KEY POINTS

This chapter will provide an overview of the conceptual and historical factors that have contributed to modern research and theories of suggestibility in legal contexts:

- Definitions of suggestibility.
- Early work to establish whether suggestibility was one or more phenomena.
- Eyewitness testimony in the early twentieth century.
- Suggestibility in the early twentieth century.
- Cognitive and social theories relevant to suggestibility.

The 1970s and early 1980s heralded a new era in the study of suggestibility in legal contexts, an area that had been largely neglected since the early twentieth century. Using experimental studies, Elizabeth Loftus in the USA demonstrated how easy it was, under certain circumstances, to mislead people into remembering incorrect details about a witnessed event (Loftus, Miller, & Burns, 1978). Loftus’s was an experimental approach. In Europe, through his clinical and forensic work, Gisli Gudjonsson...
noted that some individuals seemed to be more suggestible than others. This approach assumed that suggestibility is a *trait* and led to the development of a model of interrogative suggestibility (Gudjonsson & Clark, 1986). Much research and debate have followed to establish whether suggestibility is a trait (i.e. some people are inherently more suggestible than others), or whether suggestibility is merely the result of situational factors that can be manipulated experimentally. Nevertheless, what both approaches have in common is the fact that they consider suggestibility from the point of view of its impact on the accuracy of information obtained during the investigation of crimes, and that is the focus of this book.

The notion of *interrogative suggestibility* was originally proposed by Binet (1900) and has been used since by others, particularly Gudjonsson (e.g. Gudjonsson 2003; Gudjonsson & Clark, 1986). Recent use of the term interrogative suggestibility is usually restricted to suggestibility that occurs in the presence of inappropriate questioning plus pressure, either in the form of negative feedback and/or coercive interview techniques. If suggestibility is indeed a trait (and the evidence is equivocal: see Baxter, 1990, for a review), then it is one that is most likely to emerge when such situational pressures are present. Nevertheless, it is also possible for individuals to be suggestible simply through exposure to incorrect information about a previously witnessed event, or in response to leading questions, in an otherwise supportive evidence-gathering interview. We would argue that the term *investigative suggestibility* should be used to distinguish suggestibility that occurs incidentally in this way from suggestibility that occurs due to interrogative pressure, and will therefore use these two terms, when appropriate in this book.

**WHAT IS SUGGESTIBILITY?**

Suggestibility is ‘a peculiar state of mind which is favourable to suggestion.’ (Sidis, 1898, p. 15)

Definitions of *suggestibility* and *suggestion* are many and varied, reflecting the difficulty in pinning down this pervasive yet perplexing aspect of human behaviour. Marcuse (1976, cited in Wagstaff, 1991) describes *suggestibility* in situational terms including ‘the influence of one person on another without his or her consent, the implanting of an idea, possessing a submissive tendency, and appealing to the unconscious’ (p. 132). In a similar vein, Stern (1910, p. 273), while talking of the psychology of testimony, defines *suggestion* from the influenced individual’s viewpoint as ‘the imitative assumption of a mental attitude under the illusion of assuming it spontaneously’. This latter definition is rather
more suggestibility than suggestion, a distinction that was perhaps lost in translation from the German original.

Suggestion and suggestibility are linked but distinct concepts, with the latter generally resulting from the former. “Suggestion” refers to a type of influential communication, while “suggestibility” refers to the individual differences between those responding to suggestion under comparable circumstances’ (Hilgard, 1991, p. 37), a distinction elegantly captured by Sidis’s (1898) much earlier definition highlighted above. Thus, suggestion, whether in the context of hypnosis, social influence or incorrect information, can lead to a state or moment of suggestibility. In forensic psychology, suggestibility has been described in psychosocial terms as ‘the extent to which, within a closed social interaction, people come to accept messages communicated during formal questioning, as the result of which their subsequent behavioural response is affected’ (Gudjonsson & Clark, 1986, p. 84). In distinct contrast to the preceding definitions, Powers, Andriks, and Loftus (1979) define suggestibility in terms of memory processes, stating that it is ‘the extent to which they [people] come to accept a piece of post-event information and incorporate it into their recollection’ (p. 339). Whether suggestion has an impact on memory rather than behaviour, mirrors the situational versus trait approaches to suggestibility that have been the subject of sometimes strong debate since the 1980s.

**IS SUGGESTIBILITY ONE CONSTRUCT OR MORE?**

As illustrated in the above sections, suggestibility is hard to pin down. Many researchers have pointed out over the past century or so that there is no unitary concept of suggestibility and that the one word is used to describe a variety of phenomena (e.g. Binet, 1900; Eysenck, 1989; Wagstaff, 1991). In an attempt to resolve the issue, Eysenck (1947) proposed three types of suggestibility: primary, secondary and tertiary.

Primary suggestibility describes an ideo-motor phenomenon whereby thinking about or imagining one’s body moving can cause it to occur. This has been demonstrated experimentally in the body sway test (see Box 1.1), arm lowering, and pendulum tests. Primary suggestibility correlates highly with hypnotizability and neuroticism. In contrast, secondary suggestibility is linked to indirect suggestions where the purpose of the suggestion is not clear. It is not related to hypnotizability and is negatively related to intelligence. In other words, people who are ‘gullible’ (Eysenck & Furneaux, 1945) tend to be more suggestible.

Studies carried out since those by Eysenck and his colleagues have supported the notion of primary suggestibility (e.g. Duke, 1964; Evans, 1966, cited in Evans, 1967; Stukat, 1958), but this is not the case for
Box 1.1 Eysenck & Furneaux (1945), Primary and Secondary Suggestibility

Eysenck and Furneaux raised the question of whether suggestibility is a single mental trait or a number of separate ‘suggestibilities’ (p. 485). They carried out a study among 60 neurotic patients in an army hospital. A battery of 12 different tests was administered in order to understand the relationships between them and whether they would support the notions of primary and secondary suggestibility.

Examples of tests given and the type of suggestibility it was hypothesized that they related to:

**Picture Report** (secondary): A picture was studied for 30 seconds, followed by 14 questions about it, of which five contained incorrect details. Suggestibility was measured by the number of suggested details accepted.

**Ink Blot Suggestion Test** (secondary): Typical responses to Rorschach ink blots were suggested as well as implausible responses. Suggestibility was measured by the number of implausible suggestions accepted.

**Body Sway Test** (primary): Participants closed their eyes and it was suggested they were falling forward. The amount of sway was measured via a thread attached to the participants’ clothing. ‘Complete falls are arbitrarily scored as 12 inches’ (p. 487).

**Odour Suggestion Test** (secondary): Participants were asked to identify the scents presented in different bottles. The three final bottles presented contained water. Suggestibility was measured by the number of these placebo bottles that had an odour attributed to them.

**Hypnosis** (primary): Attempted induction was via ‘fixation of a bright object, a constant low sound, and verbal suggestion’ (p. 488). Various suggestions were made to participants such as tiredness and hallucinations. A total hypnosis score was derived from responses to the suggestions.

Analysis supported the two types of suggestibility, although more so for primary than for secondary suggestibility. The best tests of primary suggestibility were the body sway test and hypnosis, while the ink blot and odour tests were the best tests of secondary suggestibility.

Of particular relevance to suggestibility in legal contexts is the picture report test, which used a method very similar to that since adopted in studies of investigative suggestibility. The suggestibility effect was relatively small with a mean of 1.0 (SD 1.1) out of a possible 5.0, and the picture report test did not map strongly onto the concept of secondary suggestibility.
secondary suggestibility. Evans (1967) questioned the methodology of Eysenck and Furneaux (1945). He re-evaluated the data and found that the notion of secondary suggestibility could not be justified. Evans concluded that three types of suggestibility could be identified: ‘primary’ (passive motor), ‘challenge’,¹ and ‘imagery’ (sensory) suggestibility (p. 127). As they involve physical movement, primary and challenge suggestibility are of little relevance to investigative suggestibility. Imagery is more promising, and its relationship with investigative suggestibility has since been researched (see Eisen, Winograd, & Qin, 2002, for a review).

Eysenck (1947) also proposed a third or ‘tertiary’ type of suggestibility. He linked this to attitude change and persuasion, emphasizing the importance of interpersonal factors such as the perceived authority of the person providing the suggestion. Although Evans (1967) concluded that there was little evidence of this effect, more recent research in the area of suggestibility in legal contexts indicates otherwise, to the extent that there is now an acknowledged link between interrogative suggestibility and tertiary suggestibility (Eysenck, 1989; Sheehan, 1989). Furthermore, Sheehan (1989) proposed that Gudjonsson’s suggestibility scales are a form of indirect suggestion. The term ‘indirect’ links back to secondary suggestibility. Thus it can be argued that interrogative suggestibility may bridge two of Eysenck’s categories of suggestibility: secondary and tertiary.

THE HISTORY OF SUGGESTIBILITY RESEARCH

Hypnosis and Suggestibility

As the previous section illustrates, the history of suggestibility is closely intertwined with that of hypnosis. The two have been linked by Orne (1977, cited in Gheorghiu, 1989, p. 4) who defined hypnosis as ‘the state in which suggestion can be used to give rise to distortions in perception and memory’.

Hypnosis is characterized by a relaxed and drowsy state, during which the influenced individual is responsive to suggestions made such as hallucinations or age-regression. A further characteristic of the state is that the person involved is subsequently able to report that he was hypnotized (Barber, Spanos, & Chaves, 1974), although amnesia for experiences during hypnosis sometimes occurs. This amnesia may either be suggested or may happen independently of a specific suggestion (Eysenck & Furneaux, 1945). Hypnosis is used widely in therapies of various kinds, from psychological distress through to treatment of

¹ A challenge suggestion has two stages: the suggested inhibition of a movement, followed by a challenge to overcome the initial suggestion.
addiction and relief of pain. Such therapy has sometimes resulted in recovered memories of childhood sexual abuse, and hypnotism has also been used on occasions to obtain testimony in police investigations (see Orbach, Lamb, La Rooy, & Pipe, 2012, for an example).

The use of hypnosis has a long history, dating back at least as far as de Montagne in the seventeenth century and Franz Mesmer in the eighteenth century. Mesmer believed the effects observed when he mesmerized or hypnotized his patients were due to animal magnetism; an external life force that was a result of his connection to the patient. He disagreed with de Montagne, who proposed that the imagination of the patient was the primary cause. With hindsight it would seem that de Montagne was closer to the mark. The study of hypnotism continued through the work of Freud, Janet and Binet among others, although it was probably Bernheim (1888/1964) who first linked hypnosis to suggestibility. He proposed that the former was a heightened state of the latter. Modern researchers do not agree with this position due, in part, to the circular nature of the theory (suggestibility leads to hypnosis leads to suggestibility), although it is generally accepted that the two phenomena are closely linked. According to Edmonston (1989):

... although suggestion may be a route for establishing the condition of hypnosis, we should agree that hypnosis is not suggestion and suggestion is not hypnosis, and that to study one is not necessarily to study the other. (p. 73)

Edmonston also points out that an important aspect of the relationship between hypnotism and suggestibility is that the effects of suggestion are greater when under hypnosis than when in a waking state.

The issue of hypnosis and suggestibility has direct relevance to suggestibility in legal contexts. Under certain circumstances, hypnosis increases the likelihood of the recall of misleading information, creation of pseudomemories and acceptance of the persuasive messages contained in leading questions (Sheehan, 1989). However, Orbach et al. (2012) report the case of a child interviewed under hypnosis who provided details that were crucial to the apprehension of the person who had abducted her sister. Analysis of the interview indicated that no suggestive questions were used.

**Early Work on Eyewitness Testimony**

Münsterberg (1863–1916) has been described as the father of eyewitness testimony research (e.g. Wrightsman, 2001). Furthermore, as articles in a Special Issue of Applied Cognitive Psychology (2008) demonstrate (e.g. Bornstein & Penrod, 2008; Sporer, 2008), the early twentieth century was a boom period for psychology and law. What
follows will be a brief summary of the work of Münsterburg, Stern, Binet and other early investigative psychologists.

Münsterberg’s book *On the Witness Stand* (1908/1925) contains a series of essays about psychology and law. Titles include ‘The Memory of the Witness’, ‘Untrue Confessions’ and ‘Suggestions in Court’. (See Box 1.2 for a section from the first of these essays.) Hugo Münsterberg, a student of Wilhelm Wundt, advocated an experimental approach to the study of eyewitness memory. He referred to the recent proliferation of psychological research in the USA and Europe, and lamented the fact that the courts took little notice of it, yet allowed findings from

**Box 1.2 A Section from Münsterberg’s (1908/1925) Essay from *On the Witness Stand* about ‘The Memory of the Witness’**

This is based on his own memory for events surrounding a burglary at his house.

In this way, in spite of my best intentions, in spite of good memory and calm mood, a whole series of confusions, of illusions, of forgetting, of wrong conclusions, and of yielding to suggestions were mingled with what I had to report under oath, and my only consolation is the fact that in a thousand courts at a thousand places all over the world, witnesses every day affirm by oath in exactly the same way much worse mixtures of truth and untruth, combinations of memory and of illusion, of knowledge and of suggestion, of experience and wrong conclusions. Not one of my mistakes was of the slightest consequence. But is it probable that this is always so? Is it not more natural to suppose that every day errors creep into the work of justice through wrong evidence which has the outer marks of truth and trust-worthiness? Of course, judge and jury and, later, the newspaper reader try their best to weigh the evidence. Not every sworn statement is accepted as absolute reality. Contradictions between witnesses are too familiar. But the instinctive doubt refers primarily to veracity. The public in the main suspects that the witness lies, while taking for granted that if he is normal and conscious of responsibility he may forget a thing, but it would not believe that he could remember the wrong thing. The confidence in the reliability of memory is so general that the suspicion of memory illusions evidently plays a small rôle in the mind of the juryman, and even the cross-examining lawyer is mostly dominated by the idea that a false statement is the product of intentional falsehood.
other sciences like medicine and even what he called pseudosciences such as graphology to be presented as expert evidence in court. Münsterberg’s work has stood the test of time because it is accessible to read, and possibly, as Bornstein and Penrod (2008) suggest, because (on the basis that there is no such thing as bad publicity) it was pilloried by Wigmore (1909) in the Illinois Law Review.

Siegfried Sporer (2008) argues that modern researchers of eyewitness testimony owe at least as much to William Stern (1871–1938) as they do to Münsterberg. Although both Münsterberg and Stern were German, Münsterberg moved to Harvard, a move that facilitated the influence of his work in English-speaking countries. Much of Stern’s work, in contrast (as with Binet, 1900) has never been translated into English. Stern was well aware of the problems posed by post-event information, suggestive questions and false memory induction. He placed error and deception on a continuum of intention to illustrate the fact that individual witnesses may apply different standards of truthfulness when questioned. Thus truthfulness may vary as a function of the task and perceived consequences. In an experimental study, Stern found that taking an oath improved accuracy, although by no means eliminated error altogether (Stern, 1902, cited in Sporer, 2008). These issues reflect a theme that has been picked up more recently in many studies of confidence and accuracy as well as a series of papers by Asher Koriat and Morris Goldsmith in Haifa (e.g. Koriat & Goldsmith, 1996; Koriat, Goldsmith & Pansky, 2000) looking at factors that affect what people report, the level of specificity and the goal-dependent criteria they adopt when deciding how to respond.

### Suggestibility in Legal Contexts

Much of the early research on suggestibility in legal contexts was carried out on children. Based on his book La Suggestibilité, Alfred Binet (1900) could certainly claim to have been one of the first to highlight its importance, pointing out ‘the advantage that would accrue from the creation of a practical science of testimony’ (Whipple, 1909, p. 154). Binet (1900) emphasized that he wished to investigate suggestibility that was not a result of hypnotism. He did this using an individual differences approach, acknowledging that an individual who is susceptible to suggestion on one task may not demonstrate similar levels of suggestibility on another. He proposed that suggestibility is in fact a number of phenomena (with contemporary equivalence in brackets): obedience to an authority figure, which he felt is the true meaning of the word suggestibility; imitation (conformity); a preconceived notion that prevents critical thought (bias and stereotyping); unconscious errors of a vivid imagination (confabulation); and unconscious processes due to distraction or an altered state of consciousness.
Binet conducted a number of studies on ‘l’interrogatoire’ (p. 244), probably the first reference to interrogative suggestibility. He showed schoolchildren an array of six everyday objects attached to a card. In the first study he tested to see how many objects they remembered seeing, which ranged from all six down to a minimum of three. The children were then asked 41 questions about the objects. One object was a picture of an industrial strike scene. Several different types of error were noted, including incorrect recall of particular details, through to descriptions that did not resemble the scene at all – something that might be identified as confabulation today. Binet described these as errors of memory. The number of errors varied from 5 to 14, with the mode being 11. He then carried out a similar exercise, but this time with children writing down their own free account. The number of errors reduced dramatically. In a third study, Binet used questionnaires that contained either questions that were not misleading; questions that were ‘moderate suggestion’ using tags such as ‘isn’t it?’ and finally ‘strong suggestions’ which were forced choice questions that contained misleading information. The results showed that responses to the third questionnaire were more likely to be suggestible than correct (see Table 1.1). Binet described the evident discomfort of the children when being required to give answers to strong suggestions, indicating there may not have been private acceptance of the suggested information.

‘Our results show incontrovertibly that even the phrasing of the question can influence the response and produce errors of fact’ (Binet, 1900, p. 316, my translation). Binet argued that direct questions can make a child feel they have to respond even though their memory may be uncertain, resulting in suggestibility. He therefore proposed that the best evidence

... is given spontaneously, without precise questions, without progression of any sort; we have seen that with spontaneous testimony errors still occur but they are fewer than for interrogative questions. (pp. 316–317, my translation)

In addition to testing suggestibility, Binet also found evidence of compliance and conformity (defined more fully later in this chapter).
In his study of compliance, he noted that most children agreed with suggestions, but when asked afterwards were well aware that the information they gave (about colours and length of lines) was incorrect. In the study of conformity, Binet compared children who worked together in groups of three to answer suggestive questions with children who worked alone. To his surprise, those who worked in groups were suggestible in 12 out of 13 questions while those who worked alone were less suggestible, averaging 8 out of 13. He proposed that those working in the group may have given less attention to the task. As a result of this finding he expressed concern about the political and social dangers of the suggestibility of crowds.

Binet's series of studies was comprehensive in its scope and methodologically sound. It addressed three key areas still of major concern today: suggestibility, conformity and compliance. All have been widely researched since and have serious implications for eyewitness testimony and how to achieve best evidence.

Moving from research carried out in France to that carried out in Germany, William Stern gave a series of invited lectures about his work to Clark University in the USA. He reported a picture memory study in which:

... the ‘narrative’ resulted in 5–10% of errors and the ‘interrogatory’ in 25–30%. The power of the ‘suggestive’ question showed itself to be dependent in large measure on age with 50% of errors in the case of 7-year-olds, 20% in that of 18-year-olds. (Stern, 1910, p. 272)

Stern went on to discuss why there should be reduced accuracy associated with interrogatory questions rather than narrative or free-recall accounts. He proposed that specific questions act as an imperative, and that as detailed memories may be limited, an individual answering interrogatory questions may have to rely on more fragmentary information. An answer provided in a question, particularly if it invites a positive response, is therefore particularly easy to accept. According to Stern:

The naïve human being is much inclined to affirm any idea presented to him, that is, to credit it with an objective existence. Suggestive questions of this sort operate with especial force in the case of young and uneducated persons; more with women than with men. (p. 273)

While the first part of this quotation correctly concludes that both social factors and memory are implicated in suggestibility, the second part is a somewhat rash overgeneralization.

In addition to investigating the effects of narrative and specific questions on suggestibility, Stern (cited in Whipple, 1909) went further,
describing various types of interrogatory questions with increasing levels of suggestion. For example, *completely disjunctive* or leading questions such as ‘Is there a dog in the picture?’ (p. 158), and *expectative* questions that strongly indicate an answer: ‘Was there not a dog in the picture?’ Not only do these echo Binet’s classifications earlier in this section but they have also been reflected in contemporary classifications used by researchers such as Michael Lamb and his colleagues (see Lamb, Hershkowitz, Orbach, & Esplin, 2008, for a review).

Varendonck (1911, cited in Whipple, 1913, and Goodman, 1984) was a Belgian psychologist whose experimental work and case studies demonstrated the effects of suggestive questioning and suggestions on children. Varendonck acted as expert witness in a case where a man had been incriminated for the murder and rape of a 9-year-old girl by the evidence of two playmates. He carried out a number of experiments to establish whether children were suggestible, as a basis for deciding if the evidence of the two girls was likely to be reliable. He concluded that children were highly suggestible if questions were phrased inappropriately. He therefore assumed children made poor witnesses and went on to say ‘When are we going to give up, in all civilized nations, listening to children in courts of law?’ (cited in Goodman, 1984, p. 27). However, Gross (1910, cited in Whipple, 1911, p. 308) argued the opposite, saying that a ‘healthy half grown boy’ made the best witness!

The benefits of free recall, and the dangers associated with overuse of specific questions (as demonstrated by Binet, Stern, Varendonck, and many since) are reflected in methods advocated in modern questioning techniques for vulnerable witnesses, such as Achieving Best Evidence (Ministry of Justice, 2011) and the NICHD protocol (Lamb *et al.*, 2008).

There has been less obvious change in the courts, however. It is worth noting that Stern’s *expectative* phraseology is commonly used by contemporary barristers in an attempt to lead witnesses. Apparently this is not new for, as Whipple (1909) elegantly put it:

... the browbeating of the average court lawyer does not suggest extraordinary caution in the avoidance of suggestibility. (p. 165)

**COGNITIVE FACTORS ASSOCIATED WITH SUGGESTIBILITY: MEMORY AND ATTENTION**

Some of the early work discussed above acknowledges that aspects of memory may contribute to suggestibility, so it is important to mention perhaps the most influential work from the twentieth century on the fallibility of memory – which lends itself to suggestibility – that of Sir Frederick Bartlett.
Remembering appears to be far more decisively an affair of construction rather than one of mere reproduction. (Bartlett, 1932, p. 205)

The relationship between suggestibility and memory is far from clear-cut and much of the debate over the past 25 years has focused on whether suggestibility has anything to do with memory at all. Nevertheless what we know about memory tends to suggest that under certain conditions, incorrect information can become embedded in memory for an event.

On the basis of a number of studies, Bartlett proposed that memory is primarily a reconstructive process, although some rote memories such as songs and poems do persist. He noted that when asked to recall an Indian folklore story *The War of the Ghosts* with repeated recall either from one individual to another, or serial recall by one person over time, participants tended to make errors of four kinds: (1) omission (particularly of details that were peripheral or outside the readers’ own cultural experience); (2) rationalization (a quest after meaning); (3) transformation of detail (particularly from the unusual to the commonplace); and (4) changing the order of events (e.g. giving priority to details to which the reader related). As a result of these observations, Bartlett proposed that memory is schematic: ‘Schema refers to an active organisation [my emphasis] of past reactions, or of past experiences’ (p. 201). This organization is thought to be necessary because of the vast amount of information that we are continually encoding and subsequently storing in memory. Memories for events are therefore prone to being reconstructed in the light of relevant available schemata. Furthermore, if leading questions or incorrect post-event information allow rationalization or translation from the unusual to the commonplace, it is easy to see how a witness might incorporate these suggestions in recall of an event, thereby making it schema-consistent.

Bartlett is also credited with being the forerunner of the accuracy-oriented approach to memory research (Koriat et al., 2000). In distinct contrast to the quantity-oriented research attributed originally to Ebbinghaus (1885/1964), accuracy-oriented research explicitly takes into account errors made and the nature of those errors, seeking to establish how closely recollections correspond to the original stimulus. Research into eyewitness memory, including suggestibility, fits very much into the accuracy-oriented approach.

On the basis of the work by Bartlett and others since, it has been amply demonstrated that humans are quite capable of altering the detail of memory themselves. It therefore seems entirely plausible that under certain circumstances information provided by an external source can also lead to reconstruction. Nevertheless, Ost and Costall
(2002) pointed out that even some of Bartlett’s own findings showed that memory can be very accurate and there is much evidence, even within the suggestibility research, that true memories can be resilient in the face of suggestive stimuli.

Memory for a to-be-remembered event is dependent on an individual focusing their attention on it. Further, as Binet (1900) indicated, attention is also likely to be a factor in suggestibility. He noted this in the context of the distraction that he believes may have taken place to account for the greater suggestibility when children were working as a group to answer questions compared to a child working alone. Lipmann (1911) also talked about the importance of attention when encoding information and pointed out that details that catch the attention of a child are likely to be different to those that capture an adult’s attention. If an adult then questions a child about an aspect of a witnessed event that they too have seen, they will assume that the other has a faulty memory if they cannot recall that particular detail, whereas in fact the child may simply have a different but true memory for the same event. The focus of attention is likely to contribute to the reconstructive nature of memory and this refers to both attention to the original event and attention to suggestions made afterwards. The devil is in teasing out the differences.

SUGGESTIBILITY AND SOCIAL FACTORS

Above, it was outlined how Binet conducted studies not only into suggestibility but also compliance and conformity among children. It has been made clear throughout this chapter that suggestibility is about either a social interaction, memory or both. Social influence is a powerful phenomenon and two key concepts are compliance and conformity. Although these notions will be explored in more detail elsewhere in this book, it is worth briefly outlining two classic studies that illustrate the similarities and differences between compliance and conformity, both of which are examples of social influence.

The first study, demonstrating conformity, was by Asch (1951, 1955). In his study, 50 participants individually joined a group that ostensibly was made up of seven other participants. The group were shown lines of various lengths and were asked whether they were the same or different in length to a comparison or reference line. In fact, the seven co-participants were confederates of the experimenter and gave predetermined answers that were clearly incorrect. Nevertheless, about one-third of participants gave incorrect responses that conformed to the majority. They did not privately believe the answers they gave, but assumed other members of the group knew something they did not. Numerous studies have since confirmed the strength of the conformity effect.
The second (now famous) study by Stanley Milgram (1963) demonstrated compliance. Participants (designated as teachers for the experiment) were required to administer electric shocks to an unseen ‘student’ (a confederate of the experimenter) if they made errors in a memory task. The intensity of the shocks increased with each mistake. The participant administering the shocks could hear the pained reactions of the confederate. Milgram found that about two-thirds of participants continued to administer shocks when instructed to do so by the ‘teacher’ even when they knew they were administering potentially lethal levels. Gudjonsson (2003) points out that compliance is the result of eagerness to please and/or avoidance of conflict with somebody in authority.

Suggestibility differs in an important way from both conformity and compliance. Suggestible responses are believed to be true by the person concerned. In contrast, with conformity and compliance there is not always private acceptance that the suggested information is correct. Like suggestibility, compliance and conformity help to explain why some people report incorrect information they have been exposed to. A number of social theories can also help to explain why some people may be less suggestible than others. These are cognitive dissonance, reactance and belief perseverance.

The theory of cognitive dissonance (Festinger, 1957) was developed to explain the discomfort people can feel when their attitudes and behaviour do not match each other. For example, if somebody is on a diet, their attitude is likely to be that they should not eat chocolate. If they do, their behaviour is at odds with their attitude, which causes cognitive dissonance. In order to reduce this cognitive dissonance, an individual might adjust their attitude to eating chocolate: ‘Well, it is only 180 calories.’ In the case of a police interview, if a person is asked a leading question, the knowledge that they are being led, perhaps about a detail they are uncertain of, may cause cognitive dissonance. To alleviate the associated discomfort, the witness might rationalize that the police officer must know the truth and therefore conclude that it is reasonable to accept the suggestion. Alternatively, the person may reject the suggested information to keep their behaviour (response) in line with their memory of the information in question.

Reactance (Brehm, 1966) can occur if somebody tries to persuade another to adopt a particular attitude (e.g. a hard-sell by a political campaigner). In such circumstances, individuals frequently respond by taking the opposite position in order to protect their personal freedom to choose. This can even happen if the individual would, under other circumstances, agree with the proposition. The situation of a police interview, particularly for a suspect, provides an interesting example of how this might work. When a leading question is asked, some individuals may comply with the suggestion, whether or not it is
true, others may react against it by disagreeing with the suggestion even if they know it to be true. A guilty suspect is likely to do this in any case in their own self-interest. It can become difficult to maintain this position in the face of, say, overwhelming evidence, yet some individuals may continue to exert reactance, even when it is no longer in their best interests to do so.

Belief perseverance explains the tendency to stick to an original opinion or hypothesis about people and/or social situations, despite subsequent evidence or attempted influence to the contrary (Anderson, 2007). This is of course the opposite of what happens in suggestibility where misinformation provided is accepted, recalled or judged to be true. Nevertheless, Bierhoff and Klein (1989) argued that the mechanisms behind belief perseverance closely resemble those used to explain secondary suggestibility, namely expectations that bias cognitive processes. The issue of belief perseverance is important in forensic contexts, for example, when it occurs among police officers interviewing suspects. Modern interview techniques emphasize the importance of keeping an open mind, yet once an investigator has decided a suspect is guilty and an interrogation starts, an innocent suspect may find that their adversary’s mind is anything but open, even in the face of evidence that contradicts guilt. According to Meissner and Kassin (2004, p. 94), the interviewer may ‘unwittingly create behavioral information that verifies that belief [of guilt]’.

In summary, both cognitive and social psychology contribute considerably to our understanding of factors that underpin suggestibility and, conversely, factors that might protect us from these influences.

ABOUT THIS BOOK

The purpose of this book is to review the evidence for suggestibility in legal contexts, considering research, associated theories and implications for practitioners. In each chapter, the content and conclusions are clearly stated using bullet points and forensic implications are highlighted at the end.

Chapter 2 by Quin M. Chrobak and Maria S. Zaragoza provides an overview of the various experimental methodologies used to study the misinformation effect and outlines the theoretical debates that have followed. The chapter concludes with recent work on the forced fabrication of entire fictitious events.

Chapter 3 explores the closely related area of interrogative suggestibility as conceptualized by the author, Gisli H. Gudjonsson. The chapter describes the development and applied use of the Gudjonsson Suggestibility Scales (1983, 1984) and outlines a model of interrogative suggestibility.
Chapter 4 considers memory conformity between co-witnesses who discuss their memories. Fiona Gabbert and Lorraine Hope review the methodologies that researchers have used to examine this phenomenon. Findings from this field of research, theoretical explanations and forensic implications are discussed.

Chapter 5 by Anne M. Ridley and Gisli H. Gudjonsson considers how the study of individual differences can further our understanding of suggestibility. In this review, they focus on psychosocial measures (anxiety, self-esteem and life adversity) and memory-related factors.

Chapter 6 by James Ost considers the controversial issue of recovered memories of childhood sexual abuse. He considers the likelihood that such memories can be completely forgotten for many years and reviews the evidence that false memories for traumatic and personally experienced events can be experimentally induced.

In Chapter 7, Kamala London, Lucy A. Henry, Travis Conradt and Ryan Corser outline recent work on individual differences in children’s suggestibility, focusing on narrative ability, theory of mind, emotional states and intellectual disabilities.

Chapter 8 reviews research on suggestibility in three vulnerable groups. Katie L. Maras considers adults with intellectual disabilities and autism spectrum disorder, while Rachel Wilcock provides an overview of research on older witnesses.

In Chapter 9, Deborah Davis and Richard A. Leo review factors that can induce acute interrogative suggestibility when suspects are interviewed using coercive interrogation methods.

Chapter 10 by David J. La Rooy, Deirdre Brown and Michael E. Lamb considers how interview techniques (the Cognitive Interview and NICHD protocol) developed in recent years have helped to reduce the likelihood that witnesses will give suggestible responses that might mislead an investigation.

In Chapter 11 the editors summarize key findings from the book and consider the forensic implications.

CONCLUSIONS

- Suggestibility can be defined and conceptualized in a number of ways reflecting its complexity as a phenomenon of human behaviour.
- Early work on eyewitness testimony in the early twentieth century is still highly relevant.
- Binet, Stern and others who carried out early research on suggestibility, primarily among children, developed methods and protocols that are still relevant to researchers today.
- Bartlett’s work on the constructive nature of memory helps to explain how suggestible responding can occur, as do social theories of conformity and compliance.
REFERENCES


