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SCAN REVISITED THROUGH LINGUISTIC PSYCHOANALYSIS

Abstract. *The Scientific Content Analysis (SCAN) was – despite its name – often reproached for not being enough or not at all "scientific". Sapir and his followers tried to demonstrate its scientific validity by relying mainly on statistics and psychology. This article proposes a different approach: in the first step epistemologically rethink SCAN through the humanistic science of linguistics as founded by de Saussure and further developed by Jakobson, Derrida and others – while in the second step enhance it with theoretical psychoanalysis in the variant of Ljubljana's Lacanian School of Psychoanalysis. All the theoretical work of the first part of this article will be then tested on a case study taken from Slovenian contemporary murder investigations, the so-called "Radan case".*

Keywords: *Scientific Content Analysis, psychology, humanistic science of linguistics, Theoretical psychoanalysis, Ljubljana's Lacanian School of Psychoanalysis.*

1. INTRODUCTION

If the object of SCAN is a statement, its language composed of words, one can pose a very simple introductory question: what is the metalanguage of SCAN that refers to the language of its inquiry?

The Scientific Content Analysis (SCAN) was – despite its name – often reproached for not being enough (or even not at all) scientific. The inventor of this method Avinoam Sapir and his followers tried to demonstrate its scientific validity by relying mainly on statistics and psychology. This article proposes a different approach: in the first step epistemologically rethink SCAN through the classical science of linguistics as founded by de Saussure and further developed by Jakobson, Derrida and others, while in the second step enhance it with theoretical psychoanalysis in the variant of Ljubljana's Lacanian School of Psychoanalysis. This will, arguably, give us at least an approximate answer to the above posed question, namely, that the metalanguage of SCAN speaks a very define language that is the language of linguistic psychoanalysis.

In this instance it is not unimportant to note that psychoanalysis and detective work have a long and fruitful history: from Freud's analysis of dreams that should be understood as a rebus to his following the thesis that Sophocles' *Oedipus*' search for the murder of his own father function as a proto-detective story, through Lacan's famous seminar on *Hamlet* in his own investigation about his father's murderer and even more famous writing about Poe's *Stolen letter*, up until the Ljubljana Lacanian's School's monograph *Memento umori* about the development of the detective genre from its birth until present days.

However, as far as we know, theoretical psychoanalysis never actually engaged in real detective work, and never gave any insight that could help develop detective procedure in their practices – if anything it was the way around: psychoanalysis took and analyzed cases from real murder investigations without any practical application in the opposite direction.

This article will try to make a step further in its first part, and, furthermore, all the theoretical work of the first part will be also tested on a case study taken from Slovenian contemporary murder investigations, the so-called "Radan case".

2. EPISTEMOLOGICAL REVISION: A LINGUISTIC PSYCHOANALYSIS OF SCAN

Despite the fact that SCAN was tested through research and practice (cf. Driscoll, 1994; Smith, 2001), certain critics reproached this method for not being scientific enough, countering it mainly with statistics and psychology (cf. Vrij, 2008: 281–291; Areh & Baic, 2016). This original layout of the critique influenced also the defense of SCAN as put forward by Sapir (2005; 2013) and his pupils who counter-argued by the same line of argumentation. It is, of course, very tempting to try to assign the method a desirable scientific credibility–*scientific* in narrow positivistic sense, to be sure– but it is also necessary to keep in mind that such research design would be a contradiction in itself. Insisting on hardline scientific method, pondering on facts and empirical evaluation, doesn't exist in Saphir's original theory, and therefore applying such a criteria–be it in order to attack or defend the theory–would be epistemologically futile. The main line of argumentation of this article therefore goes in a different direction than those proposed by its critiques, and starts from one simple thesis: linguistic psychoanalysis, itself grounded in structural linguistics, can scientifically enhance the SCAN analysis *in its own terms*. Such an approach was already considered–as a theoretical and practical possibility–by the extensive analysis conducted by Armistead (2012). Our own approach differs in that it stresses out how SCAN already implicitly functions according to certain linguistic rules that need only be explicitly articulated in order to validate the method.

2.1 Saussurian structural linguistics of SCAN: "The subject is dead, the statement is alive"

The founding father of linguistics Ferdinand de Saussure founded linguistics from a simple axiom: the sign consists of the signifier (S) and signified (s), the written or spoken word and the mental representation associated with it, one separated from the other by a divisional line S/s.[1]

The axiom itself contains the first characteristic of the sign as represented by the divisional line: the relation between the signifier and the signified is totally arbitrary (cf. Saussure, 1967: 67–69), that is, the signifier is autonomous or unmotivated in regard to the signified, as is also the relation between the sign and whatever a word represents.[2] The autonomous nature of the sign in general and

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1 Saussure gives a simple example: the word "tree" or "horse" and similar are the signifiers that signify things as represented in our minds through the signified (cf. Saussure, 1967: 65-68)
2 If we take Saussure's (1967: 68) own example to make a point: the very fact that different languages have different signs or words to denote an ox proves that there is no necessary connection

the signifier in particular allowed Saussure to found linguistics as the science of the language, as a science that focuses only on the rules by which signs function in any language and regardless of cultural or any other background.

And this is the first parallel we would like to introduce: the main concern of the SCAN analyst, as we can learn from the *Laboratory for Scientific Interrogation SCAN Workshop Guidebook*, is to "concentrate on the language": "The main concern of the analyst is to avoid being absorbed in the story itself; the analyst must give foremost attention to the language" (p.12) This simply means, as we learn further on from the *SCAN Workbook*, that the content is irrelevant while the whole world of the analysis consists of words (p.11; 31d). Therefore, the SCAN analysts approach towards the text is similar to the linguist's one: what matters are words, the sign itself, not any given reality it defines, and, as shall we see further on, even more precisely the signifier itself.

However, before combining linguistics with this singular technique of analysis, we must take into consideration another Saussure's distinction, namely, the one between *langue* and *parole*: *langue* is an abstract theoretical phenomena that is the proper scientific object of linguistic analysis, while *parole* is a specific utterance of speech (Saussure, 1967: 13–15) – and not only speech, as Derrida in his denunciation of linguistics as "phonocentric" notes – but also of course the written word.[3]

Since the proper object of SCAN is *parole*, written (as statement) or spoken (and then transcribed), we could say that SCAN elegantly and without knowing avoids the pitfalls of phonocentrism by giving importance not to the spoken word, but rather to the written one – as best embodied in the following statement:[4] "The subject is dead, the statement is alive." (p.17)

2.2 A Lacanian falsification of the linguistic approach: Refutation of reality and total disbelief in the subject

Before continuing towards our linguistic redefinition of the SCAN technique we must falsify, in the sense given to the term by Popper in his *Logic of Scientific*

between the sign and the reality it signifies, as there is no connection between words (signifier) and our own mental representations (signified).
3 Derrida's recurrent critique of linguistics as "phonocentric" means that it was traditionally centered on the phenomena of the voice, discarding the fundamentally ontological question of the written word in favor of the spoken one (cf. Derrida, 1978).
4 Another good example from the workshop material on SCAN is the following verbata: "One should take into consideration that it is easier to lie in talking than to lie in writing. There is more commitment to the written word than to the spoken one." (p. 48)

Discovery,[5] all the above assumptions implicit in our parallel reading, especially those concerning the subject of the statement and its relation to reality.

2.2.1 Refutation instead of reflection of reality

First, above we asserted that the SCAN analysis, as well as linguistics, deal with the world of words without any reference to reality, but another set of rules refutes this assertion: "A truthful statement reflects reality." (p.18) It is noteworthy that a further elaboration made by Sapir precise that a statement does not refer directly to any given reality, but rather shows the subject's relation to this reality.[6]

This rule is demonstrated, for instance, with the example of a movement of a person as described in the statement that thus has to reflect a movement in reality etc. This is also the main principle governing the deduction from the results of SCAN analysis, conducted in the realm of words, into the reality of facts – the purpose of the discursive analysis is, after all, the confirmation or refutation of the statement's conformity with reality. However, if we want to re-think the SCAN analysis in strictly linguistic terms then we must forfeit, at least in the first step, at the level of discursive analysis, any reference to reality.

Lacan developed the mathematical *RSI* model in order to describe how is every human experience structured through main three registers: symbolic (language), imaginary (senses), and real (cf. Lacan, 2005: 9–10). Lacan uses the famous Borromean knot in order to point out that human or social reality is not simply imaginary in the sense of fiction, but rather a reality interwoven with the symbolic texture in such a way that it is fundamentally inaccessible to the subject; even more, these three registers are tied together in such a way that no clean-cut can untie them so that we could, for instance, gain access to the imaginary as such and simply grasp our own fantasies.

The only cut possible is a cut similar to the one Alexander the Great used in the case of another famous knot, the Gordian one, where he violently solved the task of untying it by simply cutting it with a sword. We propose a similar Alexandrian approach: if we want to conceive a purely linguistic analysis we need to cut the Borromean knot and focus only on the symbolic register. Moreover, this gesture

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5 Poppers demand that every theory, if it's scientific, must be falsified by facts that refutes its validity, as in his most elementary example: the statement "All swans are white" is falsified by noting that certain swans are in fact black (cf. Popper, 2002: 4)

6 Althusser states something very similar a propos ideology when he reformulates – in a minimal but significative way – Marx's own thesis stating that ideology refers not the deformation of the subject's relation to reality, but rather to the deformation of this very perception that the subject has of its own relation to reality (cf. Althusser, 1995).

means a certain reformulation of the main linguistic axiom: what Saussure defined as a sign consisting of the signifier (a word in any given language) and the signified (mental representation), is translated in Lacanian terms as the symbolic (signifier) and imaginary (signified).

A linguistically enhanced SCAN analysis should therefore focus exclusively on the signifier, meaning that the SCAN analyst that is prepared to rely on language only, as the linguists does, must be prepared to forfeit any reference to reality, taken to the most extreme not only methodological, but also practical consequences.[7]

2.2.2 Disbelief rather than belief in the subject

Second, the very strong statement "the subject is dead, the statement is alive" is refuted by another SCAN's rules of analysis that moves the focus from the statement back to the subject itself: "Total belief in the subject."

This rule implies, as exemplified bellow, that the subject's statement is truthful while the subject, or, more precisely, its deeds, are not: "Is it possible that the statement is truthful but the subject still committed the crime?" (p.17) Or one could reverse the question and still came to the same conclusion: "Is it possible that the statement is false but the subject did not commit the crime? " The second interference – besides reality as implied in the alleged discrepancy between the truthful statement and criminal reality or vice versa – of a pure linguistic analysis of a given statement, is therefore the subject itself.

Arguably, most of the present psychological and even most general conceptions of subject derives from Husserl's and, to a lesser degree, Heidegger's phenomenology, while the psychoanalytical – Freudian as well as Lacanian – subject of unconsciousness differs from the phenomenological one by not being the rational kernel of anyone consciousness, but rather its elusive irrational leftover.[8] We should therefore shake off any conviction that it is a "conscious ego" what we are dealing with while analyzing a subject's statement so that we

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7 One of the main implications of this methodoligcal shift is the following: the analyst conducting a linguistically based SCAN analysis not only doesn't need to, but also should not know the facts; thus, the confirmation or refutation of the conformity between the statement and reality should be part of a secondary analysis – preferably made by another investigator.

8 The "transcendental ego" is, for Husserl, the result of the phenomenological reduction of all sensorial experiences to an instance of "pure cogito" that is self-transparent and self-evident, much alike the "pure psychological ego" (*cf.* Husserl, 1960); while the *Dasein* of Heidegger is first and foremost that thinking being that can pose "the question of being" and relate to it in a specific manner that differs from any usual relation of being, that is, existentially (*cf.* Heidegger, 1962).

can see that we can and must forfeit not only reality, but also the traditional conception of subject itself.

One of the main Lacanian developments of Freud's psychoanalysis is his definition of the "unconscious structured as language": the subject is, due to the intervention of the symbolic, subdued to a fundamental ontological schism – the Lacanian matheme for the subject is $ – a schism between his sensory apparatus and the language it is immersed in. Thus, translating the Lacanian categorial apparatus back in Saussurian terms, the symbolic coincides with the signifier while the imaginary with the signified. Moreover, due to the primacy of the symbolic over the imaginary, the primacy of the signifier over the signified, all human experience is not only an interaction of both registers plus the elusive real, but also, and more importantly, structured through language.

A linguistically based SCAN analysis informed by psychoanalysis should therefore forfeit the conscious ego in order to gain access to the subject of the unconscious "structured as language", whose main characteristic is precisely that "it speaks" – ça *parle* – not only through the three royal roads first scouted by Freud, but in every instance, in every deed, in every sentence.[9]

Thus, now speaking again on a more general level, we should insist that SCAN should focus solely on the statement – not only without any reference to reality as described above – but also without the subject, so that a new rule should be written: "Total disbelief in the subject".

3. A LINGUISTIC REDEFINITION OF SCAN

We have seen how the focus of SCAN should shift from the subject traditionally conceived as a conscious ego to the subject of unconscious "structured as language", and consequently from any sensory given reality as encompassed in the concept of imaginary to the register of the symbolic, more precisely, to the logic of the signifier. Now we can proceed forward towards a linguistic redefinition of the SCAN technique that will be based on the theory of synchrony and diachrony, as coined by Saussure and then developed by Roman Jakobson.

3.1 Syntagmatic and paradigmatic axes

9 According to Freud there are three royal roads leading to the uncounsciouss, that is, those human experiences that are inacessible to the counscious ego, namely: dreams, lapsuses, and jokes. All of them can be interpreted – as Lacan did – in linguistic terms, and precisley the science of linguistics allowed, furthermore, psychoanalysis to develop its own analytical apparatus that nowadays streches well beyond the traditional analytical situation into the fields of pedagogy, power, popcultre, and more.

We have seen how, according to Saussure, the first principle of the sign consists in its arbitrarily, that is, in the unmotivated relation between the sign and the supposed reality it refers to, and, *mutatis mutandis,* between the signifier and the signified as its mental representation.

Now, lets move to the second principle of the sign, defined by Saussure as its linearity: "It occupies a certain temporal space" and that "this space is measured in only one dimension: it is a line." (Saussure, 1976: 69–70) Informed by Derrida's critique of phonocentrism we could say that this second principle is generally valid for the spoken as well as written word, regardless of the phonetic aspect of the former and the graphic characteristics of the latter.[10] However, Jakobson argued that Saussure fell into the trap of traditional linguistics by following this thesis into a blind alley by stating that the linear nature of language "excludes the possibility of pronouncing two elements at the same time." (Saussure, 1922: 68ss; 170ss)

Jakobson starts his analysis of the *Two Aspects of Language and Two Types of Aphasic Disturbances* by stating that "speech implies a selection of certain linguistic entities and their combination in more complex linguistic units"; the speaker – as well as writer, we must add, since Jakobson is, according to Derrida, guilty of the same crime of phonocentrism attributed to classical linguistics – "chooses words and connects them into sentences in accordance to the syntactic system of the spoken language." (Jakobson, 1990: 117) Thus, the two main axes of language are defined as "paradigmatic" and "syntagmatic", the former referring to the combination of signs *in absentia*, the latter to the successive selection of signs *in presentia* (cf. Jakobson, 1990: 117–120) Despite its linear character, Jakobson argues against Saussure, any act of language is articulated by activating both axes simultaneously: the paradigmatic that works *in absentia* as a reservoir of possible signs and their combination, and the syntagmatic that functions *in presentia* by resulting in the actually articulated sentence.

Jakobson's critique of Saussure has a direct and very elementary consequence for the SCAN analyses: an analyst must take into consideration not only what is written in a given statement, but also what is *not* written. According to Lacan "an absence of signifier is a signifier of its absence" and Slavoj Žižek elegantly demonstrates this thesis in his *Indivisible remainder* through a classical detective

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10 Regardless of the phonetic differences between the European languages themselves and their other counterparts from the Americas, Australia, Africa and Asia, all spoken languages are articulated linearly, and the same is valid for their written counterparts too despite the differences in the direction of writing (left to right in the Western world, right to left in the Arabic one, up to down in Japan and China, etc.).

story, A. C. Doyle's *Silver Blaze*, by making a detour into the Hegelian concept of "determinate negation of a Nothingness which none the less possesses a series of proprieties", all in accordance with the "differential logic of the signifier in which the very absence of a feature can function as a positive feature, as in the well-known Sherlock Holmes story in which the 'curious incident' with the dog consists in the fact that the dog *did not* bark." (Žižek, 1996: 229) In short, and absence of a signifier is a signifier in itself.

One must, therefore, pay attention not only to the syntagmatic axe of combination *in presentia*, but also to the paradigmatic axe of selection *in absentia*, that not only precedes any given articulation but is, even more importantly, implicitly present in any given statement as a determined absence, or, to be more precise, an absence that needs to be determined.

3.2 Linguistic metaphor and metonymy

The last step of Jakobson's procedure in analyzing the aphasic disturbances of the speaking subject as they occur on the level of selection or substitution or on the level of combination and contextualization, is to translate the above sketched syntagmatic and paradigmatic axes into his own linguistic theory of the two poles of language, namely, metaphor and metonomy.[11]

The metaphor is based on similarity as it operates on the level of syntagmatic combination and contextualization, while metonomy functions based on the contiguity and operates as paradigmatic selection and substitution. Moreover, Jakobson argues that the metaphor is pertinent to poetry and that metonomy resides in prose,[12] while one must always bear in mind that not only in literature but also in a normal verbal act both poles are, of course, always operative – despite the fact that under the influence of socio-cultural and even individual taste one also always prefer one of the two processes.[13] In short, by using or rather

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11 The distrubance on the syntagmatic level involves the absence of any metalinguistic operation (for the aphasics of this type the context is indispensable since without it the subject cannot form or understand any statement), while on the paradigmatic level it shows as the unability to uphold any hierarchy of linguistic units (this kind of aphasic is, contrary to the first one, afflicted by an impairment of the ability to combine simple linguistic entities into more complex units).

12 Linguistcs and literature have now behind them a long and fruitfull history, but in Jakobson's days it was not quite so, and that is why he wrote many articles on the relationship between the two, starting with this very one about the two poles of language where he argued the primacy of the metaphoric process in Romanticism and Symbolism and the predominance of the metonymic one in the literary tradition of Realism.

13 Jakobson refers to a still nowadays well-known linguistic test for children where the subjects are told to say or write the first response that comes to their minds when confronted with a given word or statement, for instance, to the word "hut" one can either respond metonymically with "poverty" or metaphorically with a synonymous "cabin", thus falling to one or the other pole.

preferring one pole to the other an individual demonstrates his own personal style and verbal preferences.

Now, it was Lacan who first gave a special attention to Jakobson's last chapter of the *Aphasic disturbances* where a connection between Freud's *Interpretation of dreams* and linguistic theory is established: "A competition between both devices, metonymic and metaphoric, is manifest in any symbolic process, either intrapersonal or social. Thus in an inquiry into the structures of dreams, the decisive question is whether the symbols and the temporal sequences used are based on contiguity (Freud's metonymic 'displacement' and synecdochic 'condensation') or on similarity (Freud's 'identification and symbolism')." (Jakobson, 1990: 132) Lacan in his own article entitled *The agency of the letter in the unconscious or reason since Freud* corrected Jakobson's conception in order to tune it with Freud's theory about the work of unconscious as rendered in the *Interpretation of dreams*, so that now condensation is simply equated with the metaphor while displacement with metonomy (cf. Lacan, 1999: 490–526). And it is precisely based on this parallel between Jakobson's theory of metaphor and metonomy (as developed through the analysis of aphasic disorders) and Freud's discovery of the unconscious processes of condensation and displacement (as they operate in the process of dream-work) that Lacan re-founded psychoanalysis on linguistic basis.

The Lacanian addition and reinterpretation of Jakobson is more than essential to the purpose of this article, since in the next step we are going to translate Jakobson's theory of metaphor and metonomy – as corrected by Lacan's theory of the unconscious structured as language – to the existing SCAN method parameters in detail.

3.3 A renewed SCAN linguistic apparatus

The SCAN technique distinguishes between the "specific incident statement" (S.I.S.) related to the victim and the "alibi statement" (A.S.) of the perpetuator, while certain parameters pertain to either/or one of them or both.

Language is a system of differences and therefore comes with no surprise that the SCAN method detects, first and foremost, differences that occur inside the statement itself, considered as changes in the language as employed by the subject. The statement is thus considered a hermeneutic entity, a linguistic system in itself, and the one giving the statement its "lawgiver": the purpose of the analysis is, so to speak and to develop the metaphor further, to detect where is the lawgiver incoherently breaking his own linguistic rules.

Especially meaningful are, in this instance, the most general changes that occur from what is considered the "private discourse" of the subject towards a more "intersubjective discourse" (employing the wordings of significant others, such as friends, parents, wife or husband), or even an entirely "formal discourse" that should be, in this instance, regarded as the norm of any formally given statement (a formal wording as the embodiment of the linguistic big Other), where a change from one discourse towards the other (usually from the formal one towards the informal) is marked and noted.

However, besides these very general differences the specific ones that the SCAN technique detects are primarily those of the linguistic *deixis* of any given statement, the ancient Greek word referring to such words as "we", "here", "later" that can have no meaning without an appropriate subject and its context. Any statement (S.I.S. or A.S.) is written from the standpoint of the first person singular ("I" in the present "here and now") in regard to events that happened somewhere else and sometime in the past, and that is why the SCAN technique detects changes in coherency as an index of truth or lie (for instance, change from the first person singular "I" towards a "we", or from the past tense of "happened" into the present tense of "happening", or from "there" into "here", etc.). As we have seen above, as far as the deictic parameters are concerned, the pole we should consider is the metonymical one that functions on the paradigmatic axe of combination and contextualization.

The other pole, the metaphorical one, functioning on the syntagmatic axe of selection and substitution, gives us an insight to the other trope of parameters that pertain mainly to the way in which the speaker changes in nouns and verbs, but also adverbs and adjectives (as, for instance, if the subject uses the noun "car" a few times in a row and then suddenly changes into "vehicle", or if the verb "eat" is used in the same way and it suddenly changes into "devour", etc.). Synonyms especially, the bread and butter of every writer that does not want to repeat the same wordings all over again and wants to embellish the text, are here not and index of creativity, but rather culpability.

Combining both axes, that is, not only the syntagmatic axe of combination *in presentia*, but also to the paradigmatic axe of selection *in absentia*, we can discern another important parameter of SCAN that is, at the same time, one of the most exemplar symptoms of the unconscious structured as language: negation, be it explicit (as, for example, in "This did not happen!"), implicit (usually signalized by terms that express doubts or skepticism such as "maybe", "i think", etc.), or even in the form of omission (something obvious that should have been stated is omitted from the statement, as for instance stating that "I walked into the courtyard full of dogs" while omitting the following "and they barked at

me"); negation in any of these Freudian forms should therefore be regarded as a Hegelian determinate negation, or rather, a negation that needs to be determined as such by the analysis.

Another parameter – this one not considered by SCAN although it must be if the method is to be enhanced by linguistic psychoanalysis – is the *lapsus linguae*, the "slip of tongue" that should not be regarded as a mere "typoo" or "error", but rather as an indicative symptom of the unconscious (for example, if the subject erroneously misspells a name or a place or a time it should be considered as a change in language as any other).

Thus, considering all of the above, any given statement (S.I.S. or A.S.) must be analyzed in tune with our linguistic and psychoanalytical suppositions as a mixture of prose and poetry and therefore as a work of fiction that can or cannot touch upon reality as a true text would.

4. CASE STUDY: THE STRANGE CASE OF DR. RADAN AND MR. IVAN

In this part of the article we would like to, first, introduce the "strange case of dr. Radan and mr. Ivan" by giving a very general contextual overview of the investigation about the alleged euthanasia of six of his patients, and then proceed to analyze a series of statement he gave during an interview for the Slovenian national TV though the SCAN technique enhanced with linguistic psychoanalysis.[14]

4.1 Context

On the January 7th 2015 the Slovenian National Radio and Television (RTVS) reported that criminal police is conducting an investigation on the Ljubljana's University Medical Center (UKC). The criminal investigation was initiated upon a suspicion that doctor Ivan Radan, employed at the neurological department of named Center allegedly preformed euthanasia on six of his patients. He was under suspicion of ordering or setting himself a dosage of potassium or a mix of potassium and morphine to dying patients, while the accused denied such accusations and rejected the claims of the police. The investigation involved more than forty patients who were treated at that particular department and lasted

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14 The original transcript of the interview is in Slovenian, and than translated into English, as was the statetement analysis, which was made in the original language, while its results were rendered in English for the purpose of the present article.

several months. During that period doctor Radan was held in custody, while the appointed clinical psychologist established that the accused suffered from the so-called narcissistic personality disorder, a diagnosis that the prosecutor used in order to demonstrate that the accused was shortening lives for lust of kill. Later on during the trial, the appointed clinical psychologist withdrew his expert opinion, and the accused was released from custody.

4.2 Content

Doctor Ivan Radan is, while still being subject to the penal procedure, constantly rejecting all the above mentioned accusations by claiming that it was only a provocation due to the unbearable conditions at the neurological department where he worked. Doctor Radan gave his first public statement on the Slovenian National TV on January 14th 2015 in popular *Odmevi* (*Echoes*) show while being interviewed by journalist Igor Bergant. The direct transcript of the whole interview in its English translation can be found in the apendix section of this article (Apendix 1.7) since we analyzed only those parts that directly refer to the issue about euthanasia, considering that only these questions have been answered completely and in the form of a statement, while the middle part is more or less a non-structured dialog with short questions and answers.

4.2.1 Interview 1

Journalist: *Good evening to Mr. Ivan Radan, the doctor at the neurological department of the Ljubljana's University Medical Center. Your work is currently the subject of an internal investigation. Your patient's case has raised many questions. We've heard all of them, but there is one key question: Did you order for a mix of potassium and morphine to be injected into the patient who was already unconscious and dying in order to speed up the dying process?*

Radan: *Good evening. That day the patient was in the last stage of his life. The man was suffering great pain and had difficulty breathing. He was receiving separately morphine for few days already. I made the decision for an infusion of potassium as an act of provocation. It wasn't injected to the patient. The infusion was prepared but the patient never received the potassium.*

The analysis: Before implementing the criteria of the SCAN method we must first determine that the subject didn't answer the question "**Did you order for a mix of potassium and morphine etc." This represents the violation of the SCAN general rule:** "If the subject didn't deny it – we can't deny it for him!"

The specific use of pronouns, that appear only in the fourth and fifth sentence, indicates the subject's commitment to this statement. Applying the Lacanian RSI model we assess the coherence between the symbolic (the given statement) and imaginary (perceived reality) only in these two sentences: "He was receiving separately morphine for few days already" and "I made the decision for an infusion of potassium as an act of provocation." By contrast, the test of language indicates a significant change of vocabulary that in turn shows a discrepancy between the symbolic and imaginary register of the subject here in question. While vocabulary is a person's tool to express the attitude towards perception of reality, its change is strongly bounded with the change of that same attitude, and a statement is considered as failing this test when the ratio is 2:1 or greater. In Radan's answer we can determine few occurrences of change of language: the "patient" suddenly becomes "a man" (3:1); "potassium" is interchangeable with "infusion" (2:2); and "received" becomes "injected" (2:1). As already noted, the change of language reflects the change in perception of the attitude towards reality, and this is best exemplified in the metonymical chain of the signifier "patient" that suddenly condensates in "man" that functions as a metaphor for someone who is suffering a great deal of pain. Finally, in the last sentence of Radan's answer we noted the transformation from active to passive voice that, according to SCAN rules, demonstrates the teller's lack of commitment to his own narrative, and, moreover, by adding the emphatic "never" into the articulation, the subject clearly shows not only his conscious intention of convincing the audience, but first and foremost his unconscious desire to convince himself that what is told to the Other is first and foremost true for him.

4.2.2 Interview 2

Journalist: *We received information that you were not alone in the patient's room at that time. You ordered the nurse to inject the potassium to the patient. She allegedly warned you twice about the procedure. Is that true?*

Radan: *The nurse, of course, asked whether she should go ahead with preparing the infusion of potassium, and later she probably did believe that the potassium was flowing into the patient. However the potassium never entered the patient's body. The infusion flowed out beside the body and my intention certainly wasn't to expose our nurse-related problems. The issue I wanted to raise with this act is completely different. It has been taken out of context by the oversight commission and if I may ..... I wanted to warn about an even bigger and more alarming occurrence – the lack of communication within the hospital's medical team. Non-communication within the medical team .... Look ... Working in the intensive care unit is hard and more complex than in other medical units. We depend on good*

communication, and on a good quality transfer of information.

Analysis: Also in this part we witness the violation of the same general rule of SCAN as above: **"**If the subject didn't deny it, we can not deny it for him!**"** Pronouns – and specific personal verb forms inherent in the Slovenian language – are to be detected only in five sentences: in the first "whether she should" and "she probably did believe"; in the third "my intention"; then the fourth "I wanted"; and at the end "We depend". Again, by employing the RSI model we can establish the subject's accordance or discordance between the symbolic (the statement) and imaginary (perception of reality), which is shown in the following points: first, he knew that the nurse believed the potassium was flowing into the patient's body; second: he didn't want to expose the nurse-related problems and only wanted to warn about bigger issue within the working team; and finally, the dependence on good communication. The change of language is noted in connection to the metonymical chain of "potassium changing into "infusion" (ratio 3:1). In the critical parts of the answer we noted a change from active to passive form, especially regarding the administration of the drug where one cannot but note that the subject did not took responsibility for it with any "I" (as in: "I ordered" or "I answered"), but rather either displaced it to the nurse ("asked whether she should go ahead" and "later she probably did believe") or even into the impersonal infusion itself ("the potassium never entered", "the infusion flowed out"). Moreover, in this statement we can again detect the redundant "never" as above, where its tautological function serves in order to convince the Other as well as the subject himself. Another redundancy is discernable in the very first sentence where the subject states that "she probably did believe that the potassium was flowing into the patient", since "probably" and "believe" demonstrate an certain uncertainty not on the part of the nurse, to be sure, but on the part of the subject giving the statement.

4.2.3 Interview 3

Journalist: *But your intention – if I understand it correctly – wasn't to open the discussion on euthanasia?*

Radan: *Absolutely not. I think, I agree that at this moment Slovenian medicine does not have, yet, the required strength, energy, nor capacity to discuss euthanasia. The problems for intensive care and also the other departments within the Medical Center are, I think, bigger and more problematic than this discourse. But without doubt such a discussion will probably be needed at one point.*

Analysis: In contrast to the previous two statements there are no violations of the SCAN rules detected in this part. The subject takes a strong standing point and offers a clear and concise answer. A strong true denial is present without exaggerating by the usage of words such as "never" etc. Categorical denial "absolutely not" is a direct reflection of the subject's belief. Absence of violation of any other SCAN rule is confirmed and, moreover, a significantly stronger commitment to the story is present. Although this statement isn't in the "first person-past tense-singular form" as the other two, the usage of the present time is legitimate and constantly used. The only change of language is detected with the manipulation of the word "euthanasia" and "discourse", but still in an acceptable ratio of 1:1. While the first two statements indicate a schism of the subject's symbolic and imaginary registers, as if one is the impersonal Dr. Radan speaking, while the other a far more personal "Mr. Ivan", here, in the last answer, the two merge again in a coherent narrative.

5. CONCLUSION

The purpose of this article was to epistemologically rethink the SCAN technique through the humanistic science of linguistics and enhance it with the aid of theoretical psychoanalysis in the Ljubljana's Lacanian School variant. All the theoretical work of the first part of this article was tested on the case study taken from a Slovenian contemporary murder investigation, the so-called "Radan case". The distinctive approach of the authors of this article in analyzing Radan's statement did, on the one hand, conform to the SCAN standards, while on the other hand, employed the conceptual apparatus of linguistic psychoanalysis, without references to any statistics or psychology. Moreover, based on our analysis, we can refute the diagnosis given by the psychiatric expert in the trial, namely, that Radan suffers from a "narcissistic personality disorder": quite the contrary, what we witnessed in the statement is a very common discrepancy between the public-professional function of the doctor ("Dr. Radan") and its private-moral counterpart ("Mr. Ivan"), legal and ethical considerations aside.

The shown analysis clearly emphasized another point of SCAN general rule and proved its importance in the process of obtaining one's statement. The person who is giving the information must not be under impression of investigator's predetermined position on the matter being discussed. Namely, the universal point is that even a guilty person preferably gives an incomplete truthful statement whereby he is only omitting the committment of crime. This is the point where again a »total belief in the subject« is encoutered, which leads the interviewer to ask himself whether is it possible that the subject is truthful but has still committed a crime? Having this phenomenon in mind the timing of

one's contradiction and accusation of being deceptive is most important. Once accused of being deceptive the subject is able to lie and bring himself into false denial. Putting an innocent person in such position while obtaining his »open pure version of the incident«, which has to be strictly non-threatening and non-acusatory leads to an invalid analysis of his statement due to a fact that the very same parameters of deception appear, regardles of his involvement. Simplified, an innocet person has to defend himself of false accusation which triggers exactly the same defense mechanisms as the guilty ones engage. The presence of detected SCAN parameters in this analyzed case of Mr. Ivan Radan explicitly shows he was accused and even publicaly condemmed for killing several patients before he was even given a chance to clear himself. Therefore the investigative usability of this method is disposed, even suspended but on the other hand, the analysis proves its scientific value.

Thus, the purpose of our analysis was, after all, neither to give a legal judgment about the facts and neither to moralize about the subject actions, but simply to detect its coherence or incoherence within the linguistic boundaries of language itself, since it is only within such boundaries that the SCAN method, as well as its upgrading it with linguistic psychoanalysis, be considered scientific.

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APPENDIX: TRANSCRIPTION OF RADAN'S INTERVIEW

Journalist: Good evening to Mr. Ivan Radan, the doctor at the neurological department of the Ljubljana's University Medical Center. Your work is currently the subject of an internal investigation. Your patient's case has raised many questions. We've heard all of them, but there is one key question: Did you order for a mix of potassium and morphine to be injected into the patient who was already unconscious and dying in order to speed up the dying process?

Radan: Good evening. That day the patient was in the last stage of his life. The man was suffering great pain and had difficulty breathing. He was receiving separately morphine for few days already. I made the decision for an infusion of potassium as an act of provocation. It wasn't injected to the patient. The infusion was prepared but the patient never received the potassium.

Journalist: Let's explain to the viewers…. Two different….

Radan: Two different solutions…

Journalist: Because if he had gotten….

Radan & Journalist: He would have died…

Journalist: But he died…

Radan: Of course. He died of clear reasons… hum… connected to his fatal illness, which was expected. His fatal illness was so serious it would… it brought him closer to death in just a few hours and minutes.

Journalist: But he died…

Radan: Of course. He died of clear reasons… hum… connected to his fatal illness, which was expected. His fatal illness was so serious it would… it brought him closer to death in just a few hours and minutes.

Journalist: We received information that you were not alone in the patient's room at that time. You ordered the nurse to inject the potassium to the patient. She allegedly warned you twice about the procedure. Is that true?

Radan: The nurse, of course, asked whether she should go ahead with preparing the infusion of potassium, and later she probably did believe that the potassium was flowing into the patient. However the potassium never entered the patient's body. The infusion flowed out beside the body and my intention certainly wasn't to expose our nurse-related problems. The issue I wanted to raise with this act is completely different. It has been taken out of context by the oversight commission and if I may ….. I wanted to warn about an even bigger and more alarming occurrence – the lack of communication within the hospital's medical team. Non-communication within the medical team …. Look … Working in the intensive care unit is hard and more complex than in other medical units. We depend on good communication, and on a good quality transfer of information.

Journalist: The issue you wanted to raise with this act… I'd like to ask you… just to make it clear about this infusion of potassium… You are the only one that checked as you claim…

Radan: Yes.

Journalist: This potassium…

Radan: Euthanasia….look…

Journalist: Wasn't flowing into the patient's body?

Radan: Exactly.

Journalist: Because it would kill him.

Radan: Exactly. Never in my life have I given a patient any kind of dosage which would prematurely end his life.

Journalist: You say no. Not in this case, not in other three supposing cases in which…

Radan: Not in any case, never and hum… That patient only received morphine.

Journalist: At that time there were reportedly more people in the room, the nurse and other doctor trainees. What did they know?

Radan: Look… apart from the lack of communication, another problem is over crowdedness and too little staff in the intensive care units. Hum… at that time there were a few people around the patient, however because of the great workload the nurses were constantly moving from one patient to another. This caused that people didn't realize or understand my point, which I wanted to…. somehow pass across. That the patient received potassium, when in truth he really did not.

Journalist: Your provocation was very drastic.

Radan: Extreme, I agree.

Journalist: How can you say that you didn't expose the nurses with this which had to believe you saying the potassium is flowing into the patient's body?

Radan: Look, the knowledge of this… only two nurses knew about it. The chief nurse….hum…, who prepared the potassium, asked me….and I confirmed…. hum… At the end when the patient died after receiving the morphine which was flowing….hum…, She asked me, whether we should write down the potassium in the records. I clearly said no, we don't write it down, because the patient never received it. And that's the truth.

Journalist: The relatives didn't know anything?

Radan: We were preparing relatives in days before that the patient's life is shortly to its end.

Journalist: In a word, you say it was all a provocation. That you yourself spread the rumor about the potassium, and then at the same time – as reported - you made sure that there was no post-mortem examination. Why did you do that? This could have finally cleared you of any guilt of performing euthanasia that many are now talking about?

Radan: Of course, I agree. You must know, that information about a patient receiving potassium… Well, I also have to say this ….hum… why I didn't drag the nurses into this whole story. …Hum…nurses… in case nurses would have been exposed to this then in a way they would probably have shifted the blame on them

also. And this is what I certainly didn't want.

Journalist: Can you explain this problem regarding a post-mortem examination? Why didn't you let it…?

Radan: A post-mortem examination….look…

Journalist: …be done? This would discharge you and make it clear if it was all done as you claim?

Radan: I agree. Look, I did not decide for a post-mortem examination because as far as I was concerned the cause of death was more than clear. The next day when my colleagues found out…I made sure they did… about the flowing infusion of potassium. I kept saying it flowed, but I didn't explain where it flowed. Look, potassium is huge provocation. Everyone should have jumped up immediately, at the very moment. But unfortunately that didn't happen. The whole following day until 11 a.m. there was still time for my colleagues to demand a post-mortem examination.

Journalist: …So what you are saying…

Radan: Also this mechanism….

Journalist: …is also this that the post-mortem examination wasn't conducted…. was….as we shall understand…a provocation of yours?

Radan: Absolutely. Yes of course.

Journalist: With this….as you say, provocation, you horridly exposed yourself.

Radan: Never..never have I expected such a twist and I have never expected the situation to escalate in such a confusing way.

Journalist: And the rumors about your alleged exposure to narcotic substances.. About abusing the narcotics?

Radan: Look…

Journalist: What is true regarding this? Have you ever been…?

Radan: Never.

Journalist: Not at home and not at work?

Radan: Not at home and not at work   Look….all my colleagues who know me can confirm the quality of my work. Hum…and all the patients and their relative can confirm that. Look, I work in the intensive care unit, I'm also involved in secondary helicopter transport. I think that having such a demanding work position makes it very difficult to be an addict. So these are all…as a matter of fact…it's all lies….

Journalist: Dr. Radan…if I may use this term… You've dragged yourself into this position, which is certainly stressful. And as usual in such cases you' have been offered help and support of the Medical's Chamber. As we know you refused it. Why?

Radan: Hum…They offered me support which I am very thankful for. Hum…at this moment I refused it because I don't need it yet. I thank to dr. Možina for this. But I will certainly accept it when I will feel I need it.

Journalist: Today the criminal investigation was conducted. Were they also at your home?

Radan: I think nothing disputable was found.

Journalist: According to your lawyer the results of an internal supervision that are about to be released tomorrow are going to be disputed for the formal reasons. Why?

Radan: True. Look…it has been many legal irregularities done regarding handing court subpoena, commission assembly, which under my opinion wasn't correct. Especially it is not correct for the president to be giving out information to media already in advance even before the whole case is cleared.

Journalist: Tomorrow the results are going to be published. What do you expect after that?

Radan: I expect a collegial and ethical response and again professional competent… To rethink what my purpose was and what was I aiming at with this.

Journalist: But your intention – if I understand it correctly – wasn't to open the discussion on euthanasia?

Radan: Absolutely not. I think, I agree that at this moment Slovenian medicine does not have, yet, the required strength, energy, nor capacity to discuss euthanasia. The problems for intensive care and also the other departments within the Medical Center are, I think, bigger and more problematic than this discourse. But without doubt such a discussion will probably be needed at one point.

Journalist: Criminal investigation has been set on. It is possible you'll be charged and prosecuted but it has to be said, until proved guilty you remain innocent. Dr. Radan, thank you for the interview.

Radan: Thank you.