he had received a "huge wad" of science homework from Dubai, which he had not completed.

I then offered Adam three wishes. He wished to have a life full of success and prosperity, that no harm would come to his family, and that he would discover and live an amazing life. I then asked him about what he missed from Dubai. Adam said that he missed his friends and the familiarity of the place. He stated that he had also found it easy to get around because it was easy to navigate. He said he had a manual scooter that he also missed. In addition, Adam said that he would miss the weather as it was going into summer there at that point, while it was going into winter in South Africa. He said he missed the teachers in the school but not really the schoolwork. Adam then said that he had a “Personal Project” that was a lot of hard work. He then told me about this project.

I then scheduled a second interview with Adam for 3 weeks after the first interview. As a result of a conversation that Mrs Mater had with both Eve and Adam on the evening prior to the second interview, Mrs Mater conveyed to me that the children felt that my note-taking did not allow them to engage with me in a natural manner. It was, however, my opinion that during both of the children’s first interviews, I connected and related to them satisfactorily as evidenced by the enthusiastic nature of the initial conversations. I surmised that, in fact, my dispassionate approach to the interviews, which was an attempt to avoid influencing the discourse and to avoid reactions that may have led the children to follow a non-spontaneous course of disclosure, was what the children may have found uncomfortable. However, being cognisant of their discomfort with a more clinical and detached mode of communication, I accordingly did not make a written record of the second interview but recorded it instead.

There were questions that I needed to ask Adam that were based on my previous interviews with him and with the other members of his family. Some of these questions also arose from an affidavit that his mother had made in the time between his first and second interview. Mrs Mater had stated in her affidavit that the locks of the doors leading

to Adam's room in Mr Pater's apartment were deliberately removed so that Mr Pater could have easy access to Adam during the night. I asked Adam about the absence of the locks and about how they had come to be missing. Adam confirmed that the locks had popped out over time because he used to slam the doors often. This reply was exactly what Mr Pater had told me when I had asked him about the locks while I was in Dubai when saw the empty holes in the doors.

Adam confirmed that nothing had happened to him while he had been living in Dubai. He had also told me this in his previous interview. I then asked Adam why it was recorded in the legal papers that his father had sucked his penis until a year prior to the investigation (in other words, in the middle of his time in Dubai). He could not spontaneously answer this question, and I then suggested that maybe a mistake had occurred and that someone had "misunderstood" the time period. He agreed that that was what must have happened.

I asked Adam to clarify where his father had forced him and Eve to watch the pornographic films and to do the re-enactments. He confirmed that this incident had only happened once and that the incident had occurred in Cape Town but never in Dubai. He confirmed that he had only seen pornographic films in hotel rooms.

When he was given free rein to talk about whatever he wanted to, Adam said that he was unsure if he had told me during the previous interview, or whether Eve had told me in her second interview (which preceded his second interview), that his father had taken him and Eve skinny-dipping when he was about four years old. He also reiterated that his father had fondled both his (Adam's) and Eve's private parts during these times. However, Adam had told me about this incident during the course of the first interview. Adam also reiterated that he had remembered his father sucking his (Adam's) penis when he had still been in his cot and before he could talk.

I asked Adam what he had been doing while in South Africa. He replied that he was studying Master Maths and typing, but he said that he was not doing his work from Dubai. He also confirmed that he had not yet seen a therapist to help him cope with the effects of the alleged sexual abuse.

At the end of the session, Adam clearly felt that he had to justify why he had chosen to go to Dubai. He spontaneously began by saying that, after his stay in Tara Hospital, he had realised that he had messed up his life and that he had needed a clean start. He said that, at that time, he was “not so conscious” of what was going on because he had been “groomed” for many years to accept that things were normal. As he continued speaking, he tried to explain that his experience had been like that of a schizophrenic and that the reality he was experiencing at the time of making the decision was perhaps not a true reality, although he had thought it was true. Adam said that it had felt so routine and normal that he had thought nothing of it. By this description, I understood that Adam meant that the reality that he had perceived at the time was the true reality for him. He said that he had then understood that it was specifically because of the skinny-dipping with his father as a young child (when his father had touched his private parts) that he then did not like water. Adam also understood that it was because of Mr Pater putting his finger up his (Adam’s) bum that he (Adam) had withheld his faeces and had often become constipated as a child.

Adam then went on to describe that when Eve had visited their father in Dubai (while Adam was living with his father), their father would get into their single bunk beds with them, and he would rub his penis up and down their backs. Mr Pater would then reportedly masturbate. Adam said that Eve had been in the top bunk bed. However, Adam confirmed again that none of this had happened since he had been living in Dubai.

I noted that Adam's demeanour was the same as it had been in the first interview – matter-of-fact and conversational. There was no evidence of any congruent, subjective emotion.

### **Eve's Storey**

When Eve came into the interview, I initially asked her if she knew why she was being interviewed. She said that is was to tell me about everything that had happened. I told her that I had been in Dubai, and she said that she knew. Eve then went on to say that, as far as her father's partner, Ms Amica, was concerned, she (Eve) really liked her and did not think that Ms Amica had any idea of what was going on. Eve also told me that she had had a good relationship with Ms Amica, although they may have had irritations and disagreements at times. Eve then reiterated that she really doubted whether Ms Amica knew anything.

Eve initially began speaking about the fact that she and her brother had been competing with regard to sit-ups and squats and that she was very stiff because of it. I then said to Eve that she appeared to be a very fit person and that I had seen photographs of her jumping off a canyon into a pool of water. These photographs were taken when she was on holiday with her father in Europe. Eve became very excited and said that it was a "special" experience. She said that she had had an amazing experience with her father when they had been in Cape Town. They had gone "kayaking" in the sea. She said that her aunt and her aunt's boyfriend had been there and that the experience had been "amazing". Eve then recounted her experience of jumping off the canyon into the pool. She said that the water had been ice cold and that when she had hit the water, she had not known which way was up or down. In her description, Eve then spoke about going behind the waterfall where the other people were not able to see them. She said the jump was about ten or eleven metres high. She then went on to tell me about when she had been skiing with her father, Ms

Amica, and her brother. She also mentioned that she had fallen once and had then lost her one ski and a pole. Eve then recounted that she had then lost the other ski but managed to keep going. Eve said that she had then re-done the slope.

As I was writing down what Eve was saying, when she began with the fact that she had lost one ski, she was at pains to ensure that I also recorded the loss of her other ski as well.

Eve went on in a light and spontaneous way, describing her habit of getting hurt while playing volleyball and netball. She said that when she fell, she usually knocked herself unconscious or passed out. As an example, Eve said that she had once jumped up to catch a netball, but the next thing she remembered was lying on the floor. She discovered that the girl behind her had knocked into her. Eve then said that I would laugh at the next thing she was going to tell me. Eve then said that she had gone camping with her dad's (her stepfather – she called Mr Mater her 'Dad') friend's daughter when she was "whacked" by mistake with a children's steel golf club. On this occasion, Eve said that she had felt nothing, but she had then seen the edges of her vision blackening. We agreed that she sounded like an accident waiting to happen.

She told me that while waiting at school for her mother to fetch her one day, a boy playing with a cricket bat had managed to hit her on the head. She also mentioned that she was the only girl who played on the soccer team. I asked if she was happy at her school, and she said that it was her sixth school and that she was very happy. (The cricket bat incident had happened at a previous school.)

I then asked Eve to tell me about the sexual abuse allegations. As she began talking, I noted that she wrung her hands in a studied and formal manner, while her demeanour was totally unemotional and disconnected. She was factual and had a

matter-of-fact tone. She thus appeared to be a complete contrast to the animated and engaged girl that had recounted all her holidays and accidents.

Eve said that she thought the abuse had started before the divorce because Mr Pater used to give them back scratches for a few years. Reportedly, when he did so, his hands would start to wander – over Eve’s shoulder and onto her chest. Mr Pater would reportedly slip his hand under her panties to touch her “bum”, and he would then slip his hand around to touch her “fanny”.

She then said that she was going “to jump a bit” (forward in time) and went on to say that later on, a few years ago, when she was about ten years old, her father had started making her watch pornographic films. I asked Eve where these incidents had happened, and she said that it had been in the apartment in Dubai. I asked on which device he had shown the films to her. Eve replied that they had watched the films on the television, on her father’s laptop computer, or on his camera. She said he had also showed her films of himself and others that he had made “them” (Adam and Eve) watch. I asked Eve where Ms Amica had been on these occasions. Eve replied that Ms Amica had been in her bed sleeping.

Eve then commented that Mr Pater had taken videos of her and Adam, of himself and her, and of himself and Adam in the lounge of the Dubai apartment or in Adam’s bedroom on the bunk bed. Eve also commented that when Mr Pater had made them watch pornographic films, he had also made them do the “stuff” they had seen.

I asked Eve what was depicted in the pornographic films. She began wringing her hands again and said in a pseudo-adult manner that this was the most difficult thing to talk about because she had only remembered it recently. She said that her father had been featured in the films with other people. I asked her what the people in the films were doing. She said they were touching each other all over, kissing woman’s breasts, and kissing each

other all over on their lips and on their private parts. Her father would stick his penis in their “bums” in these films, and the other people would suck his penis and touch his penis and “all that stuff”. Eve said that her father would rub the “stuff” that came out of his penis onto the other people. He would also rub up against them, and they would rub up against him. There were also reportedly children – both boys and girls – and adults in these films.

I asked Eve to tell me what was in the pornographic films in which her father did not feature. She said that there was kissing, touching, and rubbing up against others and that it was mostly “the same stuff as in his movies”. I then asked if there was anything else she had wanted to mention. She went on to say that her father would ask her and Adam to do certain things, for example, Mr Pater would reportedly say, “Rub Adam’s penis, Eve, now!” According to Eve, “He would get Adam and I to kiss each other all over”. Eve also said, “He would make us do these same things to him”. I asked where the incidents had occurred, and she said “all over the flat”. She said it had also happened on holidays and cycling tours as Mr Pater had always made Adam and her share a room while he stayed in another room with Ms Amica. When Ms Amica was not present, Mr Pater reportedly never made Adam and Eve share a room with him. This only happened at the Vineyard Hotel in Cape Town where she shared a room with her father.

I then asked Eve to tell me about the Cape Town weekend with her father. She said that it had taken place 3 days after her twelfth birthday. Her father took her to Cape Town and told her mother that they would have separate rooms. Eve said that she had wanted to have a separate room because she had not wanted to share a room with her father. She said that her mother had asked for her (Eve) to have a separate room. However, when they had arrived at the hotel, Eve then saw that they were in one room. Furthermore, although her father said that there would be separate beds, the room only had one double bed. She said that when she had gone to sleep, she had put pillows down the centre of the bed, but when



she had woken up the next morning, the pillows had been removed. She says the same thing had happened for the two remaining nights.

Eve reported that during those nights, her father had kissed and touched her all over. He reportedly did so for quite a few nights. He also reportedly put his penis between her bum cheeks. Eve thought that she was pregnant when she woke up on the last morning. Eve said that she had told her father that she had not yet worked out that he had been doing this “stuff” to her. She also said that he had taken off her clothes the night before and that he had “done all the stuff” he had done to her the night before but also more. He had rubbed his penis on her and had rubbed up against her. He had also forced her to suck and lick his penis. Mr Pater had then also reportedly kissed and licked her “fanny”, her “bum”, and her breasts. He also reportedly put his penis between her “bum cheeks” and between her legs. Furthermore, Mr Pater reportedly rubbed up and down against Eve. In addition, he reportedly took Eve’s hands and rubbed them up and down his penis. When he did so, “stuff” reportedly came out of his penis onto Eve – “that sticky stuff”. I asked her how she knew it was sticky, and I asked if other things had stuck to her because of its stickiness. She said it had felt sticky and that when she had put her pyjamas back on, they had stuck to her.

Furthermore, Eve said that when she had woken up the next morning, her father had put his arms around her waist while holding her against him and “spooning”. He had then reportedly offered to give her an arm or hand massage. She says she had then pulled away and that she had been completely “freaked out”. She had expected Mr Pater to tell Mrs Mater that she had thought she was pregnant, but he had not done so. All he said to her was “No, that’s not true, why would I ever do that to you?” When he dropped her back with her mother, he then said, “Remember what we talked about – it doesn’t matter”.

Eve stated that Mr Pater had always told them that no one would believe them and that Mr and Mrs Mater would not love them as much if Eve did tell them. I then inquired about what had happened during the cycling holiday around Lake Constance when she had shared a room and bed with Lana (Ms Amica's niece). She said that her father had done the same things to her every night while she was in bed with Lana and that he had done the same things to Lana. She said he had given them both back scratches. He would do so every night while Eve was lying in bed next to Lana.

I then asked about the Corsican holiday when Lana was again with her. Eve replied that the best thing that had happened on the Corsica holiday was that she had ridden a horse named "Eve". I then asked her what had happened sexually, and she said that he had done all the things that she had already described. Again, she confirmed that she and Lana had shared a bed and that Mr Pater had still come into the room to do things to her.

Eve stated that her father had done things to her on every holiday. Whenever they had seen Mr Pater, he had reportedly "did [done] stuff" to them. In Dubai and sometimes at the lodge (at the Country Club in Johannesburg), Mr Pater would reportedly nap in the afternoon and would ask Eve to join him. He would then put his hand up her shirt. He would do so during the day, in the afternoon, and in Dubai as well. I asked where Ms Amica had been at these times in Dubai. Eve replied that Ms Amica had been at work all day.

Eve then spontaneously asked me if I wanted her to tell me how the abuse progressed from the back scratches. I said that she should tell me if she wanted to. She said that after the back scratches, Mr Pater would kiss her, then smooth her eyebrows, touch her on her stomach, and then he would make both Adam and Eve watch pornography when she was about ten years old. Mr Pater then reportedly began to make her and Adam "do stuff together", and then there was Cape Town.

I asked if Mr Pater would make them do things together while they were on holidays with other people; she said he had not done so. I also asked about when she and Adam were together with their father without others and where had they been together. She said that the incidents had happened in the apartment in Dubai, at the Vineyard Hotel, and at other hotels. She then said that the only time she had enjoyed the Vineyard Hotel was when her aunt's sister had babysat them and had taught Eve to draw a horse.

I then told Eve that Mrs Mater had told me that she (Eve) and her father had spent the whole of the weekend in Cape Town in the hotel room. Eve confirmed this and said that she had not felt like going out. She then said, "I only went out twice; to see the penguins and kayaking for the whole day with my aunt and cousin". She said that she had been grumpy for one of the days. I asked her about what her mother had said – that her father had sexually abused her in the hotel bathroom as well. Eve also confirmed this and said that Mr Pater would watch her bath, wash her hair, and do things to her in the bath – "mostly in the bath". She then said that he would also do these things at the Dubai apartment as she normally bathed there and only showered when she washed her hair.

I asked Eve why she had never said anything before. She said that it had been going on so long that she had learnt to block it out of her mind and to bury it. I then asked why it had then come to the fore at that point. She said that it had been the thought that she might have fallen pregnant. She said that this worry had slipped out to her stepfather by accident and that she had not meant to say it, but she was glad that she had. She said that her mother and stepfather had been very supportive. I asked her how they had helped her. She replied that they had helped her to remember what had happened by suggesting she watch *Alias*, a television series. She said her stepfather had thought that she was a lot like the actress in the series and that it would bring up things around deception, lies, and problems. He reportedly thought that it would help Eve to remember.

Eve said that, at first, she could not remember. However, when she had started to remember, she first remembered the back scratches and the things that her father had done to her when she was younger, when she was 3 years old – the things that were easier for her to remember. She said that she had only remembered the “the Cape Town stuff” later, after her first memories, when the blanks started to fill in. Eve reported that it had then all come back to her in a jumble. She said that the latest thing she had remembered was the pornography. Before remembering the pornography, she had reportedly remembered that her father had filmed them, but then after that, she remembered watching the pornography films with her father and the other people in them.

I asked Eve what else had helped her to remember. She said that her dad, in other words, her stepfather, Mr Mater had pushed her to remember. She said that his pushing had really helped. She said that without Mr Mater pushing her to remember, she did not think that she would have remembered anything. In addition, Eve said that Mr Mater would say, “Remember, come on, remember”. She said that without Mr Mater, her mind went “stuffy” and that she could not concentrate on thinking straight. Eve reported that she had known what she was remembering but could not make sense of it. She felt that without Mr Mater pushing her, she would not have been able to reveal anything and that it would have been worse. Eve said her mother was “sympathetic” and that her stepfather was the “pusher”. Eve described that her hands and legs would go numb whenever she remembered information about the alleged abuse. She would also start shaking as if she was going to have a seizure.

While she was doing her drawing for her assessment, I asked her about school. Eve said that she was in Grade 7 at her remedial school. She told me who her teacher was and mentioned that she had to improve her marks. She also told me who her best friends were.

Eve said that her school marks were better and that while her goal the previous term was to cope with everyone, her current goal was to attend to her marks.

I asked her about the medication she was on. She told me that she was on Cipramil (a selective serotonin reuptake inhibitor medication to help with anxiety and depression) and Melatonin (for sleeping problems). She was seeing a therapist called Mary. She then spoke about her seizures and said that they had worked it all out – that “these things would come up” (the uncovered memories), that she would not be able to cope with them, and that she would then “have a seizure”. Eve reported that the seizures had stopped. However, she said that sometimes if a memory came up, she would get “freaked out”. She said that if the boys were talking inappropriately, it also made her struggle. She said that she was sleeping satisfactorily. I asked her about the “hundred-sip tea” that Ms Amica (her father’s partner) had made for her to help her sleep, and she said that it had worked sometimes.

I asked Eve what she would wish for if she had three wishes. Eve replied that she would wish that nothing had ever happened to her brother (that he would not have been abused and that he would be able to live a normal life), that she could have her stepfather as her real father, and that no one had ever been abused in any way. Again, as in Adam’s case, the second interview was tape-recorded rather than recorded by note-taking.

When Eve arrived for her second interview, she arrived looking quite down and sad. She told me that she was feeling quite depressed. I then asked her about her schoolteachers and her school experience. She then appeared to perk up. However, I did convey to her that her teachers described her as less happy than she had been the previous year. I asked her if this was true for her. She said that she felt so depressed at times that she could not even cry. She also said that she believed that she had only been happy twice that term.

There were also questions that I wished to ask Eve that were based on my previous interview with her as well as my interviews with members of her family and Mrs Mater's subsequent affidavit. I asked Eve about an incident reported by her headmistress regarding boys on a bus. At first, Eve could not remember the incident and then spoke about her general discomfort with boys because they generally swore and spoke about girlfriends and "sexual stuff". She said that she found it uncomfortable and that it upset her. I asked her what "sexual stuff" they spoke about, but she said she could not remember. However, she then said "condoms" and pictures of girls in bikinis.

Mr Pater had told me that Eve had called him a few times after the Cape Town weekend to tell him that she had missed him. She also reportedly told Mr Pater that she wanted him to come back. I therefore asked her about these calls. She shouted at me and said Mr Pater's claim was "a lie, an absolute lie". She insisted that it was a lie and said that she had never called Mr Pater because she did not want to see him again. However, almost mid-tirade, she then dropped her voice considerably and said quietly that she may have phoned Mr Pater once. I confirmed with her that she had in fact phoned her father; she confirmed that she had. I then confirmed that the call was to say that she had missed him; she confirmed this. She then said that Mr Pater had lied about her asking him to come back to South Africa. During the course of this line of inquiry, Eve appeared unsettled and unsure of how to answer. In my opinion, her immediate response was to shout out that it was a lie because she did not expect to be asked about anything other than the sexual abuse and was thus unprepared.

I asked Eve if she had asked her father to keep it a secret that she had thought that she may have been pregnant. She insisted that she had not done so, but she did confirm that she had thought that she was stupid to think she had been pregnant as doing so was "going

mad, beyond reality”. She said that it had continued to worry her however. I asked if she had not felt better later on during the weekend, and she said she had not.

I confirmed with Eve that she remembered Mr Pater’s videotaping of her and Adam. She reported that this memory preceded the memory of seeing the pornographic films with her father appearing in them. She confirmed that the above was the sequence of the incidents and that her first memory was of when she was very young – when she was about three years old.

I asked Eve how she had been sleeping, and she said that she had been taking two natural remedy sleeping pills to sleep at night. She said that she could not sleep because she was so anxious. I then asked her if she had had any recent memories since the last time we had spoken, which was 3 weeks prior to this second interview. She spoke about the memory of her and Adam together with their father in the swimming pool where she had seen her father touching Adam and sticking his finger up Adam’s “bum”. She said, as Adam had, that their father had held them in the pool in his arms at a depth at which they could not stand. She described the fact that they had not worn water wings and that their father had touched their private parts. She said that she had seen her father put his finger up Adam’s bum twice. She then said that they were both about five or six years old at the time.

In addition, Eve then said she also remembered her father putting his penis in her bum. I interjected, as aside from and until receiving Mrs Mater’s further affidavit, only Mrs Mater had said in her interview that Adam had said that Mr Pater had tried to sodomise Eve. However, Mrs Mater had reported that Mr Pater could not do so because it had been too sore for Eve. In a further affidavit, Mrs Mater stated that Eve had told her that she has been sodomised “on several occasions”. I asked Eve to explain what I was to understand by the conflicting accounts. She said that she remembered her father having

done this to her twice. I asked if Adam had been there at the time. She said that Adam had been present when Mr Pater had sodomised her in Dubai but not when Mr Pater had sodomised her in Cape Town. I again said that the first time I had heard about it, her mother had said that it had reportedly been too sore for Eve so it had not happened. Eve immediately then said that it had been sore.

During Eve's recounting of these facts, although she maintained a depressed demeanour, there was no evidence of any subjective emotional recall associated with her verbalisations. I then asked her if she had been sodomised on the Cape Town weekend, and she confirmed that she had been. She had never mentioned to me that it was on that weekend that her father had then asked her to give him oral sex. This new information had also been included in Mrs Mater's further affidavit. Eve appeared to be quite unsettled by this line of inquiry.

I asked Eve about why she felt that she had been unable to sleep at night, such as the Friday night that occurred before my house visit. She said that she had been so stressed and anxious that she wanted to vomit. The house had had people in it for her sister's birthday party, and she had thus not felt safe. She said that she only felt safe in her house and with her mother but not even at school. She then qualified that she did not feel safe with the boys at school and stayed with the girls and teachers instead.

At the end of the interview, I asked Eve if she wanted to tell me anything else. Eve said that she wanted to tell me about how she hated her father, that she never wanted to see him again, that he was mentally ill, and that he was a monster. She said that he had ruined her life and that she had never had any fun and had lived in misery because of him. She also said, "[he] has taken away my childhood" and that he had ripped her life apart. Furthermore, Eve said that her father had made her believe that it was fine for these things to happen. She then repeated that she hated Mr Pater and that in fact she was afraid of him.



At that point, she appeared to force herself to cry. I state this occurrence advisedly and based on my clinical impression because it appeared to me that she was trying to cry throughout the whole interview, but it was only when she touched on emotions of fear and anger that she could make herself actually cry.

During the other discussions, Eve kept her face unhappy, and a smile only broke through when she was taken by surprise. With regard to Eve's occasional smiles, I felt that she wanted to maintain a disconnected stance with me during the interview. I also felt that she failed to engage to the extent that she had in the previous interview and during the home visit, even at appropriate times. For the rest, it was my opinion that she was invested in convincing me that she was emotionally appropriate given the fact that she had been sexually abused. However, based on my clinical impression, Eve's display of emotion was forced and was not evident when she had to speak of severe abuse. It was only apparent when Eve spoke of her anger and fear towards her father. My clinical explanation for this would be that the anger and fear towards her father had become real for her in the 6 months prior to the investigation. This display of emotion was in contrast to the lack of emotion relating to the alleged abuse.

I also noted that Eve appeared to be uncomfortable with some of my questions and that she may have become anxious with regard to the situation. I felt uncomfortable with Eve's forced tears because, by that time, I had contacted Ms Jung, the psychologist whose report the application had been based on, to ask her whether Eve had shown any appropriate emotions, such as crying, when she had interviewed Eve earlier in the year. Eve's crying at the end of the interview did not succeed in convincing me of anything other than her evolved anger with her father. In Eve's story of the abuse, there did not appear to be congruent subjective emotion, although it appeared to me that she had tried very hard to get display such emotion.

I ended the interview because my attempts to test and to challenge the information that had been presented from the various sources had become untenable for Eve. I also believed that pushing on with the interview was not in her best interests in the short-term. After she left the interview, she went out crying and ran straight into her mother's arms.

### **Mr Mater's Storey**

Mr Mater told me that he had been born in Johannesburg and that had grown up between Johannesburg and Bloemfontein. He matriculated in Bloemfontein and went on to complete a Bachelor of Arts Degree in Communication Sciences and Psychology. Mr Mater was an executive recruitment business owner at the time of the interview. He had had this business since January 2009, which was 4 months prior to the interview. Prior to this business, he had worked in real estate for 2 years, and before that, he had owned another company for 6 years which also involved executive placements.

Mr Mater told me that he was the eldest of two children and that he had a younger brother. His parents had been married for approximately sixteen years when his father had died in 1987 at the age of 57 years old. His mother had been remarried for 10 years. He described his parents' marriage as not being a particularly happy one as his father was a forceful individual to whom his mother had continuously yielded. This situation created an unequal power disparity.

Mr Mater described his late father as an autocrat and told me that he wished his mother had stood her ground with him. He said that he considered his stepfather as a friend rather than his parent. Mr Mater said his upbringing had been very strict and that there had not been much tolerance for individual difference. Furthermore, Mr Mater said that he had idolised his father but that he had also felt intimidated by him. His father was a very successful sportsman, and Mr Mater thus found it difficult to measure up to his father. Mr Mater believed that he was most like his father because his mother was too submissive and

timid. He believed that he had a very strong personality and therefore believed that he was more like his father.

Mr Mater told me that he and Mrs Mater married in 2001. They had a daughter who was 6 years old at the time of the interview. In addition, Mr Mater told me that he had met Mrs Mater because he had been her personal trainer. He told me that Mrs Mater had fallen in love with him but that she had been married at the time. However, Mr Mater told me that he had respected the marital boundary and that they were initially just good friends and confidants. As the distance increased in Mrs Mater's marriage to Mr Pater, however, the relationship between Mr Mater and Mrs Mater became very close. Mr Mater told me that after 6 months, the relationship had developed into a physical relationship and that it had been at that point that Mrs Mater had told her husband that she wanted a divorce. He said that Mr Pater then moved out of the marital home, which is when Mr and Mrs Mater's relationship consolidated.

He told me that Mrs Mater was a little older than he was and that she had had two children already. He said that Eve was 3 years old when his relationship with Mrs Mater had begun. However, he reported that he had felt that this would not have been a problem as he had been sure that he could connect with Mrs Mater's children.

Furthermore, Mr Mater told me that Mr Pater's showpiece was money. Reportedly, when Mrs Mater told Mr Pater that she was falling in love with her personal trainer, Mr Pater apparently said to her that she should not be silly as her personal trainer could not afford to 'keep' her. Mr Mater said that Mr Pater had facilitated the divorce very speedily and had never confronted Mr Mater about the affair. Furthermore, Mr Mater believed that Mrs Mater had only received R1.4 million to R1.5 million in cash and some other items after the divorce. He said that Mrs Mater had not challenged the settlement.

In addition, he told me that Mrs Mater had then bought their home. They then got married and subsequently had their daughter. At that time, Mr Mater reportedly felt that he needed to go back into the recruitment industry because he could earn a lot more money in that industry as opposed to being a personal trainer. He told me that Mrs Mater had then taken out a small bond on the house to start his business, which he had managed to pay back within a year. He told me that his business was successful. At the same time, he said that they had renovated their home and had then managed to sell it for a profit.

They then used the money to buy another property that had the potential to be renovated. He said that Mrs Mater had an all-consuming passion for properties and renovation. They then sold their next home at a huge profit. In addition, the family had to relocate to Johannesburg because Mr Mater had needed a black economic empowerment (BEE) partner for his business. He mentioned that it had also been easier to find schools for Adam and Eve because they had needed remedial schools. They then came to live in Johannesburg in 2006.

Mr Mater spontaneously spoke about his marriage to Mrs Mater. During the first few years, although the children were problematic, the issues were not reportedly as pronounced as they later became. He said that Eve had been quite easy, while Adam had only been relatively easy when he was little. Mr Mater mentioned that Adam had begun withholding his faeces and that he had become obsessive about germs and his saliva thereafter.

Apparently, Mr and Mrs Mater then progressed from the phase of a young couple in love to the “real-life phase” of their relationship. Mr Mater said that he had struggled with this transition and that he had experienced Adam and Eve as very needy because they had demanded a huge amount of attention from him. He reportedly found fathering the two children very tough. He described his daughter as a miracle and as the connection between

him and Mrs Mater. He described Mrs Mater as a very good mother and said that they had developed a family unit. Furthermore, Mr Mater said that Eve had excelled as an older sister, and he therefore felt that the family had to be kept together.

Mr Mater mentioned that there had previously been one 'hiccup'. He told me that the problem had begun 7 years prior to the investigation when Mrs Mater had become a challenging person to be married to. He told me that she had been moody, volatile, and emotionally fragile. She had also picked up a lot of weight (about 35 kgs), and thus their physical relationship had taken strain. He said that this was the period before Mrs Mater had been diagnosed with a pituitary tumour.

Mr Mater told me that he had consulted with someone at that point to find out when would be the best time, from his daughter's point of view, to get divorced. He said that he had been advised that divorce was preferable once his daughter was five to six years old. Mr Mater told me that at that time he had felt very unhappy and that he had needed to start over. He also felt that Adam had been very challenging and had put immense strain on his marriage to Mrs Mater. He felt he needed joy in his life, decided to end the marriage, and spoke to Mrs Mater. Her response had been to fight with Mr Mater, and he thus feared an ugly breakup of the marriage. Although he had still wanted to leave the marriage and because, by that time, Mrs Mater had been diagnosed with a pituitary tumour, he had decided to support Mrs Mater through her treatment. Mr Mater remained with her until she had recovered. He then apparently planned his departure.

Mr Mater reportedly packed up all his things and left when Mrs Mater was out. He told me that he had left a DVD for the children to say goodbye to them. He also said that he had written a long letter to Mrs Mater. Adam and Eve were overseas at the time with their father so only Mr Mater's daughter would have been aware of his departure. When Mrs Mater arrived home, she had found him gone. He told me that because he had

expected Mrs Mater to go to her family in Cape Town, he had also gone to Cape Town. Thus, within seven to eight days, they were reconciled. Mr Mater said that when he had seen the pain in his daughter's eyes, he could not leave her.

In the past, Mr Mater had reportedly refused to attend counselling, but he and Mrs Mater had been attending counselling since their reconciliation, which had been very beneficial. He said that Mrs Mater had also lost weight and had become the person that he knew her to be. She had supported him, and he had supported her through all their issues. Their relationship was thus the best it had ever been.

Mr Mater told me that his relationship with Eve was very good and that she was an "awesome" child. He said that when he had originally lived with Mrs Mater and her children, Adam had been struggling. He told me that Adam had been diagnosed with obsessive-compulsive disorder and had psychotic episodes. Adam thus needed medication in order to be contained. Mr Mater told me that Adam had also gone through an aggressive phase. Despite the fact that the Maters had a 'no-bullying policy' at home, Adam would not conform to it at times. Mr Mater said that he would try different strategies to contain Adam, such as locking him in the bathroom or smacking him. Mr Mater also admitted that he had hit Adam with a slipper on one occasion. He said that he had even tried to grab Adam on another occasion. However, this failed and made him fall on top of Adam on the ground. Mr Mater claimed to have done these things when he saw Adam bullying his sisters. At the time, he felt as though he was running out of options and that he could not understand Adam. However, once the allegations had emerged, he understood why Adam had been so difficult.

Mr Mater said that he had raised Adam from the age of 5 years old and that he had taught Adam to ride a bike. They had reportedly become close. Mr Mater told me that Adam would call him "Dad" from the age of 5 years old, whereas Adam called his

biological father “Daddy (first name)” (Mr Pater’s first name). He knew that this difference bothered Mr Pater, but Mr Mater felt that he had a right to be called ‘Dad’ as he had earned it. He said that despite the physical conflict that had ensued between him and Adam, he was Adam’s only ‘father’. He said that Mr Pater was a distant father who was never there for his children. However, when Mr and Mrs Mater’s marriage took strain, they had decided to send Adam to his father, Mr Pater, in Dubai.

Mr Mater stated that before Adam had relocated to Dubai, specifically when Adam had returned from holiday contact with his father overseas, Adam would behave awkwardly as though he had been hiding something from Mr Mater. Mr Mater had previously felt that Adam had not been transparent, and it was as if Adam had been “carrying the world on his shoulders”. Mr Mater had reportedly tried to reach out to Adam. However, as Mr Mater’s efforts were unsuccessful, distance developed between them that was perpetuated when Adam then went to stay with his father in Dubai. This distance continued to affect their relationship until Adam had returned to South Africa after the emergence of the allegations.

I asked Mr Mater about the recent developments and the allegations that had emerged. He said that he had always felt that there had been something amiss with Eve. He said that when Eve was three to four years old, she would masturbate, which had really worried him. He thought that something was wrong. He and Mrs Mater had asked Eve if anybody had ever touched her or if anyone had done anything to her that had made her feel uncomfortable. She had then stopped masturbating. Mr Mater then told me that, thereafter, at least once a year, he and Mrs Mater would ask Eve about this issue to make sure that she had not been touched or interfered with sexually in any way. Mr Mater told me that they would ask Eve the following question: “Has anybody ever done anything to you, touched you inappropriately, made you feel uncomfortable, that didn’t feel right?” He said that

something in his “gut” had told him that something like that had been happening and that it was not right. He said that Eve would emphatically deny the possibility. Mr Mater also reported that she had become almost aggressive in her denial of the possibility of abuse. Eve would reportedly say, “No. I’ve told you!”

In addition, Mr Mater told me that as Eve grew up, she would have periods of being “spaced out”. As these periods became more frequent, they were identified as petit mal episodes. Eve had had a number of these episodes at school. These episodes purportedly began at the beginning of 2008, and their frequency increased thereafter. Mr Mater would often have to fetch Eve from the sick bay at school. He said that Mrs Mater had done some research on the Internet and had learnt that the seizures could be psychosomatically caused, especially by the suppression of memories and feelings. He was then convinced that Eve’s seizures were the result of suppressed memories.

He told me that he had gone to fetch Eve from school after one such seizure in late November 2008. During the drive home, Mr Mater apparently very sternly insisted that they had to understand what was going on with Eve. He reportedly told Eve that he did not know where they were to go from there, that it appeared that she could not handle things anymore, and that things had become too much. He then asked her what was going on. Eve’s response was that she was afraid that “Daddy (Mr Pater’s first name)” had made her pregnant. He said that he had seen terror and fear in her face and that she had gone “as grey as a corpse”. Mr Mater then asked Eve why she had thought that she had been pregnant. She apparently replied that she did not know. She then panicked and said she did not remember. When he got home, he called Mrs Mater and told her that they needed to sit down and talk.

Mr Mater told me that Eve had told them that she had mentioned her fears to her father during the Cape Town visit with him. When they asked Eve the reason for her fears,



she said she had asked for separate rooms, but there had only been one room and one bed. She also said that she had put pillows down the middle of the bed, but that when she had woken up, the pillows had been taken away.

Thereafter, Eve had apparently become more articulate with regard to her “genuinely repressed memories”. She would wake them up in the middle of the night as though she were putting pieces of a puzzle together. Mr Mater stated that more pieces of the puzzle had emerged each day, memory by memory. He said that this process continued until approximately a month and a half before the investigation had begun when Eve stopped giving new information. They had reportedly asked Eve when the alleged abuse had begun, and she said that there was never a time when it had not happened.

I then asked Mr Mater why he had thought of asking Eve if anything had ever happened between her and Adam because it had not been part of her original allegations. The original allegations were purely associated with Mr Pater. Mr Mater replied that he had asked her about her involvement with Adam because he had walked in on Eve telling Mrs Mater that her father had forced her and Adam to watch pornography together. As a result of this allegation, Mr Mater asked Eve “straight out” if anything had happened between her and Adam. He said that it had come from an intuitive feeling. It was at that time that more horrific things reportedly emerged.

Mr Mater told me that he and Mrs Mater had “tricked” Mr Pater into bringing Adam back to South Africa because they had wanted to see if Adam would corroborate Eve’s story. When they first confronted Adam with what Eve had said, Adam reportedly chased after Eve with a poker stick because he had been so angry. Mrs Mater had to restrain him. In addition, Mr Mater said that Adam had gone crazy and had then disintegrated. Adam apparently began his story by furiously denying that anything had happened. However, Adam reportedly broke down and began crying and praying. Adam

continually asked about what was going to happen to his father and if his father would go to jail.

However, Mr Mater told me that Adam would still not tell them anything. Instead, Adam would deny everything and was only concerned about his father going to jail. They spent three nights at a guesthouse with Adam, but he reportedly never stopped denying any of the allegations during that time. Mr Mater told me that when they had eventually returned home, he had devised a plan to make Adam tell the truth. Mr Mater said that he and Mrs Mater had given Adam two options to choose from – the first option was to continue denying that any abuse had taken place, which would then force them to contact the police and to instigate criminal proceedings against Adam's father in order to protect Adam from his father. Mr Mater reiterated that they had said that if Adam had continued the denials, they would have been put in a precarious situation because they would have had to institute criminal proceedings to protect Adam. The second option was for Adam to stop denying the allegations, to be honest, and to talk to them. They would include him in any decision regarding the laying of criminal charges against his father. Mr Mater told me that Adam would be involved and had more options with regard to the second course of action.

Mr Mater then said that once Adam had heard these options, he then had begun to talk. They asked Adam if his father had ever touched him in a way that had made him feel uncomfortable. Adam then replied that Mr Pater had put his hand on his (Adam's) crotch area while driving to the airport. I asked Mr Mater to show me where Adam had said his father had put his hand to establish if Adam had said on his crotch or near his crotch – Mr Mater's action indicated near to this area and not directly on it. Mr Mater then corrected himself and said that Adam had said that Mr Pater had placed his hand near Adam's crotch. Mr Mater told me that this action had made Adam feel uncomfortable. In addition,

Mr Mater then told me that Adam had then spoken of the “milder stuff”, such as that Mr Pater had often touched Adam’s bottom, had often climbed into the bunk bed and “spooned” with Adam, and had given Adam “creepy” back scratches and hand massages. Mr Mater told me that he and Mrs Mater would sit Adam down every few days to ask him about what he could remember. Mr Mater told me that Adam had then “made a leap” when he had remembered the first time his father had sucked his penis. This incident had reportedly first occurred when Adam had been a baby in nappies. Another such incident that Adam first remembered was when Mr Pater had put his finger up his (Adam’s) “bum”.

Mr Mater said that the information had started to flow thereafter. He said that they would schedule conversations with Adam every few days to talk about what had happened. Furthermore, he said that Adam had eventually told them that Mr Pater had raped him three times. Mr Pater had purportedly put his hand over Adam’s mouth during the incidents. Mr Mater reported that Adam bled the first and third time the rapes had occurred but not with regard to the second time. Mr Mater said that Adam had said that he had been four or five years old when he had been raped for the first time. Furthermore, Mr Mater said that Adam had said that the third time he had been raped was just before he had left for Dubai. Mr Mater told me that Adam had said that Mr Pater had stopped sexually interfering with him because Adam had become more difficult to control. In addition, Adam reportedly described Mr Pater as walking out after raping him as if he (Mr Pater) “did not have a care in the world”.

Mr Mater stated that Adam had then confirmed the pornography episodes and had said that Mr Pater had commanded them (Adam and Eve) to perform pornographic acts. Reportedly, Mr Pater would shout instructions at Eve such as “Put your finger up his [Adam’s] bum”. Mr Pater would also purportedly masturbate while watching them.

Mr Mater said that Adam had said that the first time he had seen his father masturbate was in Cape Town when he (Adam) was about four years old. Mr Pater reportedly sat on the toilet seat and masturbated. He then apparently rubbed Adam's hand in the semen. Mr Mater then asked Adam if he had ever sucked his father's penis. Adam then apparently became tearful and ashamed because of the following incident which Adam had reported: Mr Pater had put his hands behind Adam's head, and Mr Pater then forced Adam to suck his penis. Mr Mater said that Adam had said that he had choked on the penis. It was then mentioned that Adam had said that his father would climax on his face. Mr Pater would then reportedly tell Adam to go and clean himself up.

Mr Mater stated that they had needed Adam to admit to what had happened with his sister. He told me that Adam's story and Eve's story were identical and said that Adam had confirmed the viewing of pornography in which Mr Pater had appeared with other people. In addition, Mr Mater told me that he could never understand why Adam had always had an aversion to videotaping. However, when Adam corroborated the videotaping of him and his sister, Mr Mater then understood Adam's dislike of being videotaped.

Furthermore, it was reported that Eve said that she had to sit on Adam's face and on her father's face. The Maters asked Adam if this had happened. He said that it had happened and said that Eve had also given him a "blow job". Mr Mater told me that since these revelations, both children had transformed in front of his and Mrs Mater's eyes. He told me that both of the children had begun sleeping well because they knew they were not going to be woken up and because they felt safe.

I then asked Mr Mater about an incident reported to me by Ms Amica, Mr Pater's partner. Ms Amica had said that Adam, in a fit of temper, had said that when his stepfather, Mr Mater, visits Eve, he should take a box of condoms with him. Ms Amica stated that Mr

Pater had called Mrs Mater to assess if there was any truth to the statement. Mrs Mater reportedly responded that she did not think so but would check on things. Mr Mater said that he knew nothing about this incident and insisted that he and I phone Mrs Mater to establish if Mr Pater had indeed called her. I did so, and Mrs Mater then said that she knew nothing about such a telephone call. She also said that the call had never occurred.

### **Ms Amica's Storey**

Ms Amica reported that she had been born in Northern Germany and that she had grown up there. She matriculated and thereafter completed her tertiary education in economics and languages. She then worked as a personal assistant to the CEO (Chief Executive Officer) of an international company and continued working there for 9 years.

Ms Amica told me that she was the second child of three children. She had an elder brother and a younger sister. Her brother was married and had a daughter, Lana. Her parents had been married for approximately forty-three years when her father had died in 2005. Ms Amica's parents had led a very conservative life and had a conservative marriage. Her father had worked, while her mother had been responsible for the house. She described her family as patriarchal and said that her upbringing had been very strict and disciplined. She told me that manners, respect, and discipline had been valued and that both her parents had acted as the children's disciplinarians. Ms Amica said that she knew her parents' limits and had had a very happy childhood as well as a strong family unit.

She told me that she had never been married. She and Mr Pater had been in a relationship since 2002 (7 years). Ms Amica reported that their relationship was very good and had always been good. She said that the nature of the relationship was kind and respectful. She said that Mr Pater had always been there for her and that he was trustworthy and reliable. She understood exactly where she stood with him and described him as someone who hid his emotions easily. In addition, she said that she had worked to

get him “to lighten up a bit”. She told me that their sexual relationship was initially very good, but that since Adam had been staying with them, there had been an increase in their levels of stress, which negatively affected the intimacy of their relationship. She told me that Mr Pater was a considerate and fulfilling lover and that he was able to be flexible and accommodating.

I asked about Ms Amica’s views regarding the sexual abuse allegations. She said that she knew that Mr Pater had never climbed out of bed in the middle of the night without her being aware of it. She also said that she was easily woken when Mr Pater spoke in his sleep or when he got up to go to the bathroom. Furthermore, I asked Ms Amica if Mr Pater had ever taken afternoon naps. She told me that they certainly did not nap at all on their holidays nor at home because this practice was not part of their lifestyle. She could not remember an occasion when Mr Pater had taken an afternoon nap. She said that, if anything, Mr Pater would fall asleep in the deck chair in which he happened to be sitting after a big lunch.

Ms Amica told me that, as far as she could remember, Eve had never taken afternoon naps in the preceding years. However, she commented that both children recently appeared to prefer lying in their rooms on their beds while reading for a large part of the day. Furthermore, Ms Amica commented that Eve was like a rubber ball because she was always ‘bouncing’ about and ready to go.

I asked Ms Amica about Mr Pater giving the children back rubs. Ms Amica replied that, while on holiday, Mr Pater would often give Eve a back rub while Ms Amica would give Lana, her niece, a back rub at the same time. She said that this was their ritual before the children went to sleep. She said that Lana was completely comfortable with Mr Pater. In addition, Ms Amica said that she would happily have left Lana with Mr Pater at any point in time. She said that when Lana had been invited to join them on holiday, Lana had

never resisted coming with them and had always been available to accompany them. Ms Amica told me that the children got on very well and that having other children along with them on holiday made things easier. She said that Lana was pleasant and easy and that the children played cards together.

I then asked Ms Amica about the alleged videotaping. She told me that she was always present whenever the children visited. In fact, she said that she would 'buy' extra days of leave from her company to be available for when the children visited. She said that if the children were coming, she would take three full weeks of leave. She also said that she would often be on her own with the children when Mr Pater had to work. I also asked her about the pornographic films. She insisted that they had never had any such films in their apartment, nor did they have any pornographic photographs or magazines.

She told me that Mr Pater had gone to visit Eve on his own in October 2008 because Eve would otherwise not see him that year. The reason for the visit was that Adam had had a breakdown when he had visited his mother in South Africa earlier that year. Ms Amica informed me that they had taken time to go to Florence and Tuscany for four days in April 2008 and that Eve had gone with them. She had also gone to the tennis that was on in Dubai. In December 2007, they had travelled to Corsica with Lana where they had rented a house for a week. In the summer holiday in 2007, they had done a cycling tour around Lake Constance. Ms Amica said that they would cycle from place to place during the day and that their luggage would be transported for them from hotel to hotel. She said that Lana and Eve had shared a room, while Adam and a friend, Thomas, had shared a second room. Ms Amica and Mr Pater reportedly shared a third room. They cycled 350 kms around Lake Constance in one week. Ms Amica said that when they had reached their hotels at night, they had eaten dinner and retired to bed because they had been exhausted from the day's cycling. She confirmed that Lana and Eve had shared a room and a bed.

Furthermore, Ms Amica told me that in April 2007, Eve had visited on her first holiday to Dubai since Adam had begun living there. She said that Eve had arrived and had been wetting herself. Eve also appeared out of control and was screaming and shouting. In addition, Eve would purportedly say, “Adam, but you’re ill”. It was reportedly the first time that Eve had seen Adam since he had left, and she thus could not believe how well he was coping. She could not believe how normal Adam was behaving.

In May 2007, while Mr Pater had been away on his first business trip since Adam had begun living there, Mrs Mater had phoned to speak to Adam. He reportedly held the phone for Ms Amica to hear what his mother was saying. Mrs Mater reportedly said that Adam should remember that ‘Daddy (Mr Mater’s first name)’ loves him more than ‘Daddy (Mr Pater’s first name)’. Adam told Mrs Mater that he was well and that he was indeed well enough to go to school. Mrs Mater reportedly appeared to be pleading with him and said, “No you can’t, you’re sick, you are schizophrenic, you are sick”. Adam then reportedly asked Ms Amica to hear how his mother was speaking to him over the phone. Ms Amica said that the damage Mrs Mater would inflict on Adam during one telephone call would take weeks to repair.

I asked Ms Amica about Adam’s general behaviour while he had been living with them in Dubai. She told me that since January 2009, after the allegations had emerged and because his mother had been calling him quite often, Adam had become quite aggressive. He had become quite threatening, and he would take a knife in his hand and would walk around with it. He also had an episode when he tried to break into their weekend house. However, Mr Pater could not “break through” to him. Ms Amica had reportedly begun to feel fearful and would then spend more time at the weekend house, leaving Adam and Mr Pater at the apartment. She believed that the reason for Adam’s aggression was that Adam felt pressured to choose between what his father said and what his mother was telling him.



Ms Amica told me that Mrs Mater would tell Adam that he was not safe with his father, that his father was a monster and a criminal, that his father should go to jail, and that his father was a child molester. When it was decided that Adam should return to South Africa, he reportedly insisted that they have a plan in place so that his father could rescue him if his mother kept him from returning to Dubai. Adam purportedly said that he did not want to stay in South Africa with his mother. He said to his father that his mother would just “throw pills down his throat”, and if that happened, he would “kill himself”.

Ms Amica was very concerned with what had happened and that Adam would feel that his father had abandoned him. Ms Amica said that although there were holidays in South Africa (other than the Cape Town weekend in October 2008) at which she may not have been present, she did join Mr Pater and the children at Sun City and Bakubang in 2006. Furthermore, she had also joined them on a Garden Route holiday in 2004/5. In addition, Ms Amica told me that she had been with Mr Pater at the lodge at the Johannesburg Country Club.

I asked Ms Amica about Mr Pater’s father, and she told me that he was a difficult man and a patriarch but that she could not imagine that he would have sexually abused Adam. She described Mr Pater’s father as loving and caring towards Adam and said that they had had a good relationship. She said that Mr Pater’s father had taken Adam to the gym. As per Mr Pater’s instructions, Adam’s grandfather had reportedly ensured that Adam had washed his face and hair because Adam’s hygiene tended to be questionable.

I then asked Ms Amica about the Cape Town weekend trip, and she told me that when Mr Pater returned to Dubai, he had told her about his concerns regarding Eve’s question. He then reportedly spoke to his sister and Dr White, Eve’s psychiatrist in Johannesburg. Ms Amica told me that she and Mr Pater had attended a session together with Adam’s psychotherapist, Mr Rogers, where they had again discussed this issue. She

confirmed that after Mr Pater had returned to Dubai, Eve had called and had said that she was missing Mr Pater and that she wished for him to be back in South Africa.

Ms Amica told me that during Mrs Mater's first call to Mr Pater regarding the allegations of sexual abuse, Mrs Mater had threatened Mr Pater and said that he would never see Eve again. Furthermore, Mrs Mater said that she would tell Mr Pater what financial settlement he needed to make in order to avoid her reporting the matter to the police. Mrs Mater never questioned the abuse and assumed that it had happened. Ms Amica could not understand why Mrs Mater had not reported the abuse if she had been completely convinced that the abuse had in fact happened because any concerned mother would have done so. In addition, Ms Amica told me that Mr Pater had said that the issue was too big and that Mrs Mater's accusations were so serious that he had to do something.

She then told me that in 2007, 3 months after Adam had arrived to live with them in Dubai, Adam had been in a rage and said "When Mr Mater goes to visit Eve he takes his condoms with him". Later, when Adam had calmed down, they had asked him if he was serious about what he had said. They had reportedly told Adam that it was a very serious accusation and could include criminal action if Adam maintained what he had said. Adam then admitted that maybe he had not told the truth. Ms Amica told me that Mr Pater had raised the issue with Mrs Mater; however, Mrs Mater had said that she did not think that there was anything to worry about but that she would think about it. Ms Amica then also provided the itineraries for all the holidays that the family had gone on with regard to Lake Constance in August 2007 and Germany in 2006.

### **Conclusion**

Aside from the above interviews conducted with the main family members that are recorded in this chapter, I conducted interviews with many mental health professionals, teachers and extended family members associated with both children and their parents. In

the following chapter, these Storeys that were gathered as collateral are recorded to help complete the eco-systemic description on which I based my findings for the investigation.



## **Chapter 7: Collateral Perspectives**

*'Let us get to shore, and then I'll tell you my history, and you'll understand why it is I hate cats and dogs'. It was high time to go, for the pool was getting quite crowded with the birds and animals that had fallen into it: there were a duck and a Dodo, a Lory and an Eaglet, and several other curious creatures. Alice led the way, and the whole party swam to the shore. (Carroll, 1865/2007, pp. 30-31)*

### **Down the Rabbit Hole – Part 2: Introduction**

A group of professionals and other people, including mental health professionals, associates, and extended family members, had observed the main family members. It is the perspectives and observations of these additional people that add another layer of information to enhance the complexity and multi-dimensionality of the Storey as a whole. This further collateral information may in fact add new information or may serve either to confirm or to disconfirm the Storeys gleaned from the interviews with the immediate family members. Aside from these perspectives, there are also written documents that provide a further layer of information that can add to, elucidate, confirm, or disconfirm the information from the initial interviews.

The task of weaving the many layers of information into psychological probabilities remains the task of a psychological investigator. Adding, dovetailing, and collating the various perspectives from various vantage points is a large and necessary part of the investigative process. Any report that is to be helpful to a court in the process of considering what would be in a child's best interests needs to evidence consideration and hence holistic descriptions of what happened in the family at the time of the distress.



## **The Storeys of Adam's Teachers**

In Dubai, where Adam had attended school while living there, I interviewed the director of the school, the head of the secondary school, the head of the middle school, Adam's form teacher, Adam's Science teacher, Adam's English teacher, Adam's Geography teacher, and Adam's History teacher. His History teacher had been giving Adam personal guidance and tutoring.

The collateral sources from the school in Dubai agreed that Adam did not present as a student who had been sexually abused. Adam rather presented as a child who had been closed down because of an aberrant psychological issue. The consensus was that there was no evidence that Adam had been abused either physically or emotionally, other than when he had first arrived at the school and had appeared to be psychologically "destroyed". Various teachers thought that Adam's historic family relationships had been difficult because when Adam had first arrived at the school, he had appeared to be "completely spaced out". In addition, he was unsure of himself and of where he was in the world. Adam also reportedly had a deep sense of psychological displacement.

The staff members told me that Adam had said that his stepfather had put him on high doses of medication when he had been very young and that he had wanted to come off the medication. Adam also reportedly told them that his stepfather had put him in hospital. Furthermore, Adam reportedly said that Mr Mater had said that he (Adam) was no better than the sole of Mr Mater's shoe. Adam was thus reportedly afraid of his stepfather.

The staff members at the school were informed that Adam had attended a remedial school when he had been living in Johannesburg, but they told me that when they had tested him, he had tested as a "bright boy". However, they had found that because of his psychological problems, Adam had not been reaching his potential. As the school in Dubai was very academic, Adam had difficulty coping and did not appear to be on the academic

level that he should have been. They stated, however, that they had seen his potential and that they had wanted to help Adam. To support Adam more fundamentally, the teachers felt that he should have stayed back a year because although he had improved academically, he had not achieved what he should have. However, his father was not comfortable with Adam repeating a year. Mr Pater reportedly indicated to them that he thought that it would have affected Adam's self-esteem if he were to repeat a year. Furthermore, Mr Pater reportedly thought that Adam would have felt bad about himself.

The teachers said that their relationship with Mr Pater was open and positive, especially around academic problems. They had given Mr Pater guidance regarding organising and structuring Adam. They felt that some of Adam's problems were because of emotional issues, which was confirmed after they had spoken to Adam's father. Mr Pater reportedly indicated that Adam was a very anxious boy. All the teachers agreed that both Mr Pater and Ms Amica were very supportive of Adam. They agreed that both Mr Pater and Ms Amica tried to work hard with Adam. Furthermore, they agreed that Adam's marks had improved from when he had first arrived because of Mr Pater and Ms Amica's support. Adam's problem was reportedly that he appeared to be theoretically skilled, but his ability to operationalise theory into action was lacking. As a result, Adam completed very little of his work.

Furthermore, they told me that although Adam was intelligent, his written work was not very good. He also appeared to have a problem recording his thoughts on paper. Adam had a "Personal Project", which was a school project that was due for August 2009. It had been pressurising him, but he appeared to be stalling its completion. The teachers expressed concerns regarding Adam's ability to function with the pressure of formal examinations that had to be written at the end of the academic year (2009). They feared that Adam would not cope with that pressure.

All of the teachers confirmed that Mr Pater appeared to be very concerned about Adam. Notwithstanding these concerns, however, prior to February 2009 when Adam appeared to disintegrate psychologically, the teachers had been optimistic with regard to Adam's potential. They saw Adam as doing progressively better, and they were thus sorry that he had left as he had been making progress.

One of Adam's teachers expressed the opinion that Adam seemed to have been finding things difficult in high school as opposed to when he had been in middle school the previous year. This teacher said that he believed that Adam was quite introspective and that it took Adam a while to relax. The teacher mentioned that after the previous Christmas break, Adam had become more settled and sociable. The teachers agreed that Adam's initial social integration and ability had been poor when he had first arrived at the school. They said that the other children in Adam's class would easily stress Adam out and that Adam was experienced as 'different' by the other children. However, they agreed that Adam had begun "to come out of himself" and that he had been more confident. They agreed that Adam had definitely progressed and believed that his peer group was becoming important to him. They noted that Adam initially preferred to socialise with the younger children at the school. However, they also noted that Adam had a higher intellectual level than his peers did. The teachers described Adam as having an inquiring mind and as being curious. Although he had not been very sure of how to relate to other children initially, his socialisation skills had improved.

The teachers said that Adam expressed himself in a peculiar manner and that, in their opinion, he appeared to miss social cues. This behaviour led them to consider the possibility that he may have been suffering from Asperger's syndrome. They told me that Adam's name had been mentioned at many meetings and that all of the staff members were focused on helping him to become more settled.



The teachers also said that Adam had befriended an older boy, Hussain – a tutor who had become very important to Adam. Adam and Hussain had developed a very healthy friendship aside from the context of tutoring. The teachers also informed me that Adam had coped well on a camping excursion in October 2008 and that the trip seemed to have been a breakthrough for him on a social level.

One of Adam's male teachers told me that he knew Adam very well and that they had a very good rapport as he was from Zimbabwe. Adam thus identified with him because they both came from Africa. This teacher told me that Adam used to confide in him and that Adam had felt safe in his relationship with him. In addition, Adam trusted this teacher. The teacher gave me a greeting card from himself and a few of Adam's school friends to give to Adam. This teacher described Adam as a boy who made excellent eye contact and who presented as very innocent, immature, and naïve, while also being a person who would take things too literally. However, the teacher mentioned that, in certain respects, Adam behaved in a manner that was beyond his years. This male teacher and his wife (who also taught at the school) said that Adam did have a tic and would tap constantly. The presence of this tic indicated to them that he was anxious and sensitive. However, they also said that Adam's demeanour did not stop him from provoking others. They both said that they had a good one-on-one relationship with Adam.

The consensus was that Adam had psychologically disintegrated in approximately February 2009. His male teacher had said to me that he had been surprised by Adam's breakdown because he found it unexpected, given the progress Adam had been making. The other teachers confirmed this breakdown. They felt that Adam's situation at home with his mother had had a negative effect on him because they had seen the effects of this situation previously. They also said that Adam had appeared to be very concerned about his sister. They felt that Adam had experienced his school in Dubai as a very safe place.

The headmistress told me that Mr Pater had made an application for Eve to attend the school as well. She said that they would have been happy to enrol Eve.

### **The Storeys of Eve's Teachers**

I had a meeting with the principal and two of Eve's teachers at Eve's school to discuss their perceptions of Eve and her performance at school during 2008 and 2009. One of Eve's teachers told me that she had taught Eve English in 2008 and History in 2009. She described Eve as a very quiet girl with good access to both written and verbal skills with regard to English. She said that Eve appeared to be quite isolated but that she did have a group of friends. This teacher said that the seizures that Eve had experienced in 2008 had taken her out of school quite a bit. However, she mentioned that the seizures appeared to have stopped in 2009. Furthermore, the teacher said that when she had taught Eve English in 2008, the class had been tasked with writing about their vacation after the April 2008 holiday. Eve's teacher told me that Eve had written a very moving account of the holiday that she had spent with her father in Italy. She said that the description had been of a wonderful memory and that Eve had written of the experience at length.

Her teacher said that Eve had appeared more withdrawn in 2009, although this could be accounted for by the fact that Eve had done some intense research for a school project. The teacher also commented that Eve tended to become very absorbed in her work. In addition, the teacher commented on the fact that the front page of Eve's history book had been scribbled as though Eve had been unsettled and frivolous about it. This behaviour was unusual as the teacher described Eve as a very serious girl.

Eve's principal, who had begun working at the school at the beginning of 2009, read to me from the notes that she had regarding Eve. These notes stated that Eve was a diligent worker and that Eve had excellent recall, although the presentation of her work was erratic.

Another teacher commented on the fact that Eve tended to perseverate – that is, Eve focused on a subject intensely while talking about the subject continuously over a lengthy period. This teacher commented on the fact that Eve’s demeanour in 2009 appeared to be “heavy”. In fact, both the teachers and the headmistress agreed that Eve had appeared “heavy” in 2009 in comparison to 2008. They also said that Eve had started to use her stepfather’s surname and that she had insisted on being called Eve ‘Mater’ rather than ‘Pater’. They said that they believed that Mrs Mater had been trying to change Eve’s name legally.

I then asked them about the sexual abuse allegations, to which they responded by saying that they had been “rocked” by the revelation. Although none of them had thought this to be the case before the allegations were made, they were reportedly not overly surprised. They cited Eve’s competitiveness with regard to the boys at school and her aggression towards the boys as reasons for their tendency to believe the allegations.

The teachers also described Eve’s concentration as fluctuating. Furthermore, she was easily distracted to the extent that she appeared to “not [be] in the room”. Furthermore, they mentioned that Eve occasionally behaved in a mechanical and empty manner. They described her as also being able to behave in quite a “manic” manner at times. They believed this behaviour had led to her seizures, although they had not witnessed any seizures in 2009. They felt that Eve could also be socially inappropriate. They told me that Mrs Mater had wanted Eve to be trained with regard to reading social cues.

They said that Eve had missed her brother since he had relocated to Dubai and was very protective towards him. They also said that Eve resisted travelling overseas to visit her father and that her brother had gone without her on one occasion. They reported that when Mrs Mater had been ill with a pituitary tumour, Eve had found the experience to be appropriately difficult. Eve appeared to have been worried about her mother at the time.

They also described Eve as being very strong willed and assertive and not a victim. They said that, in fact, she appeared to be more at ease with adults than with her peers.

The teachers told me that although Eve appeared to have improved with regard to the seizures and apparent absences in 2009, she did not appear as happy as she had been the previous year. They said that in 2008 there had been some periods of happiness when Eve would engage more interpersonally and would perform better at school. In addition, they told me that during Eve's second term in 2009, she had appeared to be even worse in comparison to the first term because she had appeared to be "flatter" and more distanced. Her school performance was also poor, and she was careless with her work. They said that Eve's maths ability, which had been better in the past, had particularly suffered, which is often a sign of anxiety.

There had been three or four days when the principal had to encourage Eve to get on with her day and to remain at school. She said that she often had to talk Eve into staying at school. The principal also commented on Eve's reaction when she had returned from an outing. She said that Eve had been visibly and physiologically shaken by some crude conversations that the boys had had in the bus on the way home. She said that, in her opinion, this reaction had been real and not 'put on'.

They all said that they had no reason to disbelieve Eve's claim of having been sexually abused. In addition, they had no doubt that if she said that she had been sexually abused, then, in fact, she had been abused. They said that immediately after Eve had come out with the allegations, she had appeared to be euphoric for about two weeks. In their opinion, her euphoria had arisen because her mother had believed her.

### **The Storeys of the Dubai Doctors and Therapists**

In Dubai, I interviewed Dr Freud (Adam's paediatric psychiatrist and child analyst at the local children's hospital), Mr Rogers (Adam's psychotherapist), Dr Skinner (Adam's

cognitive behavioural therapist), and Dr Good (Adam's general practitioner). I relate their storeys below.

### **Dr Freud's Storey**

Adam's psychiatrist, Dr Freud, had been attending to him since he had relocated to Dubai in 2007. Dr Freud told me that when she had first consulted with Adam, he had been on psychotropic medication and had been experiencing many side effects. She said that during his first year under her care, she had been able to reduce Adam's medication considerably as his environment had been calm and stable. She said that although he had presented with having experienced psychotic episodes, she had not diagnosed him as schizophrenic but rather as suffering from a melancholic mood with obsessive-compulsive disorder.

Dr Freud said that she had attributed Adam's symptomology to environmental problems associated with parental conflict. She told me that these types of environmental factors could precipitate the type of symptomology with which Adam had presented. She was of the opinion that Adam's far calmer environment in Dubai contributed to his improvement. I asked Dr Freud whether Adam's symptomology could have been the result of sexual abuse. She said that she felt that his symptomology was the result of many factors but also said that he did not present with the usual symptomology associated with sexual abuse. She confirmed that Adam had not presented with nightmares. She also confirmed that he had not presented with any signs of post-traumatic stress disorder, reminiscences of a trauma, or visions. Dr Freud said that such symptoms would be expected in the case of sexual abuse and that, in her experience, it was rare for these symptoms not to be present in a case of sexual abuse. Therefore, she said that assuming that sexual abuse had occurred was contraindicated.

I asked her about her experience with children who had been sexually abused. She said that she had seen many cases of sexual abuse in her experience of over twenty years as the Director of the Unit for Adolescent Psychiatry. Thus, sexual abuse as a precipitating factor had not occurred to her with regard to Adam's case. Dr Freud assessed Adam as presenting with impulsive behaviour and some suicidal events. She was of the opinion that Adam had some psychotic structures that had evolved in his early years. She was also of the opinion that the precipitating factors for this development were environmental instability and anxiety. Furthermore, she thought that these factors could have led to psychotic episodes.

Dr Freud confirmed that Adam had responded well to the treatment for his mood disorder. The speed of Adam's recovery was also a contraindication of sexual abuse. She told me that during Adam's therapy sessions with her, he had expressed anger towards his father because his father had not reacted with anger when he had heard of Eve's sexual abuse allegations. She said that Adam had been very confused in February and March 2009, which is before Adam had returned to South Africa. He had expressed anxiety with regard to his sister. Dr Freud was of the opinion that Adam was very linked to his mother. She also thought that Adam was not sure of what the reality was within his family.

She told me that aside from when Adam had first come to Dubai, his next psychotic crisis had presented on his return from South Africa in August 2008. Dr Freud said that Adam had returned cognitively and emotionally disorganised after having spent time in South Africa with his mother, Mrs Mater, and his stepfather, Mr Mater. Adam purportedly returned to Dubai in a very disjointed and very obsessive-compulsive state. Furthermore, he had not been able to sleep properly. She told me that Adam had been stable, his obsessive-compulsive disorder had dissipated, and his sleep disorder had been reversed within a month of his return to Dubai. She said that Adam had appeared to gain stability

while living with his father and his “stepmother” (Ms Amica, Mr Pater’s partner). Dr Freud was of the opinion that they were both very concerned and helpful “parents”.

Finally, Dr Freud confirmed that it was impossible for the factors associated with sexual abuse not to have presented in the time Adam had been living in Dubai if, in reality, he had been sexually abused. Furthermore, she confirmed that in her dealings with Adam, the thought that he had been sexually abused had never crossed her mind. Dr Freud was concerned about Adam’s ongoing wellbeing and recommended that there be closure in the matter as soon as possible as a speedy resolution would be in his best interests.

### **Mr Rogers’ Storey**

I then interviewed Mr Rogers. Adam had consulted with Mr Rogers, a therapist, since September 2008. Mr Rogers said that he had initially consulted with Ms Amica, Mr Pater’s partner, to guide her in her handling of Adam after he had relocated to Dubai. Mr Rogers said that when he had originally begun seeing Adam, Adam had been extremely “dark”, withdrawn, and depressed. He described Adam as having “no light in his eyes”. From Adam’s feedback, Mr Rogers was of the opinion that Adam’s larger family was “a mess”.

Mr Rogers said that after the first few sessions of psychotherapy, Adam had seemed to improve and seemed to be using his new context with his father in Dubai to regenerate. He described Adam as being like a “sponge” that drew energy and revitalisation from the environment. Although Adam indicated to Mr Rogers that he had been happy to visit his mother in August 2008, when Adam arrived back in Dubai after the visit in September 2008, he had reportedly presented with psychotic episodes and had been completely disorganised, both cognitively and emotionally. Adam displayed aggressive behaviour and wanted to remain alone in his bedroom after this visit. His

obsessive-compulsive symptomology had increased, and he presented as though he was “in pieces”.

I asked Mr Rogers about Adam’s relationship with his father. He told me that Adam indicated that Mr Pater was his role model and was an example for him to follow. Adam appeared to look up to his father and wanted to be like him. During the course of the therapy, Adam purportedly indicated to Mr Rogers that he trusted his father. This trust appeared to continue until February and March 2009 when Adam had then become confused. Adam could not decide whether to trust his father or his mother with regard to the abuse allegations. Through this conflict, Adam began to mistrust his own experience of the world. Adam had also reportedly spoken about the fact that he knew he was taking a risk by returning to South Africa in April 2009 after the allegations had emerged. Adam understood that his mother would not let him return with his father to Dubai. He had experienced this understanding as a massive internal conflict and reportedly could not deal with it. Adam reportedly could not discern whether either parent was real or true. Mr Rogers said that every time Adam had a conversation with his mother, he would disintegrate and decompose. Mr Rogers would then have to build Adam up again.

Mr Rogers told me that when Mr Pater had returned from South Africa in October 2008, both Mr Pater and Ms Amica had consulted with him on 21 October 2009. He told me that Mr Pater had been concerned with regard to Eve because she had presented him with her concern that he had made her pregnant. Mr Pater also consulted with Mr Rogers about how he should understand Eve’s verbalisations.

I asked Mr Rogers what he made of Adam’s allegations that emerged since Adam had been in Johannesburg (in other words, that Mr Pater had sexually abused Adam). Mr Rogers said that Adam had told him how his father had always nagged him about washing himself properly in the shower. Adam had also told Mr Rogers that his father would peer



into the bathroom to ensure Adam was washing himself properly. Mr Rogers said that Adam had sounded irritated by his father's nagging, but Adam had never mentioned anything about being molested or interfered with. Mr Rogers told me that during their therapy sessions, he also had engaged with Adam regarding Adam's feelings of being "dumped" by Mr Pater when Mr Pater had left South Africa after the divorce. Mr Rogers was of the opinion that Adam was angry with his father because he had not received any explanation for his father's actions. Adam purportedly never indicated that he was aware that his mother had left the marriage because of Mr Mater.

Mr Rogers told me that after Adam had found out about Eve's allegations regarding their father earlier in 2009, he had asked Adam if anything else had ever happened and if Adam had anything to tell him. Mr Rogers told me that Adam had said to him that he had nothing to tell him and that nothing had happened. Mr Rogers told me that when Adam was in Dubai, he would respond very positively to the treatment and had "gained in success" in many areas. He was of the opinion that Adam's improvement was a result of the health and stability of his environment and that Adam's improvement was certainly an indication that he was not being sexually abused. Mr Rogers was of the opinion that for the duration of Adam's therapy, he had not presented as a patient who was being sexually abused.

I asked Mr Rogers about Adam's psychological breakdown in March 2009. He told me that Adam had not been able to make sense of what was happening in his life. Adam reportedly felt that his mother was putting pressure on him to return to South Africa because of Eve's allegations. Mr Rogers was of the opinion that Adam's only option was to be hospitalised and achieved this by threatening suicide. In effect, this threat ultimately saved Adam from making any decisions and from having to choose between his parents.

### **Dr Skinner's Storey**

Dr Skinner, a cognitive behavioural therapist, saw Adam to help him modify his obsessive-compulsive behaviour. It was Dr Skinner's opinion that Adam's symptoms were not the usual symptoms that would present with obsessive-compulsive disorder. She had thus concluded that there was a deeper basis for his symptomology than just anxiety. Dr Skinner therefore felt that if she had continued to treat Adam, she may have uncovered something deeper. She was thus circumspect about uncovering an issue that would become a psychological crisis for Adam. In light of her concerns, Dr Skinner thought that Adam needed more than just the superficial behaviour modification therapy that she could offer.

Dr Skinner confirmed that during the course of Adam's therapy with her, which was not long, it had never crossed her mind that any of his symptoms had been the result of sexual abuse. She in fact never considered sexual abuse to be an aetiological causal factor. With regard to sexual abuse, Dr Skinner confirmed that she had dealt with children who had been sexually abused, and she thus had experience in this area. She reported that Adam valued and admired his father and that Adam experienced his father as strict, but he was also accepting of his father's discipline.

### **Dr Good's Storey**

Dr Good had seen Adam since he first arrived in Dubai. She said that when she had first attended to Adam, he had been on at least five different medications and that when she had last saw him, he had only been on two medications. She confirmed that she had seen Adam five times from March 2007 to March 2009.

Dr Good told me that during Adam's first visit to see her, he had been very aggressive towards his father. However, this aggressive behaviour reportedly never appeared again during the subsequent visits. She described Adam as generally calm but not forthcoming. Dr Good, however, did indicate that by the time Adam left Dubai, he was

able to answer questions with thought. She told me that his behaviour had also appeared to improve.

I asked her if she had considered the possibility that Adam could have been sexually abused. Dr Good told me that the idea of Adam having been sexually abused had never occurred to her. She confirmed that she had only prescribed antibiotics and local cream medication to treat his acne and would never have prescribed Reacutane as she felt this medication was contraindicated in his case. Dr Good also reported that Adam had grown 20 cms in the time she had attended to him. In addition, Dr Good told me that she thought that Adam had improved while he had been living in Dubai.

### **The Storeys of the Johannesburg Doctors and Therapists**

#### **Dr Klein's Storey**

I interviewed Dr Klein, a child and adolescent psychiatrist, with regard to her interactions with Mr and Mrs Mater, Mr Pater, and Adam in her role as a consultant at Tara Hospital when Adam had been admitted there on 8 November 2006. Dr Klein told me that she had been responsible for supervising the incumbent registrar at the time of Adam's admission. She said that she had first interacted with Mr Mater when she had been conducting her daily ward round. She was urgently called away to attend to Mr Mater because he insisted on speaking to her. She reported that this was not usual and that it had never happened before or since the incident. Dr Klein said that she had seen Mr Mater in the duty room. He reportedly said that he wanted Adam to be admitted immediately because Adam was a suicide risk and had schizophrenia. She indicated that Adam's Johannesburg psychiatrist, Dr White, had referred Adam to Tara.

Dr Klein told me that before any child is admitted to Tara, a full consultation with the child's family is usually conducted. This consultation is conducted by an interdisciplinary team to ascertain if the admission of the child will in fact be beneficial to

the child and if the family are happy to collaborate with the hospital. She told me that Adam and Mrs Mater had presented in front of the panel at a later date. Mrs Mater reportedly told the interdisciplinary team that Adam had had problems since the age of 3 years old and that his condition had been controlled with medication until 11 September 2006. However, he had become very upset, stressed, anxious, angry, and sad from that point. Adam had purportedly also cut his hand open with a piece of glass. Dr Klein told me that when they had asked Mrs Mater about the injury, they were told that there had been no actual blood. However, they were told that Adam had hit his head with a cricket bat and had said that the pain had relieved his stress but that he had then felt guilty.

She said that the team were informed that Dr White had noted an increase in Adam's 'checking' behaviour, indicating obsessive-compulsive symptomology. They were also told that there had been evidence of obsessive-compulsive behaviour when Adam was 5 years old because he had withheld his faeces. It was also reported that Adam at the age of 5 years old had had a fear of swallowing his saliva and a fear of flies. He had also reportedly heard voices commanding him to say bad words. The panel was furthermore informed that Adam was slow at completing his schoolwork at Japari School (the remedial school that he had been attending at the time). However, they were also told that when he had been given extra time to complete his work, his marks had been excellent. The information they had received from the school was that Adam was a deep thinker and that he said that he enjoyed the strategy involved in playing chess. Due to these descriptions, the interdisciplinary panel did not pick up any evidence of thought disorders.

When the team had spoken to Adam about his experience of school, he said that school was a hard and stressed environment where the children acted like baboons. He reportedly told the team that the children had pornography on their cell phones and that he could not trust them. Dr Klein also told me that Mrs Mater had said that there had been a

paedophile at Adam's school in the Cape. However, Mrs Mater confirmed that nothing had happened to Adam at the hands of this paedophile and that Adam fortunately had nothing to do with the paedophile. Mrs Mater also said that Adam had not been able to release the knowledge of the paedophile and therefore did not trust adults.

Dr Klein told me that Mrs Mater had arranged for Adam to undergo a Single Photon Emission Computed Tomography (SPECT) scan to assess potential brain damage. Dr Klein noted that this scan is usually a very expensive procedure. Mrs Mater was reportedly motivated to have Adam assessed by the scan because she was concerned for her children because her ex-mother-in-law had died of a rare, degenerative brain disease. Dr Klein said that Mrs Mater had told her that Eve had also been assessed using a SPECT scan.

Dr Klein told me that the hospital then admitted Adam ahead of the waiting list because of the claim that he was a suicide risk. Dr Klein told me that her impression was that Adam had enjoyed the attention that he had received during the panel's discussion. Furthermore, Dr Klein told me that, in terms of Adam's medication and in order to get a baseline of Adam's behaviour, his medication had been halved during the first week. She indicated that although his medication had been halved, there had been no change in his behaviour.

While Adam was at Tara, he attended the Tara school where he continued doing his schoolwork under supervision. Aside from checking under his chair five times on the first day of attending the Tara school, there were no other reports of any obsessive-compulsive behaviour. It was also said that Adam had been a-psychotic (in other words, he displayed no psychotic symptoms) and that no obsessive-compulsive behaviour had been evident when they had observed him in the ward. Adam also purportedly denied having

hallucinations, either auditory or visual, and said that he had no thoughts of suicide because he was too busy. No depressive symptoms were observed.

It was noted that Adam's communication was deviant and that he appeared over-detailed and insensitive to the other patients in the children's ward. Dr Klein told me that they had observed interesting behaviour on Adam's part when his mother, Mrs Mater, visited him in the ward. If Mrs Mater visited Adam at a mealtime, Adam would reportedly refuse to eat his food. The food was then taken away, but when his mother left, he would ask for the food to be brought to him again and would many times then also have a second helping. In Dr Klein's opinion, she believed that Adam liked being the centre of attention.

Dr Klein said that on one occasion when Mrs Mater was consulting the resident psychologist for an interview, Mr Mater, while waiting for Mrs Mater, had lost his temper because he had not been attended to or consulted by anyone. Mr Mater then purportedly left the hospital – thereby also leaving Mrs Mater and Adam without transport.

Dr Klein told me that during Adam's stay in Tara, he had been put in "time-out" for 15 minutes one evening because he had been disrupting the other children at bedtime. She said that when his mother and stepfather had found out about the "time-out" incident, they had then transformed the incident into a case of abuse against one of the nurses on duty. They alleged that the nurse had manhandled Adam and that the nurse had placed Adam in a darkened room for a lengthy period of time. Dr Klein told me that this was certainly not their existing procedure. After the complaint had been lodged, investigated, and a formal inquiry had been held, it was established that the complaint was unfounded.

Dr Klein gave me a copy of a document that she had forwarded to Dr White (Adam and Eve's Johannesburg psychiatrist) and to Dr Green (the children's former Cape Town psychiatrist), to which Mr and Mrs Mater had not been privy. Aside from what is recorded in Dr Klein's Storey above, this document included the following information:

- Adam was more outgoing than any schizophrenic child Dr Klein had ever seen.
- The staff of Tara observed that Adam had tics that they thought were voluntary.
- Notwithstanding some of Adam's inappropriate social behaviour, he played well with the other children and liked the company of his peers.
- He admitted to feelings of anger.
- When the incumbent registrar did a routine obsessive-compulsive disorder test on Adam, he asked if his mother would see the results of the test. Adam was told that it was purely for his file. It appeared that he had told his mother or that his mother had interpreted that they had been conducting 'secret' tests on Adam and that they had been hiding the results from her.
- When Mrs Mater was given feedback on Adam that indicated that he was functioning far better on both an emotional and psychological level than she had indicated initially, she became hostile and refused ongoing hospital treatment for Adam instead of being relieved.
- Dr Klein saw Mr Pater on 17 November 2006 when Mr Pater was in Johannesburg. She reported that Mr Pater had kept asking her, with no cue from her, if Adam could be producing symptoms to get a reaction because when Adam was with Mr Pater, he appeared to be fine.
- When the ward sister told Mrs Mater how well Adam was doing, Mrs Mater responded, "It seems like Munchausen's". This statement was most unusual. Dr Klein confirmed that she had never had a mother mention such a diagnosis to her in her 40 years of practice. Dr Klein could also not understand why Mrs Mater did things that she (Dr Klein) believed any other mother would see as detrimental to her children – for example, having her children on such high doses of toxic drugs.

- Dr Klein confirmed that if indeed Adam had childhood-onset schizophrenia, his symptoms were, at that time, completely under control. His behaviour and symptomology had remained the same when he was placed on half the dosage of Cymbalta. Adam had been medicated with double the dosage prior to his admission to Tara. However, at that point, there was no evidence of obsessive-compulsive disorder or depression. There was also no evidence of an eating disorder, although Mrs Mater had indicated that Adam had an eating disorder. However, there was evidence of a pervasive developmental disorder. Dr Klein described Adam as having a tendency to manipulate his mother with fabrications that were convincing.
- Dr Klein commented on Mrs Mater's undue investment in her child's illness and her refusal to be open to discussion with regard to Adam's illness. Dr Klein described the mother-child relationship as enmeshed. In this description, she did not see Mrs Mater as deliberately exaggerating Adam's deficits, but Mrs Mater was certainly overprotective of him, which gave him much secondary gain.
- Dr Klein was of the opinion that Adam's prognosis at the time was poor, notwithstanding Adam's access to intelligence, resources, and strengths that could help him to cope.

Dr Klein also gave me a copy of a letter that had subsequently been sent to her and to Tara Hospital from Mr and Mrs Mater. Mrs Mater had also supplied me with a copy of the same letter after she had heard that I had seen Dr Klein. The letter included the following points in summary:

- The letter identified the fact that Adam's eating had not been monitored, despite the fact that Mrs Mater had supplied information that he had a tendency to have anorexia.



- They stated that Mr Mater had been excluded from a meeting at the hospital on 17 November 2006. The complaint was that although Mrs Mater should certainly be the recipient of the parental counselling, Mr Mater was excluded from the process despite being an equal parent and “Adam’s Dad for the past 7 years”.
- They identified that Mrs Mater’s consultation with Dr Klein had been pathetically superficial and misguided, given the gravity of the priorities and concerns.
- The letter stated that Dr Klein had missed a ‘golden opportunity’ to consult with all three of Adam’s parents, although they had made themselves available. Dr Klein had also ignored the expressed danger that such an omission could create.
- They identified their concerns regarding the fact that Adam’s condition had been minimised, despite the severity of his condition having been confirmed by many eminent doctors. Mr and Mrs Mater called the staff at Tara “ignorant and profoundly arrogant”, and accused the staff of making erroneous judgements.
- Mr and Mrs Mater expressed their disbelief that the Tara treating team had not been able to understand that Adam’s symptoms were being ameliorated by medication and what they were reporting on regarding his behaviour was, therefore, not a true reflection of his symptoms when he was not medicated. Mr and Mrs Mater referred to the staff’s reportedly dismissive attitude. They also referred to the staff as being grossly irresponsible and arrogant “beyond belief”.
- Mr and Mrs Mater challenged the benefit of Adam’s attendance of occupational therapy sessions above therapy sessions and asserted that Adam had “languished in pain and suffering for his entire stay while everyone had floundered around incompetently”.

- Mr and Mrs Mater gave a record of the “time-out” incident, including descriptions of Adam being manhandled, being locked in a dark room, and being threatened. They also referred to the lack of feedback with regard to this issue.
- They referred to the disturbing effect that the tests to which Mrs Mater had not been privy had had on Adam.
- Finally, the Maters gave the following comments: Tara was incompetent and had a lack of management and leadership. Dr Klein was ultimately responsible and had neglected her duties. She had also been grossly negligent. She needed to be exposed to the public and punished by the justice system. She had failed to understand, analyse, and comprehend Adam’s case and had undermined the opinions of other doctors. The treatment was inappropriate and suffered from poor execution. Dr Klein was disinterested, apathetic, and lacked professional focus.

### **Dr White’s Storey**

Dr White told me that he had been Adam’s psychiatrist since October 2005 until Adam had relocated to Dubai to live with his father in 2006. Dr White reported that he had seen Adam again in April 2009 because Adam had then been staying with his mother again in South Africa. Dr White had also been Eve’s psychiatrist since 2006.

Dr White told me that he had first seen Eve in 2006 – Eve was 10 years old at the time. He said that Eve had presented with behavioural problems, night terrors, scholastic problems, and a preoccupation with sexual issues and play. Dr White said that Eve’s previous psychiatrist in Cape Town had not been overly concerned with regard to the sexual play. The Cape Town psychiatrist thus focused on Eve’s scholastic and concentration problems instead.

Dr White told me that he had treated Eve for symptoms of ADHD (attention deficient hyperactivity disorder – inattentive subtype). Furthermore, he said that although

he had put Eve on high doses of stimulants, she had not appeared to improve satisfactorily. In June 2007, Mrs Mater then consulted Dr White with regard to her concern with Eve's social ineptness, her tactlessness, her problems with literal and concrete thinking, her inability to grasp metaphors, and her disengagement. However, at that time, Dr White could not find support for another diagnosis in his assessment of Eve.

He told me that Eve had begun having seizures in February 2008. He said that Eve had had three seizures in that month. Two neurologists were then consulted, and Eve was given various anti-convulsant medications. However, there appeared to be no improvement. At one stage, one of the neurologists thought that Eve had temporal lobe epilepsy. Dr White told me that the other neurologist believed that the seizures had been stress related. However, by November 2008, the general consensus was that the seizures were pseudo-seizures or severe panic attacks. Eve was subsequently removed from the anti-convulsant medication in December 2008, which was after the allegations of the abuse had emerged.

I asked Dr White about his opinion regarding the sexual abuse allegations. He responded by saying that Mr and Mrs Mater had initially consulted him on 5 December 2008, without Eve being present. Dr White told me that when Mr Mater had announced that Eve had been molested by her father, he had appeared vengeful. Dr White described Mrs Mater as more conciliatory than Mr Mater. Dr White then advised them to attend the Teddy Bear Clinic. However, the Maters had reportedly found the Teddy Bear Clinic to be unhelpful. Dr White then gave them the names of some other professionals. However, they then chose to consult with Ms Jung, the psychologist who had initially assessed Eve after the allegations of sexual abuse had emerged. It was on the basis of Ms Jung's affidavit that the court action was ultimately brought about, as mentioned previously.

Dr White described Eve's demeanour when Eve had consulted with him on 7 January 2009 – this was when Eve had spoken to Dr White about the sexual abuse. He said that Eve had presented as deadpan and unemotional. He commented that she had been very calm and pensive at times. She reportedly spoke logically and gave a good account of herself.

I then asked Dr White about Adam. He told me that he had initially used a diagnosis of childhood-onset schizophrenia with a co-occurring pervasive developmental disorder, Asperger's syndrome, with regard to Adam. Dr White informed me that Adam had also been treated for inattentiveness in the classroom. Furthermore, Dr White told me that Mrs Mater had reported that Adam had previously presented with psychotic symptoms and some bizarre behaviour (such as irrational repetitive checking) at home. However, Dr White was informed that when Adam was admitted to Tara in 2007, the staff's observations could not confirm this symptomology. Dr White described Adam as being socially eccentric with an idiosyncratic, "pseudo-professorial turn of phrase", which is behaviour that is consistent with Asperger's syndrome according to Dr White.

In addition, he said that Adam had displayed obsessive-compulsive behaviours, which could also accompany Asperger's syndrome. Dr White told me that it is very common for children with Asperger's syndrome to be inflexible and perseverative. He said that it is also common for depression and even hallucinations to be manifestations of Asperger's syndrome. Dr White stated that Asperger's syndrome is the result of faulty neurological 'wiring' of the brain and faulty cognitive development. He said that, categorically, the condition was not a symptom of sexual abuse however.

Furthermore, prior to Adam's relocation to Dubai, Dr White had consulted with both Mr Pater and Mrs Mater. In his notes, Dr White had recorded that there had been a discrepancy between the parents with regard to Adam's reported symptoms. He found Mrs

Mater's descriptions to be more severe than Mr Pater's descriptions. At the time, he had recorded that Mr Pater had not reported the same symptoms that Mrs Mater had perceived and experienced with regard to Adam.

In addition, Dr White told me that he had consulted with Adam and Mrs Mater on 24 April 2009, which is after Adam had returned from Dubai. Mrs Mater purportedly indicated that she would join the consultation because Adam had not wanted to come in alone because he was distrustful of all males. However, Dr White did not find Adam nervous during the consultation. He said that Adam had been calm and contained and that Adam had a pseudo-adult demeanour. Adam furthermore joked with his mother during the consultation. After Adam's mother had left the consultation, Adam reportedly expressed anger with regard to his father, Mr Pater. Dr White told me that Adam had said, "I didn't want to believe my father was a paedophile". Adam then reportedly proceeded to recount the course of the sexual abuse and indicated that the abuse had started with his father tickling his back, then touching his bum, and finally with his father putting his penis between his (Adam's) bum cheeks. Adam then went on to tell Dr White that his father had made him and Eve watch pornography in the flat in Dubai.

Dr White noted that Adam's demeanour was not in keeping with the gravity of what he was reporting and that Adam would joke with his mother in the room while also smiling at times. Dr White then asked Adam where his father's partner had been at the time of the abuse. Adam replied that she had not been at home. He then asked Adam why he had chosen to go to Dubai. Adam replied that the education in Dubai was better than in South Africa.

Dr White then told me that Mr Pater had indeed contacted him from Dubai on 7 November 2008 to discuss the comment that Eve had made (regarding her thinking that she was pregnant). Dr White told me that he had advised Mr Pater that such verbalisations

could be the result of high anxiety in children. He also told Mr Pater that children could have irrational ideas or obsessions that are not based on reality. Dr White also informed me that it was at that time (November 2008) that he had diagnosed Eve as suffering from extreme anxiety. He had then prescribed Cipramil, a medication used for anxiety.

I asked him if he had ever suspected that either Adam or Eve had been a victim of sexual abuse. Dr White told me that during the course of the time that the children had been his patients, it had never occurred to him that either of the children could have been sexually abused. He told me that when he had been given this information by Mrs Mater, he had in fact then attended a supervision session with Dr Klein at Tara in order to ascertain whether he had missed some signs of abuse. He then insisted that I interview Dr Klein.

### **Ms Jung's Storey**

Ms Jung had been the first psychologist to assess and interview Eve after the allegations had emerged. She wrote an affidavit, and I also spoke to her telephonically to understand exactly what her findings had been. In her affidavit, Ms Jung had found that Eve had "probably" been sexually abused. She based her finding on her interview with Mrs Mater and Eve, on various unidentified reports that were not summarised or included as part of her affidavit, and on collateral information supplied by Mrs Mater and an unidentified teacher at Eve's school. Ms Jung also relied on psychometric testing to support Eve's narrative.

Ms Jung's psychometric testing identified Eve's high anxiety levels and provided evidence of somatic problems. Ms Jung also indicated that her testing had identified Eve as exhibiting post-traumatic stress and "overt" (this comment was in Ms Jung's report as recorded here, apparently unfinished and I was not sure what Ms Jung meant by this). She also recorded that Eve had fantasy dissociation, which she concluded, in all likelihood, had

led to the seizures that Eve had been having. Ms Jung identified that Eve had a preoccupation with and displayed associated distress with regard to sexual concerns. These findings were based on the fact that Eve's scores on the Sexual Abuse Specific Items scale were clinically significant. Ms Jung also identified depression and developmental delay.

Ms Jung did not assess or interview Mr Mater, Mr Pater, or Ms Amica. She reported that she had refused to speak to Mr Pater on Mrs Mater's request. She also only used Mrs Mater's information as collateral and did not identify the teacher to whom she had reportedly spoken. With the above omissions and hence lacunae in her investigation in mind, it was my opinion that the recorded test results could not be used as a basis for a finding of 'probable' sexual abuse to be made. The results however certainly indicated Eve's high anxiety levels, her tendency to be depressed, and the fact that she was in a context in which sex and sexual abuse was an issue. Ms Jung's conclusion that post-traumatic stress and fantasy dissociation could be the causes of Eve's seizures was, in my opinion, a pre-emptive and uncollaborated finding, unless she had spoken to Dr White, Eve's psychiatrist. However, according to Ms Jung's affidavit, she had not contacted Dr White.

Furthermore, in her familial relationship findings, Ms Jung had identified that Eve was close to both her mother and her stepfather. I was availed of Ms Jung's psychometric raw data. However, my analysis of her data did not concur with this result. In fact, when I considered Ms Jung's assessment results, I found the results to be not supportive of Ms Jung's statement that Eve was close to both her mother and stepfather. From my analysis of the raw data, it appeared that Eve was only close to her stepfather because there was no evidence to suggest that she was close to her mother. This information had not been commented on or examined by Ms Jung.

I then called Ms Jung because she had not commented on Eve's demeanour or emotional state at the time of her assessment in her affidavit. Eve had presented in a manner that had made me curious about her congruence. I thus felt that Ms Jung would have been able to elucidate this aspect of Eve's psychological state.

In a case such as this, the demeanour of the presenting victim is an important matter for assessment. As Ms Jung is an experienced counselling and educational psychologist, I was immediately struck by the complete lack of assessment and description of Eve's demeanour. Ms Jung only alluded to Eve being less tense in her second interview. However, this description did not constitute a full enough description to assess the psychological veracity of Eve's account or the potential for trauma that Eve may have experienced. When I first spoke to Ms Jung, I asked her if in fact Eve had been weepy and if she had cried at all during her interviews. Ms Jung said that she could not remember exactly, but she was sure that Eve had cried. I then asked Ms Jung if she could examine her contemporaneous notes because she could not exactly remember. I then asked her to indicate if she had noted anything at the time of the interview which specifically concerned Eve's demeanour.

I then re-contacted Ms Jung, who reported the following: Eve was initially tense and entered the interview with her mother. Once Eve appeared to be more relaxed, her mother left, and the interview continued. Ms Jung reported that when Eve spoke of her biological father, she had become agitated and had said that she was angry. Eve had also reportedly appeared to be upset and had mentioned that she was scared of her father. Eve also reported that her father "freaks[ed]" her out. Ms Jung reported that Eve had reported often becoming anxious. However, no anxiety was present during Eve's interviews with Ms Jung.



Furthermore, Ms Jung reported that Eve had appeared very quiet and dreamy during the second interview. During Eve's third interview, which was on 19 January 2009, Eve had reported that she had had another seizure after she had remembered additional abuse. During this interview, Ms Jung reported that Eve had looked tired. Eve had reported that she was tired and shaky. However, Ms Jung had not noted that Eve had been shaky. During the fourth interview, Ms Jung noted that Eve had appeared disgusted with what she had been reporting, specifically when she spoke about her participation in sexual activities. Eve also purportedly appeared to feel ashamed when she had told Ms Jung that she masturbates ("plays with her private parts").

During the final interview, Ms Jung again noted that Eve had appeared disgusted by what she had been reporting. Ms Jung also reported that Eve had expressed concern regarding her stepfather and his concern for her little sister whom he felt was also vulnerable to this "type of thing" because Eve had experienced it. Furthermore, Ms Jung reported that Eve had again expressed anger and agitation regarding her biological father.

In addition, Eve purportedly felt ashamed when she recounted a game that she and her brother and some of his friends had played when she was about five years old. They had called the game "Crocodillos". Ms Jung was of the opinion that it was a 'Doctor-Doctor' game of curiosity and sexual difference investigation. Eve told Ms Jung that her parents had discovered them playing the game and had then stopped it. Ms Jung assured me that she had found that Eve had not heard voices, nor had she seen visions.

### **Dr Green's Storey**

Dr Green was the children's psychiatrist when they had been residing in Cape Town. She supplied a written report. In this report, Dr Green confirmed that she had seen Adam from June 2001 to September 2006. Adam was aged between six and ten years old during that time. She reported that her assessments had included family interviews, mental

state evaluations, collateral information from the school, and collateral information from therapists and group therapy. Dr Green reported that her working diagnosis for Adam had been early-onset schizophrenia with co-morbid depressive disorder. She reported that she had sought supervision and a second opinion with regard to the diagnosis she had made. Furthermore, Dr Green reported that medication had been prescribed, including neuroleptics and anti-depressants.

Regarding the sexual abuse allegations, Dr Green reported that when Adam was first referred to her, Ms Mater told her that she believed that previously Adam had been sexually abused by an older peer at nursery school when he was 4 years old. She reported that Mrs Mater had noticed bruising on his testicles at the time. There was also a report of berries having been inserted into Adam's anus. At the time of the nursery school incident Mrs Mater purportedly immediately sought professional help.

Dr Green reported that during the course of her involvement with Adam, there had never been allegations of sexual abuse again (other than the incident at the nursery school) or concerns raised regarding Adam having been abused by his father or anyone else. Dr Green reported that Adam's presentation of regressed behaviour during June 2001 had been precipitated by the news that his father was going to relocate to Dubai. She reported that during an interview with Adam and his father, she had noticed a clear rapport between them with appropriate expressions of affection and physical contact. She reported that Mrs Mater's subsequent fears regarding the children travelling to Dubai had been based on Adam's emotional vulnerability and not on fears regarding their safety.

In addition, Dr Green reported that Mr Mater, Eve's stepfather, had raised concerns regarding Eve's inappropriate sexual behaviour. Mr Mater had also raised concerns about Eve having been referred to a social worker for further investigation. Dr Green confirmed that she had no reason to believe that either Mr Pater or Mrs Mater had anything but the

children's best interests at heart. Furthermore, Dr Green reported that Mrs Mater had come across as a caring and concerned mother, while Mr Pater had come across as a caring father who deferred to Mrs Mater's role as the primary caregiver. She also reported that Adam's difficulties had been corroborated by external collateral sources and that Mrs Mater's concerns should be seen in this context. Dr Green reported that it had never been her impression that Mrs Mater had been invested in her son's illness.

### **Ms Allen's Storey**

Since the allegations of sexual abuse had emerged, Eve had been in therapy with Ms Allen. Mr and Mrs Mater's couples counselling therapist had referred them to Ms Allen. She told me that she had been seeing Eve since March 2009. She also told me that Eve had been referred to her for therapy because Mr and Mrs Mater had felt that Eve needed a place to talk about things away from her home.

In addition, Ms Allen told me that Eve had never spoken about the abuse in detail during her therapy sessions. Eve focused on how difficult it was for her to relate to her school peers who spoke so lightly about condoms, relationships, and sexual matters. Eve felt that she had been robbed of her childhood and felt that she was already an adult in comparison to her peers. Eve also reportedly spoke about having suffered. Furthermore, Eve felt very guilty and responsible with regard to her brother because she believed that if she had made the allegations earlier, she could have prevented him from suffering in the way that he had. She also believed that she could have rescued Adam. Eve also reportedly discussed how stressful it was to feel guilty, and she was concerned about Adam's ability to cope with his life then and in the future.

Ms Allen said that Eve had felt tremendous pressure because she had to compensate for scholastic deficiencies in order to get into a good high school. Eve reportedly worked very hard in order to do so and felt focused on schoolwork. Ms Allen

told me that Eve had issues around boundaries and with having to be assertive around her school peers. Eve also complained a lot about being tired and felt stressed because of schoolwork.

I asked Ms Allen about Eve's demeanour when Eve had spoken about the allegations of abuse. Ms Allen said that Eve had displayed minimal emotion. Furthermore, Ms Allen had explained Eve's lack of emotion to herself by resolving that Eve's mother was her main emotional support and that by the time Eve had spoken to Ms Allen, she had been contained because of this emotional support.

I then asked Ms Allen about Eve's relationship with her biological father. She said that Eve called him by his first name and that Eve did not include him in her world. I also asked Ms Allen about Eve's relationship with her stepfather, Mr Mater. She told me that Eve had tremendous admiration and respect for Mr Mater. Eve purportedly saw Mr Mater as the person who encouraged her to do well and who emphasised the importance of schoolwork and scholastic achievement. Eve thus saw Mr Mater as her mentor.

### **Dr Piaget's Storey**

Eve consulted with Dr Piaget, a psychiatrist, on one occasion prior to the court case. Dr Piaget submitted a short report. At the time of the investigation, I could not contact Dr Piaget so I included her report in my investigation although it was brief and inconclusive. Dr Piaget found that Eve was precocious with a psychiatric history that had negatively influenced her school performance. Dr Piaget could not rule out past abuse as a contributory factor and recommended ongoing treatment.

### **Dr Fisher's Storey**

Dr Fisher was the medical head of the Teddy Bear Clinic in Johannesburg. This clinic investigates cases of sexual and physical abuse in children. Dr Fisher confirmed that she and another doctor had examined Adam, but they had not found any evidence of any

trauma to his anus. She reported that the lack of evidence could not be deemed conclusive evidence of either no anal penetration or of anal penetration.

### **Ms Jackson's Storey**

Ms Jackson was Mr and Mrs Mater's couples therapist. I was reticent to interview her as I felt that I would have to ask her about the couple's already acknowledged flaws in their relationship and that any information that she chose to give me had the potential to sabotage their ongoing therapy. I discussed my concerns with Ms Jackson when I called her telephonically, and it was decided that it would not be appropriate or in the couple's best interests for me to discuss their therapy and her therapeutic process. However, Ms Jackson did confirm that Mr and Mrs Mater had been attending therapy and had come a long way.

## **The Storeys of Mr Pater's Family Members**

### **The Storey of Mr Pater's Brother and Sister-in-Law**

I interviewed Mr Pater's brother and Mr Pater's sister-in-law together in Dubai. Mr Pater's brother told me that Mrs Mater had appeared to "court" his brother rather than the other way around. He also told me that he had experienced Mrs Mater's mother as erratic because she (Mrs Mater's mother) would be very friendly on one day and "cut him dead" the next. He found her (Mrs Mater's mother's) behaviour confusing and strange.

As the couple had experienced Adam while he had been living with Mr Pater in Dubai, I asked them about Adam. They both said that Adam was exceptionally good with their children and appeared to be very "soft" with them. They confirmed that Adam had returned to Dubai from South Africa in August 2008 in a terrible state, but they reported that he had improved within a short time.

I then asked about Eve, and they said that they had experienced her as naturally tomboyish and as disliking dresses. They said that she would speak aggressively about

beating up boys and about getting into trouble for fighting. They said that there appeared to be a lot of sibling rivalry between Adam and Eve and that there appeared to be much physical and verbal aggression. However, there was also a sense of protection between the two children. They said that Eve was “horse and baby mad”. They also said that, to them, Eve appeared to be quite immature emotionally. I asked them what they thought about the allegations of sexual abuse against Mr Pater. They reportedly could not believe that Mr Pater was the perpetrator and said that if indeed sexual abuse had occurred, it could only have been perpetrated by someone else. They inferred that Mrs Mater could have been coaching Eve with regard to accusing Mr Pater of the abuse.

They spoke about Mrs Mater’s relationship with Mr Pater’s father and said that the relationship between them had been a difficult one. However, once Mr Pater had decided to marry Mrs Mater, she had been welcomed into the family. Mr Pater’s brother said that after the marriage, it had appeared to him that Mrs Mater had expected to be treated like the “queen” of the family. Mr Pater’s brother also said that their (his and Mr Pater’s) mother was a very soft and gentle lady, but Mrs Mater had isolated her. Their mother reportedly never saw Mr Pater’s children (Adam and Eve). He believed that Mrs Mater had isolated the children from the Pater side of the family. Furthermore, he said that Mrs Mater would easily lie with regard to whether her parents-in-law helped her with the children. He also mentioned that Mrs Mater had preferred to describe his parents as unhelpful, even though he knew they had often helped her.

I asked Mr Pater’s brother about Mrs Mater and Adam’s allegation that Adam’s grandfather had abused Adam. Mr Pater’s brother said that his father would be furious with Mrs Mater but not with Adam. Mr Pater’s brother said that Adam’s grandfather and Adam had a very good relationship. I asked Mr Pater’s brother if his father had ever sexually abused him. He was categorical in his assertion that his father had never abused him.

## **The Storey of Mr Pater's Sister**

Mr Pater's sister was the only other adult who was present with Mr Pater and Eve for some of the weekend in Cape Town. When I spoke to Mr Pater's sister, she told me that she had not seen Eve consistently over the years. She also mentioned that she had not seen Eve for a long time prior to the weekend in Cape Town in October 2008. Mr Pater's sister confirmed that she did not know Eve that well. However, she told me that she sensed that Eve was ambivalent with regard to her relationship with her father. She said that Eve would appear very close and connected to her father but would then talk quite openly about her stepfather and what the activities she had planned with him. Mr Pater's sister found this strange and assumed that Eve was angry with her father for having abandoned her to live in Dubai. However, when Eve was close to her father, Mr Pater's sister was of the opinion that there appeared to be a "sweetness" between them and that Eve appeared to have missed him.

Mr Pater's sister told me that Mr Pater had spoken to her about Eve's fear that he had made her pregnant. She also told me that because she had been trained in the United Kingdom as a psychotherapist, Mr Pater had wanted some guidance as to how to understand the fear. Mr Pater's sister said that Eve's fear could have come from a fantasy. She told me that Mr Pater had been very concerned that someone had been interfering with Eve. Mr Pater was reportedly at pains to do what was in her best interests.

Furthermore, Mr Pater's sister told me that Eve had not presented as distressed and certainly had not looked like she had wanted to refrain from being in contact with her father that weekend. She said that Eve would initiate contact and showed a natural and spontaneous affection towards her father. She said that although Mr Pater may not have been a perfect parent, he had tried to be a dedicated father and had flown across the world

to be with his children. She said that Mr Pater always said that he was worried about his children. He had been prepared to do anything.

### **The Storey of Mr Pater's Father**

I spoke to Mr Pater's father on the telephone and asked him about the allegations regarding him having sexually abused Adam. He responded that it was "preposterous". He said that he and Adam had a very good relationship and that he had put a lot of effort into their relationship. He said that he had tried to elevate Adam's level of discussion by talking to him about politics, music, opera, and financial markets, as well as the implications of these topics. Mr Pater's father believed his input was to teach Adam about these things. He also tried to build Adam's confidence by encouraging Adam to believe that he could do things. Mr Pater's father believed that since Adam had been in Dubai, he had certainly improved. He said that he had spent many hours developing his relationship with Adam.

Mr Pater's father stated that when Adam had first arrived in Dubai, he had been "destroyed". Adam reportedly cringed and cried under a table. However, Mr Pater's father said that since Adam had been in Dubai, he had improved considerably – although there was still much improvement to be made. Mr Pater's father believed that when Adam had contact with his mother, Adam appeared to get worse.

It was reported that when Mr Pater had been away on business on one occasion, Adam had stayed with Mr Pater's father and his wife for 3 days. Mr Pater's father said that Adam had gone with him to the gym. He had to insist that Adam accompany him as Adam had difficulty getting out of bed. He said that Adam suffered from bad acne on his face and on his back. Thus, Mr Pater had insisted that Adam's hygiene had to be maintained. As per Mr Pater's order, Adam had to wash his hands and his hair to avoid grease and dandruff.

Mr Pater's father told me that after a gym workout, he would shower and shave at the gym. He would insist that Adam take shower while he shaved. He told me that Adam



had been shy about undressing at the gym. Mr Pater's father had reportedly told Adam that that was what happens in rugby locker rooms and that Adam should thus not be self-conscious. He purportedly insisted that Adam wash himself properly. However, he reported that he had never soaped Adam or touched him inappropriately. Mr Pater's father had absolutely no recollection of saying to Adam that they should shower together to save water. He said that when the gym had moved to lower floors for renovations, they had used the bathrooms attached to the hotel rooms. During the renovation, they would lock the door to the bathroom so that no one else could enter. Furthermore, Mr Pater's father insisted categorically that he had never abused any of his children.

### **Other Storeys**

#### **The Storey of the Sex Educationalist**

The ex-headmistress of Eve's school confirmed that the Grade 6 and Grade 7 pupils at the school had attended sex lectures in November 2008. She delivered these lectures herself, and the boys and girls were lectured separately. She confirmed that the content of the lectures included body changes, including menstruation and ejaculation, which occur during adolescence. She said that the lecture also examined masturbation and pregnancy. She told me that the class discussion may have included a description of what ejaculated fluid looked like, and she said that she would have offered the description that it is creamy coloured and sticky. She also commented that she had been astounded by many of the pupils' sexual knowledge.

The ex-headmistress said that the lecture included pictures of a penis, both flaccid and erect, and pictures of a developing embryo. She said that the lecture had been concluded with a discussion around responsible sex, including topics such as HIV/AIDS, sexually transmitted diseases, and the use of condoms.

### **The Storey of Ms Amica's Employer**

Ms Amica's employer was the chairperson of a well-established steel business in Europe. His grandfather had established the business, and it had been in the family since then. He told me that Ms Amica had been his personal assistant for many years and had been completely responsible for his personal and business arrangements as well as his issues and affairs since she had worked for him. He described Ms Amica as very professional and trustworthy. He reported that she had access to all his affairs and that he trusted her implicitly.

### **Some of the Written Storey**

*'There's more evidence to come yet, please your majesty,' said the White Rabbit, jumping up in a great hurry; 'This paper has just been picked up.'*

*'What's in it?' said the Queen.*

*'I haven't opened it yet,' said the White Rabbit, 'but it seems to be a letter . . .'* (Carroll, 1865/2007, p. 142)

Mr Pater gave me copies of letters and e-mails that had been exchanged between him and Mrs Mater. These letters and e-mails ranged from just before Adam had moved to Dubai to thereafter. These are summarised below.

### **Letter Dated 8 October 2006 From Mrs Mater to Mr Pater**

Mrs Mater put forward a justification for maintenance, which included the negative effect of worrying about her children's psychological health, the personal and marital cost of the impact of the stress associated with her physical condition, and the burden that the children had been on her, Mr Mater, and their marriage. Furthermore, she said that Mr Mater wanted Mr Pater to take both Adam and Eve for a few years in order for their marriage to survive. Mrs Mater expressed the very negative impact that a lack of money

had had on her life and asked Mr Pater to downscale his lifestyle to balance things between them.

**Letter Dated 10 October 2006 From Mrs Mater to Mr Pater**

Mrs Mater clarified the notions regarding the state of her marriage and indicated that she and Mr Mater were fundamentally happy. However, she indicated that it was the pressure of the children's problems that had negatively affected their marriage. She recorded that she was exercising constantly because the doctor had indicated that she had high cholesterol and that she needed to exercise in order to avoid a heart attack or stroke. Her health concerns and the demands of the children meant that she did not then have time for Mr Mater and their young daughter. She summarised the demands of her week with both children. One of her conclusions was to send both children to live with Mr Pater in Dubai.

**Letter Dated February 2007 From Mrs Mater to Mr Pater**

This letter included Mrs Mater's reasons for and the subsequent pain associated with sending Adam to Dubai.

**Letters Dated 15 February 2007 From Mrs Mater and Mr Mater to Adam**

This letter was regarding Adam's move to Dubai.

**E-Mail Dated 21 February 2007 From Mrs Mater to Mr Pater**

This letter referred to Adam's tendency to be duplicitous with regard to what he told his mother and his father.

**E-Mail Dated 11 April 2007 From Mrs Mater to Mr Pater**

This letter included the following statements from Mrs Mater:

They look like such happy pictures, Thank you . . . . I can't believe he [Adam] will be on stage. You seem to be working a miracle. I find it amazing that he is the same child that left here in Feb. All credit to you . . . . Eve is

very excited, although getting increasingly apprehensive about the actual journey. I am sure she will be fine.

**Letter Dated 22 April 2007 From Mrs Mater to Mr Pater**

In this letter, Mrs Mater attended to the scheduling of telephone calls between herself and Adam. Mrs Mater expressed concern that her relationship with Adam was being negatively affected because of a lack of contact.

**E-mail Dated 5 May 2007 From Mr Mater to Mr Pater**

This communication was regarding the lack of contact that Mr Mater experienced with regard to Adam.

**Letter Dated 5 May 2007 From Mrs Mater to Mr Pater – Referred to in Mr Pater’s Clinical Interview**

This letter was sent in response to Mr Pater’s concerns regarding Eve’s behaviour during her April 2007 visit to Dubai. Mrs Mater stated that, in fact, aside from Eve’s feelings of loss regarding Adam living in Dubai, things had been fundamentally better. She attributed Eve’s symptomatic bed-wetting to her loss of Adam and to the new family dynamic that had evolved. Mrs Mater spoke about the fact that Eve’s prioritised position in Mr Pater’s life would change because he would be parenting Adam on a fulltime basis. She also identified moving homes and schools, as well as Eve’s adjustment to a remedial school. Furthermore, Mrs Mater identified Mr Pater’s resistance to putting Eve on medication and her experience of needing to do all she could. Mrs Mater said that she did not have “Munchhausen’s” and that Mr Pater’s approach was divisive. She referred specifically to the issue of sleeping pills – Mr Pater had told Eve that sleeping pills were not necessary. She also commented on Eve’s report that Eve had felt as though she had done nothing right during her visit and that she had felt continually criticised. Mrs Mater identified the fact that Mr Pater had allowed Adam to villainise Mr Mater and that this

behaviour was concerning as she and Mr Mater had always supported the children's relationship with Mr Pater and Ms Amica.

**Letter Dated 7 May 2007 From Mrs Mater to Mr Pater**

In this letter, Mrs Mater argued for Adam to be allowed to return home to South Africa for a holiday. She suggested that she had been misguided with regard to letting Mr Pater take responsibility for parenting Adam.

**E-mail Dated 9 May 2007 From Mr Pater to Mrs Mater**

This letter commented on the negative tone that Mr Pater experienced in the letters (both dated 5 May 2007) from Mr and Mrs Mater.

**Letter Dated 11 May 2007 From Mrs Mater to Mr Pater**

In response to the above e-mail, Mrs Mater indicated that she felt upset because of Mr Pater's accusations of her of being "venomous" and "uncivil".

**E-mail Dated 24 October 2007 From Mrs Mater to Mr Pater**

In this e-mail, Mrs Mater expressed her excitement with regard to seeing Adam and also said that Eve was apprehensive about travelling alone. She identified that Eve may have been angry as she would have liked Mr Pater to be more accessible to her.

**E-mail Dated 26 October 2007 From Mr Pater to Mrs Mater**

Mr Pater thanked Mrs Mater for her e-mail and for giving him a progress report. He reported that Adam was looking forward to seeing Mrs Mater and Eve. He also commented that he was concerned about Eve. He commented that Eve sounded like Adam used to sound at that age. He wished he could be more involved in Eve's life.

**E-mails Dated 16 November 2007 Between Mrs Mater and Mr Pater**

These e-mails were about Christmas presents and the children in general.

**E-mail Dated 31 October 2007 From Mr Pater to Mrs Mater**

This e-mail was regarding Adam's reaction to Mrs Mater's telephone call. Mr Pater referred to his desire for Mrs Mater to visit Dubai and to consult with Adam's doctors, as well as to see Adam's school and his home.

**E-mails Dated 1 February 2008 Between Mrs Mater and Mr Pater**

These e-mails were regarding the purchase of a new car for Mrs Mater.

**E-mail Dated 27 February 2008 From Mrs Mater to Mr Pater**

This particular e-mail thanked Mr Pater for the new car.

**E-mail Dated 27 July 2008 From Mr Pater to Mrs Mater**

This e-mail was regarding Adam's proposed visit to South Africa. Mr Pater expressed concerns about Adam's fatigue after a hard year. He pointed out that although he did pack Adam's Sony Playstation, he would prefer Adam not to be availed of it as Adam's doctors had said that it had a negative effect on him.

**E-mail Dated 28 July 2008 From Mrs Mater to Mr Pater**

This e-mail was regarding Adam's regression since he had arrived in South Africa. Mrs Mater described psychotic symptoms and an increase in his obsessive-compulsive symptoms. She identified "real fear" in Adam's eyes.

**E-mail Dated 11 August 2008 From Mrs Mater to Mr Pater**

This e-mail was regarding Mrs Mater's visit to Dubai and her feeling of security that Adam was in the right place and in loving and capable hands.

**E-mail Dated 26 August 2008 From Mrs Mater to Mr Pater**

This e-mail was regarding their differences in their approach to Adam's condition. Mrs Mater supported home schooling of Adam to reduce his stress and believed that Mr Pater was not sensitive to the profundity of Adam's needs.

**E-mail Dated 5 September 2008 From Mrs Mater to Mr Pater**

Mrs Mater was encouraged by Adam's apparent health. She confirmed that unlike their (Mr and Mrs Mater's) attempts, Mr Pater had succeeded in achieving good health for Adam. However, she was concerned that Adam would suppress his emotions and therefore that he needed someone to talk to. She was also concerned that Adam needed to have contact with his South African family.

**E-mail Dated 6 October 2008 From Mr Pater to Mrs Mater**

This e-mail detailed Mr Pater's itinerary with regard to his visit to South Africa.

**E-mail Dated 15 December 2008 From Mr Pater to Mrs Mater**

This e-mail was regarding Mrs Mater's recent visit to Dubai and Mr Pater's concern regarding Eve's stress and the cause thereof.

**E-mail Dated 22 December 2008 From Mr Pater to Mrs Mater**

This e-mail was regarding the allegations of sexual abuse that Mrs Mater had conveyed to Mr Pater on 21 December 2008. In this e-mail, Mr Pater averred his innocence. Mr Pater asked Mrs Mater to contact Dr White to confirm that he had already spoken to Dr White about Eve. He said that he felt it would be more appropriate to investigate the matter fully before accusing anyone of such actions.

**E-mail Dated 20 January 2009 From Mrs Mater to Mr Pater**

The e-mail details the fact that Mrs Mater felt that her telephonic contact with Adam was being limited.

**E-mail Dated 23 January 2009 From Mr Pater to Mrs Mater**

Mr Pater averred his innocence and suggested a full investigation into the matter.

**E-mail Dated 23 January 2009 From Mr Pater to Mrs Mater**

This e-mail details Mr Pater's argument not to disrupt Adam and not to bring Adam back to South Africa.

### **E-mail Dated 9 April 2009 From Mrs Mater to Mr Pater**

Mrs Mater provided justification and assurance for Adam's visit and also gave a schedule for therapy with Eve and a therapist, to encourage Mr Pater to come to South Africa with Adam.

### **Mrs Mater's Affidavit Dated 27 May 2009**

During the course of the investigation, Mr Smith, Mrs Mater's attorney, provided me with a further affidavit. This further affidavit served to supplement Mrs Mater's original court documents with disclosures with regard to the sexual abuse allegations (allegedly made by Adam and Eve) that had emerged since the original application had been heard.

In her affidavit, Mrs Mater stated that Adam had had very early memories of his father abusing him – once in their swimming pool at home between 1998 and 2000 (Adam was between four and six years old at the time). Adam recalled that his father had been swimming with him and his sister, Eve, who was between two and four years old at the time. The children purportedly did not wear swimming costumes at the time. Adam recalled that his father had held him in the deep end of the swimming pool and that he had not been wearing armbands. Adam recalled that Mr Pater had made him touch his (Mr Pater's) genitals. Adam also reportedly recalled that his father had touched his (Adam's) genitals and had put his finger into Adam's anus.

Adam had told Mrs Mater that he had witnessed his father masturbating on numerous occasions. His first memory was of when he was 6 years old. His father took Adam into his office bathroom and locked the door. He then masturbated in front of Adam and made Adam touch his penis. Mrs Mater commented that it was from about six years old that Adam had begun to wash his hands compulsively. Mrs Mater stated that Adam had then told her that on numerous occasions thereafter, Adam had been forced to masturbate



his father. Mrs Mater stated that Adam had commented on how little his hands were. Adam said that he had also been forced to suck his father's penis and that he had felt like he was choking when he had to do so. His father would then ejaculate on Adam's face.

Mrs Mater stated that Adam's father would also regularly suck Adam's penis, which reportedly continued until a year before Adam had reported the abuse (this would have been until a year after Adam had been residing with his father in Dubai). Adam was also forced to put his finger up his father's anus. Furthermore, Adam had to let his father put his finger up his (Adam's) anus.

Mrs Mater stated that Adam had told her that he had been required to watch pornographic films with his father and that his sister had also often been present. The pornography was usually watched in hotel rooms. Adam had said that he and his sister were required to re-enact these films while their father masturbated. Adam's father would also film them while they performed these sexual acts. Adam was purportedly forced to lick, kiss, and suck Eve's vagina, her breasts, and her bottom. In addition, Eve was purportedly forced to sit naked on Adam's face and was instructed to suck Adam's penis. They were also required to "French kiss". Adam was reportedly shown home videos of his father performing sexual acts with more than one person.

Mrs Mater stated that Adam had told her that when he was 8 years old, his father had sodomised him in a hotel room. Mr Pater had reportedly placed his hand over Adam's mouth and had then pushed Adam over onto the bed. Adam reportedly said it was very sore, that he bled, and that he was unable to sit down for a couple of days thereafter. On at least two further occasions, Mr Pater reportedly sodomised Adam again. His father had instructed Adam to penetrate Eve anally but Adam had not done so.

Adam had told Mrs Mater that Mr Pater had rubbed his penis between his (Adam's) bum cheeks and had ejaculated. Furthermore, Adam had seen Mr Pater put his hands into

Eve's panties on many occasions. He had also seen his father penetrate Eve's anus with his finger and touch Eve's vagina. These incidents had happened at a hotel in Cape Town when Eve was asleep. Mrs Mater commented that Eve had told her that during such incidents, she would pretend to be asleep.

Mrs Mater stated that Adam had said that Mr Pater would often watch Adam when he showered. In addition, Mr Pater would be dressed in just underwear, would get into Adam's bed, and would lie close to Adam while "spooning" with him. Mr Pater would reportedly also touch Adam's genitals and rub his penis against Adam's bottom. Mr Pater would occasionally also penetrate Adam's anus with his finger. Adam said that his father had often insisted on giving him a head and back massage, even when Adam said that he did not want the massages. Mrs Mater said that Adam had told her that the locks of his doors had been removed so that he could not have privacy and so that his father could enter whenever he chose.

Adam said that his father had chosen what Adam should wear, including his underpants. In addition, Mr Pater reportedly placed Adam's toothpaste on Adam's toothbrush for him and was extremely controlling of Adam, despite Adam's protests. Mrs Mater stated that Adam was extremely angry with his father and did not wish to return to Dubai to live with his father. Mrs Mater also stated that Eve had also told her and Mr Mater that her father had sodomised her on several occasions. After each incident, her father had then placed his penis in her mouth, and she was forced to have oral sex with him.

### **Legal Correspondence**

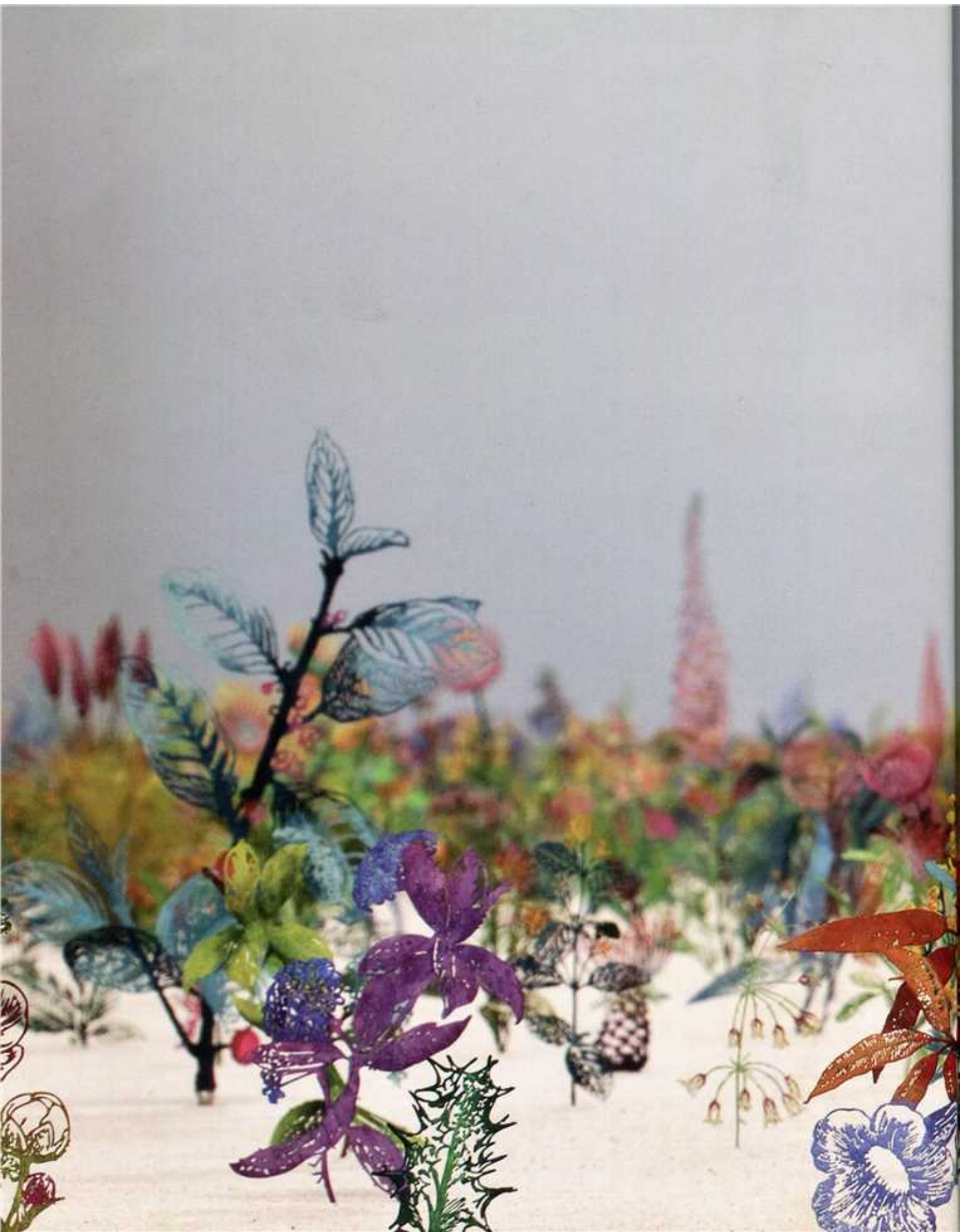
Attached to Mrs Mater's affidavit was a letter from her attorney, Mr Smith. This letter suggested that I contact Dr Piaget, the psychiatrist who had interviewed Eve prior to the launching of the application, because I had not yet done so. Mrs Mater believed that

making contact with Dr Piaget would be of assistance to me in my investigation. The letter also suggested that I had not spent enough time with each child, given the severity of the allegations, and asked whether I would be interviewing them again.

Finally, the letter confirmed that after Mrs Mater had consulted with me, she had remembered previously consulting with me on two occasions. She had no recall of my previous involvement prior to my appointment to investigate the matter. Mr Smith placed on record that prior to my commencement of the investigation, Mrs Mater had disclosed this fact to me. He also confirmed that I had no independent recall of Mrs Mater and that I had checked my records to confirm that I had indeed rendered therapy to her previously.

### **Concluding Remarks**

The above narratives were complemented by psychometric assessments of the parents and their partners, namely Mr and Mrs Mater, and Mr Pater and Ms Amica. The narratives were also complemented by projective and formal assessments of Adam and Eve. The assessment results are discussed in the next chapter.



## **Chapter 8: What the Psychometric Tests Evidence**

*'And so these three little sisters – they were learning to draw, you know –'.*

*'What did they draw?' said Alice. (Carroll, 1865/2007, p. 89)*

### **Down the Rabbit Hole – Part 3: Introduction**

In any family law investigation, all the primary family members undergo an assessment process provided that they are able to attend to the assessment tools. In cases involving very young children, cases involving adults whose home language is not English, and cases involving people with learning problems, assessments are not obligatory. Adjustments in the assessment process would then have to be made in such cases.

With regard to very young children, it is often only observations of the children in differing situations or more formal assessment techniques, such as the Q-sort or Strange Situation Test, which can be applied. Projective techniques, such as the Draw-a-Person, the Kinetic Family Drawing, or the Tree Test, can be used with any family member and are useful for younger children. With regard to older children and adults, projective techniques can also complement more formal assessment tools. Projective techniques are also useful in the case of adults who do not speak English as a first language. The acceptable assessment tools are all developed in the United States of America and are thus only available in English, which can be problematic when dealing with adults who do not speak English as a first language.

Psychometric testing is used to elicit hypothesis-generating information. The information generated thus needs to be contextualised within the family members' current ecology and cannot be regarded as definitive of the person. In cases where sexual abuse is alleged, aspects of the adults' sexual functioning should be assessed. In this study, the male

adults were assessed using the Sexual Adaptation and Functioning Test. The test was used as a projective tool and was not scored.

The above assessment tools, again, are not definitive but are used in conjunction with collateral and contextual information about a particular family member. They thus form the basis for hypotheses to be generated. According to Kuehnle and Kirkpatrick (2005), “Although there are instruments that have been developed to monitor known sexual offenders, instruments have not been developed that *reliably* identify sex offenders from the general population or distinguish incest offenders from non-incest sexual offenders” (p. 16).

In the absence of definitive medical evidence, the assessment of whether a child has been sexually abused is not straightforward. According to Stahl (1999),

Because there is no sexual behaviour observed only in sexually abused children and no research-based information to help determine when a child’s specific sexual behaviour is indicative of sexual abuse, it is important to understand the pattern of distress in the child and to use multiple sources of information before reaching a conclusion. (p. 64)

Furthermore, Kuehnle and Kirkpatrick (2005) also state the following with regard to sexual abuse:

Currently, there are no standardized instruments that show sensitivity and specificity to CSA [Child Sexual Abuse], and a standardized assessment battery for all ages and types of alleged sexual abuse victims has not been developed. Although instruments such as the Child Sexual Behaviour Inventory (Friedrich, 1997) and the Trauma Symptom Checklist for Children (Briere, 1996) show sensitivity to CSA, these instruments do not show specificity to this experience. For example, in a study [of children already

screened for the absence of sexual abuse] . . . . The subjects were found to exhibit a broad range of sexual behaviours . . . no standardized instrument can *reliably* distinguish sexually abused from non-sexually abused children.

(pp. 15-16)

In the case in this study, according to Ms Jung's affidavit and as was evident in the results of Ms Jung's testing of Eve, Ms Jung had administered a variety of assessment tools, including the Child Sexual Behaviour Inventory (this was completed by Eve's mother, Mrs Mater). Ms Jung also administered the Trauma Symptom Checklist for Children, which Eve had completed. Aside from projective drawings, which I then asked Eve to re-do in my assessment, Ms Jung had administered the Bene-Anthony Family Relations Test. I used Ms Jung's raw data for this assessment tool.

The Bene-Anthony Family Relations Test is designed to assess the child's feelings towards various members of their family and to assess the child's estimate of their regard for their family members (Bene & Anthony, 1957). The test is a simple, objective device for the exploration of a child's emotional relationships with their family. (Bene & Anthony, 1957)

The Draw-a-Person projective test is a projective test designed to reveal how people see themselves and thus indicates self-image, self-concept, and self-confidence. The projective technique is also valuable in determining feelings that are not readily available to the testee.

The Tree Test is a projective test and is based on the assumption that the tree form with its symmetrical construction around a central axis can be used to interpret the projection of psychic content with the aid of the space which we carry in us. This test is non-threatening and easy for children. It thus adds to the battery of tests designed to describe the child's emerging personality.

The Kinetic Family Drawing Test requires the child to depict the members of their family actively doing something. The assumption is that the testee projects their experience of their family in the drawing. In this test, the person who is tested will project the family's structure and relationships as far as alliances, tensions, and roles are concerned.

With regard to Adam, I used the above projective drawing tests and included the Bene-Anthony Family Relations Test. With regard to Mr Pater, Mrs Mater, and Mr Mater, I administered the Personality Assessment Interview, the Minnesota Multiphasic Personality Inventory-2, the Millon Clinical Multiaxial Inventory-III, and the Thematic Apperception Test. As Ms Amica was not included in any of the children's allegations, I screened her by using the Personality Assessment Inventory and the Thematic Apperception Test. With regard to Mr Mater and Mr Pater, I also administered the Sexual Adaptation and Functioning Test as a projective test.

The Personality Assessment Inventory (PAI) is a self-administered, objective inventory of personality designed to provide information on critical clinical variables (Morey, 1991). The interpretive information that results from the inventory should be viewed as only one source of hypotheses about the individual being evaluated. The information from the test should be integrated with all other sources of information for the information to be useful (Morey, 1991). The PAI provides a number of validity indexes that are designed to provide an assessment of factors that could distort the results of tests (Morey, 1991).

The Minnesota Multiphasic Personality Inventory-2 is a broadband test designed to assess a number of the major patterns of personality and emotional disorders (Hathaway & McKinley, 1989). It is a self-administered objective inventory designed to provide objective scores and profiles that have been determined from well-documented norms (Hathaway & McKinley, 1989).



The Millon Clinical Multiaxial Inventory-III is a self-administered inventory designed to profile the respondent along certain scales, including basic personality styles, pathological personality syndromes, and symptom disorders (Millon et al. 2009).

The aim of the Sexual Adaptation and Functioning Test is to aid in determining the factors that cause sexual dysfunction or sexual adaptation problems in adults. The rationale of the cards presented is that they determine the testee's priorities with regard to various sexual issues. The testing and interpretation is then primarily based on the well-known principle of projection. In the case that is the basis of this study, the results of the test were interpreted qualitatively and projectively but were not formally scored.

The Thematic Apperception Test is a projective test that is a useful tool to use in exploring the way in which the subject sees and experiences their world (Murray, 1943). In conjunction with contextual data and information from other tests, this test proves to be an invaluable instrument to supplement, confirm, or disconfirm hypotheses.

### **The Results of the Assessments**

#### **Adam's Assessment Results**

In Adam's Bene-Anthony Family Relations Test, aside from himself, Adam chose his mother, stepfather, father, sister, and half-sister as the members of his family. He allocated four responses to his mother, all of which were positive. He then allocated six responses to his stepfather, of which three were positive and three were negative. He allocated 20 responses to his father, of which six were positive and 14 were negative. Adam allocated four responses to Eve, all of which were positive. He then allocated five

responses to his half-sister, of which two were positive and three were negative. He allocated 28 responses to ‘Mr Nobody’<sup>10</sup>, of which 15 were positive and 13 were negative.

From the patterning of Adam’s responses with regard to his mother and his stepfather, it can be said that at the time of testing him, Adam did not feel safe in this world. His response levels to these immediate parental figures, namely his mother and stepfather, were very low. He allocated only four positive responses to his mother and only three positive responses to his stepfather. However, in comparison, he allocated 15 positive responses to Mr Nobody. It could be expected that a boy of Adam’s age, in a safe and non-vulnerable situation, would allocate many more responses to the loving and nurturing parental figures available. As Adam’s patterning did not reveal any safety, it appeared unusual and was noteworthy.

Furthermore, Adam did not allocate any negative responses to his mother, which indicated that his relationship with his mother was tenuous and that he may have been afraid of losing this relationship. He may have also felt that his mother would reject or abandon him. The relationship with his stepfather, albeit lacking in intensity, was more balanced because Adam was able to see his stepfather as ‘limit-setting’. He could also afford to be critical of his stepfather. Two of Adam’s criticisms were about his stepfather’s anger and lack of patience.

Regarding the pattern of Adam’s relationship with his father, the number of responses was high. However, as the majority of these responses were negative, the results did not indicate a positive intensity but rather a negative intensity. However, the number of positive responses (six) was higher than the positive responses given for Adam’s mother

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<sup>10</sup> ‘Mr Nobody’ is the box into which the child will place responses that they have decided belong to none of their selected family members.

and stepfather. It is important to consider that the patterning of these responses may have indicated that Adam felt unconsciously positive towards his father. However, because the Bene-Anthony Test does not have specific responses regarding sexual abuse, Adam perhaps chose responses of physical affection because this was the only method that he could use to indicate sexual abuse. The negative responses included, amongst others, those of fear, unhappiness, and a lack of trust.

It is noteworthy that when Adam was asked to place the card “This person in the family likes me very much”, he said that his father would say that. Adam put the card in his father’s box. However, Adam then changed his mind and put the card into the box for Mr Nobody. Regarding the card that dealt with hitting, Adam said that his stepfather had hit him and then added that his stepfather had hit him was when he had deserved it. However, Adam again proceeded to put the response into the box for Mr Nobody. When Adam was given the card “This person helps me with my bath”, Adam did not hesitate to put it straight into the box for Mr Nobody.

From his projective drawings, Adam appeared to feel insecure and ungrounded. His drawings displayed an inner vulnerability and a nervous brittleness. Most significant was the fact that Adam appeared to be pressured and trapped. He also displayed concomitant feelings that there was an inner break between his genuine and forced endeavours. His drawings also indicated an immaturity in his self-development where he had not yet integrated the discrepancy between his wishes and reality and the discrepancy between his wants and his ability to actualise these.

In his family drawing, Adam included himself, his mother, his stepfather, his father, his sister, and his half-sister. He saw himself as the centre of his world and as part of the sibling sub-system that included his sisters. He positioned himself closest to his father and stepfather in terms of the parental figures, while he saw his mother as concerned

with matters outside of the family. He experienced the family as quite disjointed, with each member focused on individual activities. The figure Adam spoke the most about and about whom Adam was the most animated was that of his father because he had described his father gliding in his glider and doing acrobatics.

### **Eve's Assessment Results**

The results of Eve's Bene-Anthony Family Relations Test were based on the raw data supplied by Ms Jung. In her Bene-Anthony Family Relations Test, aside from herself, Eve included her mother, stepfather, brother, half-sister, and the family dog as members of her family. She did not include her biological father, Mr Pater. Eve allocated eight responses to her mother, of which four were positive and four were negative. She allocated 17 responses to her stepfather, of which ten were positive and seven were negative. She allocated 38 responses to her half-sister, of which 23 were positive and 15 were negative. Eve allocated 15 responses to her brother, of which six were positive and nine were negative.

The patterning of Eve's responses indicated that the relationships that were the most intense and involved for her were those with her half-sister and stepfather. From the response numbers, it appeared that her involvement with her stepfather had been double to her involvement with her mother. This result was unusual and significant. It is possible that this response pattern may have indicated a need for a close relationship with an adult male figure, but it was also in stark contrast to the lack of involvement with her mother. Eve appeared to feel that her relationship with her stepfather was close and nurturing. It is also noteworthy that Eve experienced this parental relationship as a safe relationship because she was able to see it as limit-setting and was able to be critical of it without the fear of losing the relationship.

Eve experienced her mother as overprotective of all three children. In contrast, she experienced her stepfather as the most overindulgent with regard to her half-sister. Her relationship with her brother was also invested but not as invested as the relationship with her half-sister. From the drawings done during her assessment with me, it appeared that Eve felt insecure and needy, while at the same time she would possibly behave in an accommodating and obliging manner. She appeared to be emotionally blocked, which indicated that she found it difficult to express her emotions adequately. Eve was not yet true to herself and would present as wanting or desiring to be one thing, while at the same time not being able to put her desires into action. Her drawings also indicated that she had a capacity for humour, dramatisation, and talkativeness.

In her family drawing, she did not include herself or her biological father. She drew her half-sister first and then her brother. Her siblings were occupied with individual activities – her half-sister was drawn watching the television, while her brother was drawn sailing. She perceived her mother as working in her playschool and as attending to other children's needs. She perceived her stepfather as being involved in physical activity because she had drawn him cycling.

### **Mr Pater's Assessment Results**

Based on the psychometric tests employed, the following is a summary of Mr Pater's results:

- He had an interpersonal style that seemed best characterised as somewhat distant in personal relationships. He did not appear to place a high premium on close, lasting relationships and viewed most social interactions without much enthusiasm. Others may have viewed him as reserved and possibly aloof and unsympathetic.
- He may also have displayed a fear of expressing emotion and losing control. He typically appeared grim, cheerless, and serious-minded.

- Beneath his controlled façade were likely to be marked feelings of personal inadequacy and insecurity that became evident in tendencies to downgrade himself, to magnify his weaknesses, and to anticipate rejection.
  - Certain elements of his self-description suggested that others were likely to see him as being withdrawn, aloof, and somewhat unconventional. There was a possibility that self-doubts and low self-esteem may have resulted in social withdrawal.
  - His clinical profile was within the normal range, which suggested that he viewed his adjustment at that time as adequate. However, he was likely to be experiencing notable stress and turmoil in a number of major life areas.
  - Mr Pater reported some personality characteristics, such as oversensitivity, mistrust, and suspiciousness, which may have made him vulnerable to developing psychological symptoms under stress.
  - His major defence was his excessive conformity. He inhibited behaviour that might have evoked ridicule, contempt, or punitive action. Because he feared making mistakes and taking risks, his activities were narrowly restricted to a repetition of the familiar.
  - A pattern of dependency on a supportive institution, such as his church or a bureaucratic organisation such as his workplace, may have developed. In this way, he may have gained security and protection by associating his actions with those in authority. A consistent and rigid behavioural pattern may have been maintained in which his impulses towards autonomy and independence were restrained and his conformity to the rules of others was emphasised.
  - There was likely to be an over-concern with minor irrelevancies that helped distract his attention from feelings of anxiety, inadequacy, and anticipated derogation.
- Although his façade of propriety and detachment would usually hide any repressed

anger towards those who had frightened or demeaned him, surges of resentment may occasionally have broken through.

- It was probable that feelings of guilt and self-condemnation had become prominent at times, and he may have imposed severe, punitive judgments and actions on himself as a form of symbolic punishment. His ambivalence towards others may have constantly intruded his psychological world. This intrusion would have taken the form of his strong desire to express long-standing resentments, which would then conflict with his fear that their expression would prompt ridicule and rejection. As a result, he may have experienced prolonged periods of stressful tension, which could often have been evident in functional somatic disorders, such as headaches and gastrointestinal difficulties.
- Most notable was his habit of constructing the world in terms of rules, regulations, time schedules, and social hierarchies, which resulted in Mr Pater being unimaginative and becoming upset by unfamiliar events or customs. He tended to be rigid and stubborn about adhering to conventional or formal schemas for constructing and shaping his life. Also notable was the ease with which he could be upset by having to deal with novel customs and ideas. In these circumstances, he could have felt unsure of what course of action he should take and thereby could have often ended up immobilised and indecisive.
- Also salient was his tendency to view himself as efficient, meticulous, and industrious. He saw himself as someone who valued his conscientiousness, discipline, prudence, and loyalty. He also saw himself as devoted to work and to meeting responsibilities. He tended to minimise the importance of recreational and leisure activities in favour of those that signified productive efforts. Furthermore, he was fearful of being viewed as irresponsible or slack in his efforts, as one who

fails to meet the expectations of others, or as someone who is error prone. He may have overvalued the aspects of his self-image that signify perfectionism.

- It appeared that Mr Pater had difficulties with both physical and emotional intimacy. He separated these two aspects of a relationship and had difficulty integrating them. There was also evidence of loss, tragedy, and despair. There was nothing in his sexual adaptation and functioning profile that would render Mr Pater vulnerable to the seeking out of age-inappropriate sex with minors.

### **Mrs Mater's Assessment Results**

Based on the psychometric tests employed, the following is a summary of Mrs Mater's results:

- Mrs Mater was assessed as having a clinical profile that was entirely within normal limits. However, her personality profile indicated vulnerability. She presented as a somewhat self-centred and immature person with a strong need for attention and affection. She presented as quite dependent and as a person who needed a great deal of reassurance. She had a tendency to be over-controlled and relied excessively on defences of denial and repression.
- She had good social skills and a tendency to deny that she had any problems interacting with other people. Her interpersonal relationships tended to be superficial. She was non-assertive and tended to attempt to control others indirectly rather than openly expressing anger or negative feelings. Quite outgoing and sociable, she had a strong need to be around others. She was gregarious and enjoyed attention. She seemed to require an excessive amount of emotional support from her spouse. Her physical complaints were likely to be used to get attention for her perceived illness.



- Although her actions were well within normal bounds, her surface affability may have been punctuated at times with abrupt outbursts and sarcasm. She may have appeared charming and clever to casual acquaintances, but those having a more intense and enduring relationship with her were likely to see her periodically testy, demanding, and manipulative side.
- She was also an essentially well-functioning individual who may have been undergoing psychosocial stressors and, as a result, may have exhibited troublesome symptoms that were essentially transient and situational. In general, Mrs Mater would be concerned with appearances, that is, with being seen by others as composed, virtuous, and conventional in her behaviour. She would attempt to downplay any distressing emotions and to deny troublesome relationships with others, especially in her family or personal life.
- She may have avoided responsibility by becoming ill and would sometimes react to stress by suddenly feeling weak or by developing headaches, chest pains, or other vague and non-specific physical symptoms. She seemed to have little insight into her behaviour.
- Psychiatric patients with this profile are usually diagnosed as having conversion disorder, somatization disorder, or psychogenic pain disorder.

### **Mr Mater's Assessment Results**

Based on the psychometric tests employed, the following is a summary of Mr Mater's results:

- Mr Mater was assessed with regard to two psychometric tools as having a personality style that involved a degree of adventurousness, thrill-seeking, risk-taking, proneness to rule infractions, and high-risk behaviour that may have

made him vulnerable to clashes with authority at times. He also had a tendency to be rather impulsive.

- Although his profile was within the normal range, which suggests that he viewed his adjustment as adequate, he reported some difficulties that are consistent with relatively mild or transient depressive symptomatology. In particular, he appeared to have experienced a change in physical functioning in a manner often associated with depression. He was likely to show a disturbance in his sleep pattern, a decrease in energy levels and his levels of sexual interest, and a loss of appetite and/or weight.
- His interpersonal style seemed best characterised as being controlling and distant. He would most likely seek more from relationships than he was willing to give and would be likely to use relationships for his own purposes. As a result, his relationships were likely to be coldly pragmatic, and he may have been indifferent to the feelings of others. His strong need for control probably made him competitive in relationships. He was also likely to be suspicious of close relationships and avoidant of commitment by guarding against any signs of dependency or weakness. He was not one to forgive a social slight and probably had a reputation as someone who nurtured a grudge. Others may have viewed him as pragmatic and perhaps unsympathetic in his relationships.
- Mr Mater was apprehensive and distrustful of others. He had a marked deprecation of his self-worth and a willingness to be demeaned and placed in an inferior light. Although he may have permitted others to exploit him and to mistreat him, he persisted in desiring closeness and affection. He achieved affection through acts of self-abasement and self-sacrifice. He also experienced recurrent anxiety and extended periods of depression. His thinking was typically self-denigrating and

pessimistic, and his concern with rejection and feelings of worthlessness were often intensified by his tendency to elicit rejection.

- Characteristic traits included a lack of self-esteem, persistent self-deprecation, and a general tendency to undermine constructive opportunities. He exhibited a conciliatory submission to others and a tendency to become involved in troublesome situations and abusive relationships. Despite his mixed desire to depend on others, he may have impulsively denied these needs and turned away from positive personal relationships. More typically, he assumed a passive role in which he inadvertently provoked difficulties and then felt mistreated. Although he would seek out controlling people or directive institutions, this desire often fluctuated. He would withdraw protectively into a peripheral social role and then sabotage constructive opportunities.
- Mr Mater assessed as frequently self-absorbed. He may have had a tendency to report being distracted by thoughts that intruded on his social communication. In line with his self-defeating tendencies, he may have stirred up fractious encounters in which his failures and shortcomings were exposed, which is a rather perverse form of compensation. Such discordant acts would preclude a socially rewarding and consistent lifestyle, and, together with his characteristic affective dissonance, would do little to promote favourable attention and constructive interest from others. Therefore, he may have drifted further into self-sabotaging and ineffectual life patterns.
- Most notable in the one assessment result was the presence of surging inner energies of an aggressive or sexual nature that resulted in abrupt outbursts that periodically overwhelmed his weakened efforts at restraint. His psychic organisation may have given way to intense residual emotions that were derived

from painful, early experiences. Rather than backing off and restraining these internalised experiences and object relations, he may have quickly or persistently manifested them in overt actions. He was also in a constant state of dread at the thought of being vulnerable, deceived, and humiliated. With respect to anger management, he described himself as someone who was not intimidated by confrontation. He could probably be verbally aggressive at relatively low levels of provocation. He would tend to display his anger readily when it was experienced, rather than suppressing it.

- In his assessment, he identified that alcohol use had caused occasional problems in his life. These problems may have involved difficulties such as problems in interpersonal relationships, problems with regard to work, and/or the use of alcohol to reduce stress.
- His assessment of sexual adaptation and functioning suggested that Mr Mater may have struggled with his sexuality, but he had appeared to have resolved this struggle. His profile indicated that he had paid a price with regard to his sexuality. He had also experienced an upheaval of some sort. However, there was nothing apparent in Mr Mater's profile that would have rendered him vulnerable to seeking out age-inappropriate sex with minors.

### **Ms Amica's Assessment Results**

Based on the psychometric tests employed, the following is a summary of Ms Amica's results:

- Ms Amica's clinical profile revealed no marked elevations that could be considered to indicate the presence of clinical psychopathology.
- She described certain problems potentially associated with elevated and variable moods. Her relationships with others were probably under stress because of her

frustration with the inability or unwillingness of those around her to keep up with her plans and possibly unrealistic ideas. At its extreme, this irritability may have resulted in accusations that significant others were attempting to thwart her plans for success and achievement.

- Her self-concept appeared to involve a generally stable and positive self-evaluation. She was normally a confident and optimistic person who approached life with a clear sense of purpose and distinct convictions. She described herself as being reasonably self-satisfied with a well-articulated sense of who she was and what her goals were.
- Her interpersonal style seemed best characterised as somewhat distant in personal relationships. She did not appear to place a high premium on close, lasting relationships and viewed most social interactions without much enthusiasm. Others may have viewed her as reserved and possibly aloof and unsympathetic. However, she was likely to value her independence and be less concerned than most people about the opinions of others.
- Her assessment indicated that she reported having a level of stress comparable to that of normal adults, with the demands of the environment buffered by a large number of individuals to whom she could turn for support when needed to do so.
- She described her temper as within the normal range and as fairly well controlled without apparent difficulty.
- She readily identified life's demands but preferred to follow her own agenda and to meet the demands that she had chosen rather than those imposed on her.
- She identified the importance of family relationships but saw the potential for individual growth and success based on a sound family structure.

- Her response to emotional pain and loss was appropriate and empathic, although she felt overwhelmed by it.

### **Conclusion**

The above assessment results were included in the investigation. These results complement the whole eco-systemic description that I finally integrate and record in the next chapter.



## **Chapter 9: The Integration of the Information and the Construction of a**

### **Meta-Storey**

*When I used to read fairy-tales, I fancied that kind of thing never happened, and now here I am in the middle of one! There ought to be a book written about me, that there ought! And when I grow up, I'll write one . . . .* (Carroll, 1865/2007, pp. 43-43)

### **Introduction**

The time had come for me to integrate all the Storeys I had received from all the participants I had interviewed and assessed. This Storey was also to be based on all the written information that had been made available to me. At the time, constructing a meta-Storey felt like a daunting task. As I had developed various thoughts and hypotheses about the case, I felt that I needed to debate and tease out these thoughts and hypotheses with colleagues in order to consolidate the numerous aspects involved. I consulted with two of my colleagues who have dealt with family law assessments.

#### **The Storeys of the Consultants – Yet Another Layer of Interpretation**

*The Caterpillar and Alice looked at each other for some time in silence: at last the Caterpillar took the hookah out of its mouth, and addressed her in a languid, sleepy voice. 'Who are you?' said the Caterpillar.*

*This was not an encouraging opening for a conversation. Alice replied, rather shyly. 'I – I hardly know sir, just at present – at least I know who I was when I got up this morning, but I think I must have been changed several times since then.'* (Carroll, 1865/2007, pp. 54-55)

When I made an appointment with Dr Ronel Duchon, a colleague with whom I had previously dealt in family law investigations, I felt overwhelmed by the various conflicting and disconfirming pieces of information. Aside from my own questioning of whether the



children's Storeys, as well as the other participants' Storeys, were authentic, I felt that I had lost myself because of the amount of information, the varying quality of the information, and the pervading sense of pressure that I had experienced from Mrs Mater and her attorney. I also felt that I had lost my normal sense of security in my own ability to integrate all the information. The pressing need to gain perspective and to facilitate an organised and clear path through the voluminous information led me to seek the sounding board represented by my colleagues.

During our consultation, I discussed my concerns about the veracity of Adam's Storey with Dr Duchon, given that his Storey had emerged after he had been coerced by Mr Mater to disclose confirmatory information to keep Mr Pater out of jail. Furthermore, I discussed with Dr Duchon that the majority of Eve's recollections came in the form of apparently repressed and then uncovered memories. Dr Duchon and I spoke about how valid or authentic repressed memories and their subsequent 'recovery' could be. We had a frank discussion about our own ideas and thoughts about the validity of uncovered memories. During this conversation, we confirmed each other's understanding that, aside from such memories providing information about an individual's current reality, there is no scientific or evidential manner to validate the veracity of such so-called uncovered memories.

Although Dr Duchon appeared to agree with my thinking, I was very aware that she had been presented with an already edited version of the various Storeys. I had edited the Storeys in my re-telling of them to her. I discussed this concern with her. At that point, Dr Duchon directed me to an article by Bala, Mitnick, Trocmè, and Houston (2007). This article is based on an extensive research paper produced for the Canadian Department of Justice in 2001 and reviews allegations of child abuse in the context of parental separation (Bala et al., 2007). Dr Duchon suggested that I employ the protocol suggested by Bala et

al. (2007) in order to organise the voluminous information that I had to integrate into a sensible whole and to contain and order my thinking about the case. Given my concern that I may have presented an already predetermined, subjective perception to her, she felt that using an already established protocol may assist me in deciding whether my approach had become contaminated, or whether in fact my presentation of the case had been informed by the objective information that had been presented to me.

I left Dr Duchen feeling a little more centred. I felt as though I then had something external to my own thoughts that could commandeer a position that was a function of the presented information and my subjective experience of the investigation up to that point.

I then consulted with Dr Vilia Lyell, a colleague who has completed her doctorate, *A Profile of the Characteristics of the Typical Paedophile* (Lyell, 1998), in the area of sexual abuse. During our consultation, I discussed my reservations about the veracity of the children's versions of events. I also discussed Mr Pater's profile as well as Mr Mater's profile and Mrs Mater's profile. Again, I was concerned that I had presented Dr Lyell with my edition of the various Storeys. Dr Lyell confirmed that my investigation appeared to her to be comprehensive and detailed. She also felt that my concerns were based on solid psychological grounds. I left Dr Lyell feeling a little more confident and assured of my stance. I was then ready to collate the information and to integrate the content, assessment results, and collateral perspectives with my clinical impressions to enable me to write my report.

### **My Meta-Storey as Told in my Report**

*But her sister sat still just as she left her, leaning her head on her hand,  
watching the setting sun, and thinking of little Alice and all her wonderful  
Adventures, till she too began dreaming after a fashion . . . . First she  
dreamed of little Alice herself . . . and still she listened, or seemed to listen,*

*the whole place around her became alive with the strange creatures of her little sister's dream.* (Carroll, 1865/2007, pp. 148-149)

The process of integrating all the information from so many sources and combining, elucidating, reflecting, and constructing various realities within the context of the investigation resonates with Bateson's (1979) notion of the benefit of the "increment of knowing [which] follows from *combining* information from two or more sources" (p. 77). Bateson (1979) calls this process "double description" (p. 227).

Bateson's (1979) notion is that the information that comes together from two differing sources produces complex information that is different from the two separate independent sources by combining both differences and similarities of the two perceptions. This approach is thus appropriate for use in any family law investigation where differing perceptions exist with regard to the two parties or parents. This approach is also appropriate in cases where the differences between the parties' perceptions of their children and those of collateral sources allow the investigator to understand the family in a contextualised and complex manner rather than in a reductionist and diagnostic manner.

It has been my experience in general (but even more so when I first began doing forensic work) that on hearing from only one parent and without understanding the ecosystem in which the narrative occurs, it could easily happen that this parent's version of the events could become the only description of the history of the matter. In essence, this particular parent's version could take precedence as the 'best' or 'correct' version. If this narrative is then accepted without more information, its impact could result in, for example, justifying why the other parent should not have contact with the children. During the course of doing such work, I quickly learnt that this position, which I had held in many of my first interviews, would suddenly and unceremoniously be overturned when I was then presented with the perception of the second parent. I had often wondered if these

parents had actually been married to each other, if they had really been co-habiting in the same marriage, and if indeed that had been part of the same family.

Despite the disconcerting effect of being presented with such disqualifying versions of the same history, I have become more able to use this information over time and with more experience to increase my understanding of a family's ecosystem at a meta-level. The information gained from the two perceptions, which at the same time presents differences and similarities, increases my understanding of the patterning that connects the parties. This meta-understanding exists over and above the factual content that each parent wants to narrate. As well as having more than one perspective around the descriptions of a relationship, the tapestry and fabric created by these disparate narratives provide a better understanding about the context and ecology within which a family and hence the children reside.

If it is accepted that two perspectives increase understanding for the investigator, it stands to reason that one's understanding of a matter can be further increased by having multiple descriptions. If the information gleaned from two perspectives adds certain dimensions to understanding, then the inclusion of multiple perspectives should add multiple dimensions. The inclusion of the family members' narratives and the inclusion of collateral sources, various observations, and the results of psychometric tests add multiple dimensions that enrich the meta-Storey that is the tapestry or fabric of the ecosystem of a family. With such an intricately woven description, a concomitant complexity of understanding can be gained – so too can various explanations be hypothesised for why a particular distress occurred at a particular time and in a particular family.

In the case that forms the basis of this study and in other similar cases, it is necessary to understand that because of the sensational and highly charged nature of sexual abuse allegations, parents and investigators alike often become contaminated and engulfed

by this sensational nature. This contamination may happen at the expense of understanding the dynamics and systemic descriptions that need to be included in such an investigation so that clear and sustainable conclusions can be drawn.

Therefore, in my investigation into the case in this study, it was my opinion that my first task was to establish the psychological veracity of the children's allegations of sexual abuse. Once the psychological possibility of the occurrence of sexual abuse had been established, I could then determine the further direction of my investigation. If indeed I had established this veracity, the next task would have been to establish if such allegations were indeed consistent with Mr Pater's psychological assessment as a perpetrator. This kind of distinction is necessary as despite the potential and apparent veracity of children's allegations about sexual abuse, it often occurs that children will misidentify a perpetrator in order to preserve or protect a parent or their parent's marriage or relationship. Bala et al. (2007) identify this possibility in the following terms:

Another complicating factor arises in cases where a child has in fact been abused, but the offender has been misidentified. Misidentification may, for example, result in a father with visitation rights being identified as the perpetrator when it is actually the mother's new partner abusing the child. The mother may correctly believe that her child is being sexually abused, but because of her hostility toward the father, assume that he and not her new partner is responsible. The child may misidentify the perpetrator because of the mother's unconscious influence or because the actual perpetrator has a more powerful position in the child's life. This may be an especially challenging situation to assess, since the child may exhibit genuine symptoms of abuse, but the alleged perpetrator is innocent. (p. 29)

In the event that I could establish that Mr Pater's psychological assessment and the ecosystem within which he had resided were consistent with him being a perpetrator, then it would have been left to intervene and to make recommendations that would be in the children's best interests. However, in the event that I could not establish that Mr Pater's psychological assessment and the ecosystem in which he had resided were consistent with him being a perpetrator, my next task would have been to ascertain another person/people in the children's context who could have been the perpetrator/s of the alleged sexual abuse. In this instance, I would then have had to consider Mr Mater as a potential perpetrator as he had been the children's stepfather for many years.

In the event that Mr Mater was to be discounted, then it would have fallen to me to cast the net wider and to investigate other family members, friends, or acquaintances in the children's lives. However, I understood that the investigation also had to consider that the allegations of sexual abuse by the children may have been false and unfounded, in which case hypotheses would have had to be posited as to why the allegations had occurred at all at that time and in that family.

### **Describing the Likely Veracity of the Children's Storeys From a Psychological Point of View**

In many cases of child sexual abuse allegations, there may be no conclusive evidence of the probability that the children have been sexually abused. Also, aside from medical evidence of physical penetration, there are no valid psychological tests or profiles that can establish conclusively whether the child or the accused is telling the truth. It thus remains for an investigator to rely on a process that may be more formulaic than scientific. Bala et al. (2007, pp. 47-48) propose the following schedule of factors as necessary information that should be presented to a court in order to evaluate the credibility of the evidence:

1. What were the circumstances of disclosure – to whom and where?
2. Did the disclosure or evidence of alleged abuse come from any disinterested witnesses?
3. Were the statements made by the child spontaneous?
4. Did the questions asked of the child suggest an answer?
5. Did the child's statement provide context such as a time frame or positioning of the parties?
6. Was there progression in the story about events?
7. How did the child behave before and after disclosure?
8. Is there physical evidence that would be available by medical examination? If so, and no medical report has been filed, is there a sufficient explanation for its lack?
9. Was there opportunity?
10. What investigative or court action was taken by the parent alleging abuse?
11. Who provided background information to the experts and investigators, and is it accurate, complete and consistent with both parties' recollections?
12. Was there other evidence supporting the allegations of sexual abuse?
13. Was the custodial parent cooperative regarding access, or was access resisted on other grounds prior to the allegations and after disclosure?
14. Was there harmony between the evidence of one witness and another, and between the evidence of the experts?
15. Was there consistency over time of the child's disclosure?
16. Did the child use wording in statements which appeared to be prompted, rehearsed or memorized?
17. Was the language used by the child consistent and commensurate with the

child's language skills?

18. Was the information given by the child beyond age-appropriate knowledge?
19. What was the comfort level of the child to deal with the subject matter, in particular with respect to the offering of detail?
20. Did the child exhibit sexualized behaviour?
21. Was there evidence of pre-existing inappropriate sexual behaviour by the alleged perpetrator?
22. Was a treatment plan put forth by either parent?
23. Was the child coached or prompted?
24. Did the evidence of the expert witnesses, as accepted by a trial Judge, support the allegations of sexual abuse?

The above protocol was designed for the weighing of evidence in a court environment (Bala et al., 2007). However, many of the factors are equally appropriate in a psychological assessment, and I thus adapted the protocol to include only aspects that would be consistent with psychological inquiry. I excluded points 10 and 24 as being outside of the scope of my psychological inquiry. With regard to both children, I attended to the above points in summarised form (excluding points 10 and 24) in Table 9.1 below.



Table 9.1

*Application of Bala et al.'s (2007) protocol*

Factor to consider	Adam	Eve
What were the circumstances of disclosure – to whom and where?	Initially he denied the allegations vigorously. Ultimately, he disclosed the abuse under extreme duress from his mother and stepfather to both of them in the family home.	Initially, Eve expressed spontaneous anxiety and concern to her father and stepfather. Subsequently, she disclosed the abuse to her mother and stepfather under the pressure of her stepfather in a process of “uncovering repressed memories” in the family home.
Did the disclosure or evidence of alleged abuse come from any disinterested witnesses?	No	No
Were the statements made by the child spontaneous?	No	The initial concern and anxiety was spontaneous. Thereafter, the disclosure was in the context of pressure to uncover memories.
Did the child’s statement provide context such as a time frame or positioning of the parties?	Yes	Yes
Was there progression in the story about events?	No clear linear progression but rather increasing embellishments and degrees of severity.	No clear linear progression but rather increasing embellishments and degrees of severity.
Is there physical evidence that would be available by medical examination? If so, and if no medical report has been filed, is there a sufficient explanation for its lack?	Confirmed – no physical evidence of abuse. Verbal report by Dr Fisher.	Confirmed – no physical penetration as hymen was still intact.
Was there opportunity?	Yes, though not in all situations reported by the child.	Yes, though not in all situations reported by the child.
Who provided background information to the experts and investigators and is it accurate, complete, and consistent with both parties’ recollections?	Various collateral sources in Dubai and in South Africa. Background information was as complete as possible – not consistent with both parties’ recollections.	Various collateral sources in South Africa. Background information was as complete as possible – not consistent with both parties’ recollections.
Was there other evidence supporting the allegations of sexual abuse?	None	None, aside from assumptions regarding early sexual behaviour.
Was the custodial parent cooperative regarding access, or was access resisted on other grounds prior to the allegations and after disclosure?	No resistance prior to the allegations – a good joint-parenting working relationship. Resistance after allegations, with trickery to get Adam away from his father.	No resistance prior to the allegations, although reported resistance on Eve’s part with regard to travelling to Dubai. Resistance after allegations.
Was there harmony between the evidence of one witness and another, and between the evidence of the experts?	Not evident between the interviews. The other experts, Ms Jung and Dr Piaget, did not interview multiple parties.	Not evident between the interviews. The other experts, Ms Jung and Dr Piaget, did not interview multiple parties.
Was there consistency over time of the child’s disclosure?	No	No
Did the child use wording in statements which appeared to be prompted, rehearsed, or memorised?	Yes	Yes
Was the language used by the child consistent and commensurate with the child’s language skills?	Yes	Yes
Was the information given by the child beyond age-appropriate knowledge?	No	No
What was the comfort level of the child to deal with the subject matter, in particular with respect to the offering of detail?	There was no display of appropriate emotional discomfort and no apparent distress. Detail appeared rehearsed.	There was no display of appropriate emotional discomfort and no apparent distress, other than what appeared to be rehearsed.
Did the child exhibit sexualised behaviour?	No	Not at that time, reportedly when Eve was approximately three years old.
Was the child coached or prompted?	Yes, appeared to be.	Yes, appeared to be.

The above table could not summarise all the information that was available to me at the time and should be seen in the context of my report in its totality in order to establish the psychological importance and validity of the accrued information. A fuller description and an expansion of the above points are given in the findings regarding each of the parties who could have been involved in the sexual abuse behaviour.

### **My Findings Regarding Adam**

The following were my general findings (over and above and including the questions above) with regard to Adam:

1. Adam was then and had historically been a child at risk in terms of psychological vulnerability. This was confirmed by Dr Green, Dr White, Dr Klein, Mr Rogers, and both of his parents. He was diagnosed by Dr White as having Asperger's syndrome. Dr White and Dr Green had initially given a working diagnosis of childhood-onset schizophrenia. Dr White had enlarged his diagnosis to include Asperger's syndrome, a pervasive developmental disorder. Dr White reported that he would describe Adam as being socially eccentric with an idiosyncratic, "pseudo-professorial turn of phrase". Furthermore, Dr White described Adam as displaying obsessive-compulsive behaviours, as being inflexible and perseverative, and perhaps as exhibiting depression and even hallucinations at times. These are all behaviours that are consistent with Asperger's syndrome, which is a result of the neurological 'wiring' of the brain and faulty cognitive development. However, this syndrome is not categorically a symptom of sexual abuse. Dr Klein had diagnosed Adam as being melancholic with obsessive-compulsive disorder.
2. Adam had, in the past, felt a pull between the realities presented by each of his parents. This confusion became evident both in the historic record of the e-mails I had perused as well as in my interviews with Mr Rogers and Dr Klein. This

confusion was also confirmed during my assessment of Adam – he felt pressured and trapped, while at the same time he felt insecure and ungrounded, as can be seen in the following:

- In the e-mails, there is a historical record of Adam demonising his father's treatment of him when he had been in his mother's context, while he demonised Mr Mater when he had been in his father's context. This behaviour was commented on by Mrs Mater.
  - Mr Rogers reported that Adam had not known which parent to believe prior to his return to South Africa – Adam could not decide between the reality presented to him by Mr Pater (that he had not molested Eve) or the reality presented to him by Mrs Mater (that he was not safe with Mr Pater). This confusion ultimately led to Adam having a breakdown, which, in effect, relieved him of having to choose between his parents at least for the time he was in hospital.
  - Dr Klein reported that in the 2 months before Adam had returned to South Africa (February and March 2009), he had been very confused and unsure of what his family's reality was.
3. It was confirmed by Dr Klein, Mr Rogers, Mr Pater, and also very sincerely by Mrs Mater in numerous e-mails that Adam had thrived while he had been living in Dubai. It was confirmed by Dr Klein, Mr Rogers, and Mr Pater that when Adam had had extended contact with his mother, either telephonically or by way of a visit, he had disintegrated psychologically.
  4. From a psychological perspective, it is important to identify the tone and freedom associated with revelations of sexual abuse as indications of psychological and emotional congruency. I was informed by Mr Mater that for the first 3 days after Adam had returned to South Africa, the family had booked into a bed and breakfast

hotel rather than staying at the family home with which Adam was familiar. He also reported that for those 3 days, Adam had consistently denied ever having been sexually abused. Furthermore, both Mr and Mrs Mater informed me that Adam had been very afraid that his father would go to jail because of Eve's allegations and that Adam had kept saying this to them. Mr Mater also informed me that it had been necessary for Adam to corroborate Eve's story. He reported that once they had left the bed and breakfast hotel without Adam having corroborated Eve's story and when they had returned home, they had decided to give Adam two options. When Mr Mater reported these options to me, I transcribed them verbatim. I thus provide these options here:

*The first option was [for Adam] to continue denying that any abuse had taken place and then he [Adam] would leave us no option but to force us to contact the police and instigate criminal proceedings against his father. We said that if Adam continued the denials we would be put in a precarious situation as we would have to institute criminal proceeding to protect him [Adam]. The other option was that he [Adam] should stop denying and be honest and talk to us and then we would include him in any decision regarding the laying of criminal charges against his father. We said that in option two Adam is involved and has more options.*

Mr Mater reiterated this second option again when I conducted my home visit. Mr Mater's spontaneous and voluntary disclosure shocked me. It was as if Mr Mater had not fully understood the effect of his actions on Adam. Furthermore, it appeared that Mr Mater had been oblivious of the fact that the choices they had presented to Adam to get him to corroborate Eve's Storey had potentially

contaminated any information that Adam had given. At that time and upon reflection, it was my opinion that the above two options constituted a classic example of what psychologists would identify as a “double-bind communication” (Bateson, 1979, p. 128).

A double-bind communication is a communication that does not allow the recipient of the communication an opportunity to ‘win’ or ‘survive’ (Bateson, 1979). In other words, it is a ‘no-win’ situation. Adam’s biggest fear was that his father would potentially go to jail. Adam idolised and revered Mr Pater, which was reported to me by Mr Rogers and Mr and Mrs Mater. However, Mr and Mrs Mater were also aware of Adam’s fear that his father would go to jail, and so they appeared to use Adam’s fear as the rider on which they premised their options. Adam would have been instrumental in sending his father to jail if he had continued denying the allegations, which was exactly what he had feared. However, if Adam condemned his father and thereby confirmed him to be a paedophile, he could at least save his father from jail. In the process, Adam sacrificed himself to save his father.

From a mental health and psychological standpoint, it cannot be emphasised enough how immoral this action was on the part of the Maters. In psychological theory, anyone presented with such a communication has only three options – the first is to be mad (sad or anxious), the second is to run away, and the third is to comment on the communication and thereby free oneself from the devious intent thereof (Bateson, 1979). For an equal adult receiving such a communication, the effects can be immobilising. In fact, Mr and Mrs Mater had presented me with such a ‘double-bind’ communication during the home visit when they had discussed whether I was going to “find for Mr Pater”. I found this communication

uncomfortable, despite the fact that I am a mature, professional psychologist. One need not stretch oneself too much then to imagine the effect of this type of communication on a child with whom the power disparity is immensely greater. One could question how much more deleterious the effect would have been on a child like Adam whose vulnerabilities extended into areas of reality testing and psychological fragility. It was and is my experience that such an action challenges every notion of constructive nurturing and childcare. Moreover, it is interesting to note that this form of coercion came from Mr Mater. He had insisted that he did not tolerate bullying in his home and had admitted that he had hit Adam for bullying his younger daughter.

It was my opinion that Adam had no option but to corroborate all the information that he had been hearing from his mother and stepfather because of this manipulation and coercion. Adam's verbalisations could certainly not be seen as spontaneous and free. In order to comply with the double-bind injunctive, the information would unavoidably have had to include descriptions about Eve's abuse and incidents that had included Adam. In order to save his father and to sacrifice himself, Adam had used the descriptions in the only way he could to make his mother and stepfather 'happy'.

From a psychological point of view, it is my opinion that to tamper with a healthy child's experience of their reality constitutes abuse. Furthermore, to manipulate and to contrive to interfere with a vulnerable child's reality knowingly is pathological. It is imperative that any act of parenting should hold this understanding as sacred because a parent is in a more powerful position than a child is, and the parent thus has the responsibility to wield that power in a manner that should only be constructive and nurturing for the child. For a parent to see the

power and then use it to interfere with the child's experience of reality to gain an end that serves only the parent is pathological.

What became very apparent and concerning in Adam's second interview was that he was, at that time, grappling with what was real and what was not. When he spoke to me about his choice to go to Dubai, he appeared to have to justify this decision, given all the subsequent allegations he had corroborated and evolved. In order to make sense of himself, he had then denied his past subjective reality – that going to his father had been normal and appropriate. He then replaced this reality with an imposed reality that was brought about by the need to corroborate the sexual abuse stories. For someone like Adam, this process must have been extremely difficult, damaging, and severely abusive psychologically.

5. From a psychological point of view, it is important that the presentation of a sexual abuse victim's demeanour is congruent with the content that is being described. In Adam's first interview with me, it was surprisingly apparent that when he was telling me about the abuse, his affect (emotional state) was bland. Furthermore, he used a matter-of-fact tone. It was as though he was reciting facts for a history exam. There was no evidence of commensurate emotional pain and trauma. He appeared rather to be ticking off points on a list. In my opinion, this behaviour indicated a lack of subjective experience. One would normally expect subjective experience to be present if in fact a child had experienced all the traumatic sexual abuse experiences Adam had recounted. This demeanour was also reported by Dr White, who had noted that Adam was "deadpan". Adam remained as disconnected during his narration of the sexual abuse in his second interview as he had in the first.
6. As a result of the above psychological incongruence, it was then pertinent to understand why such a disjuncture should occur. One method is to assess and

analyse the victim's story by attending to collateral information that may elucidate or highlight the victim's discomfort or lack of familiarity with the subject matter.

Prior to Adam's interviews, I had already read the court papers and spoken to Mrs Mater, Mr Mater, and Mr Pater. It was thus important to identify areas where Adam did not appear comfortable or familiar with the content of his narration. In my analysis, I found that there were aspects where his telling of the events regarding the abuse was not consistent with what was told to me by Mr Mater, Mrs Mater, and Eve. There were overlaps in generalisations, but when Adam was questioned with regard to specific details, his story differed to the others' stories. The following factors are some of the most important differences:

- Adam reported that he had first been raped by his father when he was 10 years old. However, Mr Mater reported that Adam had first been raped by his father when he was 4 years old, while Mrs Mater reported that Adam had first been raped by his father when he was 8 years old.
- Adam could not remember when the second and third rapes had occurred, whereas Mrs Mater informed me that each of the rapes were a year apart.
- Adam directly said that his grandfather had not touched or played with his private parts. This information was in accordance with his grandfather's denial of the abuse. In contrast, Mrs Mater told me twice that Adam's grandfather had molested him.
- Adam said that the forced re-enactments of pornography had only happened once – in South Africa while they had been away on holiday. He confirmed this information in his second interview. Eve said that her father had made them watch and re-enact pornographic films in the apartment in Dubai as well as many times on holidays.



- In his second interview, Adam confirmed what he had told me in his first interview – that no sexual abuse had occurred since he had been living in Dubai. He explained the inconsistencies between this statement and the statements made by Eve and his mother as misunderstandings of time.
  - Adam confirmed his father’s explanation for there being no locks on the doors in the apartment in Dubai, and Adam thus disconfirmed Mrs Mater’s ‘explanation’.
7. Furthermore, in order to assess psychologically whether Adam’s story originated from his own subjective experience, it was important to compare his language use to that of the collateral sources. Adam used exact phrases that had also been used by Mr and Mrs Mater in their recounting of the abuse. Adam spoke about the “hardest things” for him to talk about. Mr Mater in his interview had said that he had asked Adam which things were the “hardest for him [Adam] to talk about”. Mrs Mater had said that when Adam had been raped, his father had not used “lubricants”. Adam made a point of saying that his father had not used a “lubricant”. These specific repetitions are noteworthy over and above the absolute repetition of most of the descriptions of the actual abuse because, in my opinion, they indicate that information was transferred. Therefore, Adam did not relay subjective experience.

These repetitions also resonated throughout the descriptions given by Adam, Eve, and Mr and Mrs Mater. Furthermore, these repetitions indicated a contamination of the story of the abuse as new material had been introduced by using leading questions. The use of leading questions cues a child to become aware of what the questioner really wants the child to answer and to say. Thus, these kinds of questions impose the questioner’s reality as an edit of the story. In Adam’s second interview, he referred to having been “groomed” by his father so that he

would think that everything was normal. However, I had not solicited this information. Adam's use of this term indicated a sophistication of sexual abuse terminology that, as mentioned above, is not psychologically congruent with an abuse victim's knowledge. It is my opinion that this term had been explained and bandied about in the Mater household so that it had then become colloquial and ubiquitous.

8. In his first interview, Adam spoke of recovering memories as though the process of discovering the history of his sexual abuse was for him an experience he had repressed or denied, which had been an accepted description with regard to Eve. He said in his interview, "This is just coming back. What comes to my mind is what I'm saying", and "This is just coming back; he raped me".

It had never been suggested by anybody that Adam had suffered from pseudo-seizures. Furthermore, no one had suggested that he had any symptoms that could indicate that he had repressed memories of sexual abuse. In fact, it would appear from Mr Mater's interview that it was Mr Mater's injunction that had elicited all the evidence that corroborated Eve's story from Adam instead of a process of Adam uncovering his repressed memories. Adam's declarations should be seen as questionable and as not psychologically congruent with the process and course of his revelations. Thus, these declarations could be seen as a repetition of something Adam had heard elsewhere.

9. For there to be veracity or reliability around the information gleaned during an investigation, the method and process of revealing the information also have to be seen as psychologically sound. Again, any coercion or interpersonal dynamics that could contaminate or taint a victim's record must be identified. In Adam's case, Mr Mater informed me that he and Mrs Mater had questioned Adam every few days to

elicit new information from him that he may have remembered. This persistent and contrived method of eliciting information may have forced Adam to come up with ever-increasing traumas to satisfy his mother and stepfather and to keep them 'happy'.

10. Because of the method of eliciting the ever-increasing information from Adam, the recording of this information had not been witnessed by any uninvolved third party, let alone a qualified mental health professional. Therefore, it was not possible to ascertain which information had been intentionally or even inadvertently led by the questions of the inquisitors. Such information could have also been added to at the point of summary and conclusion.
11. Psychological consistency over time and during the course of the allegation process also has to be assessed. With regard to an assessment of psychological consistency, Dr White reported that when Mrs Mater had brought Adam to consult with him, Mrs Mater had indicated that because of the alleged abuse by Mr Pater, Adam had been nervous around adult men. Dr White did not note any nervousness. It is noteworthy that one of the first subjects Adam wanted to speak about during his interview with me was his male teacher in Dubai with whom Adam reportedly had an excellent relationship. This close relationship was confirmed by Adam, Adam's teacher, Mr Pater, and other members of the staff at Adam's school. Mrs Mater's description of Adam being anxious around adult males was not observable in Adam's behaviour or the reported behaviour Adam had displayed.
12. What was very concerning was that Adam had then begun to make causal links between his aversion to water, his withholding of faeces, and the sexual abuse. These links were not a reality that could be confirmed by any of the psychiatrists I had interviewed. The formation of these links thus constituted a further warping of

Adam's understanding of his reality, and they supported Adam's eventual complete alienation from his father, a parent whom Adam reportedly truly loved and respected.

13. It was very concerning that since Adam's return to South Africa, he had not been placed in any form of psychotherapy. Eve, however, had readily been given access to therapy. I found it questionable and suspicious that psychotherapy sessions had not been arranged for Adam, given the severity of the allegations presented.

Furthermore, one could question whether Adam had become a redundant player on the stage of this play since his role as the corroborator of Eve's allegations had been discharged.

14. None of the medical experts I had interviewed could confirm that there had ever been any evidence to suggest that Adam had been sexually abused. Furthermore, Dr Klein said that based on Adam's presentation and symptomology, sexual abuse was contraindicated. Dr White confirmed that Asperger's syndrome with all the concomitant symptomology could not be considered the result of sexual abuse because it is categorically a syndrome of faulty development and certain neural 'wiring'. In Dr White's description of the sequelae of Asperger's syndrome, he included all the reported symptoms that Adam had manifested over time.

15. Dr Fisher confirmed that the results of Adam's physical examination had indicated that there was no evidence of physical damage to Adam's anus. However, it was understood that this lack of evidence was not definitive in and of itself.

From a psychological standpoint, it was and is my opinion that it was highly unlikely that Adam had been sexually abused. This finding implied that I had to question the elements of Eve's story that included her brother.

### **My Findings Regarding Eve**

The following were my general findings (over and above and including the questions above) with regard to Eve:

1. Eve was a highly anxious child. This fact had been reported by her parents and her teachers. It was also assessed by Ms Jung and confirmed by Dr White. In her second interview with me, Eve confirmed that she had sometimes become so anxious and stressed that she had wanted to vomit. Her anxiety also affected her sleeping at night.
2. In my assessment of Eve, she presented as feeling insecure and needy, while at the same time having a tendency to be obliging and accommodating. Her emotions appeared to be blocked. She therefore had difficulty expressing her emotions.
3. Eve's anxiety and stress were seen as precipitating factors in her pseudo-seizures. It was also suggested by one of the neurologists consulted that stress could have been the cause of these seizures (which was reported to me by Dr White). The seizures began in February 2008 and had reportedly not occurred since 19 November 2008 after Eve had made the allegations of sexual abuse. However, Eve had been on Cipramil, a medication prescribed to contain her anxiety, which could have equally accounted for the reduction in the occurrence of her seizures.
4. Although Eve did not experience any more seizures, her teachers reported that she had appeared more withdrawn and unhappy than she had during the previous year (the year before the allegations were made), aside from her having experienced 2 weeks of "euphoria" after the initial allegations had been made. Eve's unhappiness was confirmed by her in her second interview with me. She appeared noticeably different and confirmed that she had only been happy for 2 days that term.

5. However, Mrs Mater initially reported to me that she “had her old daughter back” since Eve had uncovered the repressed memories of her alleged sexual abuse. Mrs Mater then expressed a contrary view during the home visit. It appeared that Mrs Mater could not cope with Eve’s levels of anxiety. Mrs Mater in fact stated that Eve was “not alright”. Mrs Mater even suggested an increase in Eve’s medication to enable her to cope.
6. Eve was treated for scholastic inattention problems periodically but was still struggling at school – a fact that had been reported by her teachers. In her second interview, Eve told me that she was doing better at school and that she had achieved 72% for an English test.
7. From a psychological point of view, it is important to ascertain the precipitating cause/s of disclosures of sexual abuse. Eve reported to me that she had first been concerned that Mr Pater had made her pregnant during their weekend away in Cape Town in October 2009. She reported that she had spoken to her father about it at the time and that he had said that she could not be pregnant as nothing had happened that could have made her pregnant. She reported that the next time she had mentioned it was by accident to her stepfather when he had fetched her from school after a seizure. She reported that it was after that that she had begun to uncover the repressed memories of sexual abuse by her father.
8. Again, to ensure the veracity and reliability of the information obtained, both the process of disclosure and the course of disclosure need to be assessed as being psychologically reliable and consistent. The psychological meanings that accompany disclosures may affect the nature and course of such disclosures. In Eve’s case, Mr Mater reported that because of Eve’s seizures, Mrs Mater had done

some Internet searches and had discovered that “psychogenic seizures” were often the result of repressed memories of early sexual abuse.

9. From a psychological point of view, it is important that the victim’s demeanour that is presented is congruent with the content that is being described. In Eve’s first interview with me, it was surprisingly apparent that her affect (emotional state), as it had been in Adam’s case, was bland. She had also used a matter-of-fact tone when she was telling me about the sexual abuse. It was as though Eve was reciting facts rather than describing a traumatic subjective experience. In fact, Eve was happy and ‘bouncy’ during the initial part of the interview and then became more thoughtful and pensive when recounting the abuse. Eve’s lack of affect was also confirmed by Dr White, who described Eve as “deadpan” when Eve had spoken to him about the abuse. Eve’s lack of emotion was also confirmed by Eve’s therapist, Ms Allen, who described Eve as displaying minimal affect and as being contained. Similar to Adam, there was no evidence of commensurate emotional pain and trauma with regard to Eve’s recollection of the abuse. Eve seemed to be ticking off points instead of recollecting a subjective experience.

In her second interview, there were further inconsistencies that indicated psychological incongruence between her demeanour and the content of her narration. Eve narrated instances of anal penetration without any subjective discomfort or evidence of emotion present in her narrative. Although her general demeanour was disconnected and depressed, her most expressive time concerned her anger and fear with regard to her father. It was only at that time that she had then ‘managed’ to cry. I describe Eve’s crying as something she ‘managed’ because she appeared to force herself to cry by escalating her emotional state.

10. Psychologically, it is also important to ascertain the most prominent and prioritised thoughts that would arise spontaneously for the victim during the course of an interview. In Eve's first interview, one of the first subjects Eve had spoken about was the "amazing time" she had had with her father when they had gone kayaking together in Cape Town in October 2009. This topic is noteworthy because it was one of the first subjects Eve discussed. However, it was during this weekend that the most recent alleged abuse had occurred. I initially confirmed with Eve if she understood why she was being interviewed. She said that it was because of what had happened. Despite this initial subtle introduction of the topic of sexual abuse, it was not the sexual abuse that remained most prominent in her mind.
11. As a result of the above psychological inconsistencies, it was then pertinent to understand why such a disjuncture could occur. I have already referred to one method to establish the above, that is, to assess and to analyse the victim's story by attending to collateral information that may elucidate or highlight the victim's discomfort or lack of familiarity with the subject matter. Eve's story was not consistent with the stories related by her brother and reported by her mother. Aside from the descriptions mentioned herein above with regard to Adam, it was also apparent that Mrs Mater's description of Eve's weekend away with her father was different to Eve's admissions that had emerged during the first interview.

Mrs Mater initially reported that Eve and her father had not left the hotel room at all. According to Mrs Mater, "They spent the whole weekend like lovers, with the curtains drawn". Significantly, as mentioned above, Eve's spontaneous recounting of the weekend began with outdoor activities. Furthermore, when I challenged Eve with her mother's description of the weekend, Eve was initially confused and then hurriedly said that she and her father had in fact gone out. Her



outdoor activities and her lack of distress were confirmed by her aunt, her father's sister, who had spent time with Mr Pater and Eve for some of the weekend. This lack of comfort with my questioning around differences, coupled with Eve's spontaneous apparent enjoyment of the activities, further supported the psychological appearance of incongruence between Eve's demeanour and her story.

In her second interview, when I challenged Eve with regard to the inconsistencies of her narration, she appeared to be uncomfortable, and, in fact, she reacted in a manner that was consistent with being unprepared with information. It appeared that she had been expecting something different in the second interview. She also appeared to be confused when I had asked her about certain differences between her descriptions and what her mother had told me. When I then asked Eve if there was anything else she wanted to tell me, she then appeared more comfortable and narrated further incidents of sexual abuse by her father that she had remembered in the intervening 3 weeks. She then finally worked herself into a state of anger about her father. This phase ended in tears of anger, and I then ended the session.

12. Eve's story that she had provided in her first interview with me was also inconsistent with the story she had related to Ms Jung. Ms Jung pointedly reported that Eve had said that she had pretended to be asleep while being abused. However, Eve had made no mention of this fact to me. Eve actually informed me that she had been abused in the bath where she could not have pretended to be asleep. Furthermore, in her second interview, Eve reported that her father had also anally penetrated her during their Cape Town weekend. She did not reveal this incident of abuse during her first interview with me, nor did she reveal it to Ms Jung during their interview.

13. Moreover, to test for psychological congruence and consistency, it is important for the nature of the revelations to remain consistent over time, and an appropriate accompanying demeanour should be displayed by the victim. However, Eve's story during her first interview with me appeared to 'grow'. My manner of interviewing was specifically non-sensational because I used a matter-of-fact approach and reduced eye contact. It is my opinion that because of the reduced interaction on my part, Eve could not gauge what responses were 'good enough' and which required elucidation. In response to my bland questions about whether there was anything else that she needed to tell me, it appeared that Eve succumbed to the suggestibility that there should be something else, and she then added to her descriptions. In doing so, Eve added children as extra 'players' in the pornographic films that had originally only included her father and other adults.

Regarding the abuse that had allegedly occurred in Cape Town, it appeared that Eve added the description that her father had in fact put his penis between her legs. As far as I was aware, these facts had not been presented to or recorded by anyone else in the investigation prior to my interviews. Therefore, I must assume that these incidents had appeared for the first time during my interviews with Eve. I also tested her psychological suggestibility with regard to the stickiness of semen and suggested that she knew it was sticky because her pyjamas had stuck to her. She readily agreed with my description.

14. As noted previously, it is important to analyse (in a psychological manner) anything that is raised spontaneously by a victim. This information also needs to be assessed for psychological congruence and reliability. In the first interview, Eve spontaneously asked me if I would like to know how the abuse progressed from back tickling. This question indicated an almost prepared knowledge of a grooming

process. However, a victim of abuse is not normally conscious of such a process. It is my opinion that Eve thought that I had not focused on the course of the abuse and that maybe I would miss something. It is unusual and noteworthy that Eve, a victim of traumatic abuse, wanted to make sure that I was informed about a grooming process. In my opinion, such information is usually gleaned spontaneously by an interviewer by the incremental addition of small pieces of information. The fact that Eve had knowledge of the evolution inherent in a grooming process made me uneasy about her subjective experience. In her second interview, Eve revealed the fact that she had been anally penetrated by her father. She revealed this incident although her mother had told me that Adam had said that when Mr Pater had tried to do this to Eve, it had been too sore for her. I faced Eve with this inconsistency. She was visibly unsettled and merely quietly confirmed that it had been sore.

15. Again, in the service of establishing psychological congruence, during the first interview, I challenged Eve's description of the pornographic films that her father had allegedly forced her and her brother to watch. I had noted that Eve's descriptions in the legal papers with regard to what had happened to her personally were quite specific albeit repetitive, whereas her descriptions of the pornographic films were vague. In the legal papers, Eve was reported as describing the films as including "that sex stuff". During the interview, Eve had said that the content of the films included kissing and touching. Eve, in her description of the films, then went on to repeat what had reportedly happened to her in the same vocabulary. Again, when I asked her about this, she appeared to be confused and appeared as though she had been unprepared with an answer.

16. Again, from a psychological perspective, it is important for the course of the revelations and the sequence of the ‘uncovered’ memories to be assessed as being psychologically sound. In her telling of the story, Eve would “jump” (her word in the interview) from one thing to the next as she appeared ready to recite the list. Because of this process of recounting her story, I then asked Eve which memory had been the first to return. Again, she appeared to be confused and bewildered. After taking some time to think, she replied that her earliest memory was from when she was 3 years old. It appears that the Cape Town weekend occurrence from just 4 weeks prior to the interview did not ‘come back’ to Eve until after her memories from when she was younger had emerged. In my opinion, this manner of attending to my questions reflected the naïve understanding that recovered memories occur consecutively in time. Such an assumption contradicts psychological soundness because the manner described by Eve is generally not the manner in which victims usually uncover early childhood memories. In fact, very early memories are, by nature, the most difficult to ‘uncover’.
17. During her second interview, from a psychological standpoint, Eve displayed vehement aggression towards her father. Thus, when she was faced with the fact that she had phoned Mr Pater after the Cape Town weekend to tell him that she had missed him and that she had wanted him back, her immediate response was to accuse Mr Pater of lying. However, within a few moments of accusing Mr Pater of lying, she confirmed that she had actually phoned Mr Pater and had told him that she had missed him. This action made me very uncomfortable with regard to her psychological reality testing. I was also uncomfortable with her ability to discern what had been appropriate to reveal and what she may have felt had been inappropriate.

18. Furthermore, the level of Eve's conviction regarding the fact that the abuse had occurred on all her holidays with her father, despite the fact that she had confirmed that she had shared a bed with Lana (Ms Amica's niece) on at least two holidays, also indicated a naivety of the process of abuse and paedophilia. The high risk associated with these actions of a molester is highly unlikely. Thus, Eve, in her naivety, did not understand the process. In her descriptions, she had generalised that the alleged abuse had occurred at all times and in all places.
19. From a psychological perspective, the combination of the apparently repressed memories that Eve had reported as occurring only 4 weeks in her past (that is, on her weekend away with her father in October 2008) was concerning. She had apparently been abused both while sleeping (according to her report to Ms Jung) and when she had been awake. Eve was also reportedly abused while bathing and showering (as reported by Mrs Mater and confirmed by Eve only after I challenged her). It was surprising that Eve could recollect the memories of abuse that had occurred when she was half-asleep or when she had pretended to be asleep prior to recollecting the memories of abuse that had occurred during the same time period when she had been awake. I believe that it would have been more psychologically coherent if Eve had been able to recollect her half-awake memories as well as the 'awake' memories of abuse and if she had reported these to Ms Jung (with whom she apparently had had several interviews).
20. From a psychological point of view, it is also important to establish the freedom that the victim feels while disclosing the abuse as well as the subsequent process of recording these uncovered memories. At the end of her interview, Eve informed me that her stepfather had pushed her to remember what had happened to her so that they could understand what had been causing her seizures. Both she and Mr Mater

indicated that her seizures and their lack of explanation were frustrating. They also mentioned that on 19 November 2008, after Mr Mater had fetched Eve from school after a seizure, Mr Mater had pushed Eve for an explanation. Thereafter, Mr Mater would insist that she had to remember. He had suggested that she watch *Alias*, a television series about lies, deception, living a double life, and uncovering lost memories. Eve reported that without Mr Mater pushing her, she would not have remembered anything. She said that without him pushing her, her mind went “stuffy”. She knew what she was remembering but could not make sense of it. Such external provocation from a parent to whom Eve had paid a lot of respect and to whom her assessment indicated that she was intensely connected could only be seen as coercion. This coercion caused Eve’s revelations to be contaminated psychologically.

21. It is also necessary from a psychological point of view to determine any factors that may introduce or suggest notions that a victim may not think about on their own. It appeared from the legal papers and had been confirmed in my interview that Mr Mater had introduced the idea to Eve that her father had made her and Adam do things together. Such an introduction of information, which is unsolicited by a suggestible victim, renders the record psychologically unsound and highly questionable.
22. During her second interview, the fact that Eve acknowledged that she had felt silly after she had spoken to her father about her fear that he had made her pregnant was concerning. She admitted that she had thought that she was going mad and that it was “beyond reality” to think that her father had made her pregnant. She had then, through the more recent process, come to accept as truthful and as a preferred

reality what she had previously (only 6 months prior to the interview) thought of as a mad and unacceptable reality.

23. The above process of revealing information was concerning. Furthermore, because these revelations had not been witnessed by an independent third party, let alone by a trained mental health professional, it was impossible to ascertain how much of Eve's own experience she had recounted. It was uncertain how much of Eve's recollection may have been introduced by her mother or stepfather in their method of extracting the information or in summarising it for her.
24. Furthermore, Eve had a tendency to perseverate, which I experienced during my interview with her and which her teacher also reported. Eve obsessed with a subject beyond what was appropriate or indicated and was unable to self-calibrate. She appeared to be carried away with subject matter and then would not be able to release it to focus on something else. This behaviour was reported by Eve's teacher. Eve recounted an incident where her brother had been approached by some men in a car while road running. I also experienced this behaviour in the first interview when Eve spoke endlessly about her habit of getting hurt. This pattern of communicating and thinking could not be ruled out as a supporting pattern with regard to her stories of sexual abuse. In other words, her stories may have been subject to the same perseveration. Eve's recollections would have increased in length while she focused on the subject.
25. Since November 2008, under Dr White's guidance, Eve had been on Cipramil, a medication used for both anxiety and depressive symptoms. It is very probable that the disappearance of Eve's seizure-like symptoms was a direct result of the medication rather than a result of the alleged uncovering of repressed memories. The medication had reduced her extreme levels of anxiety and thereby also reduced

her seizure-like symptoms. Dr White confirmed that the medication could have reduced Eve's anxiety levels.

26. Dr White confirmed that the fact that Eve might have been sexually abused had never crossed his mind.

27. The ex-headmistress at Eve's school confirmed that she had presented sex education lectures to the Grade 6 and 7 boys and girls as separate groups in November 2008. Some of the words and content that she had described as being part of the lectures had been repeated in Eve's descriptions. Most pertinently, the descriptions of ejaculation and the "stickiness" of semen were used by Eve in her narrative. It is also noteworthy that the ex-headmistress spontaneously commented on the breadth of knowledge that the pupils had had regarding sexuality. It cannot be discounted that Eve had been influenced by this information that was presented by her peers during the sex lecture. Eve was also part of a peer group whose sexual knowledge was surprisingly broad, which may have allowed Eve to have extensive knowledge of sexual matters.

28. Eve had been examined by a gynaecologist, and her hymen had been found to be intact.

29. Eve presented as an alienated child. During her second interview, her response to subjects regarding her father indicated a vehemence and aggression that should be seen in stark contrast to the fact that only 6 months prior to the interview, she had called Mr Pater after her weekend with him to tell him that she had missed him. Eve confirmed the telephone call when she agreed, albeit reluctantly, that she had phoned her father.

Based on the above findings, it is my opinion that, from a psychological standpoint, it is highly unlikely that Eve had been sexually abused.



### **My Findings Regarding Mr Pater and Mr Mater**

It remained necessary to investigate the profiles of both Mr Pater and Mr Mater, despite the findings I had made regarding the psychological veracity of Adam and Eve's narratives regarding the alleged sexual abuse.

Although the profile of a child molester or paedophile cannot be stringently defined, there are general themes that are considered evident in paedophilic behaviour. According to Socrades and Loeb (2004, cited in Lyell, 1998), these themes include, inter alia, a lack of impulse control, faulty or weak masculine identity, narcissistic personality, a lack of super ego function (a lack of self-regulatory behaviour), associated alcohol or drug use or abuse, and a lack of empathy for others, especially children. Notwithstanding the findings made regarding Adam and Eve, and from a purely personality profile point of view, both Mr Pater's and Mr Mater's assessed personalities were compared to these identified themes.

From the psychometric test results and based on collateral information, Mr Pater did not appear to have any of the personality themes identified in the available literature. Furthermore, I had to consider the fact that Mr Pater had exposed his children to various helping professionals to assist in investigating the allegations. Such an action would not be expected if indeed he had been incestuously involved with his children. In my unpublished master's thesis (Fasser, 1989), I described a pattern of non-disclosure in families in which incest occurs and a drive to conserve the integrity of the family by bordering the family within an impermeable boundary designed to retain the family's integrity. In such cases, the inclusion of helping professionals would be severely restricted if allowed at all.

Furthermore, when Eve had expressed her concern to Mr Pater that he may have made her pregnant, Mr Pater, within a short time, had consulted his sister, Dr White, and Mr Rogers with regard to what could have been the matter with Eve. In addition, Mr Pater

queried whether there was a chance that Eve could have been molested. Such an action, for a man who was a non-risk taker, indicates a naïve and trusting acceptance of the therapeutic process, which is not the expected action of a perpetrator. A perpetrator would surely avoid any intervention that may risk the exposure of his sexual abuse. Mr Pater also asked for a full inquiry into the situation that had resulted in these allegations, even prior to my appointment by the Court. He had already solicited a proposal from another forensic psychologist that pre-dated the court case. This action would not be considered consistent with the actions of a perpetrator expecting to hide his deeds.

In conclusion, Mr Pater's profile did not conform to what would be expected in a paedophile's profile. In fact, the elements of extreme self-regulatory behaviour, conformity to authority, the lack of support for the presence of vulnerability to solicit underage sex in his sexual adaptation and functioning test, and his ready inclusion of helping professionals in the lives of his children are contraindications of paedophilia. This finding was further supported by the fact that I had found that it was highly unlikely that the children had been sexually abused at all.

My findings regarding Mr Mater also had to be seen against the fact that it was highly unlikely that Adam or Eve had been sexually abused. Although Mr Mater's profile tendencies did include some elements, namely impulsivity, a lack of empathy, and indications of alcohol use, that could be expected in a paedophile's profile, I found it probable that he had not sexually abused either Adam or Eve. It must also be understood that the reliance on these traits or themes is based on assessments of already diagnosed paedophiles. Thus, the presence of these traits or tendencies in any individual cannot be seen as indicative or causal of paedophilia. Mr Mater, like Mr Pater, had encouraged the inclusion of helping professionals in the lives of the children. This action, as in the case of

Mr Pater, would not be expected of someone involved in incestuous-type relationships or someone at risk of being identified and exposed as a paedophile.

I include my findings on Mrs Mater in the next section because I found that her role was pertinent in the emergence of the allegations in the family at that time.

### **Hypotheses for Why Such Allegations Occurred at That Time and in This Family**

*‘Cheshire Puss,’ she began rather timidly, as she did not at all know whether it would like the name: however, it only grinned a little wider.*

*‘Come, it’s pleased so far,’ thought Alice, and she went on. ‘Would you tell me, please, which way I ought to go from here?’ (Carroll, 1865/2007, p. 76)*

*. . . it puzzled her very much at first, but after watching it a minute or two, she made it out to be a grin, and she said to herself, ‘It’s the Cheshire Cat: now I shall have somebody to talk to.’ (Carroll, 1865/2007, p. 101)*

According to Rober (2002), a therapist, and a psychological investigator for the purposes of this study, should use hypotheses as tools to generate descriptions that could help to explain situations rather than to establish the truth or falsity of a situation.

Hypothesising is a technique used to tease out different understandings that are either more or less useful in solving problems that present themselves. Hypotheses so used are designed to create a basis for understanding, communicating about, and inquiring into complex and multifaceted contexts (ecosystems) that are usually presented to a psychologist conducting a family law investigation to determine what would best serve a child.

For the purposes of this narrative, the use of the term ‘hypothesis’ resonates with the role of the benign detective exploring unfolding Storeys. A necessary precursor to this approach would be the drive of curiosity and wonder. Like Alice’s Cheshire Cat, hypotheses should appear and disappear during the course of an investigation. As

information consolidates and is then either entrenched, diluted, or challenged, so too can hypotheses be established or negated. The process should be fluid and sensitive to any new information or “news of difference” (Bateson, 1979, p. 78) so that alternative and competing hypotheses can be considered.

Given that I found that it was highly unlikely that either of the children had been sexually abused, it remained for me to posit hypotheses regarding why these allegations had emerged at that time. I also had to provide hypotheses regarding why the allegations had then been sustained and supported by some members of the family. A variety of hypotheses had evolved and emerged during the course of my investigation. None of these hypotheses should be seen as directly causal, but rather they should all be considered as correlates occurring within the family at the same time as the emergence of the allegations. As it was not possible to determine a weighting of which hypothesis was more likely to have been impactful, it was my opinion that it would be more helpful to determine which hypothesis had been more destructive than the others had and which would then have needed urgent remediation.

It was my opinion that although the reasons for Adam’s corroboration and recounting of the alleged abuse were the result of coercion caused by double-bind communication, as described in my findings, the hypotheses discussed below were applied to both children’s allegations.

### **The First Hypothesis – The Role of a Mother can be Important in Establishing Allegations of Alleged Sexual Abuse Committed by a Father in a Post-Divorce Family**

**A description of Mrs Mater’s role.** According to Bala et al. (2007),

There is a range of circumstances that may lead a parent to make unfounded allegations of abuse in the context of parental separation. These include:  
allegations that are made in the honest but mistaken belief that abuse has

occurred, often due to some misunderstanding or misinterpretation of events; allegations that are made knowingly with the intent to seek revenge or manipulate the course of litigation; or allegations that are made as the result of an emotional disturbance or mental illness of the accusing parent. (p. 37)

I hypothesised that Mrs Mater's influence and her impact on the emergence of the allegations covertly served some of her own needs. Her influence and impact existed aside from her overt statements that she was protecting her children. In order to describe this hypothesis, it was pertinent to assess Mrs Mater's personality and parenting style. The results of this assessment are discussed below.

1. According to the psychometric assessment of Mrs Mater, I made the following findings:
  - She assessed as having a clinical profile that was entirely within normal limits. However, from a personality point of view, she appeared to be a somewhat self-centred and immature person with a strong need for attention and affection. She was quite dependent, needed a great deal of reassurance, and tended to be over-controlled. She also relied excessively on defences of denial and repression.
  - She appeared to have good social skills and tended to deny that she had any problems interacting with other people. Her interpersonal relationships tended to be superficial. She was non-assertive and tended to attempt to control others indirectly rather than openly expressing anger or negative feelings. Quite outgoing and sociable, she had a strong need to be around others. She seemed to be gregarious and also seemed to enjoy attention. She seemed to require an excessive amount of emotional support from her spouse. Her physical complaints were likely to be used to get attention for her perceived illness/es.

- Although her actions were well within normal bounds, her surface affability may have been punctuated at times with abrupt outbursts and sarcasm. She may have appeared charming and clever to casual acquaintances, but people who had a more intense and enduring relationship with her were likely to see her periodically testy, demanding, and manipulating side. I experienced these aspects of Mrs Mater's personality when she had an abrupt outburst on the telephone, which I recorded in my interview notes. My experience resonated with Mr Pater's description of Mrs Mater's behaviour that he had experienced when she had called him to tell him about the allegations.
  - She was essentially a well-functioning individual with no major personality disturbances. She was, at that time, perhaps undergoing psychosocial stressors and may have exhibited troublesome symptoms that were essentially transient and situational. In general, Mrs Mater was concerned with appearances, that is, with being seen by others as composed, virtuous, and conventional in her behaviour. She attempted to downplay any distressing emotions and denied troublesome relationships with others, especially with regard to her family or personal life.
  - She might have avoided responsibility by becoming ill and might sometimes have reacted to stress by suddenly feeling weak or by developing headaches, chest pains, or other vague and non-specific physical symptoms. She seemed to have little insight into her behaviour.
  - Psychiatric patients with profiles like that of Mrs Mater are usually diagnosed as having conversion disorder, somatization disorder, or psychogenic pain disorder.
2. It was relevant to consider Dr Klein's descriptions and experiences of Mr and Mrs Mater in terms of Mrs Mater's assessed psychological profile parameters. Dr Klein expressed concern regarding, inter alia, two sets of behaviour she had identified

during Adam's admission to Tara in November 2006. Dr Klein's first concern was that the severity of the symptoms that were reported by Mr and Mrs Mater could not be supported by the ward staff's observations of Adam. In fact, these symptoms had not been present at all. Furthermore, Adam's eating disorder was only present in the presence of his mother. Dr Klein's second concern was that Mrs Mater had not been relieved by the assessment results that indicated that her son was less severely ill than she had presented. Instead, Dr Klein reported that Mrs Mater had been angry. Thereafter, a very angry letter was sent to Dr Klein from Mr and Mrs Mater. It appears that Mrs Mater may have had a tendency to engage in illness and its concomitant implications in an over-involved manner. She may have done so with regard to herself and her children. She had in fact introduced the notion of the description of "Munchausen's" both to the staff at Tara and in a letter to Mr Pater (albeit that her introduction was to reject the possibility that she was behaving in a manner corresponding to the diagnosis of this syndrome).

3. Mrs Mater's own references to Munchausen's syndrome alerted any investigation of this case to assess the probability of her having this syndrome. However, any probability of this syndrome being evident has to be seen against the evidence in the investigation that both Adam and Eve had been diagnosed as having difficult, symptomatic behaviour. It would appear, therefore, that rather than definitively diagnosing Mrs Mater, it would be more appropriate to consider her tendencies with regard to this syndrome. I examined Mrs Mater's personality profile as well as her historic patterns of behaviour. I then compared these results with the criteria often associated with Munchausen's syndrome by proxy. Some elements of Mrs Mater's personality and behaviour reflected some of the criteria. Munchausen's syndrome by proxy is a parenting disorder where, in most cases, the offending

parent is the mother (American Psychiatric Association, 2000, pp. 781-783/517).

The condition involves the exaggeration or fabrication of illnesses or symptoms by a primary caretaker (American Psychiatric Association, 2000). Some criteria of the condition are the following (American Psychiatric Association, 2000):

- a child who presents with multiple medical problems that do not respond to treatment or that follow a persistent and puzzling course;
- physical or laboratory findings that are highly unusual and that do not correspond with the child's medical history, or such findings are physically or clinically impossible;
- short- or long-term symptoms that tend to arrest when the primary caregiver is absent;
- a parent or caregiver who is not relieved and assured when medical problems are not found and who continues to believe that the child is ill;
- a caregiver with medical knowledge or who is fascinated by medical details and/or enjoys the hospital context;
- a caregiver who is usually calm in the face of serious crises with the child's health;
- a caregiver who is highly supportive of a treating doctor, or a caregiver who is angry and demanding and who requires further interventions, opinions, transfers, or alternate facilities; and
- common conditions of the child of the caregiver include failure to thrive, allergies, asthma, vomiting, diarrhoea, seizures, and infections.

Aside from Dr Klein's observations and concerns discussed previously, it appears from the interviews and history of the children's conditions that there were instances where some of the above criteria had been met. The following examples illustrate instances that met some of the criteria given above:



- Adam was reported to thrive in the absence of his mother while living in Dubai. He was also reported to disintegrate, either when in contact with Mrs Mater or when he was in her presence. Adam's thriving had even elicited favourable recognition from Mrs Mater.
- Ms Amica and Mr Pater gave reports of the amount of heavy medication that Eve had travelled with to Dubai. They also stated their concerns regarding Eve's licence to self-medicate.
- Mrs Mater was angry with both Mr Pater and Ms Amica, as evidenced in the correspondence given above, when she became aware that they had tried to use more natural methods to allow Eve to sleep or to deal with pain.
- Mrs Mater exaggerated Adam's symptomology with regard to him being nervous around adult males. Neither Dr White nor I had experienced Adam as nervous around adult males.
- The occurrence of Eve's seizures pointed to the criteria mentioned above that include seizures as one of the common conditions with which a child of such a caregiver would present. It is historically accurate to say that Eve had been put on various anti-convulsant medications that did not appear to work. Ultimately, these seizures were diagnosed as pseudo-seizures.
- Mrs Mater used medical vocabulary during her interview with me when, inter alia, she had referred to the side effects of Adam's medication or when she had described Eve's seizures and her use of the Internet to self-diagnose her children's symptoms.
- In my presence, Mrs Mater suggested that Adam be put onto Reacutane, an acne preparation that is notorious for increasing mood instability.

- Mrs Mater suggested that Eve needed to have her dosage of Cipramil increased to contain her anxiety.
- There was a focus on sexual abuse symptomology from early on in the children's lives. It is important to highlight that young children often masturbate to soothe themselves and to reduce anxiety. It appeared that when Eve did this (and she had been described as a very anxious child), it had been framed as potentially abnormal, and she was thus sent to play therapy. Mr Mater informed me that they had confronted Eve on an annual basis with regard to her being sexually interfered with. When Adam was 3 years old, a peer had put berries in his bottom at nursery school. Mrs Mater presented this incident as sexual abuse to the helping professionals involved at that time. When Mrs Mater presented Adam to the panel at Tara Hospital, she also referred to the paedophile that had been at the nursery school in Cape Town. However, this paedophile had not interfered with Adam. From Ms Jung's telephone interview with me, it was established that Eve did masturbate. However, Mrs Mater reported to me that Eve's experience of an orgasm had only been during the sexual abuse.
- Mrs Mater exaggerated some of the sexual abuse allegations, which neither child could substantiate. Adam denied having been molested by his grandfather, which was an allegation that Mrs Mater had reported vehemently to me. Eve very uncomfortably had to correct what her mother had told me about her and her father never having left the hotel in Cape Town on their trip there together.
- Mrs Mater's great anger towards Dr Klein and her hysterical reaction towards me during a telephone call reflected her desire to see her children ill rather than being able to see them as having the potential to be well. Her behaviour also reflected her feeling of being threatened by any proposal that could challenge her reality.

Again, it was noted that both Adam and Eve appeared to present with both physical and psychological problems. Thus, it was not possible to negate the fact that Mrs Mater had had to deal with stressors in this area. However, her method of problem solving and her tendency to somatise and to edit her focus was consistent with some of the above criteria of Munchausen's syndrome by proxy.

The above behaviour, coupled with Mrs Mater's assessed profile and her initiation of verbalisations regarding Munchausen's syndrome, indicated that this area had to be considered as an area of urgent concern because Munchausen's syndrome by proxy is a severe form of child abuse. In light of the above, I hypothesised that the possibility that the false sexual abuse allegations may have been the result of "emotional disturbance or mental illness of the accusing parent" (Bala et al., 2007, p. 37) had to be considered.

4. Mrs Mater appeared to exaggerate and to embellish the experiences that had been reported to her by the children. However, her children had subsequently either corrected or dismissed Mrs Mater's version of their experiences. Mrs Mater had taken that which ostensibly belonged to the children as her own subjective experience. Furthermore, I observed that her emotional reactions around the abuse were far more 'real' than those of the children were. I cite the following as some examples of Mrs Mater's embellished narrations:
  - Mrs Mater asserted that Adam had been nervous around adult males. However, this assertion was disconfirmed by Dr White and by Adam's acknowledgement of having a close relationship with his Dubai teacher during his interview with me.
  - Mrs Mater asserted that Eve had spent the entire weekend in Cape Town with her father as though they had been romantic lovers. She also asserted that Mr Pater and Eve had kept the curtains closed and that they had not left the room at all. This

assertion was disconfirmed by Eve herself when she had excitedly described kayaking with her father, visiting the penguins, and having spent time with her aunt and nephew. Her aunt also disconfirmed this description. This assertion was furthermore disconfirmed by the photographs of these events that Mr Pater had taken.

- Mrs Mater described the absence of the locks in Adam's bedroom doors in Mr Pater's apartment and stated that it was to facilitate Mr Pater's sexual abuse activities with Adam. Both Adam and Mr Pater concurred on reasons for the absence of the locks that were not sinister and that constituted perfectly satisfactory explanations for their absence.
  - Mrs Mater asserted that Adam's grandfather had molested Adam in the shower. This assertion was disconfirmed by both Adam and his grandfather.
5. It was my opinion that because of the stressors of the symptomatology associated with her children and her dysfunctional method of dealing with these factors, Mrs Mater had unconsciously embraced and supported the notion of sexual abuse as a causal factor for her children's symptomology. I reported the following: "She also avers that Eve's personality has changed positively since the revelations and this has convinced her that there was always something wrong and it now makes sense". Mrs Mater asserted the above improvement in Eve's personality. However, she seemed to contradict herself later in the investigation when she suggested an increase in Eve's medication. Mrs Mater also appeared to contradict her above assertions when she described how badly Eve had been coping later in the investigation.

I hypothesised that the identification of a cause for her children's apparent symptomatic behaviour, which was external to herself and her parenting ability, gave her a

sense of relief and helped her to deal with a very problematic history. This identified cause also did not threaten her current family but instead consolidated it.

**The Second Hypothesis – Pathological Patterns of Communication can Facilitate the Emergence of Sexual Abuse Allegations in a Post-Divorce Family.**

**A description of the patterns of communication in the family.** Based on my investigation, it appeared that, at least around the sexual abuse allegations, the patterns of family communication were pathological. This issue was discussed under my findings regarding Adam and the method of coercion used to get Adam to corroborate Eve's story. This coercion constituted a pathological and abusive form of communication. I hypothesised that this form of familial communication may well have generalised to other areas and thus had to be considered in connection with the emergence of the sexual abuse allegations.

Aside from Mr Mater's description of his communication with Adam, I had also experienced it directly during my visit to their home. I experienced the pressure of a double-bind communication when Mr Mater raised the issue of laying criminal charges against Mr Pater. As preparation for the double-bind message, Mr Mater conveyed to me just how abusive and contrary to the children's best interests it would be to put them through a 5-year court process in which they would be treated as adult witnesses and would be cross-examined. He then proceeded to tell me that if I recommended that the children should return to Dubai, it would leave them no option but to proceed with the criminal process. Hence, such recommendations would then, according to Mr Mater's reasoning, subject the children to the aforementioned abuse, which would then also not be in their best interests.

This communication identified that I should have put Adam and Eve's best interests, as identified by Mr Mater, first as an agent of their best interests. The

communication was intended to limit me to finding that the children had been abused and furthermore that Mr Pater had been the perpetrator. Any other findings, according to Mr Mater, would reduce me to not finding in the children's best interests because my findings would have sentenced them to a further 5 years of abuse and trauma.

I am a mature psychologist with 25 years (20 years at the time of the investigation) of experience in the field of psychology, and I thus experienced this communication as pathological and manipulative. If this was the preferred style of communication in the Mater family, one can only imagine that the children, psychologically vulnerable children at that, would be subjected to many forms of manipulation, confusion, and reality challenges without being aware that the source of the discomfort lay in the style of communication delivered to them from a supposedly loving parent.

Furthermore, it was my subjective experience with Mr and Mrs Mater that there had been sustained pressure for me to accept and to take as read their perception of reality as if it had been the only reality that could possibly have been true. Both Mr and Mrs Mater insisted that the core issue was that I should either have believed the children or not. Their insistence took the form of Mrs Mater losing her temper with me and suggesting that I was prejudiced in the way I had conducted the investigation. I also felt huge amounts of pressure during the joint discussion during my visit to their home. I felt pressured to justify myself and to allay their fears. Again, I hypothesised that this type of communication permeated much of the Mater family's communications and could not be discounted as a variable in the emergence of the sexual abuse allegations. It also could not be ignored that such a communication style had had a profoundly negative effect on the children.

### **The Third Hypothesis – Suggestibility can Lead to Allegations of Sexual Abuse, Especially in Children Who Have Been Questioned Repeatedly by Non-Professionals**

**A description of the suggestibility of childhood memories.** I identified the pathological communication pattern and hypothesised that it correlated with the emergence of the sexual abuse allegations. I was then forced to consider the notion of ‘suggestibility’ as a viable hypothesis in the emergence of the sexual abuse allegations given the vulnerability of the children. According to Bala et al. (2007),

Children can often provide accurate and detailed accounts of abuse that they have experienced. However, a child who has been repeatedly questioned by a parent with preconceptions or biases may be quite suggestible. Repeated questioning by a trusted adult can alter the memory of a child, especially a young child, to resemble the beliefs of the accusing parent. As a result of leading questions or suggestions from a parent, a child may come to believe that he or she was abused and create descriptions of events that did not occur.

(p. 29)

It was my opinion that it could be hypothesised that the children had been susceptible to suggestions in the process of ‘uncovering’ the alleged sexual abuse because of the nature of the family communication style and the uncontrolled questioning of the children. In my interview with Eve, it was readily apparent that with just a little manipulation of my questioning, Eve became susceptible to my suggestions. One could then question how much more the effect of such suggestibility would have been in the context of her family which she had been familiar with and in which she had probably been communicating in a dysfunctional manner for a long time.

In various research reported on in an article by Johnson (1994) from an amicus brief for the Case of New Jersey v Michaels, it was identified that there are different

interviewing techniques that result in different effects specifically in cases involving child sexual abuse. The research examined “the effects of a host of implicit and explicit suggestive techniques that can be woven into the fabric of the interview through the use of bribes, threats, repetitions of certain questions and the induction of stereotypes and expectancies” (Johnson, 1994. p. 1)

Furthermore, with regard to the reliability and suggestibility of child abuse memories, Bowman and Mertz (1996) identify the following factors: the impact of the sources of the memory, whether the information incorporated was learnt after the event, and the awareness that real memories are rich in sensory material whereas imagined events include more thinking and reflecting. Bowman and Mertz (1996) also identify the need for the subject to remember in order to please the investigator. Furthermore, Bowman and Mertz (1996) state that the beliefs and attitudes of the interviewer can strongly influence what is remembered by the subject. In addition, Bowman and Mertz (1996) identify the need to avoid the use of leading questions because their influence is pervasive. Bowman and Mertz (1996) also caution that memory fades with time and that this fading of one’s memory raises questions about the reliability of memories from childhood. Bowman and Mertz (1996) suggest that these memories may in fact include imagination. Bowman and Mertz (1996) caution that time-delayed memories that return as vivid flashbacks are not necessarily accurate.

Bala et al. (2007) also refer to suggestibility when they discuss the reliability of recovered memories in the following:

The report of the GAL opined that the child’s alleged recovered memories of abuse were implanted through the suggestions of [the mother] and reinforced through counselling with [the child’s therapist]. The report described how the mother would be present during the child’s therapy sessions, and that the



mother and the therapist had prepared notes for the child to use during interviews with child protection investigators. (p. 44)

This area of research and academia is a broad and profound area. Loftus (1993) deals specifically with repressed memories and the authenticity of their recall. However, my investigation did not attend to the implications of this research with regard to this case. Instead, my purpose was to present suggestibility (specifically suggestibility in cases of childhood sexual abuse) as a hypothesis for consideration when trying to describe the context in which the sexual abuse allegations had emerged.

**The Fourth Hypothesis – The Alleged Victim’s Vulnerability, Both With Regard to Their Maturation and Psychological Development, can Have an Effect on the Emergence of Sexual Abuse Allegations**

**A description of Eve’s psychological, maturational, and personality vulnerabilities.** Eve was apparently the originator of the sexual abuse allegations. Thus, it must be accepted that, at least initially, Eve had been the spontaneous alleger of the potential sexual abuse. Hypotheses about her psychological role and context thus had to be examined to ascertain what factors could have led her to state her initial concerns and to proceed with the sexual abuse allegations against her father.

Bala et al. (2007) identify the following:

There are, however, some cases of false allegations in the context of parental separation where the child is taking the lead in making the allegation. In these cases, the child repeats the statements to investigators or even in court, but the judge ultimately concludes that the allegations have been fabricated by the child. These relatively rare cases may involve older children, often preadolescent or adolescent girls, who may be manipulative or emotionally scarred by their parent’s separation. In some cases, the child may be subtly

encouraged by a parent to make a false allegation. In other cases, the false allegation may arise out of a child's desire for revenge against a father who has left the home, or from a desire to remove a person, such as a stepfather, from the child's life. (p. 42)

I hypothesised that a case could be made for Eve's sense of abandonment by her biological father and her subsequent anger associated with this abandonment. Mr Pater had left South Africa when Eve was at a critical age of development. The divorce and separation had occurred when she was 3 years old, and her father had left for Dubai when she was 4 years old.

According to Freudian psychoanalytic theory, a child of 4 years old enters the phallic stage of development (Santrock, 1983). During this stage, the child focuses on the genitals by becoming acutely aware of them and when "[p]hysical changes in the child cause this area to be a pleasurable one when stimulated" (Santrock, 1983, p 36). It is also the stage when children compete with each parent for the love of the other and when children alternate feelings of love and hate for each parent. In girls, this stage includes the complex psychological event called the "Electra complex" (Santrock, 1983, p. 36). The processing of this complex, which involves highly stressful conflict regarding sexual affiliation and identity, takes about eight to ten years to resolve (Santrock, 1983). The child's resolution of this conflict is repressed during the latency stage but should resurface in adolescence when it will usually present as resolved (Santrock, 1983).

It was at the critical point of the phallic stage that Eve had been 'abandoned' by her father. It was also at this stage that she reportedly began masturbating. It was then exactly at the stage of adolescence that the concerns about her being pregnant had emerged. It could be hypothesised that Eve's unresolved phallic stage complex had emerged at a time when she was becoming more sexually aware, and perhaps this issue had remained

unresolved. The unresolved feelings of the Electra complex may have manifested as a sexual concern in Eve's relationship with her father. Accompanying this sense of abandonment was the sense that her father had chosen Adam over her by having Adam live in Dubai, which exacerbated Eve's anxiety and anger.

Furthermore, it appeared that the environment in which Eve experienced adolescence was flooded with the normal curiosity and discovery of sex. Her school gave sex lectures, her ex-headmistress commented on the amount of sexual knowledge that was evident during these lectures, Eve was discovering her own overt sexuality, she admitted to masturbating, and her peer group made crass and inappropriate comments about sex. These factors were reported by the headmistress and Ms Allen, Eve's therapist. Furthermore, as Mr Mater had reported, Eve had been questioned annually since the age of 3 years old to determine whether she had been sexually interfered with by anyone. This questioning would have created fertile ground for ideas of sexual abuse to take root. It could also account for Eve's fear of being pregnant because she had been constantly reminded of the possibility. It could also have been pertinent given her levels of anxiety and her tendency to perseverate.

At the same time, Eve was confronted by her father with whom she had unresolved abandonment issues. This sense of Eve's abandonment was commented on by her father's sister when she had described Eve's behaviour with regard to her father during the Cape Town weekend. Coupled with Eve's apparent sense of abandonment was Mr Pater's apparent insensitivity to Eve's need for privacy and personal space. Because of Eve's generally high anxiety levels, as identified by Dr White, the combination of the above factors reduced Eve to a state of extreme anxiety and fear. This fear could have manifested in ideas and obsessions that were not based in reality. In Eve's case, at that time in her life, these fears would possibly have had sexual meanings. Once the notion of uncovering

memories had been suggested, Eve's tendency to persevere would have allowed the process to grow beyond the initial issue.

It can also be hypothesised that the unknown cause of Eve's seizures would have provoked anxiety for her. She had felt the pressure to identify why the seizures were happening. I hypothesised that the allegations of sexual abuse were timeous in providing an explanation for the seizures and thus were a relief for her.

### **The Fifth Hypothesis – The Personality Profile of the Alleged Perpetrator can Have an Effect on the Emergence of Allegations of Sexual Abuse**

**A description of Mr Pater's personality style.** It can be hypothesised that Mr Pater, as a very pertinent and influential member of the ecosystem in which these allegations had emerged, played a part in creating a context in which such allegations could surface. He had assessed as being cut off from his emotions and as needing a very organised and clinical context in which to operate. These factors should be considered as potential correlates regarding the allegations. Given Mr Pater's tendency to be distanced from his emotions, it could be expected that both of his children experienced him as distant and as being task focused. These factors may have provided a means for negative and hostile sentiments to grow as well as for parental alienation to emerge. Mrs Mater may then have been used this parental alienation to her advantage.

Furthermore, regarding Mr Pater's emotional distance, it was reported by Mr Rogers that Adam had difficulty knowing how Mr Pater felt. This uncertainty frustrated Adam and resulted in negative emotions. It can be hypothesised that Eve also had difficulty connecting with her father, and, in the light of her easier and warmer relationship with Mr Mater, she could have felt disappointed by Mr Pater. Specifically, with regard to the Cape Town weekend, it could be hypothesised that Eve's initial experience of being disconnected from her father (to whom she wanted to be connected) was juxtaposed with

her experience of a close and consistent relationship with her stepfather. The differences between her experiences of her paternal figures led Eve to feel both happy and sad at the same time. Eve could have felt happy because she could develop a closer relationship with her father – a relationship that apparently had evolved by the end of the weekend. However, she could have felt sad that Mr Pater was going to leave again and that this connection would again be challenged. Such ambivalence for a child as anxious as Eve reportedly was led her to find herself in a state of tension.

Mr Pater's apparent emotional distance can be contrasted with what Eve had consistently experienced with Mr Mater, her stepfather. It can be hypothesised that this closeness was what she would ideally have liked to experience with her own father. These feelings also probably made her feel guilty. She was perhaps forced to split her world into two camps. In the first camp was the intense relationship she experienced with Mr Mater, while in the second camp, the distanced but valuable relationship she experienced with Mr Pater existed. In order to resolve this ambivalence, guilt, and splitting, the allegations of sexual abuse defined who was good and who was bad in her world. It can be hypothesised that although this strategy may have been artificial, it benefitted Eve as it helped her to resolve her ambivalence and thus reduced her tension and concomitant anxiety.

Moreover, regarding the Cape Town weekend, I hypothesised that Mr Pater had been insensitive to Eve's need for privacy and that he had assumed, without considering her request for a separate room, that she would be comfortable sharing a room with him. I hypothesised that Mr Pater's insensitivity facilitated Eve's discomfort and was an invasion of her personal space at a time when this private space was becoming vital to her. Ms Jung also commented on Eve's need for her personal space to be respected.

Mr Pater's insensitivity regarding Adam's weaknesses was highlighted by Adam's teachers. It is noteworthy that, as far as Adam was concerned, his teachers in Dubai

indicated that he had needed more support and consolidation at school. When they had suggested that Adam should repeat a year, Mr Pater was reportedly not comfortable with the suggestion. Mr Pater also indicated that Adam would not have liked it. From this response, it is evident that in being mainly task orientated, Mr Pater may have been insensitive to the emotional and psychological needs of his children.

Regarding Mr Pater's stance on medical issues, it appears that as much as Mrs Mater was concerned with ill-health, so Mr Pater was concerned with good health. His position might be seen as a positive position, but it had the potential to be an insensitive position and thus might have resulted in Mr Pater ignoring the real needs of his children. Mr Pater's descriptions of his children were far healthier and idealised than those that I had received from Ms Amica. Her descriptions appeared to be more realistic and congruent with other collateral reports.

### **The Sixth Hypothesis – The Dynamics Inherent in a Family System can Have an Effect on the Emergence of Allegations of Sexual Abuse Within the Family System**

**A description of the family as a system.** In conducting the investigation, I was forced to consider which roles (if any) the 'ill' children had performed in the family. This concept is based on the systems theory and posits that the "identified patient" (Selvini-Palazzoli, Boscolo, Cecchin, & Prata, 1978, p. 35) in a family system is 'needed' by the family in order for the family to conserve its structure and functionality, albeit in a dysfunctional manner. In the Mater family, it could be hypothesised that while Adam had been living with them, his symptomology and role were clearly defined – he was allocated the role of the 'identified patient' (Selvini-Palazzoli et al., 1978). The patterning around his role had solidified, and the family managed itself in this regard. It is noteworthy that during the house visit to Mr and Mrs Mater, I saw a fleeting instance of this patterning of positioning Adam in the role of the identified patient or "symptom bearer" (Minuchin &

Fishman, 1981, p. 28) at the dining room table. Adam suggested that his little sister should have a grape. However, it appeared that his verbalisation was inappropriate, although I could not understand the interaction. The whole family stopped talking and looked at him in a curious manner.

Given the hypothesis that the family may have ‘needed’ Adam’s symptomology as part of its structure, once Adam had relocated to Dubai and had become far less ill (as recorded by his doctors and also acknowledged by Mrs Mater in her e-mails), the family appeared to have to reorganise itself around a new “identified patient” (Selvini-Palazzoli et al., 1978). It was not long before Eve became heavily symptomatic and had seizures. Eve then ultimately became the ‘victim’ of sexual abuse. This apparent act of ‘self-sacrifice’ then allowed the family to stabilise itself.

The need for a stabilising ‘identified patient’ was further supported during my interview with Mr and Mrs Mater during the house visit. They informed me that their relationship had never been better and that they had consolidated through the recent trying times.

Another dynamic that appeared to emerge was that of abdication of her parental role by Mrs Mater. This dynamic was supported by the psychometric results obtained from Adam and Eve. In both Eve’s and Adam’s Bene-Anthony Family Relationship Test, the responses allocated to Mrs Mater were notably few in number. In Eve’s assessment, she allocated only eight responses to her mother, while she allocated 17 responses to Mr Mater (more than double the number of responses Eve had allocated to her mother). In Adam’s assessment, he only allocated four responses to his mother. It would have been expected for the children to be intensely connected to their biological parent, especially because they had been in crisis. However, the patterning of these responses, as seen against the

narrative, could be hypothesised to indicate that Mrs Mater had either purposefully or even inadvertently abdicated her parenting responsibility to Mr Mater.

In Adam's case, Mrs Mater had given Adam over to Mr Pater because, as seen in the correspondence between herself and Mr Pater, she could not cope and needed to prioritise her marriage. In Eve's case, it appeared that Mr Mater had evolved into Eve's primary parent. This fact was confirmed by Mrs Mater when she informed me that Eve had needed Mr Mater with her every time she had revealed a new, uncovered memory. It was also to Mr Mater that Eve had first indicated her concern that she could be pregnant. Mrs Mater's abdication of her role as the primary parent was concerning and had to be considered specifically when determining the recommendations with regard to what would be in the best interests of these children.

It could also be hypothesised that the dynamic that emerged as a consequence of Mrs Mater's reported severe illness, namely a pituitary tumour, had created an unsettled and emotionally turbulent time for all of the family members including, most profoundly, Mrs Mater herself. Such an unsettling phase could also have consolidated Eve's relationship with her stepfather and precipitated Adam's psychological disintegration. It appeared that this unsettling health period had been repaired. However, it is evident from the investigation that not everything had returned to a functional and healthy dynamic thereafter.

The systemic descriptions that could also be posited with regard to the importance of identifying Mr Pater as the perpetrator could include that Mr Pater, as a very successful and wealthy man, represented a level of success and wealth that Mr Mater had not achieved. This factor might have unconsciously driven Mr Mater to hold onto the suggestion of Mr Pater's culpability beyond what could have been expected. Dr White recorded that Mr Mater had appeared vengeful when he and Mrs Mater had told him about



the alleged abuse. In my interview with Mr and Mrs Mater, Mr Mater was vehement that Mr Pater was a “sociopathic paedophile”. The intensity of his retort was striking and seemed to me to represent revenge rather than concern for the children.

Moreover, the family was, at that time, reportedly experiencing financial pressure. Firstly, Mrs Mater had mentioned their financial pressures to me, and, secondly, according to Ms Amica and Mr Pater, Mrs Mater’s telephone call on 21 December 2009 concerning the alleged sexual abuse had also included references to a financial settlement. A hypothesis regarding financial pressure could not be undervalued as a precipitating factor in the Maters’ maintenance of the allegations of sexual abuse.

The systemic patterning in the family had focused on sexual abuse intermittently and regularly over many years, as had been recorded by Mr Mater. He insisted that Eve was annually quizzed with regard to potential abuse from a very early age. Dr Klein also reported that Adam had been upset by the boys at his school because they had pornography on their phones. Mrs Mater identified incidents of sexual abuse with regard to both her children when they were 3 years old. These incidents could actually have been framed very neutrally instead of being seen as incidents of sexual abuse. Dr Klein reported that Mrs Mater had referred to a paedophile at Adam’s school but then never suggested that Adam had been abused by this paedophile. Ms Jung described a sex game that the children had played. Eve was reportedly ashamed about her participation in this game. Ms Jung also noted that Eve was ashamed that she had masturbated. This emphasis on sex and sexual abuse appeared to be a theme in the family. It could therefore be hypothesised that enough patterning had been practised within the family system to create a context for sexual abuse allegations.

The systemic paradigm is also helpful in hypothesising about why the children appeared to be less symptomatic after the revelations had emerged. Such a hypothesis

could be established despite the suggestion that Eve's medication had reduced the likelihood of her seizures reoccurring. Furthermore, such a hypothesis could be valid despite the fact that Adam's stress of performing at school had been completely alleviated by him having been removed from any demands and by him being allowed to remain at home without any pressure. This hypothesis can also be supported despite the fact that it appeared that Eve had actually not been functioning better than she had been the previous year (before the revelations). According to both Mrs Mater and the school, Eve had not been coping or thriving. However, Eve's 'apparent' flight into health that had been reported could have been attributed to a stabilised family system that needed the identification of a patient and symptomology in order to be in balance. The allegations took care of all the free-floating anxiety that may have prevailed, and, as long as all the family members were focused on solving the current problem, it was less likely that there would be place for extreme symptomology.

It was, however, my extreme concern that once my report became available, it would upset the familial equilibrium and that the children would become severely symptomatic as a result of the ensuing familial pressure.

### **My Conclusions**

It was my opinion that the psychological abuse that the children had suffered since the emergence of the sexual abuse allegations, the subsequent court proceedings, Adam's relocation back to South Africa, and the implications of the investigation had to be considered to have a profound effect on the children. It was difficult to understand the effect of all these factors, particularly with regard to Adam as his fragile sense of reality had been challenged and replaced by a reality that was not congruent with his experience. These experiences probably had the same effect on Eve, although she appeared less psychologically vulnerable than Adam had appeared.

This type of abuse, alongside the pathological communication patterns that I had identified within the family, could be considered potentially more damaging than sexual abuse. In this case, sexual abuse could be considered as a metaphor for familial abuse, including inappropriate boundaries within the family and intrusion of the psychological constructs of the vulnerable children in order to alter their 'take on reality' which had been carried out by adults whom the children had thought of as trustworthy and reliable. Most notably, with regard to childhood sexual abuse, there is always the possibility of psychological healing and repair through a process of therapy and engaging in healthy adult relationships. However, with psychological abuse, if it goes unchecked, the damage is often neural and not tangible. It manifests in a lack of trust in subjective experience and a handicapped development of a sense of self. Such handicaps lead to the possibility of the development of depression, and severe neurotic disorders (Santrock, 1983, p. 356).

The classic double-bind communication is studied as an example of a schizophrenic-type communication. Therefore, it was my opinion that both children had primarily been subjected to a tampering of their reality checking because they had had their reality altered, and they had then been exposed to a reality that was potentially more pathological and damaging than the alleged abuse itself. At the time of my investigation, this was exacerbated by Adam not having been afforded a therapeutic context in which he could be supported.

Moreover, given the history of Adam's reportedly complex and at times negative relationship with his stepfather, Mr Mater, the above psychological damage would have been exacerbated. Adam was asked to trust his stepfather in a context in which he had previously not trusted his stepfather, the reconstituted family, or the blended family in which he found himself. He had in fact been removed from this reconstituted family and had gone to reside with his father in Dubai. At the point of his removal, Adam was no

doubt asked and expected to 'trust' his biological father, which he had apparently begun to do. With the emergence of the allegations of sexual abuse, this foundation of trust with regard to Mr Pater had then been destroyed.

Eve, however, appeared to have a dilemma regarding which father was better – her own biological father or her stepfather. Her dilemma resulted in a splitting of her loyalty. She wanted her biological father to be as kind and as close to her as her stepfather was. However, compared to her subjective experience of Mr Pater, which included intermittent appearances and involvement in her life, she was susceptible or vulnerable to an easy resolution of the dilemma by idealising her stepfather, Mr Mater, while demonising her biological father around the fulcrum of the sexual abuse allegations.

From my experience, the family dynamics in reconstituted or blended families are complex and can certainly lead to dilemmas of loyalty, comparisons, and judgements by the children and parents with regard to non-biological versus biological family members. These problems can be further compounded by the expectations of the stepchildren and their biological parents. For instance, it is often expected that the children should be unconditionally loved and accepted by a stepparent as if they had been the biological children of that stepparent. There is often also some parents' expectation that the children should be as enamoured with the stepparent as they are with their biological parent/s. These dynamics appeared to manifest in the Pater-Mater family before and during my investigation.

Furthermore, it is also noteworthy that Eve's extreme reaction regarding her father during the second interview on 29 May 2009 indicated a severe form of alienation that was extremely concerning. According to Gardner (1992), false sexual abuse allegations are a severe form of alienation. This process had taken hold for Eve and was starting to entrench itself in Adam. In order to repair and to save their relationship with their father,

remediation had to be prompt and expedited with as little delay in the legal process as possible. A mere 6 months before the beginning of my investigation, Eve had been emotionally attached to her father and had missed him after his visit. Furthermore, a mere 3 months before the beginning of my investigation, Adam had denied any sexual abuse allegations and had had a relationship with his father. These relationships were under threat because of a pathological and unhealthy process that had served no one well.

The situation was further exacerbated by an apparent and historic exaggeration of the children's physical symptoms by their mother and stepfather. This exaggeration had rendered the children to believe that they were far more ill than they had appeared to be. In addition, once the children's symptoms were exaggerated, the concomitant contamination of the only context where Adam and Eve had apparently thrived, namely when they had been with their father, had occurred. The allegations of sexual abuse had severely contaminated what was certainly not a perfect relationship but what was a parental relationship that had potential. Mr Pater was not a perfect parent and had some growing to do. However, Mr Pater, by all accounts, was a dedicated and involved parent with regard to Adam and wanted to engage with Eve in the same manner. Unfortunately, the potential for this engagement had been severely damaged and relegated through the process of the emergence of the sexual abuse allegations.

It was my opinion that Mr and Mrs Mater had not been constructive, responsible, and caring parents. Bala et al. (2007) give the following comment:

In founded allegations, the accusing parent is more likely to have been initially disbelieving or shocked at the possibility of abuse. There may be an initial degree of doubt and checking with the other parent about the suspected abuse. The parent who is fabricating an allegation is more likely to appear certain that the abuse occurred and to immediately contact the police or child

welfare investigators. This parent is likely to be hostile towards professionals who express any doubt that the child has been harmed . . . . With unfounded allegations, the accusing parent is likely to present as vengeful and aggressive, or paranoid and hysterical. Parents making false allegations tend to have little awareness of the effects of parental demeanour on the child. The parent may also appear to be unconcerned about the effects of the investigative process on the child, focusing on establishing the guilt of the other parent. Parents who make unfounded allegations may have unresolved feelings about their own history of childhood abuse, or may be emotionally disturbed. (p. 50)

Concerning the above, Selvini-Palazzoli, Cirillo, Selvini, and Sorrentino (1989) describe a family game, “imbroglio” (p. 67), that manifests in families where there is overt symptomatology in a member of the family. They describe a covert subtext in the family that includes cross-generational alliances and collusions that sustain the family’s (or the identified patient’s) symptomatology, and, in so doing, help is defied. The reticence of the family system to unravel the cross-generational alliances and to identify the imbroglia is a function of the entrenched behavioural patterning that inheres in an imbroglia pattern (Selvini-Palazzoli et al., 1989). This pattern therefore belies verbalisation and is felt and experienced on a deeply psychological level. It has become familiar in its entrenchment (Selvini-Palazzoli et al., 1989). One parent is usually responsible for “specific behaviour tactics” (Selvini-Palazzoli et al., 1989, p. 68) being brought into play. This parent instigates a set of circumstances that appear to benefit a preferred child, but, in effect, the circumstances are designed to benefit the parent’s hidden agenda (Selvini-Palazzoli et al., 1989).

It is my opinion that the lack of conciliation, the lack of a need to repair the damage, and the general anger and hysteria that had been my experience of the family throughout the investigation supported Bala et al.'s (2007) suggestion that the allegations were more likely to be false and instead a description of "imbroglio" (Selvini-Palazzoli et al., 1989) was more apposite.

Moreover, it is noteworthy that if one has to chart the course of the increase in the reported severity of the symptoms of the alleged sexual abuse over the period since their emergence and throughout my investigation, it defies imagination regarding what the resultant descriptions would have included. In brief (and errors and omissions accepted), the allegations began with, in my opinion, a neurotic and irrational fear of pregnancy. This fear then progressed from the molestation of one child by the father while the child was sleeping, to molestation while awake, to grooming memories uncovered from the age of 3 years old, to the inclusion of a sibling in joint activities, to re-enactments of pornography (including watching pornography), to sexual molestation by a grandfather, to sodomy of the son, to films including the abusing parent, to films including the abusing parent and children, to very young (pre-3-year-old memories) of abuse taking place in the swimming pool, and ultimately to including the sodomy of the daughter. It was my fear that Mrs Mater would have wanted to take Eve for an anal examination in due course.

Another theme that had, in my opinion, become evident through the course of this investigation was a theme that had included aspects of subterfuge and deception. Mr Mater reported that Mr Pater had been "tricked" into coming back to South Africa with Adam. It was my contention that Adam had been manipulated into corroborating Eve's story and that there had been an ongoing need to coerce experts into accepting the reality that the children had indeed been abused by Mr Pater.

It is noteworthy that Mrs Mater was extremely insistent for me to see the children a second time. She proposed a second interview during the house visit. Furthermore, her lawyer eventually wrote a letter to me regarding a second interview. This second interview would have taken place in any case, but I record this request here to illustrate the point that Mr and Mrs Mater were persistent in their need for me to be convinced of the 'truth' of the allegations and needed the second opportunity to reveal what they believed would be convincing evidence. I did not spontaneously confirm Mr and Mrs Mater's reality regarding the allegations, nor did I confirm the children's narratives immediately on my return from Dubai. The children also did not experience me as therapeutic in my role as the investigator. Mr and Mrs Mater thus needed to ensure that the 'correct reality' was conveyed to me.

It was my opinion that Mrs Mater needed the second interview to orchestrate a more appropriate demeanour in my presence on the part of Eve and Adam and to convince me of their authenticity. It is noteworthy that during the intervening period between the first and second interviews, I had spoken to Ms Jung and had asked her specifically about Eve's demeanour. I also inquired whether Eve had in fact shown any appropriate emotion during her interviews with Ms Jung. I also asked if Eve had cried during these interviews. I hypothesised that Mrs Mater insisted on a second interview to present me with what was believed to be 'appropriate emotion' that would be consistent with Eve's sexual abuse experience. However, as is often the case with a lack of authenticity, the orchestration was faulty. It was my opinion that during the first interviews and during the home visit, the children had been natural and spontaneous. Their spontaneous and natural reaction was due, in no small measure, to my concerted effort to join with them and to make them feel comfortable. However, when I questioned them with regard to the sexual abuse, my lack of spontaneous engagement was designed not to lead them on and thus challenged their



ability to 'reveal' the intensity and severity of their sexual abuse experiences as they were not given any leads regarding what was expected of them.

The fact that the children did not display subjective pain regarding the abuse during their first interviews was more congruent for Adam and Eve than Eve's attempt during the second interview to manufacture an appropriate response. Without a true understanding of the impact of sexual abuse and without an authentic sense of emotional pain, loss, or betrayal, such a poor act served only to confirm a lack of abuse. What really touched me was Eve's naïve and simplistic attempt to convince me that her emotion was real. It was at that point that in my professional capacity I believed it would be facilitating the abuse to continue the interview.

Furthermore, it was my intense concern that when my report was read, in view of the threats made, that the children would be further abused in an ongoing familial process where they would be interrogated further regarding reasons for the things they had said and the reasons for their actions. My concerns already emerged when Eve appeared to make herself cry during her second interview. The children would even have been subjected to the threatened criminal process in order to justify Mr and Mrs Mater's stance.

Furthermore, I expected Mr and Mrs Mater to deal with me in the same manner that they had dealt with Dr Klein because I expected that they would not be relieved by my findings regarding the sexual abuse. I thought that they would continue on a course of further damage and self-serving confirmation. They would have found it far more acceptable for the children to have been abused so that their created reality could stand untainted. As posited by Bala et al. (2007), constructive and healthy parents would not pursue the process:

An accusing parent who is not emotionally disturbed is unlikely to pursue a matter to trial if all of the expert evidence supports the position of the other

party. In cases where the initial allegation is a result of an honest mistake, the accusing parent may be relieved that investigators or evaluators have all determined that the allegation is unfounded and the child has not been harmed; such cases are less likely to be pursued in court. (p. 45)

Moreover, it was my concern that if no immediate remediation of the situation could be achieved, Adam would be severely psychologically damaged, while Eve would be psychologically scarred by events that, in all likelihood, had never happened. The healthy development of her psychosexual life, the potential for her to have meaningful adult relationships, and the potential for her to remedy her relationship with her father would be severely compromised. In order for Eve to have the opportunity to eradicate the idea of the sexual abuse from her life experience, to heal her relationship with her father, and to begin a healthy and balanced existence (without sexual abuse), the situation needed to be changed immediately. In my opinion, such a change would therefore have to include the recommendation that the children relocate to their father in Dubai.

In my report, I had not fully considered the implications of relocating the children to Dubai to live with Mr Pater. I had based my recommendations on the fact that Adam had been living and thriving in Dubai in a far better manner than he had been living in South Africa prior to the sexual abuse allegations. I had also considered that until 6 months prior to the investigation, Eve had been connected to her father. With whatever issues there may have been regarding her feelings of abandonment and anger towards her father, it was not too late to remediate, restore, and, in fact, improve this relationship. Therefore, relocation in this case, was appropriate for many reasons. Eve's relationship with her father could only have been repaired if she could be removed from the situation to live with her father, which would thereby have averted and arrested any possible sequelae regarding her adult psychosexual relationships. If relocation was not supported, it was my opinion that

Eve would be damaged by fictitious issues that would have long-term effects on her future happiness. She would go into adulthood believing that her father had sexually abused her and had ruined not only her childhood but also her whole life. Both children's prognoses in a non-pathological, contained environment with supportive therapy would ensure positive psychological growth and would repair their sense of self and reality.

### **Conclusion: My Recommendations**

I recommended the relocation of the children to Dubai to reside with their father there. Furthermore, I recommended that they should have supervised contact with their mother until such a time as their stability and the predictability of their lives had been independently established. I also recommended that Eve should be given access to therapy in Dubai to assist her to deal with what had occurred as well as to heal her relationship with her father. I recommended that this intervention be set up in advance, with immediate effect. With regard to the relocation, I recommended that Adam should return as a matter of urgency to his therapy and to school in Dubai.

I recommended that both parents should attend therapy. Mr Pater was to attend his own therapy to help him achieve a more emotional and connected relationship with his children. The aim of such therapy was also to sensitise him to their needs rather than to focus on getting tasks done. I suggested that Mrs Mater enter her own therapy, aside from her marital therapy, so that she could attend to her identified issues. It was my fervent wish that in time it would be possible for Mrs Mater and Mr Pater to achieve the civil and cooperative parenting style that was evident at times in their correspondence. This parenting style would have certainly been in the children's long-term best interests.

Regarding Mr Mater, I recommended that the children's contact with him should be suspended until such a time as a mental health professional advised contact. I

recommended that the children's contact with their half-sister be maintained and facilitated as often as possible. This contact could include webcam and Skype contact.

I recommended that the services of the International Social Services (ISS) be employed to monitor Adam and Eve's psychological wellbeing in Dubai over the subsequent 2 years. There are affiliated governmental and non-governmental bureaus of the ISS in both South Africa and Dubai which could have assisted in the process of monitoring the children.

On 2 June 2009, I then rendered my signed electronic report to Mrs Mater, Mr Pater, and their legal representatives. I also gave them the option that if they wanted a hard copy, they could collect a copy at my rooms. I also offered to send Dr White a copy of the report if both parents gave me permission to do so as Dr White had requested a copy. I also thought that Dr White, as the children's consulting psychiatrist, should have been informed of the findings. The impact of my report is described in the next chapter.

## Chapter 10: Waves and Reverberations

*'I wish I hadn't cried so much!' said Alice, as she swam about, trying to find her way out. 'I shall be punished for it now, I suppose, by being drowned in my own tears! That will be a queer thing, to be sure! However, everything is queer today.' . . . It was high time to go, for the pool was getting quite crowded with the birds and animals that had fallen into it: there were a Duck and a Dodo, a Lory and an Eaglet, and several other curious creatures. Alice led the way, and the whole party swam to shore. (Carroll, 1865/2007, pp. 27-31)*

### A Point of Departure

The release of my report acted as a point of bifurcation and a point of instability – the critical point when fluctuations could amplify (Prigogine, 1977, cited in Elkaïm, 1981) in the family, legal, and psychological systems that comprised the greater ecosystem in which the investigation resided. These waves or reverberations could not have been predicted, but they included the notions of chance and evolutionary feedback. Therefore, it was not possible to predict which fluctuations would be amplified with the release of my report and which would dissipate. The notion of evolutionary feedback describes the new state of the system after the chance change has occurred, which Prigogine (1977, cited in Elkaïm, 1981) describes as being at a “higher interaction level of the system with the environment” (p. 292). Figure 10.1 below shows the point of bifurcation.

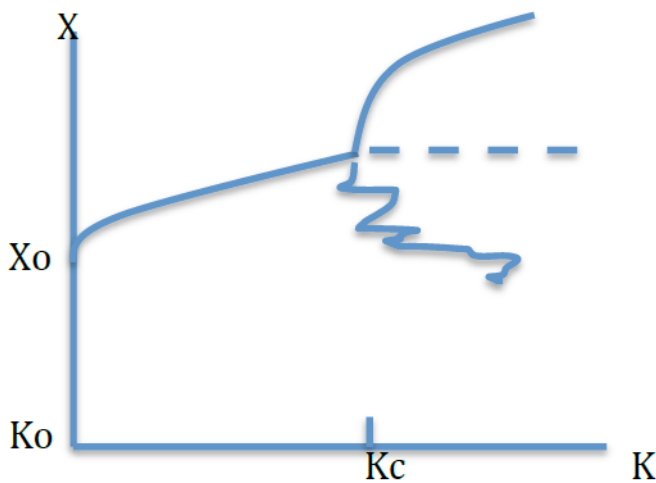


Figure 10.1. Point of bifurcation (adapted from Elkaim, 1981)

In Figure 10.1 above, axis Ko-K is the passage of time, while axis Ko-X is the increasing number of fluctuations within the ecosystem. At the point  $K_c$ , which is the point in time when I released my report, the fluctuations become increasingly unstable. This point of bifurcation could have resulted in any number of chance evolutions, none of which could have been reliably predicted. The release of my report perturbed the ecosystem that included the Pater-Mater family system, the legal system that formed part of the larger ecosystem, and the mental health system that coalesced around it.

In this structure, the greater ecosystem organised itself around the point of instability that was the release of my report. The evolutionary feedback that this point of bifurcation stimulated in the system could be considered as having a higher interactional level with the environment or ecosystem than previously. It could be hypothesised that the release of the report increased the family's interactions with the larger ecosystem. In turn, this action then increased the family's interactions with other mental health professionals. Ultimately, these actions then 'boomeranged' back to me. According to Prigogine (1977,

cited in Elkaïm, 1981), “This increase in entropy production in turn makes possible the appearance of new instabilities” (p. 292).

Ultimately, the reverberations created by the release of my report provoked the need for the family system to conserve potentially redundant patterns, to increase or amplify other redundant patterns, and to evolve new patterns so that ultimately the family system’s survival could be facilitated at all costs. The reverberation induced the legal system to respond by facilitating a further involvement of new mental health professionals to counter my report. This rebuttal then necessitated my re-involvement in the matter, which would have occurred regardless of what would have necessarily been in the best interests of the children.

### **The Journey**

On 2 June 2009, my report became available to both parties and their legal representatives. I also requested to release the report to the children’s psychiatrist, Dr White, because I believed that this would have been in the children’s best interests. On 5 June 2009, I received an e-mail from Mrs Mater indicating that I should not release my report to anyone without the express permission of her attorney. On the same day, I also received a written request from Mrs Mater’s attorney for the release of all raw data, e-mails, and notes pertinent to my investigation. There was also a request for any notes taken during my consultations with Dr Duchon and Dr Lyell, my colleagues.

I immediately called Mrs Mater’s attorney and offered all my available data, provided that this action had been agreed to by both parties and their legal representatives or that a court directive had been given. I did not hear anything thereafter and followed up on this telephone conversation with a letter that included the following:

As you will recall, we spoke telephonically about your letter when I called you after I had received it on 5 June 2009. I informed you that I had

absolutely no problem in principle in making available the items referred to in paragraph 1 of your letter provided counsel for both parties were in agreement or there was a Court directive in that regard.

To date I have not received any notification of any agreement or Court directive.

In paragraph 2 of your letter you requested information concerning my consultations with Dr Duchen and Dr Lyell. In that regard I advise as follows:

1. These were colleague consultations with appropriately qualified peers to ensure that I had not missed anything of importance arising from my investigation and in my findings.
2. As such I discussed my investigation and findings with both Dr Duchen and Dr Lyell.
3. Dr Duchen pointed me in the direction of recent peer review articles of which Bala et al. was one.
4. This article formed an ex post facto framework for the presentation of the material.
5. Both Dr Duchen and Dr Lyell's opinions were that in coming to my findings I had been comprehensive and thorough.
6. I kept no record of these colleague consultations.

I did not hear again from Mrs Mater or her lawyer. I was then asked to consult with Mr Pater's legal counsel, who thereafter decided to submit an urgent application to effect my recommendations. Mrs Mater's reply to the application included a short memorandum drawn by Ms Jung – the psychologist who had initially been involved with Eve when the allegations had first emerged. Ms Jung had only seen Eve and Mrs Mater and had refused



to consult with Mr Pater. However, the Court took the view that the inclusion of Ms Jung's memorandum created enough of a factual dispute that the matter should be referred to trial.

During the course of the weeks following the urgent application, Mrs Mater enlisted the production of reports from two other psychologists, Ms Brown and Ms Grey. These reports were apparently aimed at reviewing my report. Ms Brown was instructed to review my entire report, while Ms Grey was asked for an opinion on my use of the double-bind hypothesis in the Mater-Pater family system. I was given these two reports as well as Mrs Mater's answering affidavit that formed part of the urgent application. In all these documents, there was a concerted attempt to minimise my findings and recommendations. These attempts appeared to me to be based on a superficial understanding of the methodology employed in a comprehensive child custody evaluation and the eco-systemic approach that had informed my findings and recommendations. Ultimately, in August 2009, I was again asked by Mr Pater's attorneys to draw a supplementary report to attend to the issues raised by Mrs Mater in her answering affidavit, by Ms Jung's memorandum, and by the two consulting psychologists' reports.

The main themes of my supplementary report attended to the factual inaccuracies as well as the ethical violations that had appeared to me to be inherent in Ms Jung's and the two consulting psychologists' reports. It was my opinion that there were errors of misrepresentation in their reports regarding what I had found. There were also *non sequiturs*, ethical flaws, and a lack of neutrality and bias. In the case of Ms Brown and Ms Grey, there was a lack of experience in the child custody evaluation field. Both Ms Brown and Ms Grey, without having consulted with any of the parties, made findings and drew conclusions that were contrary to the Health Professions Act 56 of 1974 (South Africa, 1974) with specific reference to the following rules pertaining to the profession of psychology found in Chapter 7 – Psycho-Legal Activities:

## Qualified opinions

69. A psychologist may provide written or oral psycho-legal reports or testimony about the psychological characteristics of a client only after he or she has conducted an examination of the client [own emphasis] which is adequate to support his or her findings: Provided that when, despite reasonable efforts, such an examination is not feasible, the psychologist shall clarify the effect of his or her limited information on the reliability and validity of his or her reports and testimony, and limit the nature and extent of his or her findings accordingly. (p. 36)

These errors highlight the delicate but dangerous journey that inexperienced, novice mental health professionals engage in when entering the field of child custody evaluations and the legal system that surrounds the endeavour. However, Ms Jung is and was then an experienced child custody evaluator, and her oversights in presenting her memorandum belied her many years of experience.

All three mental health professionals recommended further investigations and/or a round-table meeting to find a solution to the matter. It could be hypothesised that these mental health professionals were brought into the process to promote Mrs Mater's agenda instead of being neutral and objective investigators. Mrs Mater's affidavit appeared to lay down the foundation for a complaint against me to the Health Professions Council of South Africa and included the following main themes:

- that I had not performed my mandate as per the original court order;
- that I was not the final arbiter of the truthfulness or otherwise of the allegations of sexual abuse;
- that I was biased;
- that I had withheld information deliberately;

- that I should not have used Bala et al. (2007) as a source as it was inappropriate;
- that my findings were based on spurious assumptions;
- that I had not taken into account Adam's diagnosis of Asperger's syndrome and the possibility that Eve had been in a dissociative state;
- that I had erroneously diagnosed Mrs Mater as suffering from Munchausen's syndrome by proxy;
- that I had failed to send my report to the children's psychiatrist (Dr White – I had asked for this permission but had been refused by Mrs Mater);
- that I had failed to send Adam for further psychiatric evaluations; and
- that Mrs Mater's 'hysterical reaction' to me on the phone arose because of my unprofessional and unethical behaviour throughout the investigation.

In my supplementary report, I dealt with and elucidated all the issues brought up by Ms Jung, Ms Brown, Ms Grey, and Mrs Mater. I also expanded on my original report to attend to my recommendation that both children should be relocated to Dubai. In that section of my supplementary report, I attended to the advantages and disadvantages of all the options that would be available with regard to the relocation. I also attended to the maturational needs of the children, their psychological needs, the parents' stated and covert reasons for resisting or supporting such a move, and the proposed change in living and access arrangements should the relocation proceed.

I concluded my supplementary report by stating that I was compelled to say that the only way I could have found differently in my investigation was if I had disregarded the following factors:

- my clinical impression of the lack of subjective experience present in the children's narratives;
- the inconsistencies within the various reports of the allegations of sexual abuse;

- the context and coercion that surrounded the surfacing of the allegations with regard to both Adam and Eve;
- the history of sexual abuse focus and sensitivity in the family;
- the embellishments to the stories made by Mrs Mater when she ostensibly narrated what the children had said;
- the children's psychological history;
- the nature of Mrs Mater's over-somatizing and her emphasis on illness;
- Mr Mater's pathological style of communicating;
- the lack of psychometric support for either Mr Pater or Mr Mater to have been a perpetrator of sexual abuse;
- the lack of medical evidence of sexual abuse; and
- the lack of collateral evidence of suspected sexual abuse provided by the children's long-term doctors.

I concluded that if I had in fact disregarded all of the above factors, it may well have been possible for me to have reached a different conclusion. However, in my opinion, I would then have been guilty of bias and a lack of neutrality. In order to disregard the above, an investigator would have to suspend disbelief willingly and instead accept, inter alia, the notion that a man with Mr Pater's assessed profile would risk a sexual encounter with two young girls in the same bed at the same time when one of the girls had never been 'groomed' by him to accept his advances. An investigator would also have to accept willingly that two children, one aged approximately one year old and the other aged approximately four years old, would have seen their father putting his fingers in their anuses and vagina while he was holding them in the deep part of the swimming pool. An investigator also would have to suspend disbelief and accept the notion that a man with Mr Pater's psychological profile would risk having both his children watch and perform

pornography in the lounge of his apartment while his girlfriend was asleep in the room directly next door.

I also concluded with a meta-comment regarding what I had observed during the course of the entire investigation. I included this comment because I believed it elucidated and informed the parental dynamic within the family system from a psychological perspective. My meta-comment was that despite Mr Pater having been accused of sexually abusing both of his children and despite the fact that he had then been summarily cut off from having any contact with them, throughout the investigation, it had been my clinical impression at all times that Mr Pater's focus had been on what would be in the best interests of his children. This approach was his only focus in our informal discussions in Dubai and continued to be the focus of any communication I had had with him since the release of my report.

In contrast, Mrs Mater appeared to be more self-involved. From my clinical experience of Mrs Mater, which was based on my interviews with her and her subsequent behaviour and verbalisations, it was my clinical impression that Mrs Mater's proffered assertions of putting the children's best interests first and of being very desperate about their situation were belied by her overreaction to, inter alia, the Munchausen's by proxy reference in my report. Mrs Mater reacted to this description as if it had been the only description in my report. Furthermore, her personal relationship concerns regarding her sex life with Mr Mater and her protestations regarding how poorly she had been coping with the stress also undermined her assertion that she had put the best interests of her children first. My clinical impression was that her personal anxiety, pain, and loss had directed her actions and reactions at least as much, if not more so, than an intimate concern for her children. I again cited my concern that as of 29 May 2009, Adam had not been attending therapy or going to school.

The above observation, on reflection, stands in stark contrast to a recent experience that I had in a case where a father had alleged that his daughter had been sexually interfered with by her mother's boyfriend. When my report was rendered in this case, which found that it was highly unlikely that such an incident had occurred, the father, who was the initiator of the investigation, expressed his extreme relief and thanked me that his daughter was safe and that her description was false.

In conclusion, I reiterated the findings and recommendations that I had made in my initial report. From 2 June 2009 to the end of August 2009, my own health suffered because of this case. By the end of August, I was diagnosed with shingles, which is a reactivation of the chicken pox virus that can occur because of increased stress. It occurred to me that during the months from April 2009 to September 2009, my stress levels increased as a direct result of the investigation in which I was involved. The rampant increase in tension, aggression, and psychological vulnerability that I experienced as a result of my morbid preoccupation with this matter depleted not only my confidence, my sleep, but also my physical health and my psychological resilience.

Ultimately, the investigation culminated in the receipt of a formal complaint against me that was made by Mrs Mater to the Health Professions Council of South Africa (HPCSA). This further exacerbated my general physical and psychological vulnerability. I received Mrs Mater's complaint, which was dated 11 September 2009, on or about 18 September 2009. The complaint included issues that were raised in both Ms Brown's and Ms Grey's report, as well as in Ms Jung's memorandum. Mrs Mater enhanced her concerns as they stood in her affidavit to include the fact that she had consulted with me on two occasions approximately two years prior to the commencement of the investigation. However, I had made this fact overt in my report. I had recorded that despite the fact that Mrs Mater had remembered my place of practice, neither she nor I had remembered each

other when we had met. I certainly could not remember the content or nature of the therapy. Both Mrs Mater and I had confirmed these facts at the time. Furthermore, Mrs Mater had agreed that she had been comfortable to continue with the investigation.

In her complaint, Mrs Mater stated that she believed that I had felt rejected by her termination of the therapy and that this rejection was the reason for my findings regarding the child custody investigation. She also asserted that I had asked her not to tell anyone that we had consulted on a previous occasion. I refuted this claim on the basis that after our initial interview for the investigation, I had contacted two colleagues, Dr Van Zyl-Edeling and Dr Snyman, to confirm my professional and ethical position, given that I had previously consulted with Mrs Mater two years prior to the investigation and that neither party could recollect the other.

I answered the complaint as fully as I could by referring to both my initial report and my supplementary report. Attorneys who were provided through my professional protection insurance then handled this matter for me. My explanation was submitted to the HPCSA on 11 November 2009. My attorneys informed me that I had to await the HPCSA's response, which would only be given in 2010 as they were not scheduled to meet again in 2009.

It was during this time that I then decided that the full experience of the investigation and the subsequent 'fallout' could either be a punctuation point of failure or a point of growth and learning. My emotional and physical reactions had already suffered, and aside from consulting with Dr Duchon again with regard to how I could or should cope with this emotional and psychological response, I presented the case and the subsequent ramifications to my peer supervision group. Both contexts served as sounding boards and nurturing contexts to aid me in dealing with the experience, but neither context fully dealt with my feelings of vulnerability and my sense of being overwhelmed.

I then decided to approach my master's degree supervisor, Prof Snyders, at the University of South Africa to consider doing a doctoral thesis using the Mater-Pater investigation, my experience of it, and the subsequent complaint to the HPCSA as a case study. When Prof. Snyders agreed to promote me in this endeavour, my healing then began. I consulted with him during the last few months of 2009 and began preparing my proposal for the study.

As far as I can recall, it was in the middle of 2010 that I then received communication from my attorneys. The HPCSA had corresponded with my attorneys in an aggrieved manner and had indicated that my lack of response would necessitate negative inferences being drawn against me. This communication from the HPCSA came despite the fact that my attorneys had received signed acknowledgement that I had provided my explanation to the HPCSA. This matter was ultimately rectified, and the HPCSA then acknowledged receipt of my explanation.

It was only at the end of 2011 that I received confirmation that the preliminary council meeting had decided that I would be charged. My charge was the following:

That you are guilty of unprofessional conduct or conduct which, when regard is had to your profession, is unprofessional in that during or about April 2009 and May 2009 you entered into a multiple relationship with your patient, Mrs Mater, and thereby contravened rule 18 of the rules of conduct pertaining specifically to the profession of Psychology as contained in Annexure 12 of the Ethical Rules of Conduct for Practitioners Registered Under the Health Professions Act, 1974.

The hearing to ascertain my guilt or innocence regarding the charge was scheduled to take place on 18 and 19 April 2011. Between January and April 2011, the attorneys and I prepared for the hearing. My attorney indicated that I needed to have my own 'expert'



witness, a peer clinical psychologist, whose assessment of the charge could be included in support of my case. This appointment was duly done. On 8 April 2011, the HPCSA then postponed the hearing. My attorney indicated that a date would be negotiated for as soon as possible and that perhaps a date towards the end of June 2011 could be arranged. This date, however, had not been possible as the HPCSA indicated that it could not arrange a full board compliment until 26 and 27 September 2011. The hearing was then arranged for these dates.

The hearing was not postponed again, although it was not completed during the course of the two days. It was then postponed for argument and sentencing to 7 May 2012. Although the experience of the hearing was a long process, it was in and of itself quite therapeutic for me because in stating my position and during cross-examination, I understood my ethical position quite clearly with regard to the charge that had been brought against me. Furthermore, Mrs Mater's testimony indicated to me that she was either manipulating the truth or blatantly lying about our interaction during our first meeting.

During the hearing, when Mrs Mater was asked about our first meeting, the record of the hearing<sup>11</sup> shows that she had answered the following:

Certainly . . . but when I – in fact, on arriving there I remember that I have been there before. I recognised the house and I recognised Mrs Fasser immediately and she said hello and I said hello, and I said we've met before and we actually had therapy and she [Fasser] looked at me and she said, oh, yes, I do remember you. And so the conversation went. So we had definitely

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<sup>11</sup> This record includes the actual names of the parties; however, for ethical reasons these names cannot be referred to directly. The record itself is also not included in the list of references for the same reason.

spoken to one another before. We both definitely remembered it and we both alluded to what was discussed in the therapy session . . . . I said to her is it alright that we've had prior communication and therapy together and she [Fasser] said no, that's of no consequence whatsoever and I said to her does that make you objective, because that was my concern.

In response, the record of the hearing gives the following as my response to Mrs Mater's recollection:

Mrs . . . [Mater] arrived as she came in she was very pleasant and she said to me I remember this place – your practice. So I was quite shocked. I didn't know whether specifically she was saying that she had been there for therapy. I had a previous client say that they recognised for when it was originally on sale. I wasn't 100% sure what she was referring to and I was a bit taken aback. So I said what do you mean? She said I think I've been to you for therapy before. I said but I don't remember you and she said I don't remember you either but I remember your place of practice. At that point in time I asked her how long ago was it? And she said I think it was about two years ago. I think I came about twice . . . . I went through my intake forms to find the one for . . . [Mater] and I said my god yes, you were here.

Absolutely. In May 2007 . . . . Still I had no recollection of the therapy from two years previously and I said to her you were here but I still don't remember you . . . . I probably said to her it's two years ago. It should be fine. I don't remember you, you don't remember me. I've got no recollection of the therapy, so we shouldn't have a problem.

When I had undergone cross-examination, I was asked about how I felt with regard to Mrs Mater's statement that she had remembered me. I responded that when I had heard that she had remembered me, I had been astounded.

Finally, on the 7 May 2011, after the argument was presented in the hearing, I was cleared of any ethical or professional misconduct, notwithstanding that I had previously seen Mrs Mater in therapy. This ruling ended a more than two-year psychological and emotional rollercoaster ride. By that time, however, I was well into my journey of creating and evolving meaning from the whole experience through this study.

In preparing for this study and in going through my written notes and correspondence, I came across a letter from Mrs Mater's attorney. I had not recalled this letter while preparing for the hearing. It was dated 28 May 2009, which is approximately one month after the initial interview with Mrs Mater. In the letter, Mrs Mater's attorney records the following:

After your appointment, my client recalled that she had previously consulted with you and that you had rendered therapy to her on two occasions. She had no recall of your involvement as a therapist prior to agreeing that you be appointed in this matter. We place on record that prior to you commencing your investigations, my client disclosed this fact to you. You, too, had no independent recall of my client, checked your records and confirmed that you had previously rendered therapy to her.

During the course of the intervening 2 years, it is noteworthy that Mr Pater declined to continue with the legal process and that he did not take the matter to trial. After I had been charged by the HPCSA, I had only communicated with Mr Pater on the following occasions: firstly, when I had told him that I had been charged; secondly, when he had sent me a doctor's script for psychotropic medication for which he was required to pay; and

thirdly, when I had let him know that I had been cleared of any unethical or unprofessional conduct during the course of the investigation.

Regarding his communication with me about the prescription, Mr Pater wanted to know the indications for the administration of the medication that had been prescribed. The prescription was for his son, Adam. After some medical research with a colleague who is a psychiatrist, I told Mr Pater that the medication (and dosage thereof) was to stabilise Adam's mood and to treat elements of psychosis. During the last exchange, he indicated that his children had moved to Cape Town with their mother and stepfather and that he had not had any contact with them at all. He was only required to support them financially. We have had no further interaction since that time.

### **Conclusion: The Destination?**

The next chapter describes some of the meanings that this journey has allowed me to make. However, whether this journey constitutes an arrival at a particular destination is questionable.

## **Chapter 11: Alice Through the Looking Glass – Reflection and Reflections**

*'I should see the garden far better,' said Alice to herself, 'if I could get to the top of that hill: and here's a path that leads straight to it – at least, no, it doesn't do that –' (after going a few yards along the path, and turning several sharp corners), 'but I suppose it will at last. But how curiously it twists! It's more like a corkscrew than a path! Well, this turn goes to the hill, I suppose – no, it doesn't! This goes straight back to the house! Well then, I'll try it the other way.'* (Carroll, 1871/2007, p. 184)

### **Introduction**

In order to reflect on and to draw meaning from this study, it is necessary at this point to stop and to reflect on the preceding narratives. I understand that this reflection is my perception and that it is not from an Archimedean point, or as Alice says, “the top of that hill” (Carroll, 1871/2007, p. 184). It constitutes a contingent and relative position that edits and affects the meanings drawn. This approach and understanding is in line with the auto-ethnographic methodology that underpins this study. Lather's (1992) assertion that there is no final knowledge but merely contingent knowledge that is “contested, temporal and emergent” (p. 96) has to predicate what follows. The meanings drawn and descriptions that follow combine around my understanding of the evolution of a particular problem-determined system.

The act of describing this problem-determined system includes examining and describing the patterns, events, and Storeys, as well as the different players from different professions and the parties and family members that were involved in the investigation. By including myself as a participant observer, the resulting plethora of descriptions is designed to illuminate and to elucidate the forensic investigative process and incorporates

my influence and subjective position as a participant observer. This chapter, in describing a reflection and reflections within the frame of Anderson et al.'s (1986) description of a problem-determined system, attempts to give an empirical voice to Bateson's (1979) notion of "Double Description" (p. 227). In doing so, the points that I draw are described as nodes of change or points of bifurcation. This constructed description complements the description of the dynamic and evolving unfolding of the professional problem-determined system.

Chang (2008) asserts that an auto-ethnographic methodology "is used to elucidate the understanding of the author, the author's world, and also in understanding others in that world" (p. 57). This process of reflection, construction, and meaning-making constitutes my auto-ethnographic position. I am constantly aware that the distinctions I have drawn regarding the contexts, people, and relationships in the foregoing narratives and in this chapter reflect as much about my process of meaning-making, my understanding of it, and of myself as these distinctions reflect about the subject matter under study. I intend to reflect on my experience of the original investigation, my narration of the process of writing this study, and also finally the effect of both these processes on me personally. In order to reflect on my dynamic position both in and beside the study, I requested some of the professionals who walked through the investigation and this study with me to proffer their reflections. I also asked my husband of 32 years, Jeris Fasser, who was intimately involved with my emotional process while I was going through the investigation and subsequent hearing, to do the same. These descriptions are included, unedited, to create a further layer of description.

In writing this chapter, I was influenced by the metaphor used by Kallenbach (2011) in describing the paradoxical process of meta-commentary as "a hall of mirrors" (p. 63). This metaphor was further reinforced when I read Harold Pinter's (2005) Nobel

Lecture in which he accompanies this mirror image with the transience of truth and accuracy with regard to observation. He states, “When we look into a mirror we think the image that confronts us is accurate. But move a millimetre and the image changes. We are actually looking at a never-ending range of reflections” (Pinter, 2005, n.p.) These influences provoked the title of this chapter, and they resonate with both the philosophical and methodological underpinnings of this study.

### **The Problem-Determined System**

Anderson et al. (1986) challenge the widely held and fundamental view that an understanding of a social system and the defined roles within that system are necessary in order to make sense of how the system may present itself at any one point in time. In the view that they challenge, there is a ubiquitous acceptance that each hierarchical system limits or delimits the system that precedes it while forming a part of the next hierarchical system to which it belongs (Anderson et al., 1986). Anderson et al. (1986) posit that this description implies that the social system has “ontological status” (p. 2).

Anderson et al.’s (1986) challenge embraces a constructivist epistemological position, which in turn challenges the ontological status of social systems. Anderson et al. (1986) state that descriptions cannot have an ontological status outside of how they are languaged and defined by those constructing the descriptions. This approach implies that any description cannot be seen as anything other than the result of a process of observation and of drawing distinctions, and hence it is a construction of reality and not reality itself. Moreover, Anderson et al. (1986) refer to and embrace the following work (amongst others): Auerswald’s (1986) ecological epistemology, Von Forester’s (1981) work on the observing system, Ilya Prigogine’s (cited in Prigogine & Stengers, 1984) work on dissipative structures, the work of Maturana and Varela (1980) on structure determinism and autopoiesis, and the work and ideas of Bateson (1972) that include an “ecology of the

mind” or “ideas” (pp. 4-5) (all cited in Anderson et al., 1986). In doing so, Anderson et al. (1986) move away from the view that a system creates a problem within it. Instead, they move towards an emphasis of languaged problems. These languaged problems then create systems around the problems that constantly evolve either to amplify the problems or to dissipate them.

Anderson et al. (1986) conclude that the languaging around a problem defines the participants who will coalesce around the problem. As the problem is realised through the act of identification and languaging, those who are active in this process, by design or inadvertently, then become part of the problem-determined system (Anderson et al., 1986). Anderson et al. (1986) state that “problems, in this view, do not derive from the requirements of subordinate systems; they emerge from the local, collaborative, collective, and communicated decision that there is a problem” (pp. 6-7)

### **The Emergence of the Problem-Determined System in This Study**

The identification of a problem within the Mater-Pater family system had been languaged and defined long before I became involved with them. I posit a description of the origin of the problem; however, it must be kept in mind that my position as a participant observer cannot be excluded from the resulting descriptions.

It was reported to me by the parties involved that 9 years prior to the investigation, Mr Pater and Mrs Mater had divorced because, amongst other factors, Mrs Mater had met and fallen in love with Mr Mater. At that time, aside from her discontent with Mr Pater and her resulting relationship with Mr Mater, it appeared that Adam had already been described as extremely symptomatic by Mrs Mater. At that time, various professionals (mainly psychiatrists, paediatricians, doctors, and therapists) had reportedly confirmed Mrs Mater’s problem definition. However, Mrs Mater’s description of what was problematic at



that time in her family system differed from what Mr Pater identified as problematic in his (the same) family system.

Mr Pater apparently did not accept Mrs Mater's rejection of him as a husband or her replacement of him with Mr Mater with ease or resilience. He experienced himself as a good husband who had subsequently been punished. Furthermore, he preferred to minimise Adam's symptomology. He was brought up as a Christian Scientist, and thus his explanation for Adam's symptoms conflicted with Mrs Mater's explanations.

Mr Pater then chose to leave South Africa after their divorce. In the process, he left his children in Mrs Mater's custody and only saw his children on holidays when they would visit him in Dubai or when he would visit his family in South Africa. Mr Pater's apparent reaction and solution to the 'problem' of the breakup of his family was to disengage and to become an observer rather than to remain engaged and readily available while also being a participant observer.

Therefore, when Mrs Mater spoke about the problems she had identified in her family, Mr Pater's position regarding her definition was to negate or to minimise those identified problems. Mrs Mater, however, was convinced of her problem definition and sought to combine many professionals and others around the identified problems. These actions resulted in the establishment of her problem-determined system. This problem-determined system confirmed, supported, and entrenched Adam as the identified patient. Long before I was involved, there were psychiatrists, therapists, and doctors to whom the children, especially Adam, were taken. These professionals served to support Mrs Mater's sense of difficulty with Adam and then subsequently with Eve.

Mr Pater, however, moved away from any definition of symptomology and preferred to neutralise and to dismiss Mrs Mater's problem identification. He moved away both physically and in sentiment, and Mr Pater thus polarised his position in relation to

Mrs Mater's position. The parents' increasingly opposite positions were reflected in their descriptions of both children, even when I eventually became involved in the investigation.

It could also be hypothesised that prior to my involvement, the children had sensed the disparate problem definitions that each of their parents had created. The children also further understood and sensed the opposite positions taken by each of their parents respectively. This polarisation was further entrenched by Mrs Mater's overcompensation for Mr Pater's minimisation and by Mr Pater's overcompensation for Mrs Mater's intensity. This description of the emerging pattern, albeit mine, was based on the distinctions that I drew 9 years after Mr Pater and Mrs Mater had divorced. The description appears to resonate with each parent's and each child's descriptions of the problem.

The confounding and contaminating dynamics in this problem definition included the fact that Mr Pater and Mrs Mater both understood that each of their respective problem definitions had ontological status and could thus be more viable, truthful, or justifiable than the other's definition. Mrs Mater defined the problem as the children's symptomology, while Mr Pater defined the problem as Mrs Mater's overreaction and intensity when it came to the children's symptomology. Furthermore, each parent appeared to understand their definition and explanation for the discomfort in the family system to be the only problem definition possible. Hence, from each parent's point of view, the other parent's definition needed to be remedied. The remedies were by necessity, therefore, very different.

As an example, when Dr Klein at Tara Hospital did not unconditionally accept Mrs Mater's description of Adam's problem, Mrs Mater chose to relegate Dr Klein's opinion rather than question the 'truth' of her own definition of the problem. When Mr Pater heard Dr Klein's description, it resonated with his understanding, and he thus validated her

description by asking me to interview Dr Klein. Mrs Mater never requested me to interview Dr Klein and was surprised when she found that I had conducted this interview.

The above polarisation, disengagement, and conservation of a seemingly ontologically established problem on the part of both parents served to establish an adversarial backdrop against which the ultimate investigation occurred. It was against this backdrop that the problem-determined system was amplified.

### **Order From Chaos After a Point of Bifurcation**

Adam had been removed from the Mater family to live with his father in Dubai because it appeared that Mrs Mater could no longer cope with Adam's symptomology and because her marriage to Mr Mater had been affected by the said symptomology. Adam's relocation acted as a point of bifurcation for both Mrs Mater's family system and for Mr Pater's family system. This point of bifurcation necessitated a change in custody, and Mr Pater then took custody of Adam from Mrs Mater.

Adam's removal to Dubai and his subsequent treatment by another set of professionals consulted by Mr Pater appeared to reduce Adam's symptomology. This finding emerged prior to my involvement in the matter, but it was reported to me during the course of my investigation. The languaging of the problem in Mr Pater's context was less pathological than in Mrs Mater's context, and eventually the dependence on external professionals to treat or to improve the defined problem thus diminished.

The point of bifurcation that was punctuated by Adam's relocation to Dubai highlights what Prigogine (Prigogine & Stengers, 1984, cited in Anderson et al., 1986) describes as the openness of the evolving system and its ability to evolve in a chance or random manner to make evolutionary leaps that may well result in various outcomes. One distinction that could be made about the chance outcomes is whether such outcomes could be considered either more or less pathological as defined either by the problem-determined

system or by those observing the system. Prigogine (Prigogine & Stengers, 1984, cited in Anderson & Goolishian, 1986) describes the notion of “order out of chaos” (p. 5) that allows for various outcomes when the open system is driven to a new complexity and organisation.

In the case of Adam’s departure from his mother to live with his father, the evolutionary change within the new system and the chance outcome could quite as easily have been more pathological. Subsequently, Mr Pater had reported that Adam’s pathology had reduced. This reduction in pathology had also been confirmed by the perceptions of the professionals who had worked with Adam in Dubai during the time of my investigation. Interestingly, the professionals in Dubai who had had contact with Mrs Mater appeared to unite around Mr Pater’s definition of the problem. This definition was that Mrs Mater was extremely intense regarding Adam’s symptomology. In contrast to Mr Pater’s definition of the problem, I found that, after her initial acknowledgement that Adam had improved dramatically after relocating to Dubai (recorded in her correspondence to Mr Pater) Mrs Mater then chose to describe Adam as more pathological when I had spoken to her about Adam’s psychological state while he had been living with his father.

In Mrs Mater’s family system, Adam was no longer the identified patient or the cause of the family’s problems. Thus, Adam’s relocation appeared to result in an increase in pathology in Eve because she then apparently developed psychogenic epilepsy. Although this development had been initially viewed as genuinely pathological, it was ascertained that the seizures were psychogenic. With the emergence of this definition of the problem (that is that Eve’s pathology did not have an organic basis), Mrs Mater sought to understand and to explain the symptomology by using research from the Internet. This

information led to her to understand the problem and language it as being the result of early sexual abuse.

Ultimately, my understanding and the distinctions I drew include the fact that the chance evolution and random leap of the effects of the point of bifurcation (created by Adam's relocation and the chaos of a destabilised system) led to the allegation that Eve had been sexually abused by her father. The resultant order that then emerged could be described as the open system's reorganisation at a higher level of complexity. This new level of complexity, which was a new order that had developed out of chaos, could be described as a newly defined problem-determined system that attracted a different set of system components to language about the problem. This new problem-determined system included legal professionals and new medical professionals. The problem was then also languaged as the conflict around the custody of both children.

According to Anderson et al. (1986), "Statements about a family or system are totally dependent on how one chooses to define and describe one's observations. Diagnosis and treatment are fundamentally social creations that are created in language through dialogue" (p. 6). The point of bifurcation described above with regard to the larger family system (including the family systems of both Mrs Mater and Mr Pater) could be described as resulting in two disparate chance evolutions that determined an increasingly complex problem-determined system. According to Anderson et al. (1986), "For Prigogine, reality is multi-dimensional, and thus our descriptions of nature must be a web of levels of differing descriptions that evolve in complexity" (p. 5).

In response to this point of bifurcation, each parent defined and described their observations by using different language. They thus confounded and polarised their dialogue around their children. Although both parents were focused on the issue of custody as the problem around which the next stage of their legal engagement would focus, neither

description of why the custody should have varied could be considered to be the truth or to have been predetermined. The involvement of each parent as a participant observer would, by necessity, colour each parent's descriptions.

A complex rather than a reductionist understanding of a problem-determined system necessitates describing and engaging with all of the available problem definitions rather than making a decision regarding which one should be chosen. At the time that I first became aware of this case, and without a clear understanding of the complexity of the matter at that time, my initial intuitive response was to refuse any involvement. This response was based on my understanding that I would only be availed of a very small part of the problem-determined system. In retrospect, because I have come to understand more clearly that the evolution described above was complex and multi-dimensional, my decision appears to have been well founded and rational. Furthermore, on reflection, I understand that the above evolution created the possibility for a further amplification of the conflict, acrimony, and the emergence of an adversarial context. At that time, I believed that if I were to engage in such a system, I would have needed access to as much information as was available.

### **My Initial Engagement With the Problem-Determined System**

By the time I was asked to become involved in the investigation, the matter was already in the process of going to court to determine a variation in the custody arrangements. Adam had returned from Dubai, and an application for a change of custody had been made to the High Court in South Africa. Eve was still in her mother's custody. By that time, the problem had taken on legal implications for all the participants in the problem-determined system. The adversarial dynamic was overt and had been intensified into a court fight for custody. This adversarial dynamic that drives most custody battles centres around the competition of who is the better parent, who the children should reside

with, who pays what maintenance to whom, and ultimately who ‘wins’ custody of the children at the end of the process.

In the service of winning, both Mr Pater and Mrs Mater had engaged legal teams who were united around each parent’s determination of their defined problem. Mrs Mater’s problem was that her children were at risk sexually if they were to be in their father’s custody. In comparison, Mr Pater’s problem was that he was not the problem at all. Rather he identified the risk associated with the children remaining in Mrs Mater’s custody – her problem solving processes maintained the children’s symptomology.

Each parent’s team defined the team’s problem as the need to prove the respective parent’s particular definition of the truth. Therefore, each team can be described as uniting around each parent’s definition of the problem. Mrs Mater had had Eve assessed by yet another mental health professional, Ms Jung, a psychologist with a long history in child custody evaluations. Ms Jung had prepared an expert summary for the Court and stated that it appeared that Eve had been sexually abused by her father. Ms Jung had interviewed and assessed Eve, and she had consulted with Mrs Mater. However, she had refused to speak to Mr Pater, although he had tried to initiate contact with her. When I was initially contacted, I was asked to assess only Mr Pater because he had been in South Africa for the court hearing at the time. My assessment would have allowed his legal team to place something before the Court to dilute Mrs Mater’s apparently watertight legal case.

At that time, I understood that an involvement of the type that had been requested would not be very useful to anyone, let alone a court of law. I asked why Mr Pater could not be assessed by Ms Jung as she had already been involved in the matter. I was informed that as Ms Jung had previously refused to see Mr Pater, he thus no longer trusted her to be neutral and unbiased. I declined the request and said that in order to be of assistance to the

Court I would need to see all the parties and invested professionals. At that point, there was not enough time available to do so.

In the above decision, I was guided by what I consider to have been an appreciation of the complexity of such a matter. Furthermore, I was aware that my stance was supported by an understanding of the nature of problem-determined systems. Anderson et al. (1986) state the following:

Frequently however, we deal with problems where there is communicated disagreement. Someone says 'this is a problem,' and has the authority to enforce response and action. Often, this response is a non-acceptance of the defined problem, and the resulting language system is an active and communicative disagreement about the nature or presence of a problem. In working with such systems we must include all who participate in languaging the problem, and thus, are relevant to the problem. (p. 7)

This complexity and dichotomy of the problem definition is further reinforced by Hoffman's (1990) statement that

. . . you don't realize that a 'fact' is merely an 'opinion' until you are shocked by the discovery of another 'fact,' equally persuasive and exactly contradictory to the first one. The pair of facts then presents you with a larger frame that allows you to alternate or choose. At the cost of giving up moral and scientific absolutes, your social constructionist does get an enlarged sense of choice. (p. 5)

With regard to the above, it had already been my intense and unnerving experience in previous investigations that after an initial interview with one parent and after having developed a notion of the 'facts' of the matter, these 'facts' would be summarily overturned during the course of my interview with the other parent. The second parent



would dilute the original truth-value and would thus render the facts as ‘opinions’. This conversion of facts into opinions elucidates for me Plato’s distinction between form and everyday opinion in a practical sense. Plato posits that rational knowledge can only be of a thing that exists and therefore is, while opinion can be about something that is or is not and therefore can be mistaken (Russell, 1946/2010a). Such experiences have made me wary of accepting any problem definition as a fact until I have had the opportunity to understand what problem-determined systems have been created by speaking to all of the parties who are involved in the system.

With regard to the larger problem-determined system that evolved around the conflict over custody and the specific problem definitions given by Mr Pater and Mrs Mater, understanding such a system necessitates an understanding that each opposite definition of the problem can be described as the corollary of the other. In other words, each definition is complementary to the other. For example, “You are a bad father, you are a sexual abuser” versus “I am not a sexual abuser, you are a bad mother”. Derrida (1981, cited in Ulmer, 1985, p. 88) highlights this complementary nature to some extent with his concept of *différance* when he identifies that any concept or element, by its very nature, has to refer to its opposite in order to exist.

In the larger context of a problem-determined system in which custody is the identified problem, there are the two competing yet complementary definitions of the problem. These definitions, when juxtaposed, form the whole. The initial problem-determined system of the Pater-Mater study is presented in Figure 11.1 below.

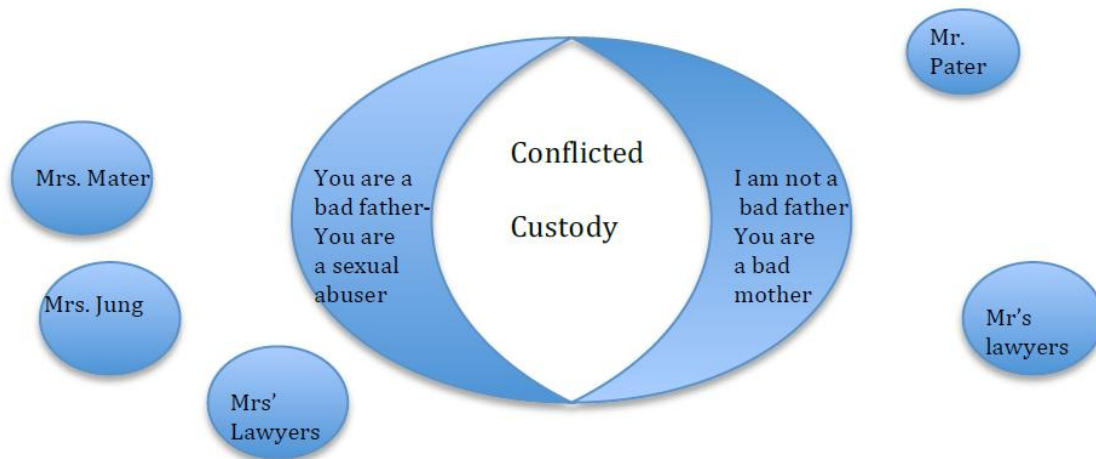


Figure 11.1. Diagram describing the initial problem-determined system

At the time of being approached to be Mr Pater’s expert witness, I intuitively understood the relative and contingent nature of ‘facts’ in child custody evaluations, the complexity of problem-determined systems, and the juxtaposing of the particular problem definitions of each parent and their teams. I thus easily refused to be appointed as Mr Pater’s expert at that point in time.

### **My Ultimate Involvement With the Problem-Determined System**

Although I was yet to be involved in the matter formally, I believe that the court hearing acted as the next point of bifurcation. This evolutionary point led to a rejection of Ms Jung’s involvement as a neutral and objective expert by virtue of the nature of her previous involvement. It was apparently agreed upon by the parents and their legal representatives that I should be the expert who should be charged with a full investigation into the allegations. My responsibility was then to establish what would be in the children’s best interests.

During a court application, the juxtaposed definitions of each parent’s problem are languaged in an adversarial context contained in each party’s court papers. It is the role and prerogative of a court, on the basis of what is presented in the papers, to make a

finding of fact. Such a hearing can thus be described as creating another point of bifurcation. In the Pater-Mater family, this point of bifurcation could be described as a further evolution of the already described adversarial and polarised history of the family system. Mr Pater felt that he could not win and could not expose his innocence if the professional appointed to investigate the matter was, in his opinion, already biased. Mrs Mater had wanted Ms Jung to be involved because Ms Jung's already determined problem resonated with and reflected Mrs Mater's problem definition. This impasse led to a rejection of Ms Jung's involvement and an acceptance of my services.

If, in contrast to the above disparate definitions of the problem, there is an instance when the problem definition is less polarised and the allegations of sexual abuse are verified by the perpetrator, (for example, a stepfather or father who does admit that he has sexually abused a stepchild or child), the problem definition has the potential to become consensual, to be languageed similarly, and to be shared. As Anderson et al. (1986) describe, "A language system view allows those who share in the communication that defines the problem to define the treatment system" (p. 7). In such a shared language system, because everyone consents with regard to the problem definition, an intervention or treatment can more easily be described and established. Ultimately, such a treatment or intervention can act as an amelioration of the distress observed in the problem-determined system. The conflict around custody ceases to exist, and only a negotiation around how to treat the family's discomfort emerges. Such a negotiation may, in turn, present another problem, which will determine yet another system.

However, if the perpetrator does not admit to the sexual abuse, as was the case in this study, two realities of the problem could be described as emerging during a court hearing. The court hearing in this case acted as a further point of bifurcation. The resulting potential evolution at that point of bifurcation could be described as either a minimisation

of the defined problem or an intensification of it. The order that evolved out of the court hearing was my appointment to investigate the matter further. This order could be described as the problem-determined system's amplification of the adversarial and polarised dynamic that had historically plagued this matter. In turn, my appointment could be seen as the creation of an enlarged problem-determined system that needed the inclusion of an objective, neutral expert to diagnose and to treat the problem, namely the conflict around custody.

It could be considered that because I had been appointed by both parties as a neutral and objective expert, my role was to understand the problem from all sides in order to determine what would ultimately have been in the children's best interests. My role was also to make recommendations that would treat the presenting problems in the family. However, given the nature of this problem-determined system, such a view proved to be naïve. In retrospect, my inclusion in the case, journeying with the case, and writing this study as well as this specific chapter reflect my own inadvertent coalescing around a particular problem definition that ultimately led me to become part of the problem-determined system. The adversarial dynamic, the tension, the commitment to being right, the effects of the case on my health, and my ultimate decision to write this study were and are reflections of the dynamics and patterns that formed part of the problem-determined system I had entered.

### **The Journey Through the Investigation**

Perhaps unwittingly, or from a naïve stance of neutrality and objectivity, I did not immediately consider myself as a part of the problem-determined system. I trusted in my integrity, my objective process, and my self-acclaimed ability as an eco-systemic therapist to see all sides of a problem-determined system. Later in the investigation, this position was very rudely challenged by Mrs Mater and then by Mr Mater. They did not appear to

receive the confirmation they desired. In other words, I could not confirm for them that their definition of the problem was the ‘right’ one. I include Mr Mater at this point because it was his definition of the problem (that Mr Pater had indeed sexually abused both children) that appeared to me to be central to the conservation of the problem-determined system as defined by Mrs Mater and Eve, and then by Adam.

On reflection, I posit that there were two points of bifurcation or two dramatic shifts in my own position during the course of the investigation. These points of bifurcation ultimately destabilised me. The first was after my initial interview with Mr Mater. His overt, spontaneous admission that he had coerced Adam into alleging that Mr Pater had in fact sexually abused both him and Eve disturbed me greatly. In retrospect, Mr Mater’s reported behaviour appeared to be a further example of what Selvini-Palazzoli et al. (1989) describe as a family game – “imbroglio” (pp. 67-90). This game manifests in families where there is overt symptomatology in a member of the family.

I had been previously reminded of this “imbroglio” (Selvini-Palazzoli et al., 1989) ‘family game’ when I was faced with Mrs Mater’s resistance to help with regard to her definition of the problem in her family. With Mr Mater’s revelation of his coercion of Adam, this ‘family game’ appeared to have been so entrenched that it had been reported to me as if it had been a natural and expected pattern. Selvini-Palazzoli et al. (1989) describe the reticence of a family system to unravel the cross-generational alliances and to identify the imbroglio as a function of the entrenched behavioural patterning that inheres in such a pattern. Selvini-Palazzoli et al. (1989) identify that one parent is usually responsible for “specific behaviour tactics” (p. 68) being brought into play. This parent instigates a set of circumstances that appear to benefit a preferred child, but, in effect, the circumstances are designed to benefit the parent’s hidden agenda.

Until that point, notwithstanding that I had travelled to Dubai to interview Mr Pater and all the professionals in Dubai, I had yet not formulated any positions or hypotheses regarding the allegations or eventual custody variations of the children. I had managed to remain as neutral and as open to any eventuality as possible. However, after this initial interview with Mr Mater, which coincidentally had been followed by an interview with Dr Klein at Tara Hospital, I was overcome with anxiety and confusion about what I was investigating. My reaction could be described as a consequence of the clouding of my investigation by the strategic moves, family games, and multiple machinations that constituted the imbroglio to which I was being exposed. Dr Klein's interview appeared to support Mr Pater's problem definition (that it was Mrs Mater who was the problem). This evidence as well as Mr Mater's admission that he had coerced Adam left me unbalanced. My training and experience led me to view this information in a particular light, which necessitated a recalibration of my assessment of the veracity of Adam's allegations at least.

It was precisely at that point that I began consulting with other colleagues either formally (as in the case of Dr Duchen and Dr Lyell) or informally (as in the case of Dr Snyman). I believed that I had a new problem – the problem of the veracity of the children's allegations, which had been an unexpected problem that arose during the course of this investigation. I then decided that this new problem would necessitate the development of a system of information and support if I were to explore, in any meaningful manner, the consequences of the information I had been given by Mr Mater and Dr Klein.

This new information made me question my integrity and whether I was overreacting or whether I was in fact doing what was in the best interests of the children. I realised that in order to re-stabilise myself, I needed a professional support system within which I could explore my hypotheses and my shifted position. Aside from the security of

having professional and collegiate sounding boards with whom to discuss my problem, Dr Duchon suggested that I distance myself from the material I was investigating by applying Bala et al.'s (2007) investigative methodology used in cases of alleged sexual abuse.

For me, the second point of bifurcation during the investigation was Mrs Mater's vociferous telephone call to me, which was also reported in my investigation. It is possible that my demeanour at that time, which may well have followed my initial shift described above, had been more distanced and official than sympathetic. Mrs Mater could possibly have detected that I was perhaps moving away from her problem definition. Whatever the reason, the effect of her attack on me was a further destabilising phase during my investigation.

At that point of bifurcation, I believe that I had two possible options – I could have evolved into a more confident and assured investigator, or I could have evolved into a compliant and accommodating investigator (by specifically accommodating Mrs Mater's problem definition). However, in retrospect, I feel that I did neither. I instead internalised the external adversarial and polarised positions and allowed this to unnerve me and to wear away at my confidence. The effect of being a part of the problem-determined system was not that clear to me at the time. The effect that the investigation had on me only became clearer as I went through the HPCSA hearing process and as I began writing this study as well as this chapter, in particular. Interestingly, reflecting on the effect of Mrs Mater's attack, I can better appreciate that by not having resonated with her definition, it did not necessarily provoke me to over-resonate with Mr Pater's definition. However, it did allow me to understand the effect of opposing Mrs Mater.

By the time the investigation had been completed, I was aware that I was vulnerable and that Mrs Mater would not be happy with my findings. However, this did not deter me from making the findings that I felt were aligned to the information that had

emerged or that had been co-created by the various members of the problem-determined system. However, I knew that the rendering of my report and my findings could affect the problem-determined system by amplifying all the adversarial and polarised dynamics that had been evolving in the system prior to my involvement. On reflection, the rendering of my report could be described as the next point of bifurcation.

I also knew that my own personal, psychological health was being negatively affected by the matter. I was extremely anxious and consumed by my role in the investigation. I was also consumed by the effects of my findings on both the family and on myself. I could not find an equilibrium or calm. Furthermore, I felt that I was emotionally exposed and vulnerable by what I had begun to define as my problem. I believed that the reality of my problem was how I was going to survive the certain negative reorganisation around my role that Mrs Mater was bound to want.

In concert with my husband (who had acted as my emotional support specifically when I began to question myself so intensely) and my colleagues, the problem-determined system I had already begun to evolve around how I was to deal with the ramifications of my report in a healthy manner amplified. Within this problem-determined system, the problem was languaged about *ad nauseam*. I constantly reflected on my own part in the process, and I constantly questioned, either alone or in dialogue with the aforementioned people, what I could do to treat my identified problem. Furthermore, I questioned how I could convince myself that I was 'right' with regard to my findings.

Interestingly, it was while writing this study that I came to realise how important it had been for me to be right at the time. Moreover, I realised how this importance reflected the dynamic that was inherent in the problem-determined matter I was investigating. Without realising it, my emotional vulnerability could be described as having been 'infected' by my involvement with the problem-determined system. Furthermore, this



vulnerability could be described as the result of having fallen prey to each of the parent's need to win custody at all costs.

### **The Amplification of the Dynamics and Patterns in the Problem-Determined System**

As recorded in my previous chapter and as reiterated in this chapter, I consider the rendering of my report to have been a point of bifurcation for the Pater-Mater family. As I reflect on that time, I am also reminded of being on a rollercoaster – the speed of which I had no control over but the outcome of which appeared very sure. Maybe to make myself feel better, I rationalised that the system was, as Maturana and Varela (1980, cited in Anderson et al., 1986) describe, structure-determined so that “[i]t is the structure of the system that determines its behaviour; it is not the impact of outside forces” (p. 5).

In my view, I believed that the system had to conserve the problem that was defined in the structure-determined system. I believe that my seeing it as such allowed me to try to distance myself from my role and the effects of Mr and Mrs Mater's reaction that was sure to come after they received the report. This rationalisation led me to pathologise the system and to describe it in pathological terms while minimising my attempts at disturbing the system. Languaging this description allowed me to distance myself from the problem-determined system. In retrospect, it appeared to have been my attempt to conserve my psychological and physical health. However, it was not very successful as I succumbed both psychologically and physically, and I needed the support of both medical and psychological interventions.

However, the effect of the report in the Mater family system amplified and evolved their need to increase the number of professionals, whether legal or psychological, that could be engaged to maintain the problem definition that Mr Mater<sup>12</sup> and Mrs Mater

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<sup>12</sup> Mr Mater was very much more involved in the matter at that point.

needed to promote. Ms Jung, Ms Brown, and Ms Grey, all psychologists, were asked to review my report in one way or another. The problem-determined system appeared to me to be evolving. More professionals were coalescing around the newly defined problem of my findings and my report. However, on reflection, the process of polarisation and the adversarial nature of the dynamic seemed to have been enhanced and to have become quantifiably larger. It appeared to me that the increased number of professionals and court hearings sustained Mrs Mater's problem definition.

Ultimately and paradoxically, when Mr Pater produced an urgent application to effect the recommendations in my report, the reports by Ms Jung, Ms Brown, and Ms Grey served to do exactly what I had been requested to do initially with regard to Ms Jung's findings. These professionals served to dilute the impact of my recommendations by raising doubts with regard to my findings, and they thereby maintained the status quo.

### **An Attempt at Meta-Communicating**

When I was asked to comment on Ms Jung's, Ms Brown's, and Ms Gray's reports in the form of a supplementary report, I felt a sense of relief and closure. Since receiving their reports, I had become consumed with what I had felt were their inaccuracies, their lack of understanding, and the unethical manner in which they had attacked my report. I felt voiceless and therefore frustrated by their accusations. Interestingly, I have come to understand that this same frustrated and voiceless feeling is probably the position felt by many of the parents who are accused of being a bad parent summarily and who are prevented without reason, at least from their perspective, from seeing their children in such cases. Such parents do not have the opportunity to defend themselves immediately. In writing the supplementary report, I became like an observer in Ersilia (see Chapter 3 of this study) who could then describe the threads and connections – the spaces between – including the spaces between the case and myself.

In the process of writing the supplementary report, the meta-perspective I had created allowed me to distance myself from the problem-determined system. It also allowed me to observe and to reflect on the overall process. One of the most beneficial and consolidating exercises I did in writing the supplementary report was to create a list of the points that had emerged through the investigation of which I could not disabuse my mind. In consolidating these points for myself in both the supplementary report and again in this study (they have been included in the previous chapter), I began to understand the manner in which I came to construct meaning and understanding in this case.

Initially, when I was on holiday in July 2009 with my husband in the Kgalagadi Game Park in the Northern Cape, it was quite obvious to him and to me (upon reflection) that although I was looking out of the window at the game, I could not see anything. I was constantly going over what had been presented to me in the various rebuttal reports. Eventually, my husband forced me to write down the list of factors that had prevented me from making any other finding in this matter. This exercise and seeing the points external to my thoughts allowed me to gain some perspective. The resulting relief allowed me to enjoy the rest of my holiday, at least to some extent.

On reflection, it is these points that have become the pillars between which Calvino's (1974/1997) threads have been spun and wound. I came to understand, as both a player and an observer in the matter, how the patterns came together and what meanings this process had generated for me. Bateson (1951) describes the process of the mind as proactively creating models to interpret and to understand the world when he states that "... in value seeking he (the observer) is achieving a coincidence or congruence between something in his head . . . and something external . . . he (the observer) achieves this coincidence by altering the external objects and events" (p. 179). Once I had completed my investigation, I had achieved a correspondence between the external stimuli and the

meanings I had made which were based on these stimuli. The result was a list of points that had formed in my thinking and that gave me the relief that only a meta-perspective can give. Subsequently, the idea of writing this doctorate consolidated my healing but not before there was, what I had deemed to be, another point of bifurcation.

### **Being Reported to my Professional Body**

Despite my expectations of Mrs Mater's disappointment with my findings and ultimately her anger towards me for not having confirmed her problem definition, it still came as a shock to receive the voluminous complaint she had delivered to the HPCSA regarding what she had called my "unprofessional and unethical behaviour". Again, on a personal level, the receipt of the complaint was another point of bifurcation for me. It had destabilised me yet again. Ultimately, when I began going through the complaint process, I experienced the chance elements and evolutionary leaps as fearful and threatening rather than challenging. I felt that my professional integrity was being questioned. I also felt that I may not have been able to practice again and that I would not be able to defend my position adequately. All these fears persisted, notwithstanding the fact that I had received much reassurance from other professionals and the people closest to me. I remained despondent for some time. Perhaps my ability to think in a non-problematic manner had been impeded because I had spent so much time languaging about the investigation and my own problem-determined system. I thus felt consumed and debilitated, and I therefore sought therapy and medication.

However, before ultimate healing could be reached, a problem-determined system had evolved around me. Ironically, it could be described as a microcosm of the macrocosm of the case. I had a hearing in which I had to clear my reputation (at the hands of Mrs Mater), my problem had coalesced professionals who had supported me, I had a legal team who had defended me, and I also had my own expert who had to give evidence to support

my position. Like Alice, I had taken a winding path and had found myself back at the house.

Finally, and perhaps by chance or by design, the evolutionary leap that evolved at the point of bifurcation of the complaint was to commit to this doctorate. Ultimately, I feel healed and distanced from both the problem-determined system that was the case and the problem-determined system that was created in response to the case.

I cannot say definitively that the ‘not guilty’ verdict at the end of the hearing did not form part of my healing. However, it is my honest belief that reflecting on reflections by creating “Double Descriptions” (Bateson, 1979, p. 227), by understanding the difference between form and opinion (Plato), and by understanding the wholeness which is made up of parts in an ecosystem has allowed me to approximate a meta-understanding of the journey which is this study.

### **Visitors to Ersilia Comment on the Threads**

In order to reflect further on my reflections, I asked Dr Vilia Lyell and Dr Ronel Duchen, who were my sounding boards during the course of the investigation, to reflect on their experience of me during the process. I also asked Dr Ronel Duchen to comment on the therapy I had attended with her after I had been reported to the HPCSA. I also asked Dr Sonja Snyman and my husband, Jeris Fassler, to give their reflections.

### **Dr Vilia Lyell’s Reflections**

Dr Lyell’s reflections are represented in the following:

Good chatting to you again. It has been a long while. What struck me the most was your neutrality after hearing very apparently authentic accounts from the children. This did not take your focus off the fact that incest is a systemic problem and you persevered in including the entire system and not just the complainants. The seemingly relaxed atmosphere that you created

during the assessment phase was also noted. It was not just confined to your office, but informal interaction was held with the family members . . . you ‘*nog al*’ ate bacon at mom’s house if I can recall!!!! The psychometrics were one tool used, but you used your self/gut and clinical experience in combination with the evaluation process.

### **Dr Ronel Duchen’s Reflections**

Dr Duchen’s reflections are represented in the following:

During June 2009 Robyn consulted with me to discuss a report she was in the process of writing. She impressed me with the manner in which she unpacked the facts of the case, her impressions and attempts to ensure a balanced approach. Robyn explained that the matter had involved her travelling to Dubai and the inevitable challenges that this introduced regarding an equitable and comparable mind-set regarding the parents.

One of the most significant challenges in the case involved the aspect of alleged sexual abuse. The gravity of this allegation resulted in her taking extra care in consulting other professionals in person, a formal component in her procedure, to obtain a variety of perspectives on this aspect. Robyn related the aspects of the assessment in a crisp and concise manner, including information obtained from collateral sources and highlighting the central themes and contradictions that had emerged.

Shortly before consulting with Robyn I had read an article by Nicholas Bala in which he had provided a framework for assessing allegations of sexual abuse. I showed Robyn this article and we discussed how she could use his framework from a theoretical perspective to assess her findings and support her recommendations.

In my opinion the introduction of a theoretical framework can assist an evaluator in sustaining a more objective stance when evaluating information. I believe it can help legitimize the process of assessing data and can provide the evaluator with an explicit scaffolding for decision-making. It was my impression that Robyn found the approach useful and welcomed the structure that it provided in the process of the report. It allowed her to make decisions regarding the importance of various pieces of information. It also allowed her to present this information in a readable form for any reader of the report.

My overall impression of Robyn during this meeting was her confidence in her own process, thinking and approach to the matter. In my opinion her engagement with the matter at this point was cerebral and intellectual.

My next contact with Robyn was when she came to consult with me in response to a complaint lodged by one of the parents in this matter. Robyn presented as emotional and very upset about the complaint and the events associated with it. She presented as vulnerable and as she sat in front of me, the thought crossed my mind that I could image what she looked like as a child. As Robyn is scrupulously ethical and honest in whatever she does, an allegation of unethical conduct was particularly painful for her. She, with openness, reconsidered all the steps she had taken during the investigation. She wished to confirm that the complaint was baseless and that she had met the ethical standards of the profession. I shared my personal experiences with her as I had been in the same position more than once. I understood that it is not uncommon for an angered parent to pursue the route of complaint to an

ethical body in order to de-legitimize or eliminate a psychological report's impact on legal proceedings.

Within this meeting, Robyn and I connected on a personal level and it opened the door to the development of a dear and enduring friendship.

It was my impression that she left this conversation with:

- A sense that what she was experiencing with the complaint does often happen and that as a professional, if you are sure that the complaint is untrue (which in her case it was), there is a need to place some distance between yourself and the complaint.
- Almost all professionals working in this field experience this at some point in their working careers.
- The complaint process is a lengthy one and can take between 2 to 4 years to be finalised. This means that Robyn had to manage her personal experience during this period.
- The outcome for the psychologist can ultimately be one of personal growth.

Robyn's experience with the other rebuttal professionals dealing with the matter cannot be underestimated. The arrival of these reports, in my opinion, pushed Robyn back to a space where she could return to a cerebral and intellectual approach to the matter. It further forced her into a structured approach, depersonalising the complaint to some extent, and thereby played a role in restoring her confidence in her own ability and judgement. This happened particularly when she realised the bases on which these reports had criticised her investigation.



## **Dr Sonja Snyman's Reflections**

I asked my friend and colleague of 25 years, Dr Sonja Snyman, to reflect on the experiences she encountered as she walked with me as a friend through the journey of this case and while she read some of the chapters in this doctorate. The following are her reflections regarding both the case and the doctorate:

Looking back: A reflection

Søren Kierkegaard said that life can only be understood backwards. I think the same is true for people. Looking back over nearly 25 years, I realise that I see Robyn in many different ways – as a friend and a colleague, and even from an outside perspective, when I imagine how others might see her. I do this because she is noteworthy; someone whom one is compelled to take note of.

Thinking back to what was, for me, the awkward, slightly self-conscious introductory session of the 1988 UNISA Masters programme, what stands out is how Robyn claimed her space from the start. Characteristically, her response to newness and uncertainty was not to waver at the perimeter, but to step in and to explore and learn. She is and will always be a learner. Learning and understanding not only feeds her, it has been central to her becoming the person that she is today. Robyn questions until she understands, and she sees any situation as a potential learning opportunity. This doctorate, which is a reflection on – and exploration of – a specific experience in which she was on all accounts the expert, is a case in point. While others in her position may have evaded the issue, she has turned it into a learning experience by questioning the process, interrogating the inadvertent and deliberate creation of meaning and truths, and by scrutinising

her own behaviour, thinking and actions. As a result, she is both the subject and object of her investigation.

Robyn is in many ways, an ‘other’ – she is different. She is neither a run-of-the-mill person nor an ordinary psychologist. In general, one expects personal distance to characterise the make-up of an ‘other’. This is not the case with Robyn. She is warm and engaging, and invests huge energy in whomever she is involved with. She understands the spaces between people, and is able to find the appropriate thread with which to artfully weave different interpersonal relationships.

Robyn is an ‘other’ in that she has no need to be defined by her allegiance to a group or practice. This frees her up to be independent in her thinking and actions, while still being acutely aware of Alice’s predicament. For her, this is vital and essential in her role as forensic psychologist. And for this reason she is solely accountable for whatever view she proposes, as well as for whatever hat she is wearing.

This also means that she questions and examines her own thinking rigorously, which I believe she does without fail. Incongruously, this is the person whose integrity was questioned and whose behaviour was deemed to be unethical.

Looking back, I realise what I noted at the time the complaint was laid can best be illustrated by using the concept of a gestalt. A gestalt appears when something is positioned against a contrasting background; it stands out because it is different or, in less tangible cases, because of the incongruence between the relevant foregrounds and backgrounds.

Robyn's reaction to being accused as behaving unethically was for me a gestalt moment. It stands out because an anxious, self-doubting, unsure person appeared almost overnight against the backdrop of a typically confident and tough individual. Similarly, the apparent unethical behaviour stood out against an honourable, scrupulous record, which had been built up over many years. This was the start of a three-year journey to rectify these incongruences. The record was eventually set straight, but there was a huge cost to Robyn, and it took its toll on her emotionally.

Looking back now, what I remember most vividly is the agony of wading through the slow process of an HPCSA inquiry and hearing. Robyn's helplessness at having fallen victim to a process totally beyond her control was palpable at the time. But I also remember numerous discussions about objectivity, professionalism, integrity and, above all, the responsibility shouldered by a forensic psychologist. The dangers of being an expert, of believing that one's perspective approximates the truth, and of assuming that one has presented a watertight argument, were deliberated at length during those discussions.

The only way my friend and colleague could redress the damage done to her was by turning this nightmare into a learning experience, and being part of her PhD journey has been a privilege for me.

Having read some of the chapters of the thesis, what I have found interesting is the way in which Robyn has managed to weave information, metaphors and insights from different disciplines together in order to elucidate and interpret psychological descriptions and thought. I noticed from her work how easy it is to assume one's own taken-for-granted body of

knowledge, and therefore how important it is, in writing a thesis, to continuously move to a meta-position in order to question and re-think descriptions and assumptions.

Most of all, I love to witness the sheer joy and pleasure Robyn is experiencing in writing this thesis. Although the record may have been ‘set straight’, I believe the true healing is in overcoming a huge emotional challenge while, at the same time, using the experience to give back something meaningful and profound to the very community that questioned her integrity.

### **Jeris Fasser’s Reflections**

Finally, I asked my husband, Jeris Fasser, to comment on the shared journey that included the investigation, the subsequent hearing, and then the writing of my doctorate. The following are his experiences and reflections:

Observations of an Inside Outsider.

I have known Robyn for 35 years – as she says ‘*longer than I have not known (her)*’ – and been married to her for 32 years. Fairly soon from the outset I recognised her toughness, resilience, independence, decisiveness and competitiveness. Over the years I also came to recognise and appreciate her sincerity, professionalism and integrity with herself. During those 35 years toughness, resilience, independence, decisiveness and competitiveness did not easily crumple and have visibly and significantly faltered over only one single event. That was toward the end of and following her forensic investigation into a case of alleged sexual abuse by a father of his children – an investigation completed over several months that took her to Dubai for about a 2-3 day period to conduct various interviews and assessments there

and then to a long drawn-out and debilitating quasi-judicial process of a hearing into complaints lodged against her with the Health Professionals Council of South Africa that stretched over almost two years.

As I observed it, the process was a gradual one, increasing in ‘severity’ as the investigation was nearing its end and after her report had been submitted to the Court, and then, thereafter, during the course of a complaint lodged against her by one of the parties to the investigation and a subsequent hearing into the allegation of a breach of her professional ethics.

The process actually began when I dropped her off at the airport for her flight to Dubai. I think I was more excited about this excursion – albeit extremely brief – than she was and during the drive to the airport she was very quiet. As we approached the airport she quite suddenly began crying. I started to reassure her that she would not be gone long and that we would speak every evening on the phone only to be enlightened that her emotional fearfulness and trepidation was not anything to do with being away from home but rather with the enormity and unpleasant nature of the investigation. All I could do was try to reassure her that her professionalism and experience would prevail.

When she returned, she told me that she was so awed by the responsibility she carried that she had visited a church and had lit a candle with the fervent hope that she would ‘do the right thing’. Upon her return she was not so much upset any longer as confounded by what she had begun uncovering. This then manifested in her consulting with various colleagues for peer supervision. I knew that she had discussed other matters with colleagues as sounding boards but the extent to which she now spoke about

ensuring that she was following the ‘right track’ with colleagues, was, as far as I was aware, uncharacteristic. There seemed to be an increasingly lingering sense of unease and discomfort at what she was uncovering.

Toward the end of the process of her finalising her report, she intimated that she did not think that the children’s mother would be very happy with her report. As a practising advocate I opined that it seldom, if ever, happened that both parties landed up being ‘happy’ and that depending on the personality and intensity of the mother, she should anticipate being reported to her professional supervising body – I assured her that that was par for the course for a disgruntled parent in such acrimonious, emotionally highly charged matters and that that risk came with the territory of undertaking forensic work, a process that takes place in a very adversarial context far different from therapy.

The next turn of events came when the mother’s expected dissatisfaction with the report resulted in the mother apparently submitting reports from two other psychologists purporting to discredit Robyn’s findings. This appeared to upset Robyn’s usual equilibrium enormously and she began ruminating more and more on the deficiencies and shortcomings in their respective opposing reports.

Robyn became increasingly withdrawn and ‘obsessed’ with the supplementary report she was asked to draw to answer the criticisms raised against her initial report. I would wake up several times during the night and find that she was lying awake. As soon as she knew I was awake as well, she would begin a fresh discussion around the role of the expert in forensic matters – particularly disputed custody matters – and how experts could

become mere weapons in the legal arsenal. These discussions became frequent, numerous and at times tiresome in their repetitive nature and in her apparent loss of ability to distance herself from the adversarial process and trust her investigative process. These nocturnal discussions would range from anything between half an hour to two hours. While sitting after dinner watching TV, I would see her physically sitting there but completely absent. As soon as I would try to engage with her she would recommence the discussions and we would go over the same things again and again. It was consuming her and keeping her awake at night.

In retrospect it was inevitable that her health was going to suffer, and it did. Her ensuing encounter with shingles compounded the heavy toll she was paying.

During the time that she was working on her supplementary report we went to the Kgalagadi National Park for about ten days. I thought the break would be good for her and give her an opportunity to break her thoughts and emotions away from the case and return to normal. I was completely wrong. Neither the tranquillity nor the beauty nor the wild life was enough to drag her out of her absorbed, distracted state. She remained 'absent' throughout the holiday and I had to all but shout at her to get her attention to focus on things about us.

Eventually, one evening in the Park, I suggested she list all the factors she would have to avoid or ignore in order to come to a *different* conclusion in her investigation. I hoped that this exercise would help drive her focus positively. This proved helpful to her professional side and she subsequently incorporated such a list into her supplementary report. However, for her

personally, it only helped to a limited extent. Her daily and nocturnal distraction and ‘absence’ continued.

I remember her frustration when the case was referred to trial rather than speedy adjudication, in consequence of which the matter ‘stalled’ and the children simply remained in the custody of the mother – a situation which Robyn had apparently warned against.

This frustration manifested in further repeat discussions, seemingly endless, around the role of the expert in custody matters.

The next event of major significance of course was the arrival of the expected complaints to the Health Professionals Council of South Africa. The effect of this on Robyn was devastating. The complaints directly attacked her professionalism and integrity. We had lengthy and repetitive discussions about the complaints, their legal standing and how best they should be met. These followed the same pattern as previously: she was not sleeping well, she was lying awake at night driving the issues through her thoughts and engaging in endless and repetitive discussions. I could almost literally, physically, see the thoughts churning around in her head all the time.

It was at this time that she decided to turn her experience of the investigation and the complaints that ensued into a doctoral study. I think she was trying to regain her equilibrium by ‘forcing’ herself to examine the entire process in a scholastic fashion. Her lying awake and the endless discussions did not abate but she appeared to be trying to focus them toward the doctorate in a more orderly fashion.

Once the legal process of the complaint procedure commenced – activating her professional protection insurance, having reputable attorneys



and a reputable advocate well-versed in such matters appointed for her and consulting with them – her anxiety seemed to diminish to a degree with the objective professionally expressed opinions that she had very little to fear, but her constant ruminating did not abate. She seemed to continue to constantly dwell on the process of being an ‘expert’ and worrying herself ‘in circles’ whether her methodology could have been any different.

The whole process of the complaint procedure – from the time when Robyn was first notified of the complaint by the HPCSA until the actual hearings were completed – was protracted over an excruciating period of approximately two and a half to three years.

Robyn’s ultimate exoneration by the HPCSA clearly marked a major vindication for her (even though from a legal perspective I would be inclined to challenge some of the legal reasoning of the tribunal – she was, however, exonerated on the factual findings of the tribunal). However, strangely enough, from my perspective, the next major event that appeared to be a turning point for Robyn occurred thereafter. During the course of the hearing (at which I was present) the complainant, the children’s mother, had testified that when she arrived to see Robyn for the first consultation she had recognised Robyn and Robyn had recognised her from a therapy session several years before. She went on to testify that when she had asked Robyn whether that would be a problem for Robyn to act in a forensic capacity, Robyn had assured her that it would not. These allegations had been incorporated in the complaint submitted to the HPCSA and had been disputed by Robyn. This evidence was clearly meant to show ‘contamination’ of the forensic process undertaken by Robyn at the very outset. When Robyn

testified and was cross-examined on this alleged event, she was adamant that they had not recognised each other and that all the complainant had indicated to her was that the house looked familiar to her. When challenged further on this, Robyn looked directly at the complainant and unhesitatingly insisted that the complainant was quite wrong in her account.

There are many facts surrounding this issue that are solely of legal interest for me but afterwards, when Robyn was going through her papers in the matter during the course of writing her doctoral study, she came across a letter addressed to her by the complainant's attorney, written shortly after the first consultation at which the disputed event had allegedly occurred. In this letter the complainant's attorney recorded quite categorically and unambiguously that his client, the complainant, had not recognised Robyn and Robyn had not recognised her at the first consultation.

The extent to which the discovery of this letter, albeit after the hearing and after her exoneration by the HPCSA, served to elate Robyn and break her out of her dismal and debilitating state of the previous two years, was dramatic and immediate and demonstrated to me the importance of the completely objective confirmation and affirmation of her honesty and integrity throughout the process, that had been under such vociferous attack from the time she had submitted her first report in the matter. Life returned to normal. She has embraced the writing with energy, eagerness and excitement that belie the trauma that is the embryo of its creation. I have read through all the drafts with utter fascination at the process that had unfolded before me but had at the time been beyond my insight.

## Conclusion

Although my direct involvement in the case ended once I had submitted my supplementary report, it came to my attention that the matter was never resolved in a court hearing. I was informed that Mr Pater had ultimately decided that he would not take the matter to trial because he believed his children would be more damaged by such a process. Moreover, he believed that if the Court had ordered the children to be removed from Mrs Mater, they would have been so damaged that having them in Dubai would present an insurmountable challenge for him. Interestingly, on reflection, it appears that Mr Pater's pattern of distancing himself and disengaging from the 'family problem' (regardless of its definition), which I identified as his response after his divorce, appeared to be his chosen response again. Whether his decision in 2009 had been easier for him to make because I had found that it was highly unlikely that he had sexually abused either of his children, which had allowed him to feel cleansed, or whether this would have been his response regardless of other factors, is not possible for me to determine.

I was also subsequently informed that Mr and Mrs Mater and the three children had left Johannesburg. I was told that Mr Pater was to continue being responsible for the children's financial needs, but he had apparently not seen either of his children again since the allegations and investigation.

Julian Barnes (2012) in his Man Booker Prize novel, *The Sense of an Ending*, gives the following comment:

Discovering, for example, that as the witnesses to your life diminish, there is less corroboration, and therefore less certainty, as to what you are or have been. Even if you have assiduously kept records – in words, sounds, pictures – you may find that you have attended to the wrong kind of record-keeping . . . . History is that certainty produced at the point where the imperfections of

memory meet the inadequacies of documentation . . . . The history that happens underneath our noses ought to be the clearest, and yet it is the most deliquescent. (pp. 59-60)

The above applies to my reflections on the history of this case – I understand that I have edited the history in the only way I know how. Whether this edit is closer to the actual events and whether it is more certain to be a ‘true’ record, I cannot be sure. I have also asked witnesses to reflect on and to record the process so that there may be better history keeping. I am still keenly aware of what happened 4 years ago. Yet, the act of remembering, the act of recording, and the act of meta-commenting renders distance, dissolves the narrative, and superimposes meanings that may either blur or elucidate it. The exact effect of this record is uncertain.

Regardless of the above inevitability, I believe that there is much to be learnt. The next chapter examines the lessons I have learnt through conducting this study and through the many other cases in which I have been involved.

## **Chapter 12: The Benefit of Being an Expert Learner**

*By far the greatest amount of scientific effort is directed towards the logical enlargement of some accepted hole. Many are the minds scratching feebly away or gouging out great chunks according to their capacity . . . hole-hopping is rare, because the process of education is usually effective and education is designed to make people appreciate the holes that have been dug for them by their betters . . . . An expert is an expert because he understands the present hole better than anyone else except perhaps a fellow expert, with whom it is necessary to disagree in order that there can be as many experts as there are disagreements – for among the experts a hierarchy can then emerge . . . . So experts are usually to be found happily at the bottom of the deepest holes, often so deep that it hardly seems worth getting out of them to look around . . . . Many of the holes are extremely valuable in terms of the ore of practical knowledge that is removed from them. Others are a waste of effort. (De Bono, 1967, pp. 22-25)*

### **Introduction**

I have often been approached to be the ‘expert’ in a child custody matter. I have also often heard lawyers say, “But you are our expert”. The classification of being an expert implies attached meanings that often result in pressure and narrow definitions for the psychologist or mental health professional working in the field of child custody evaluations. Moreover, the notion of being a psychological or mental health expert is certainly a complex one that needs to be expanded on and elucidated. Psychologists, and certainly psychologists who work in the area of child custody evaluations, have specific and particular knowledge based on their training and their experience that other mental health professionals, who are not so trained or who have not had such experience, do not.

This specific training and experience (particularly in the area of child custody evaluations) does then allow for a readiness to label the psychologist an “expert”. Furthermore, this status as an expert is precisely why psychologists are required to be involved in child custody evaluations.

An expert in a legal matter is required to elucidate and to explain psychological considerations to the court because the court does not have the specific expertise required. However, when the experts themselves begin to believe that they are sacrosanct, that they have superior knowledge, and that they do not have to question their thinking, then, as De Bono (1967) so vividly describes, the expert may not look around and may not learn, and they may thus become vulnerable. The acts of looking around, of being curious, of learning, and of embracing “delicate balances of accountability and innovation, science and non-science, pragmatics and art, and certainty and uncertainty” (Anderson, 2000, p. 17) should constantly permeate the drive of professionals. In addition, these factors should permeate the drive of experts involved in child custody evaluations, specifically as a prophylactic against hubris.

While working in the field of child custody evaluations, I have often encountered fellow evaluators and experts who have confirmed to me that they usually know what they are going to recommend or what the problem is with regard to a specific situation from the time of the very first interview. I have been involved in matters where experts, on the basis of seeing only one or two members of a family system, make findings and recommendations that are ultimately embraced by the court. These recommendations and findings are made with the court being potentially ignorant of the limitations of the information on which the findings or recommendations are based.

The process described above was, in fact, exactly what had happened in the opening salvos of the case study at hand. The above process has occurred in many other

sexual abuse cases where the court has prevented a parent who is then proven innocent at a later stage from seeing their child because the court has limited information, is under the duress of an urgent application, and errs on the side of caution. These encounters have alerted me to the ubiquitous tendency amongst many experts who fail to remain learners in this field. These experts often have large stores of knowledge and vast amounts of experience that have been gained through many years of dedicated hard work. Although both their knowledge and experience are valuable, they tend to consider themselves as 'having arrived'. It could be said that they are calibrated by their need to conserve rather than to explore, their need for certainty over and above uncertainty, and their need to be pragmatic rather than using broad-thinking.

I am not advocating the renunciation of knowledge, expertise, and experience in favour of frivolous creativity, unfounded interventions, or arbitrary recommendations. I am, however, advocating neither solely an emphasis on well-trying, old processes and default approaches nor the embracing solely of broad-thinking and exploration, but a delicate balance of both the one and the other so that ultimately the end result is expertise calibrated by a desire to learn more. The expert should remain an expert in the investigative process, but they should also remain a learner in terms of the information gleaned and how to edit such information.

The above distinction between the process of accumulating knowledge and the position of attaining knowledge that can be described as the absolute 'truth' has been described in Chapter 4 of this study by referring to the constructivist epistemology with the subsumed paradigm of social constructionism that underpins this study. If it is not possible for an investigator to be objective (in other words, when they are participant observers), then the course left open to such an investigator is to ensure that what is ultimately known about a case was gathered through an objective process. This process should aspire to be

free of bias and should be open to counterarguments. Furthermore, it should include various perspectives and as much information as is available. If the investigator embraces this process, then their role as an expert is broadened, and they will inevitably also become a learner. If an investigator continuously learns and remains curious, as well as if they allow for various sources of information to be noted, the resulting information reported by the expert can be considered to be an approximation of objective information. Such an approximation is a function of the inclusion of as much relevant information as possible with regard to the subject matter so that ultimately a consensual domain can be supported.

Given the above, it appears that the psychological investigator in child custody evaluations, aside from learning expertise in the area, should embrace at least another two areas of learning. The first is the individual psychological investigator's awareness of their own thinking mechanisms (based on a constructivist epistemology) that could affect the gathering and editing of information. The second is understanding (and enhancing) the investigative process so that all the stakeholders created by and involved in the process can benefit (the constructionist paradigm). These stakeholders include the children, the parents, the legal teams, the associated mental health professionals, the court, the field of child custody, and the expert learners themselves.

### **Added Learning for the Expert Learner**

Drozd, Olesen, and Saini (2013) focus on how mental health investigators in child custody evaluations can prevent errors in thinking while conducting child custody evaluations. Drozd et al. (2013) identify cognitive errors that are universal and predictable:

The paradigm shift that is proposed here is movement from the approach in which evaluators think of the psychological questions in binary terms – as ‘yes/no’ questions . . . in terms of singular, unidimensional, linear causes . . . to an approach that is multidimensional, multilevel, multicausal, and



interactive to see the answers to the court's questions as yes/no/both/and.

(p. 3)

Drozd et al. (2013) state that the investigator should remain open to all possibilities and explanations through the course of an investigation by developing and testing hypotheses as the investigation progresses. Such a process would certainly challenge investigators who claim to be sure of what recommendations are to be made during their first interview with the involved parties. Drozd et al. (2013) do not claim to be proposing an error-free process because they accept the human flaws that plague even psychological investigators, but they highlight the importance of an investigator's awareness of how they think about the issues and facts of a case.

Drozd et al. (2013) identify "Systematic Errors" as "thinking shortcuts" (p. 4). They explain that these shortcuts are incidents of thinking prematurely (without considering other alternatives or hypotheses) and of remaining stuck with an initial premature evaluation, and then only looking for information to support that initial judgement. Kahneman (2011) uses the term "Fast Thinking" (p. 13) or "System 1" (p. 20) thinking to describe the intuitive and effortless thinking that allows us to contend with day-to-day living and problem solving. Drozd et al. (2013) include heuristic reasoning as a part of this intuitive type of thinking.

Shermer (2010) discusses the naturally evolved reaction of humans that arises when they are faced with a stimulus that requires them to 'join the dots' in such a way to ensure species survival. Many of these intuitive thoughts may be lifesaving and pragmatic, but in the service of protection and survival, there may be many false positive or false negative conclusions that are summarily accepted but that do not reflect the whole situation. Shermer (2010) uses as an example of a false positive – the 'wind in the grass.' In this example, people may respond to wind blowing through the grass as if it is a sabre-toothed

tiger when, on some occasions, it is simply wind blowing through the grass. Often a jump to either a false positive or a false negative conclusion permeates child custody evaluations. These tendencies occur specifically when the expert is pressured or is led to believe that the child is in imminent danger. It is exactly at these points of bifurcation that experts appear to abandon critical, slow-thinking caution to intervene with less-than-perfect investigative processes that do not protect against false positive or false negative tendencies in thinking.

Kahneman (2011) identifies the fact that once a person has intuitively grasped and identified a thought as ‘correct’, it then becomes entrenched and ‘true’ for that thinker. Shermer (2010) uses the same logic to explain superstition as well as how such intuitive dot-joining and survival can be connected to a belief system. In some instances, this tendency may translate into an expert’s belief that because they are an expert, they thus do not need to take the learner position during an investigation. If the thought process is proved to be ‘correct’ (in other words, not a false positive), the thinker’s conviction becomes empowered. Unfortunately, the same can happen, and often does, even if the intuitive thought is a false positive. It appears that we have evolved into beings that tend to give our intuitive thoughts a huge amount of power to ensure that they are impervious to contrary information.

In the occupation of investigating a child custody matter, such thinking is bound to occur. It is, after all, a natural phenomenon. However, Drozd et al. (2013) suggest that a conscious effort should be made to be more analytical and “step-by-step” (p. 5) in thinking when conducting a child custody investigation. Kahneman (2011) calls this “System 2” (p. 20) or “slow thinking” (p. 13) and explains that it is slow because it takes conscious effort and focus in order to understand or to make sense of the stimulus that is presented. Kahneman (2011) argues the following: “System 2 is the only one that can follow rules,

compare objects on several attributes, and make deliberate choices between options . . . it can program memory to obey an instruction that overrides habitual responses” (p. 36).

Furthermore, Drozd et al. (2013) conclude the following:

This is the thinking that is the intended basis for all decisions in law and the necessary mode of cognitive operations for the careful work of forensic mental health professionals. It is associated with the feelings of concentration, choice, and agency. (p. 6)

Both Drozd et al. (2013) and Kahneman (2011) emphasise the fact that analytical thinking requires one to use energy, to embrace uncertainty, and to be proactive. Analytical thinking is thus neither for the feint hearted nor for the lazy. In fact, Drozd et al. (2013) indicate that the expert, while investigating matters, should constantly envisage cross-examination in court, review, and critique<sup>13</sup>. Thus, the investigator needs to be self-reflexive and self-conscious by critiquing the observations and information that have been gathered, by trying to identify blind spots, and by identifying the potential for the overemphasis of a single factor.

Drozd et al. (2013) conclude that intelligence does not necessarily preclude one from presenting with intuitive, System 1 responses, and, in fact, “people with higher intelligence and cognitive sophistication . . . are more prone to make these common errors than the rest of the population” (p. 7). This error may be the result of the expert feeling that they have ‘arrived’ rather than them being open to being an expert learner. Drozd et al. (2013) continue by explaining that Martindale (2013, cited in Drozd et al., 2013) identifies and cautions against the tendency of psychologists or mental health professionals to

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<sup>13</sup> My husband is a lawyer and has inadvertently trained me in this process by pushing me to explain, under cross-examination conditions, some of the findings I have made.

employ previously successful strategies that may not be relevant or applicable in a current context. Such strategies may confine the investigator and may result in the investigator ignoring aspects of a current context that may be important. Furthermore, Drozd et al. (2013) identify the resistance to changing one's habitual strategies as the "Simmelweis Reflex" (p. 7). They cite, as an example, how the use of open-ended interviewing and active listening, which are habitual strategies used by therapists in a therapeutic setting, would be an inappropriate and a leading way of conducting a forensic investigation.

The consideration in child custody evaluations is that "sloppy" (Drozd et al., 2013, p. 7) thinking has no place in such a context. The decisions that have to be made are complex and multifaceted, and they affect entire family systems and the future lives of children. Heuristic, intuitive thinking that does not consider the complexity of the entire ecosystem, laziness in collecting relevant information, resistance to being an ecological detective and learner, a reliance on a purely expert status, and a 'one-size-fits-all' approach to theory can all lead to errors and biases. Such thinking can lead to the following problems (Drozd et al., 2013, p. 8):

- confirmatory bias;
- premature closure of evidence seeking;
- an investigation anchored on one facet alone (such as alienation or domestic violence) rather than seeking out a more complex description of what the family dynamic may be;
- a lack of focus on optimism bias;
- a lack of focus on disaster neglect; and
- a theoretical discourse with little application to the specific case at hand.

Drozd et al. (2013) also identify the "availability heuristic" (p. 7) as a cognitive error that can affect child custody investigators. They describe the impact of recent

occurrences, personal experiences, or personal exposure on the part of the investigator. These factors may cause the investigator to observe or to find these problems in the distress of the family. For example, media highlighted domestic violence, an investigator's personal experience of divorce, or exposure to recent cases involving a similar presenting problem can inadvertently be the 'availability heuristic' that can potentially influence an investigator.

With regard to the above cognitive error, namely the availability heuristic, and in line with this study, an acceptance of the impossibility of objectivity on the part of an investigator necessitates an awareness of the availability heuristic. Without an awareness of the certainty that we are not objective when we observe things, we may deny the probability of the availability heuristic, and thus we may not make allowances for it. If one thinks of oneself as impervious, one does not render oneself impervious. The process of being aware of the fact that all people are contaminated leads to the application of checks and balances to reduce such contamination.

### **Following the White Rabbit**

An extension of the above errors in thinking that may affect mental health professionals conducting child custody evaluations is the common tendency for initiate psychologists or mental health professionals to be pressured into assessing a child during a divorce so that a legal process can be supported. Very often, this process is instigated by an instructing legal practitioner who seeks to confine the investigation to a very narrow scope. However, without understanding the ramifications of such a move and without understanding their own cognitive errors and biases, initiate psychologists will often only assesses the child and then may only collect collateral information from one parent. This error is what I would call 'following just the White Rabbit'. The White Rabbit represents a singular, linear, causal line of investigation that is not helpful to anyone except perhaps a

parent with devious motives or, in the best-case scenario, a referring parent who lacks insight.

In the case study examined, following only the White Rabbit was exactly what Ms Jung did. However, Ms Jung was not an initiate in this area, and her decisions and subsequent report belied her experience. Her example exposes the vulnerability that all mental health professionals may possess, initiate or not, in working in this area. The temptation to please an instructing attorney who has given the mental health professional much work, the pressure of the paying party to have the expert find in their favour, the pressure of the urgency of a matter, the biases described above, and laziness can all combine to jeopardise better choices and “Slow Thinking” (Kahneman 2011, p. 20). Slow thinking (Kahneman, 2011) is a response that should be the cornerstone of child custody evaluations.

Aside from the case study of the Pater-Mater family, I have experienced many other examples of this type of child custody investigation. Two extreme cases come readily to mind. The first was when a mental health professional reported that a child’s father had definitely sexually abused his child. This ‘fact’ was confirmed by a sexual abuse clinic and was based on-less-than-appropriate testing. Neither the clinic nor the mental health professional had consulted with anyone else but the child and the mother. At the time that I became involved, the child had not seen his father for 2 years unless their contact had been supervised, which was an expensive process. After my investigation had been completed and when appropriate contact had been phased in, it was revealed by the mother’s former boyfriend<sup>14</sup> that the mother had decided to create these allegations and that the boyfriend

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<sup>14</sup> He had been the mother’s boyfriend at the time that the allegations had emerged.

had been privy to this decision. The father then wanted to sue the initial expert psychologist for his wasted costs. He also wanted to report her to her professional body.

The second case was when a mental health professional had concluded, without interviewing the father, that the father and his girlfriend had physically and sexually abused his daughter. The daughter's allegations included the claim that when she had had her baby, her father and his girlfriend had killed the baby in an occult ceremony. The allegations and conclusions were made even though the child was only 9 years old at the time and could not yet have conceived a baby. It appeared that this allegation had been overlooked by the mental health professional. Furthermore, it did not alert the mental health professional to any other hypotheses regarding why these seemingly bizarre allegations had emerged at that time in that family. Fortunately, a comprehensive investigation was conducted before the father and daughter's relationship could be interfered with.

As these examples indicate, editing out and focusing on just one aspect of the ecosystem, in other words, following just the White Rabbit, cannot be seen as a helpful reflection of what transpires in a distressed family. Such an edit is purely one perspective and is an opinion, not a fact. Such a perspective thus cannot inform interventions that remediate or allow the system to reach a point of bifurcation that will allow the family to evolve to a higher order from a state of chaos.

### **Added Learning About the Investigative Process for the Expert Learner**

Experts should be aware of potential errors in their thinking, and they should self-monitor their thinking. In addition, they should also have an understanding of the greater ecosystem or even the entire family system. Furthermore, expert learners should be aware of the recent paradigm shift in child custody investigations. Schepard (2005, cited in Kuehnle & Drozd, 2005) notes that “[t]he child custody court has redefined its mission

from deciding *which* parent should receive custody after divorce to determining *how* to involve both parents in the life of the child safely” (p. 31). It has been my experience over the past 15 years while working in the area of child custody investigations in South Africa that this pattern has certainly become more common. The more simplistic framework of choosing the ‘best parent’ – a paradigm of either/or – has been replaced by a more complex and multifaceted approach to determining how best to avail the child of the strengths, input, and involvement of both parents. In other words, a both/and as well as an either/or paradigm should be used.

This evolution in focus has necessitated an evolution in the complexity of investigations. In addition, a more complex understanding of system and eco-systemic patterns is necessary. Such an evolution requires investigators to maintain a position of being a learner who can learn about the family system rather than simply making assumptions regarding theory in isolation. An investigator’s adoption of the position of a ‘benign detective’ (Auerswald, 1985) rather than just being an expert is determined by curiosity, a need to learn, and an ability to understand sensitively the inner workings of a family system and the ecosystem in which it resides. Only after this learning work has been done can the application of theory be more effective.

The importance of how to include both parents in the children’s context was highlighted in an early investigation I did that examined the relocation of a mother with her children to live abroad. I came to understand patterns that had been prevalent in the family long before the breakdown of the marriage and before the intention of one parent to relocate abroad was formed. I could understand these factors because of my training as a family therapist and my sensitivity to systemic patterns and eco-systemic considerations. My learning with regard to and my understanding of these redundant patterns then informed my eventual recommendations. These recommendations were based on the



impact that would be caused by a loss of the availability of both parents given the previously prevailing systemic patterns and how they had either benefitted or negatively affected the children.

Drozd et al. (2013) identify “procedural errors” or “methodological shortcuts” (p. 3) as the omissions or distortions of certain steps or procedures that take place during the course of an investigation. For example, such errors or shortcuts would be displayed by an investigator who omits an observation with one parent, who fails to consider current law, or who does not standardise the administration of psychometric tests. If best practices are not followed, then the investigator is at risk of making errors. It is my contention that aside from this best practice methodology, the inclusion of a comprehensive understanding of the family dynamics and of the ecosystem in which a family functions is also important if the focus is to include both parents in the children’s lives in a healthy manner. This approach requires the investigator to take up the stance of an expert learner or a ‘benign detective’ (Auerswald, 1985). The investigator then proactively learns the nature of the systemic patterns in the family. This information, as well as all other accumulated information, should be integrated into a considered description of the family system.

A comprehensive investigation, as detailed in Chapter 4 of this study, should include the interviews and assessments of all the relevant family members, the investigator’s clinical impressions, the information collected from collateral sources, observations, and any relevant documentation. However, accumulating this information and then presenting findings and recommendations that ‘float’ on top of this information does not constitute best practice. Drozd et al. (2013) note that although there are many resources describing best practice, “there is currently no book that provides a comprehensive and systematic approach for the integration of these factors as assessed” (p. 4). It is my contention that integrating the above information into a document that

describes the ecosystem and family system to create a “Storey” (Auerswald, 1985) allows interventions and recommendations to be more effective, creative, inclusive, and substantiated by all the integrated data. Recommendations that examine all of the aspects of a family system, including the parent-child relationships, the pre- and post-divorce potential for co-parenting, as well as redundant patterns within the family (which may or may not be maintained post-divorce) are helpful in intervening in a constructive and preventative manner.

With regard to the above and in retrospect, although my integration in the Pater-Mater case study naturally included systemic and ecosystem descriptions that were based on my training, I do not think that my recommendations or proposed interventions were as constructive as they could have been. I believe that perhaps because of the intensity of the case, I may have resorted to an either/or paradigm at times when I felt myself being pressured. My thinking with regard to where the children should have resided did not attend sufficiently to other potential options because, as described in Chapter 11, I inadvertently evolved into a part of the problem-determined system. I was then ‘infected’ by the nature of the adversarial context. While conducting this study and while reflecting on the case again, I learnt the importance of this factor. In mitigation of this shortcoming, I will record that in many other less intense and less acrimonious cases, I have managed to use a more constructive approach by using my natural systemic and ecosystem paradigm.

I have noted that since the promulgation of the Children’s Act 38 of 2005 (South Africa, 2005) in South Africa, which has promoted many divorcing couples to mediate settlements rather than to litigate, many of the couples that initially appeared for or were referred for child custody evaluations have been successful in mediating settlements. The majority of the cases that currently present for comprehensive investigations include, amongst other problems, exceptionally intransigent parents, intransigent problems, and

complex situations that defy simple solutions. It has also been my experience that descriptions (based on family and systemic dynamics as well as the information gleaned) rather than diagnoses have helped to facilitate healthier interventions in these matters.

In the past number of years, I have been rewarded with feedback from a number of parents who, after receiving my report and recommendations, have indicated that they have learnt something new about themselves or their children. Whether these aspects were good or bad, the parents have thanked me for the elucidation and constructive recommendation/s. I cannot say that this positive feedback is a constant message, but it appears to be arising more frequently than in the past. I attribute this feedback to the paradigm shift referred to above – the trend to attempt to include both parents in the lives of their children in a healthy manner, if possible. Furthermore, I also attribute this change to the manner in which I have integrated information so that parents and lawyers can focus more on remediation in the hope of reducing litigation.

### **Being an Expert Learner With Regard to Theory and Research**

Mnookin & Gross, (2003, cited in Drozd et al. 2013) give the following warning with regard to the role of theory and research included in expert opinions:

Judges, lawyers, and parents can be seduced by the expert who offers certainty in a context of uncertainty, but it is actually a downside to expert testimony that there is unwarranted confidence in the way that some mental health professionals express their opinions. (p. 127)

Kuehnle & Drozd, (2012, cited in Drozd et al.2013) expand this concern by stating that “[e]xperts have the responsibility to inform the court of the multiple interacting variables that confound a linear decision.” (p. 127)

With regard to the inclusion of research and theory to support findings or recommendations in child custody evaluations, the expert should also retain a learner

position. Drozd et al. (2013) suggest that any research evidence should be presented “in a systematic, transparent, judicious, and ethical manner . . . and any limitation of evidence should be articulated and the grounds for any conclusion should be clearly spelled out” (p. 127).

An investigator as an expert learner who embraces a position of sharing knowledge rather than dispensing knowledge should present alternate research findings as well as the supporting research with regard to the matter at hand. The expert should also be transparent about research limitations rather than presenting the research as comprehensive. In addition, they should apply only research that is specifically pertinent to the case at hand. Such a rigorous and all-embracing process enables the court, as the final arbiter, to determine whether it can “depend on an analysis of the cogency of the underlying reasoning which led the expert(s)” to their opinion (*Buthelezi v Ndaba, South African Law Reports, 2013 (5) SCA, p. 442*). In the case of *Buthelezi v Ndaba*, the Court founded its acceptance of the one expert’s opinion over the other expert’s opinion on the fact that the one expert’s opinion “ [appeared to be] well supported by views expressed in international journals in the field”, whereas the other expert’s opinion was “ill-supported by his reasoning” (*South African Law Reports, 2013, p. 443*).

In South Africa, as a general principle of evidence, there is only one kind of witness who is permitted to express an opinion in a court of law – the expert witness. The expert is regarded as being better qualified in a particular field than the court. This fact should alert the expert learner to the responsibility attached to their role of being an expert. The expert witness is treated with reverence by the court. Thus, the expert will be seen as ethically duplicitous and as not acting in the best interests of a child if they abuse this position by presenting themselves as ‘all-knowing’ when this may not be the case; by referencing research or theory that is outdated, incomplete, contentious or

de-contextualised; and by presenting only research and theory that will support a preferred position. It is thus even more necessary for an investigator to embrace a learner position because of the reverence attributed to the position of the expert. The investigator is obliged to be rigorous with regard to the integrity of the formulation of opinions and evidence. The import of this reverence is underscored by the fact that the expert is the only witness who is allowed to be present during the testimony of other witnesses or expert witnesses.

Although the ethical standpoint involved in being an expert witness is extremely important and much of this study is concerned with ethical considerations, I am unable to attend to the ethical implications of child custody evaluations in this study comprehensively as the subject warrants a more in-depth examination than can be given here. However, regarding the expert witness's ethical position, I include Greenberg, Martindale, Gould, and Gould-Saltman's (2004) attention to "accountability" (p. 25) as an ethical value that should be part of the psychologist's mindset in forensic services.

Greenberg et al. (2004) note the following:

Legal conflicts, particularly custody conflicts, take place in an atmosphere of anger, mistrust, and advocacy. The forensic psychologist may not be able to satisfy a parent, or may indeed make a parent angry by asking difficult questions or expressing an opinion that does not support that parent's position. The psychologist's methods, however, should inspire trust and confidence . . . . [They are] prepared to clearly articulate the thought processes, rationale, and research basis for the methods used in a given case . . . . Another aspect of accountability is responsible use of interpersonal power . . . [as] the psychologist may be in a position of considerable authority . . . [they should] use the authority of their positions responsibly. (p. 25)

It is my contention that accountability, as described by Greenberg et al. (2004) above, requires the expert to embrace a learner position. If accountability includes an expert having to be responsible for why they make certain findings and if it includes the expert having to be cautious with regard to the ostensible authority that comes with their position, deference, humility, and a learner stance would facilitate Greenberg et al.'s (2004) definition of accountability.

It is also worth remembering that a certain case may be one amongst many for the investigator. However, that case is the family's life, and they will thus 'hang on' to every word that is uttered by the expert. A sensitive, egalitarian learner position is effectively accountable and also respectful with regard to this context.

### **Learning About the Ecosystem in Which the Expert Learner Functions**

Child custody investigators conduct their investigations in the midst of the legal system. Thus, investigators need to remain a learner in this system as well. Ney, Blank, and Blank (2007) highlight the forceful and imposing if not overwhelming effect that the legal system can have on non-professionals who engage with the system. Ney et al. (2007) have examined affidavits and their affect on child custody and access cases. In their examination of the power position of the legal system, Ney et al. (2007) suggest that instead of viewing parents, who use their affidavits to further their acrimonious position, as the protagonists in high-conflict divorce and access cases, the legal system should be viewed as the protagonist. Ney et al. (2007) frame the creation of acrimonious affidavits as a process in which "the law regulates and administers the parents – that they [the parents] do not use the affidavits as much as the affidavits use them" (p. 324). If this analysis is accepted, then Ney et al.'s (2007) observations and conclusions can be extended to the legal system's immense power with regard to influencing and overwhelming the forensic investigator or the so-called expert.

It has been my experience that the legal system, and the lawyers who are part of the system, work to elevate the expert and support the expert's position if that position supports a client's case. This process can leave the expert vulnerable to the influence of a particular lawyer. This possibility is especially prevalent when the income derived for investigations is supplied by a few sources rather than a variety of referral sources. An investigator's attempts to remain disconnected from the system and their attempts not to be subsumed by it, as described by Ney et al. (2007) with regard to the parents involved in a case, can prove to be challenging. The ability to dilute the influence of competing legal teams and the influence of a particular lawyer as well as the ability to work within such a powerful system require the investigator to be constantly self-reflexive and self-reflective. The investigator is also required to question everything while also retaining their integrity with regard to their required role. If Ney et al. (2007) are correct, then the power of the legal system cannot be underestimated and has to be engaged with in a constructive manner. Therefore, the investigator, in using such an approach, can remain clear about what the court ultimately expects – to be given an opinion that is honest, researched, underpinned by investigation, and that serves the child's best interest.

Justice Sotomayor, Associate Justice of the Supreme Court of the United States, was interviewed on the *Charlie Rose Show* (Sotomayor, 2013). She provides some insight into how judges themselves may also be vulnerable when sitting in judgement. As a child custody investigator's ultimate role is to aid the court in reaching a decision with regard to the best interests of children, the general insight proffered by Justice Sotomayor may elucidate and de-mystify the court context. Justice Sotomayor (2013) said the following during the interview:

You want judges with a varied life experience so that when they are listening to people's arguments they don't miss what those arguments mean to those

individuals. That doesn't mean that you are going to rule in favour of that party merely because you might be familiar with what they are experiencing. You know I talk about the fact that all judges have life experiences and if you are going to recuse every judge from a case merely because he or she had experienced something similar, we wouldn't get any judges to rule cases. I talk about a simple example – you know judges get sick, they don't all have chronic diseases that way I do, but we let judges with all kinds of backgrounds, whether their own or that of a relative, decide cases involving handicap claims. Why do we do that? Because we have confidence in our system of government that what is important is not the judge's individual experience, but that the belief that a wide variety of experience will let the conversation occur in conference, in which all the best arguments on both sides of the case are discussed. The worst thing in the world is to have a vote where people haven't considered the argument . . . . I also talked about the fact that you have to know your biases. You have to really understand when you're being motivated by your own feelings rather than by the law. I can't tell you how many times when I was a lawyer and sometimes even now you read an opinion below and you say – What's motivating this? – and is it the law or personal feeling. The danger is that you think of judges as computers, which we are not. We are human beings with strengths and weaknesses, with limitations in our life experiences. You want us to be aware of both those things, the good and the bad, the biases and the prejudices, so that we actually work consciously at not letting them influence our outcomes – that we don't assume that we are right about our biases, that we don't assume that we are not human beings unaffected by our emotions . . . . (n.p.)



Justice Sotomayor touches on many of the aspects that have been discussed in this chapter. It is comforting to know that Justice Sotomayor's approach could be the mindset of many judges who decide on the evidence collected by investigators. If a judge can be aware and self-reflective, there is a greater chance that the process of the law, rather than individual sentiment, will prevail.

Unfortunately, this approach is not always followed. I recently rendered a report recommending limited contact between grandparents and their grandchildren pursuant to conflict and acrimony between a mother and the paternal grandparents. The grandparents were requesting contact with their grandchildren while the children's mother was looking to limit that contact. The matter went before a High Court judge for a decision. I had been informed that the presiding judge had dismissed any reading of the psychological reports. He relied instead on his personal experience saying that in his culture, grandparents are always given contact to and allowed to play a major part in their grandchildren's lives. This order prevailed, despite the presence of strong recommendations to the contrary.<sup>15</sup>

Judge Sotomayor (2013) indicates the following: "The worst thing in the world is to have a vote where people haven't considered the argument". In the matter above, it is not so much that I believed that my recommendations had been correct but rather that the acts of consideration and argument had been denied in the process.

In the best possible case, the expert investigator should be able to present their opinion through a forum that is designed for consideration and argument. With regard to such a forum, provision should be made for opinions to be tested and discussed. There should be confidence in the judge's ability to have insight into their own biases. Moreover, there should be confidence in the judge's ability to employ checks and balances, both

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<sup>15</sup> I was informed that the judge was subsequently removed from the case.

personally and within the legal process, to calibrate their biases constructively. However, as this ideal is not always the case, the investigator needs to be able to work within a flawed system without becoming contaminated by the “legal conflicts . . . [that] take place in an atmosphere of anger, mistrust, and advocacy” (Greenberg et al., 2004, p. 25)

Russell (1930/2010b) gives the following comment:

. . . if, I say, such thoughts have moulded your habitual feelings, you will realise that the momentary battle upon which you are engaged cannot be of such importance as to risk a backward step towards the darkness out of which we have been slowly emerging . . . . I should seek to make young people vividly aware of the past, vividly realising that the future of man will in all likelihood be immeasurably longer than his past . . . and at the same time . . . impress upon the mind of the young the greatness of which the individual is capable . . . . (pp. 158-159)

Russell’s (1930/2010b) message can assuage the effects of working in a litigious and angry context by asserting a meta-perspective that emphasises the relative position of each litigious context in the overall context while not allowing the individual to relinquish accountability and responsibility with regard to doing their best. I can confirm that being able to meta-communicate about the Pater-Mater case study has relieved the negative effects of the experience. At the same time, it has allowed me to take on more responsibility and to improve my methodology through a learning process.

### **Basic Proposal for Training as a Child Custody Investigator**

In summary, any training that is envisioned in the area of child custody investigations should include the areas of learning shown in Table 12.1 below.

Table 12.1

*Proposed training*

Focus area	Learning to be covered	Aim
Epistemological	Understanding the impossibility of objectivity. Being self-reflexive and self-reflective and retaining a self-conscious stance. Learning to think broadly. Asking different questions and retaining curiosity. Being an ecological detective. Slow rather than intuitive thinking. Embracing uncertainty and divergent thinking.	To become an expert learner when asked to be an 'expert.' Embracing the role of benign detective. To understand a constructivist epistemology and the subsumed constructionist paradigm. To pro-actively learn and self-monitor thinking.
Structural	The focus of the investigation is the whole family structure as well as the surrounding ecology – the ecosystem. Do not follow the 'White Rabbit.' Understand the larger eco-system around the eco-system of the nuclear and extended family including lawyers, doctors, teachers, therapists and institutions.	To investigate the whole eco-system to establish the event shapes in time/space.
Procedural	Interviews. Observations – interactional as well as contextual. Collateral sources. Psychometrics – select appropriately. Clinical impressions. Legal papers.	To include all the various voices in the eco-system.
Theoretical	Understand current South African law in respect of families and divorce. Be brought up to date on all research and literature that would impact or influence a child custody investigation – e.g. alienation, attachment, child development, family violence, sexual abuse, substance abuse.	To be up to date with current research and also its shortcomings and weaknesses so that this is ever-ready as an expert witness or in reports.
Practical	How to contract with clients. How to communicate with lawyers and both parties. In reports, avoid linear explanations. In reports focus on the eco-systemic complexity. Generate and develop hypotheses. In reports integrating information in terms of the hypotheses. Describe the complexity using both/and solutions rather than just either/or solutions. Practice giving evidence under pressure. Explain any position taken. Attend conferences.	To put into practice the demands of the role of child custody investigator before having to take on the responsibility of making recommendations regarding a child's future.
Ethical	Accepting the impossibility of objectivity and the implications thereof. Checks and balances to ensure professionalism and ethical position. Being accountable at all times. Understanding 'bias' and its contaminating effects.	Ultimately to comply with a standard model of practice. (The development of this should be viewed as a collaborative exercise and should attend to all ethical issues.)

## **The Potential for an Extended Team for the Expert Learner**

Before appearing as an expert in court and before any court ruling is reached, the mental health professional is surrounded by the problem-determined system that may include lawyers, mediators, case managers, and other mental health professionals who have a vested interest in the particular matter. It can be very challenging for investigators to work within these ecosystems in a healthy and productive manner. Thus, a learner stance may be helpful.

At a conference presented in Pretoria on high-conflict families, I was struck by the presentations of two members of the legal fraternity, namely Clark (2013) and Judge Goldstein (2013), who serendipitously emphasised similar themes that resonate with some of the aspects that have been highlighted in this study. Clark (2013), a highly experienced family lawyer, states the following:

I will talk not so much about the alienated child, but more about alienating behaviours by parents. I am mindful of the fact that alienation is in most instances contributed to by both parents, and is a complex systemic problem, and so I will look at the issue from the point of view of the legal representative of both of the parties . . . . We as family lawyers have an absolute duty to consider and act in the best interests of the children in any matter, and not blindly to follow the instructions of our clients. If a client refuses consistently to take one's considered professional advice, and insists on pursuing a course of action which is directly contrary to the best interests of the children, then I believe that the attorney is duty bound to withdraw his or her services. I also think that all children matters, not only those involving parental alienation, require something of a paradigm shift on the part of the attorney. Even though we are first and foremost litigation specialists, and

without doubt there are times when these matters have to be hard fought and vigorously litigated, it is only when we approach the matters from the start in a spirit of openness, cooperation and collaboration with our colleagues that we may sometimes be able to assist in the restructuring, rather than the destruction, of a family. (n.p.)

Clark's (2013) understanding of the fact that a problem and the system in which it is identified are connected resonates with my own beliefs. Hence, Clark's (2013) understanding of a problem-determined system, even if it is intuitive, is insightful. Clark's (2013) attitude and position regarding the role of lawyers in family matters is also quite insightful. Clark's (2013) position is in line with many of the descriptions in this study. Collaboration, cooperation, and openness in the professional ecosystem have the potential to dilute the descriptions of problems that otherwise would become rigid, polarised, and intransigent if they are handled in purely an adversarial manner.

The themes of cooperation and collaboration were also identified by Judge Goldstein (2013) during the conference. Judge Goldstein is a retired judge of the High Court of South Africa. As an advocate, a senior advocate, and a judge, Judge Goldstein has immense experience in dealing with family matters. During his retirement, he has worked as an appointed case manager with regard to these matters. His reputation as a sensitive, dedicated, and creative case manager is well known. Judge Goldstein (2013), in describing his understanding and application of the role of a case manager, states that he "[prefers] to be appointed as one of two case managers as then there is always someone available to discuss the matter with". Judge Goldstein has co-managed many cases in conjunction with a mental health professional. According to Judge Goldstein, the combination of different skills sets and the discussion this approach has allowed have been beneficial for the effective outcome and sustainability of the case management process (Goldstein, 2013).

Judge Goldstein's natural preference for the benefits of team case management appears to be appropriate when dealing with complex family systems.

### **Conclusion**

According to Bateson's (1979) notion of "double description" (p. 227), the "increment of knowing follows from *combining* information from two or more sources" (p. 77). Information obtained in this manner produces complex information by combining the differences and similarities of two perceptions. The resulting information is different from the two independent sources disparately. Such a perspective is appropriate and applicable in family law investigations where there are differing perceptions held by each of the parents. Furthermore, this perspective is also appropriate when there are differences between the parents' perceptions of their children and the perceptions of the collateral sources. This perspective allows the investigator to understand the family in a contextualised and complex manner rather than in a reductionist and diagnostic manner. Furthermore, aside from the investigation itself being the result of multiple sources of information, it is my contention that an expert involved in the process of investigation could also benefit from being part of a multi-membered team.

In the Pater-Mater case study, my discussions with Dr Duchon and Dr Lyell suggest that such a process can be beneficial to the investigator and also, by extension, to the family, children, and the family system as a whole. I found these conversations useful – despite the fact that within the field of child custody investigation, there are no protocols directing the expert to consult with other experts in the field during the course of an investigation. The closest the field comes to such a procedure is the use of consulting with other experts as a precursor to a trial, which occurs at a very advanced stage of the legal proceedings. At this stage, when each party has their own expert as part of the investigation and when both experts have concluded their respective investigations, the

experts are required to meet to draw up a joint minute. The minute is designed to highlight confluences and differences of thought in each investigation. With regard to the differences, the experts have to explain the rationale for their differing opinions. Given the propensity of mental health professionals to act as agents of connection and healing, it should not be too far removed to accommodate a role of collaborative teamwork within child custody investigations.

Support for such an accommodation within the investigation, could evolve to be an intrinsic part of the development of a model standard of practice in South Africa so that collegiate or peer discussions in child custody investigations should take place as a matter of course rather than as an exception. Furthermore, if the expert is to become an expert learner, then such a consultative or collaborative exercise would certainly lead to questions rather than an assumption of ‘knowing the answers’, to what Kahneman (2011, p. 20) argues is “System 2 thinking” or slow thinking. Conversations and discussions with colleagues and peers will necessitate an embracing of all those aspects of slow thinking such that rules, comparisons, options and choices can be discussed from more than one position.

The expert position assumes an Archimedean point – a perfect point of reference. However, an expert learner understands that no such point exists and that varying points of view, when triangulated, give complex and multifaceted descriptions that enrich the tapestry that is created. If the spaces between the members of an ecosystem are described by a team of experts who themselves understand the spaces between one another, then the descriptions of descriptions become exponential. This pattern could be described as being what Bateson (1979) calls “. . . a *metapattern*. It is a pattern of patterns. It is that metapattern which defines the vast generalizations that, indeed, *it is patterns which connect*” (p. 20).

Aside from formally consulting with Dr Duchen and Dr Lyell in the Pater-Mater case, I have consulted with and shared numerous investigations with various colleagues, albeit less formally. One such colleague – a social worker – and I have joined forces to investigate child custody matters. We have strategically worked together on several matters and have split the responsibilities for some of the activities that are carried out so that the cost of having two experts is not double the cost of involving one expert. One of the benefits of this arrangement is that when findings and recommendations have to be made, our conversations, the acts of checking our perspectives and opinions, and the combination of our impressions have resulted in recommendations which we believe are more complex and comprehensive than those we could have reached when working alone.

Moreover, and less formally, I have experienced a vast amount of learning in this field in consultation with other mental health professionals, whether convivially or in a more oppositional context. Their ideas and my ideas have had to be supported and maintained under a barrage of attacks or curious questions. I have also learnt less formally from colleagues with whom I have spoken when I have felt trapped or stymied by a particular matter. The ‘hole-digging’ that De Bono (1967) describes can become very lonely and finite when an investigation appears to be oppressive and depressing. The process of climbing out of the hole to speak to another ‘hole-digger’ or a team of ‘hole-diggers’ liberates both one’s experiences and cognitions.

Van Rensburg (2001) examines the development of a trans-theoretical team with regard to conducting child custody evaluations. Van Rensburg’s (2001) rationale is to combine differing psychological theoretical positions within the team that conducts a child custody investigation. Referring to Barker, Van Rensburg (2001) supports the notion of a trans-theoretical approach on the basis that such a team could calibrate tendencies of transference, counter-transference, over-involvement, or a loss of objectivity. Although



such a team would be beneficial for many reasons, it is my contention that the benefits of using a team approach are not fundamentally involved in calibrating transference, counter-transference, over-involvement, or a loss of objectivity. Rather, the benefit of establishing an investigative team would be that any team, regardless of the team members' theoretical approaches, has the potential to create a consensual domain or an approximation of objectivity while at the same time delivering a rich description of the family in distress.

It is imperative for South African mental health professionals to develop model standards of practice such as those used in the United States of America that have been developed by the Association of Family and Conciliation Courts (AFCC) (2006). It is important to include conditions for conversations, supervisions, cross-professional collaboration, team investigations and of course ethical and professional standard applicable to this area of endeavour, in such a document. The Association of Family and Conciliation Courts' (2006) *Model Standards of Practice for Child Custody Evaluation* could serve as the template for the development of a South African model standard of practice in this area of endeavour. The Association of Family and Conciliation Courts' (2006) *Model Standards of Practice for Child Custody Evaluation* does make provision for a team approach to investigations. However, the Association of Family and Conciliation Courts (2006) indicates that such an approach is only "appropriate" (p. 18) if all the team members are suitably qualified. However, there is no indication of the rationale or reasoning behind the use of a multi-professional approach in the above document. The only caution is that all of the signatories to a report will be "knowledgeable and answerable to the court" (p. 19). The document also makes provision for the supervision of novice evaluators who have had two or less years of experience in the field (p. 9).

It is my proposal that the benefits of a comprehensive report (regarding the best interests of the minor children involved in a case) that has been authored by a team of mental health professionals (and perhaps that includes the opinions of the parties' legal representatives) could be exponential. Such a report could include opposing opinions if necessary (leaving the proprietary claims aside). This approach would, in my opinion, be an interesting topic for further investigation and study.

However, before such changes can take place, training and teaching in this area need to be established, which, aside from grappling with sound model standards of practice, should sensitise initiate mental health professionals who want to work in the field of child custody investigations to be aware of the 'spaces between'. We should be guided by Bateson (1979) who insists on the following: “‘Break the pattern which connects the items of learning and you necessarily destroy all quality.’ . . . *The pattern which connects*. Why do schools teach almost nothing of the pattern which connects?” (p. 16).

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## Appendix A: Consent Form

ROBYN L FASSER

MA (Clin Psych) (SA)

**Clinical Psychologist**

Practice No. 8618135

*39 Protea Road, Morningside Manor, Sandton, South Africa*

Postal Address: P.O. Box 651666, Benmore, 2010, South Africa

Tel: +27 11 802-8715; Fax: +27 0865081352; E-mail: [robbynfasser@hotmail.com](mailto:robbynfasser@hotmail.com)

[date]

[Client's Name]

I will be pleased to make an appointment for an interview and assessment, provided you are agreeable to the following:

1. The ultimate purpose of such interview and assessment is to bring out a report as to what is in the best interests of your child[ren]. I am not at all concerned with what may be in the best interest of either you or your [former] wife/husband save to the extent that this may impact upon what is in the best interest of the child[ren].

2. Any report prepared by me will be made available both to you and to your [former] wife/husband and/or his/her legal representative and may be divulged in any court of law if necessary. It is expressly understood that my appointment does not establish a patient-psychologist relationship and that no professional privilege attaches to my appointment.
3. I shall be entitled to record any interviews by any means, including but without limitation tape recording.
4. For the purpose of preparing my report I shall be entitled to interview any other person I deem necessary. I shall be entitled to divulge all or any part information gained from such interviews. Should any person deemed by me to be material for the purpose of my report not be prepared to be interviewed, then I shall be entitled to use my discretion as to whether and how to proceed;
5. It must be understood that my methodology is broadly and generally as follows:
  - 5.1. I shall take into consideration all aspects of the family matter. This would include both parties' version of events by way of interview(s). In this it must be clearly understood that it is not my function to determine the truth or otherwise of a party's version or account. That remains the function of the Court;
  - 5.2. I shall do psychometric investigations on both parties and any other party I may deem necessary (such as, for example, a new partner);
  - 5.3. I shall obtain collateral information from any other source I may deem necessary and in any manner I deem appropriate;

- 5.4. I shall observe the minor child/children with each of the parties respectively and with any other party I may deem necessary (such as, for example, grandparents or a new partner);
- 5.5. At my discretion I may require the parties to complete a Family Zone questionnaire;
- 5.6. In performing all of the foregoing my process shall be open and transparent. This means that there shall be no communications of any kind with me of a private and/or confidential nature and any communication to me by any party shall, if it has a bearing on the investigation or the process of the investigation be communicated to the other party;
- 5.7. In most cases it is important that the investigation be completed as quickly as possible. For that reason both parties are required to be diligent in their cooperation and shall desist from conduct that may unduly prolong or delay the process;
- 5.8. My procedure and methodology is aimed at ensuring objectivity and absence of bias. I cannot entertain any changes to my procedure and/or methodology at the request of one or other of the parties and any attempt by either one or both of the parties to do so may result in the termination of the investigation at my discretion;

6. My fee for interviews, assessment and report will be calculated at the rate of RX XXX. XX per hour.

7.

7.1. You will be required to pay a **deposit** of RXX XXX.XX. Payment may be made into the following account prior to the first appointments being booked:

R L Fasser



7.2 Please fax to me the confirmation of payment of the deposit to fax no. 0865081352.

7.3 You will be notified when the completion of the Report is imminent. Such notification will be accompanied by my Invoice. The balance due in terms of the invoice shall be payable upon such notification.

8. It is not possible for me to give any quote or estimate in advance of the total cost for the entire investigation and report. Variations in the cost depend on such varying factors as, for example, any distance I may have to travel, the number of people and/or children involved in assessments and interviews and the general complexity of the matter. Merely as an example, an uncomplicated two-adult two-children family assessment and report can amount to anything between approximately RXX XXX.XX and RXX XXX.XX. However, for example, in cases of relocation or allegations of sexual abuse the final cost may well be higher.

9. After the report has been released, any meetings, consultations, travel time, correspondence or other activities, undertaken at your instance by me with you, with any other professionals, with the Family Advocate, with any of your legal representatives and/or with any other persons deemed necessary by me will continue to fall under the conditions hereof.

10. Work undertaken by me pursuant to paragraph 7 hereof will be charged for by me at the rate of RXX XXX.XX per hour.

11. If my attendance should be required at any court hearing my fee shall be RXX XXX.XX per day or part thereof. If the hearing is in the close Johannesburg area this amount shall be inclusive of travelling time. Outside of the close Johannesburg area travelling time will be charged for separately. An initial amount of shall be payable 48 hours before such court hearing. This amount will be reimbursed if the hearing is cancelled or postponed prior to the actual date of the hearing. Should the hearing be cancelled or postponed for any reason whatever on the actual date thereof, then any reimbursement of the full amount for the day or part thereof shall be at my discretion.

12. Kindly sign **each page** hereof **in full** to indicate your consent to these terms.

DATED AT                      ON THE                      DAY OF                      , 20 .

\_\_\_\_\_  
SIGNATURE