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‘THE KEEPERS’: REPRESSION AND RECOVERY OF MEMORIES OF CHILD SEXUAL ABUSE

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1. Background:

Netflix’s ‘The Keepers’ is a chilling docuseries. It is created by Ryan White and revolves around the investigation of the murder of Sister Catherine (Cathy) Ceskin, a teacher in Archbishop Keough High School for girls in 1969. The series starts with the introduction of Gemma Hoskins and Abbie Fitzgerald Schaub, former students of Keough High and investigators, who have dedicated their lives to solve the murder of Sister Cathy. Through the seven episodes, there have been various theories indicating that Sister Cathy was murdered because she was in knowledge of the rampant sexual abuse that took place in Keough High and was about to report the same to the police.

The alleged prime suspect is shown to be Father Maskell, a former priest and counselor who had allegedly abused several teenage girls in Keough High. The allegation of sexual abuse against father Maskell was first made public in 1992 by Jean Hargadon Wehner (a.k.a Jane Doe) followed by a lawsuit in 1994 filed by Jean Hargadon Wehner (Jane Doe) and Teresa Lancaster (a.k.a Jane Roe) known as JANE DOE, ET AL. v. A. JOSEPH MASKELL, ET AL.¹ The court held that “repression of memories is an insufficient trigger to compel the application of our discovery rule, and we shall affirm the summary judgement entered in favor of the defendants.”

Jean, a.k.a Jane Doe, had not only alleged that she had been sexually abused in Keough High, but she also has also claimed that she was taken to the dead body of Sister Cathy where she had wiped “maggots” from the face of Sister Cathy. The murder mystery of Sister Cathy has remained unsolved till date. The docuseries delves with a lot of issues which were not taken care of during the investigation. However, this paper will be limited to only the issue of repressed and recovered memories of the victims of sexual abuse in Keough High and by Father Maskell.

¹ JANE DOE, ET AL. v. A. JOSEPH MASKELL, ET AL.

The suit was however, barred by the limitation and never went to the trial. The main issue before the court in this case was to decide whether the “discovery rule” could be applied to time-barred suits in the cases of allegedly “repressed” and “recovered” memories.

2. What are Repressed Memories?

Elizabeth F. Loftus defines repression as one of the most haunted concepts of psychology. The mind pushes a very shocking event in an inaccessible part of the unconsciousness. These memories may later emerge into consciousness. Loftus says that repression is one of the foundation stones on which the structure of psychoanalysis rest.²

The researchers at the Stanford University and the University of Oregon for the first time in 2004 had shown that there is a biological mechanism that exist in the brain to block unwanted memories. The experiment conducted showed that people can block the memories of the experiences they don't want to think until they can no longer retrieve the memory even if they want to.³

Suppressing memories in several cases are used as coping mechanisms by victims. Suppressing retrieval shuts off intrusive memories which gives us the control of our direction of thoughts and supports our emotional wellbeing.⁴ Let's take an example of a man who had accidentally knocked a potted plant out of his window. He put forward his hand to catch the falling object but realized that the plant was a cactus. Mere centimeters from it, he stopped himself from catching the cactus. The plant fell off the window and was ruined but the man was relieved as he had saved himself from being pierced by those needles.⁵

3. Repression and Recovery of Memories in 'The Keepers':

The Victims' Accounts

The Keepers deal with various accounts of the victims who have suffered sexual abuse at the hands of Father Maskell. However, this paper will be dealing with the accounts of two prime victims i.e., Jean Hargadon Wehner a.k.a Jane Doe and Teresa Lancaster a.k.a Jane Roe.

² Loftus, E. F., (1993). The reality of repressed memories. *American Psychologist*, 48, 518-537.

³ Trei, L. (n.d.). *Psychologists offer proof of brain's ability to suppress memories*. Psychologists offer proof of brain's ability to suppress memories. Retrieved October 9, 2021, from <https://news.stanford.edu/news/2004/january14/memory-114.html>. The essential findings showed that suppression of unwanted memories is related to increase of right and left frontal cortex (the part of the brain used to repress memory), which in turn led to reduced activation of hippocampus (the part of the brain used to remember experiences).

⁴ Anderson, M. C., & Levy, B. J. (2009). Suppressing unwanted memories. *Current Directions in Psychological Science*, 18(4), 189–194. <https://doi.org/10.1111/j.1467-8721.2009.01634.x>

For veterans of Iraq and Afghanistan, victims of natural disaster, witnesses of terrorism and people who have experience personal traumas find a need to control their intrusive thoughts which unfortunately is all very clear. For them, forgetting is the goal and remembering is human frailty.

⁵ Ibid, this example demonstrates a need to quash a strong habitual response to a stimulus a basic function of executive control.

3.1 Jean Hargadon Wehner:

Jean a.k.a Jane Doe, starts recovering her memories, after almost 23 years of the abuse. She starts remembering by the incident when had confessed to Father Magnus in a confession box that she was sexually abused by her uncle who was a pedophile. To which Father Magus replied by asking her name and saying that “I don’t know if God can forgive this, I’ll have to pray more and get back to you.”⁶

After this incident she remembers Father Magnus calling her in his office after which the series of sexual abuse began. Father Magnus would ask her to do perverse things to be forgiven by the God. He also told her that “his cum was the holy spirit that she was to swallow.”⁷ Jean says that she was naïve and didn’t know that the acts were abusive. She regarded Father Magnus as a figure of faith and authority.

She further talks about Father Maskell, another priest in the school who called her abusive names and also sexually abused her. She remembers Father Maskell raping her out of anger and the sexual abuse were accompanied with other perverse acts. Jean further remembers other people coming in the office of father Maskell when she was called there, and those people had also sexually abused her. She particularly remembers a figure known as Brother Bob who had also assaulted her. She describes the assault as ‘violent’ ‘out of control’. But she says she does not remember his face. In episode 7 she says “On top of repressing the memories the experience was so traumatizing that it pushed a lot of identity of this person. Any facial identity was not surfaced.”⁸ She, however, remembers a marking on his abdomen.

Jean further remembers being threatened by Maskell by a gun who also used her father against her by saying that she her father ever finds out he would kill her. Later, in episode 2, she remembers being taken to a barren area by Maskell, where she was taken to the body of Sister Cathy where she remembers wiping out ‘maggots’ out of her face and asking for help. She then remembers being threatened by Maskell who said, “Do you see what happens when you say bad things about people?”

In episode 3, she remembers the abuse became even worse after Sister Cathy’s death. She uses words such as ‘dissociation’ and keeping the memories in the box to escape fear and guilt. She says that she has severed the memory that was the part of the school and buried it. And the

⁶ The Keepers Netflix, 2017

⁷ Ibid

⁸ Ibid

memories didn't come back until 20 some years later. Her memory did not come all at one but in fragments especially, when she used to pray or sat alone with herself. Then she talks about a particular memory that always had a part in her but not the whole part. It was about Father Magnus masturbating while looking at her and asking questions in the confession box.

More of her memories came rushing when she saw faces of Father Maskell and Father Magnus in the yearbook. She describes it as if a 14-year-old girl came and sat besides her and described what had happened. Jean also claims that she never remembered anything when she was with the therapist but remembered things when she was alone.

3.2 Teresa Lancaster:

When Wehner's family tried communicating with thousands of alumnae of Keough, Teresa Lancaster was the one amongst who responded. In her introduction she says, "I can tell stuff you won't believe"⁹ regarding Father Maskell behavior. She describes her horrific experience of rape and abuse that she experienced on Halloween night in the year 1970. She continues to share her experience and reveals that she was raped by police officers when Maskell took her into the woods that night. It was exactly one-year after Sister Cathy went missing. She shares that he started visiting Father Maskell when she was dating a guy and her mom found some paraphernalia in her bag, and all that leads to her visiting Maskell Through her experiences we get to know that she was assaulted and raped by Maskell and other men for over a period of two years. Dr. Richter was the gynecologist she was forced to visit by Maskell. She recalls and tells that father Maskell once showed her a loaded handgun and threatened her if she told anything to anyone. in the show her husband also talks about her screaming in a nightmare. We also come across the information that her parents were told by Father Maskell that she was a hopeless case and maybe she was suffering from schizophrenia.

Further in the episodes we get to know that Teresa Lancaster receives her law degree at the age of 49 and the show clearly depicts the point where she gets evoked by Freddie Gray case and allowing her voice to trace the reverberations of pain, injustice that happened to her decades ago, A suppressed memory occurs when in a situation where the stress levels are high or when you experience something that doesn't fit within the context of your current reality construct. That memory the entire experience is suppressed completely to the subconscious so that you

⁹ Ibid

have no ability to recall the memory at all. Even though this memory affects you on a conscious level you have no ability to recall the specific memory. anytime you do regression work you will recover aspects of your memory that you completely forgot, maybe it's a best friend you had back when in kindergarten and you forget the person, maybe it's the color of carpet in your bedroom when you were a child. We become concerned with repressed memory when we start to recall memory that challenges our current reality. In other words when we recover these more benign memories, we usually have a feeling of wow I can't believe I completely forgot about it. We don't question whether the memory is real or not because it does not conflict with our current reality or narrative of our life. We begin to question the suppressed aspects of our memories when the memories that surface or the element of those memories negatively challenged our current reality and narrative of our life. To understand these memories, we need to understand trauma, it can include any experience- emotionally, mentally, or physically that put us in a state of distress.

4. Repression and Recovering in Child Sexual Abuse:

Child sexual abuse is shockingly very common all over the world. Every year millions of girls and boys are subjected to sexual abuse and exploitation all around the world and across all segments of the societies. Atleast 120 million girls under the age of 20 i.e., 1 in 10 have been forced to engage in sex or perform other sexual acts. Around 90% of the adolescent girls who report of forced sex say that their first perpetrator was a known one.¹⁰

Sexual abuse can be a very traumatic experience for a child and especially conducive to Repressed Memory Syndrome.¹¹ The memories created from abuse are no doubt overwhelming for the victim. The child is often physically and psychologically unprepared to cope up with such incident and therefore, the escape becomes impossible. Because of the psychological need to adjust to the feelings of inadequacy to change the circumstance the child "may adept at altering her state of consciousness".¹² The victim can develop coping strategies to "avoid reminders of traumatic events, and, ultimately the memories of that event."¹³ There are various scientific studies which show that repressed memories are real and generally are as apt as

¹⁰ *Sexual violence against children*. UNICEF. (2021, June 24). Retrieved October 9, 2021, from <https://www.unicef.org/protection/sexual-violence-against-children>.

¹¹ Johnson, Laura (2000) "Litigating Nightmares: Repressed Memories of Childhood Sexual Abuse," *South Carolina Law Review*: Vol. 51: Iss. 4, Article 15. Available at: <https://scholarcommons.sc.edu/sclr/vol51/iss4/15>

¹² Ibid

¹³ Ibid

continuing memories.

4.1 How Common are the Claims of Repressed Memories?

According to Loftus, the belief about commonness of repressed memories is expressed by not only those who are in therapeutic community but also by lawyers who use these beliefs to argue a change in legislation.¹⁴ Lamm (1991) has argued in favor of the legislations that makes it easier for the child sexual abuse victims to approach the court. For example, the legislation enacted in California in 1991, allows the victims no matter how old they are to sue three years after the discovery of the injuries or eight years after attaining the age of majority whichever date is later. Lamm, in her argument has also expressed that total repression of abuse is common.¹⁵

According to a study of 450 adult clinical clients who had reported sexual abuse, a question was posed before them “During the period of first forced sexual experience happened and your 18th birthday, was there ever a time when you could not remember the forced sexual abuse experience?” 59% of the participants said yes.¹⁶ A yes response was most likely in the cases involving violent abuse i.e., physical injuries, multiple perpetrators, and fears of death if the abuse was disclosed, than non-violent abuse. Reported amnesia was more likely with early molestation onset, longer abuse, and greater current symptomology.¹⁷

5. Accuracy of Repressed Memories:

The accuracy of memories is often looked at in a binomial approach. Views on this are divided into two approaches, where on one side are the people who would refute the legitimacy of all repressed memories with extreme stance and on the other side are people who would acknowledge them all as true.

But to understand the concept of repressed memories we must consider both approaches. As Van Benschoten (1990) has pointed out, how these extreme stances will aggravate our problems: “Denial fosters overdetermination, and over determination invites denial” (p.25) If

¹⁴ Loftus, E. F., (1993). The reality of repressed memories. *American Psychologist*, 48, 518-537.

One psychotherapist of 18 years of experience claims that “millions of people have blocked out frightening episodes of abuse, years of their life, or entire childhood.” She has later reported that childhood memory is particularly susceptible to suppression of memories.

¹⁵ Ibid

¹⁶ Ibid

¹⁷ Ibid

we were to go ahead with the approach that probably some memories may hold authenticity while some might not, we must raise the question, “where did the unauthentic ones come from?”¹⁸

5.1 The Memories Are Authentic

According to (Daro, 1988), childhood sexual abuse has been touted to be a lamentably common exercise.¹⁹ People, who undertake therapy were abused in their childhood, and still meticulously recall the adversity. As expounded by (Rogers, 1992a), even when people struggle with acute emotional problems, they can still offer a diligent explanation of the abuse hurled upon them, and the interesting thing to jot is that the description offered by them, usually entail rich collections and peripheral details. Generally, the abuse is firmly associated, and corroborated with adult images.²⁰

Claims involving corroborated repressed memories seldomly show up in the published literature. Mack (1980) prepared a report on a case study published in 1955, in which a man with borderline personality disorder had repressed memories of his mother attempting to commit suicide. His father then confirmed that the mother had tried to kill herself several times. The confirmation provided by the man’s father acted as means to entrust relief symptoms in the son. It is a complex process and requires delving deeper, an attempt has been made to simplify it through an example discussed below.

Did the man really remember the sequence of events happened decades back? Or is his explanation derived from what he heard from his mother’s discussions on suiciding later in life? It is possible that the son's memories could be real, as there are many instances where repressed memories come back much later. This could prove that some of the reports are

¹⁸ Several hypotheses were proposed by Ganaway (1989) to elucidate SRA memories, which hold immense relevance to memories of repressed past. Existence of these unauthentic memories could be explained as fantasy, illusion, or hallucination mediated screen memories, which is often referred as internal defense mechanism. Further understanding Ganway’s hypothesis, a mixture of borrowed ideas, myths, characters, and accounts from exogenous sources eccentric internal beliefs collectively form the SRA memories. It also suggests Once activated, the factual memories and manufactured memories are unintelligible from each other.

¹⁹ Surveys conducted in the same period on childhood abuse unveil an alarming rate range of approx. 10%-50%, however, according to the argument put forward by Freyd (1991), even if we disregard the extent of the abuse, even the most conservative of them are poignant enough to leave a profound impact on the child, as the act is nothing but barbaric.

²⁰ If the abuse is verified to be a confirmed case, then the veracity of many instances of subdued memory abused cases can be confirmed. In the repressed memory cases, unfortunately if the memory does not float back to the person’s conscience for a long period of time, there is little in the way of documented affirmation. However, obviously this does not signify that they are speculative.

authentic but not all of them are.²¹

Research carried out by known scholars, on rapists, incest offenders and even paedophiles has strongly depicted that these kinds of people often showcase a cognitive distortion, in layman terms, a tendency or a habit to justify or rationalise their doings (Gudjonsson,1992). This is because most of the accused people are seasoned to deny an abusive past, straightforward denials therefore verbally, and even cognitively cannot suffice for concrete evidence that the victim's memories are not authentic.²²

6. Psychology on Suppression of Memories:

Recently through a series of successful experiments and other anecdotes from the medical field, there have been enough development to give flesh and bone to the theory of the repressed memories. In essence, Repressed memories are memories that have been voluntarily suppressed/repressed by our neural system somewhere deep down in our sub-consciousness. That is to say that human brains can suppress unwanted memories until the time the possibility of the retrieving the same becomes impossible.

Researchers, Michael Anderson, and Lisa Teri conducted the experiment with Gabrieli and other researchers during a sabbatical at Stanford to prove the theory by the means of scientific experiments.²³ In the said experiment the participants were given word pairs that were subsequently divided into 3 sets of 12.²⁴ After the brain scanning part of the experiment was completed the subjects were retested on all 36-word pairs. During the re-testing process, it appeared to the researchers that the subjects indeed actually remembered fewer of the word pairs from the second set, where they were specially asked to not think of the second word as

²¹ Consonantly, some examples of repressed memories that are later retracted were proven to be false, or proven to be an aftermath of suggestions, this would only prove that veracity of some reports cannot be verified, however this does not mean that all such reports are illusionary.

²² The phrase which says that the "person's memory might be false", does not point towards that the person would be deliberately lying. Albeit there is always a probability that the person might be lying, even psychotherapists who challenge the veracity of the reports are often left amazed by the intensity and honesty of the age, guilt, depression and terror, and the overall behavioural dysfunction which elopes along the awareness of the abuse (Ganaway, 1989).

²³ All the subjects in the above-mentioned experiment were subjected while having their brains scanned with the help of the Function Magnetic Resonance Imaging (fMRI).

²⁴ From the first set the subjects were allowed to look at the first words of the respective pairs and recall the second word. From the second set, the subjects were allowed to look at the first word but were specifically asked not to think about the second word of the respective pairs. And finally, the third and last set was kept as a baseline and therefore the same was not made part of the brain scanning experiment.

compared to the baseline set of word pairs, even though the subjects were relatively less exposed to the baseline words when compared to the other two sets of word pairs.

While drawing from the above-mentioned experiment, the researchers concluded that it might be very well possible to suppress a particular memory in the human brain either by giving a constant reminder (in reference to the present Sandford's experiment) of not thinking about it or without any reminders (in reference to the cases arising out of the theory of the repress memories) at all. However, the researchers do find the conclusion contradictory to the natural human intuition but nevertheless the significance of the development cannot be ignored. Moreover, this also in a way showcases the ability of the human brain to control a particular memory. That is to say that, just like one's reflexive abilities to control/curtail an unwanted action, the human brain might also be capable of such a control where it could suspend an unwanted memory, if needed.²⁵

7. Analysis of 'The Keepers'.

There have been many studies who support the repression of memories of childhood trauma which can resurface after years. However, there have been many theories which suggest that these memories are often false or made up.

In the series there are many people such as Paul Mchugh, MD and Johns Hopkins, Department of Psychiatry, who condemn the theory of repressed memory and call them made up or false memory.

However, in episode 7, there is a statement by L.M. Lothstein Ph. D Yale University, who said that "Some things we experience are so unbearable and painful that we shut them out. The major system for protection of the self, the hypothalamic pituitary adrenal fight-flight response, the vagal response, to play dead, to dissociate, to be unaware of something, they'll come right into play, to protect the self-harm."²⁶

Loftus writes that there can be two ways how false memories can be built up. They are through external and internal sources. Internal drive to manufacture an abuse memory can come about

²⁵ This is broadly based on the idea that just like the neurobiological mechanism that the humans have evolved/developed to control our over actions might as well be recruited to control internal actions such as memory suppression/repression or even summoning back the memory that was supposedly lost. Further, the brain's ability to suppress could be used a tool to decode some serious issues like addiction among others.

²⁶ The Keepers Netflix, 2017

to create a screen for less tolerable, painful experiences of childhood. The core material of abuse can be borrowed from either someone who is known personally or from other famous personalities, books, literatures etc.²⁷ There are many cases where people naturally acquire repressed memories in therapy. According to Ganway (1989), false memories could also come about through suggestions from the therapists. Some contemporary therapists have been known to tell patients, merely based on suggestive history or symptom profile, that they had traumatic experience.

However, in this docuseries, Jean says that she did not remember anything when she was with the therapist but remembered when she sat alone with herself. Her memories started resurfacing after 23 years when she heard about the reunion or went through the yearbook.

The main evidence which is investigated in the cases of repressed memories of child sexual abuse is the corroborative evidence. In episode 2 of the series, the victims of the abuse are not only Jean and Teresa but other women too. Throughout the series many women from Keough High reach out to the investigators either through anonymous letters or phone calls claiming that they had been abused by Father Maskell. One such example is of Charles Franz, who in episode 7 says that he was abused by Maskell in 1967, when Franz was in eighth grade. It was in 1967 when the Archdiocese of Baltimore became aware of Father Maskell's wrong actions. Maskell was then transferred from St. Clement's after the complaint by Franz's mother and was sent to Keough Girls High School where he remained from 1967-1975. Had Charles come forward during the 1994 suit against Father Maskell, it would have been a great support to the case as the history of previous sexual assault in the case of repression of memories is one of the major corroborative evidences.

As discussed above, a clinical study which showed that 59% of women said yes with respect to the repression of memories of their child sexual abuse trauma, a yes response was likely from those who subjected to a comparatively violent abuse and with multiple perpetrators. This can also be related to this docuseries. As it can be inferred from the accounts of victims i.e., Jean Wehner and Teresa Lancaster, they were both subject to violence abuses by Father Maskell and in case of Jean, brother bob, whose assault she describes as 'out of control' and 'violent.' It can also be inferred from the accounts that it was not only Father Maskell who was

²⁷ Loftus, E. F., (1993). The reality of repressed memories. *American Psychologist*, 48, 518-537.

carrying out the abuse but Father Magnus and other men including police officers were also involved as perpetrators. The violent sexual abuse, perversive acts and involvement of multiple perpetrators can be seen as very important factors to understand the repression of memories in this case.

The recovered memory of Jean about the body of Sister Cathy where she remembers wiping out maggots of her face can also be supported by few evidence. The fact that Jean saw maggots on the face of Sister Cathy was highly rebuked and mocked as it was the wintertime, and the maggots are not generally found in a cold weather. However, in episode 6, Werner V. Spitz, the Deputy Chief Medical Officer, clarifies that in the autopsy report of Sister Cathy Cesnik, it was found that there were maggots internally in trachea and in the mouth. He seemed very firm in the findings that maggots were there.²⁸ The statement of the Chief Medical Officer and the autopsy report in this case can be seen as evidence which indicates authenticity of the recovered memories which Jean has repressed.

8. JANE DOE, ET AL. v. A. JOSEPH MASKELL, ET AL.

The brief facts of the case are that in the august of 1994, two young women namely, Doe and Roe, (plaintiffs) filed a case against Father A. Joseph Maskell.²⁹ That the cause of action pertaining to the present case relates back to the year between 1967 and 1971. This was the time when both the plaintiffs' attended the Baltimore City parochial school. During the said period, the plaintiffs' alleged that they were made subject to a variety of sexual abuse, physical and phycological abuses. Further, while relying on the "repressive theory", the plaintiffs' alleged that they could not begin to become consciously aware of the said abuses on them until the year 1982.

However, it would be pertinent to mention the fact that the defendants simply contended that the case was time barred keeping in mind the statute of limitation.³⁰ The Circuit Court for Baltimore City (Maryland), agreed to the contentions of the defendants and granted summary judgment in favor of the defendants to which the Plaintiffs sought review. The appellate court

²⁸ The Keepers Netflix, 2017

He also said when a fly lays an egg in a day, the egg is converted into a living, moving maggot. It might be possible that there were some warm days.

²⁹ , Christian Richter M.D., the School Sisters of Notre Dame, Seton Keough High School, the Archdiocese of Baltimore, and Archbishop William Keeler in his capacity as Archbishop of Baltimore.

³⁰ At that time, the statute of limitation barred any action for civil recovery after a period of three years beyond the plaintiffs' 18th birthday.

affirmed the judgement of the trial court, while dismissing the plaintiffs' appeal.³¹ The court while answering to the issue of "repressed memory" syndrome, adopted the definition of a contemporary expert, who has tried to broadly categorized the theory of "repressed memory into 3 parts."³²

9. Rule of Limitation for Repressed Memories in Other Jurisdiction:

9.1 Discovery Rule:

The discovery rule is a evidentiary mechanism that tolls the statute of limitation until the discovery of the cause of action. This rule has been applied by the courts in many cases where the victims were unable to discover their claim before the expiration of the limitation period.³³

9.2 South Carolina:

In the case of *Moriarty v Sanctuary Church of God*³⁴, the court recognized Repressed Memory Syndrome as a valid theory, with the caveat that "such memory can be inaccurate, may be implanted, and may be attributable to poorly trained therapists or use of improper therapeutic techniques." The court held that the "discovery rule may toll the statute of limitations during the period the victim psychologically represses her memories of abuse."³⁵

This case was first attempt to provide relief to the child sexual abuse victims who had repressed their memories. The court after this case decided to apply South Carolina discovery rule to the cases of child sexual abuse where the victims can bring a claim within three years of the "discovery" of the cause of action.³⁶

9.3 India:

In India, the law of limitation with regard to the criminal cases is given under section 468 of the Criminal Procedure Code. According to Cr. PC the limitation period to report a child sexual

³¹ The court took an empirical approach court while concluding noted the fact that the theory of "repressed memories" lacks scientific credibility and therefore could not be relied upon.

³² 1) there is a selective forgetting of painful recollections; 2) this process is not voluntary; 3) and that such memories are not lost but stored in the subconscious and may be retrieved if the attendant anxiety is absent. Thereby, disposing of the appeal in favor of the defendants.

³³ Johnson, Laura (2000) "Litigating Nightmares: Repressed Memories of Childhood Sexual Abuse," South Carolina Law Review: Vol. 51: Iss. 4, Article 15. Available at: <https://scholarcommons.sc.edu/sclr/vol51/iss4/15> This rule tolls the commencement of statute of limitation until the victim discovers or by reasonable diligence should have discovered the wrongful action. By this rule, the victim can file a suit even after the expiration of limitation period.

³⁴ 334 S.C. 150, 511 S.E.2d 699 (CL App. 1999)

³⁵ Ibid

³⁶ Johnson, Laura (2000) "Litigating Nightmares: Repressed Memories of Childhood Sexual Abuse," South Carolina Law Review: Vol. 51: Iss. 4, Article 15. Available at: <https://scholarcommons.sc.edu/sclr/vol51/iss4/15>

abuse is three years. However, there is no limitation period or prescribed age limit to report a child sexual abuse under THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012. The law ministry in 2018 has advised that there appears no limitation period in section 19 about reporting offences under POCSO Act, 2012. The child sexual abuse can now be reported even after the gap of 10 years or more.³⁷

10. Conclusion:

In the case of Jane Doe v. Father Maskell, keeping in mind the circumstantial evidence, corroborative witnesses, and the autopsy report, one can argue in the favor of the authenticity of the recovered memories which were repressed by the victims especially by Jean Wehner. We feel that the case should have been allowed to go to the trial. Since, a lot of victims started coming out about their sexual assault in Keough High, there would have been a fair chance of a decision in favor of Jane Doe.

Now, with respect to the extending the limitation period in cases of repressed memories, we appreciate the legislation passed in South Carolina and we feel the similar approach should be applied in all other jurisdictions. Even though there are cases of made-up memories, false claims, and false memory syndrome, however, one cannot deny the truth of repression of memories. There are many studies which support that the victims of child sexual abuse tend to repress memory which they find too traumatic to protect themselves and as in word of C.T. Wilson, Maryland State Delegate, "A lot of people don't want to acknowledge that it had happened. You've learned to live with the lie as a child, so you can live as adult."³⁸

³⁷ *Law ministry lifts time limit for child abuse victims to file case.* Hindustan Times. (2018, October 16). Retrieved October 9, 2021, from <https://www.hindustantimes.com/india-news/law-ministry-endorses-removal-of-time-limit-to-report-child-sexual-abuse-maneka-gandhi/story-fxbf78duXiv3d0qQI5OIRJ.html>. However, the issue of repressed and recovered memories in the cases of child sexual abuse has neither been addressed nor is there any judicial precedent which talks about repression of memories in such cases.

³⁸ *The Keepers* Netflix, 2018