



## Lies, Damned Lies, and Psychology

I work with people who have a strong motivation to lie. Or exaggerate. Or omit details. Or use hyperbole. Or fake. And that's just the attorneys.

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*A few clarifications on what you just read:*

1. *I like attorneys.*
2. *Most attorneys do not lie to me.*
3. *A few attorneys have lied to me. I have a list. I will never work with them again.*

Clients who find themselves charged with major crimes or who might have a financial motivation to sue for wrongdoing may try to mislead psychologists or other experts. The DSM-IV-TR clearly states that any evaluation of an individual in a "medicolegal" context should take into consideration the potential for malingering. (The latest version of the DSM—the DSM-5—dropped this statement, as the diagnosis of 'malingering' no longer exists. The reason for this is explained below. No skipping ahead allowed.) Not every person in these situations lies, but there is often a strong enough incentive to do so that it must be part of an expert evaluation.

With that in mind, what is lying? How does it differ from malingering? Why do psychologists love the word "feigning?" Can someone be genuine but also saying something that is not true?

In order to answer those questions, I have broken out the different concepts psychologists use in the following sections:

### ***Lying***

*Flat-out lying:* This is what most people think of as lying. It is the textbook definition--a person says something false that he knows is false. ***The sky is green.***

*Exaggeration:* A person might start with the truth and then embellish it to make it sound better or worse, depending on the situation. This can also be called hyperbole. ***The accident caused so much pain, I couldn't do anything but lie down for three solid months. Or, I worked at that bank for six months, and everyone there said I was the best worker ever.***



*Lying by omission:* When the whole truth might get a person in trouble, it is tempting to leave out important details. When the intention is to mislead, as opposed to innocently forgetting to mention something, this counts as lying. ***I arrived at the movie theater for the three-hour movie at 2:30 (but I will not mention that I left the theater after 30 minutes).***

*Genuine, incorrect responding:* Sometimes, a person genuinely thinks she is telling the truth, but she has the facts wrong. There is no intention to deceive anyone--she's just wrong. This can be due to ignorance of the facts or a psychological condition such as a delusional disorder. Although it is untruthful, this is not considered lying. ***My parents were replaced by robot imposters and I was terrified of them.***

*Faking Good:* This is a general term psychologists use when someone is trying to appear better than is actually the case. Faking good can include lying, exaggeration, or lying by omission.

*Faking Bad:* Imagine *faking good*, only in reverse. There are times when it is in a person's best interest to appear worse than is actually the case. As with faking good, faking bad can be achieved through lying, exaggeration, or lying by omission.

*Feigning:* Psychologists use this term when a person is lying in order to pretend to be affected by something. Saying that the sky is green is lying. But, it doesn't really affect the person negatively, so it would not be considered feigning. Lying about having the symptoms of Bipolar Disorder is feigning--specifically, feigning mental illness.

*Malingering:* This is a slightly outdated term, but it is still used frequently. It used to be possible to diagnose an individual with Malingering, but the American Psychiatric Association removed it as a diagnosis in their most recent version of *The Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition* (DSM-5).

The DSM-IV-TR defined malingering as follows:

*[T]he intentional production of false or grossly exaggerated physical or psychological symptoms, motivated by external incentives such as avoiding military duty, avoiding work, obtaining financial compensation, evading criminal prosecution, or obtaining drugs.*

This definition combines *feigning* with *motivation*. Without an extremely thorough evaluation, it can be difficult to ascertain a person's motives, and good forensic psychologists are reluctant to do so in many cases, especially because ascribing motivation often gets close to providing an opinion on the ultimate legal issue at hand (e.g., *I don't think she was legally insane at the time of the event because of her motivation to fake psychotic symptoms*).

Instead of malingering, psychologists typically talk about feigning and leave out the bit about motivation.



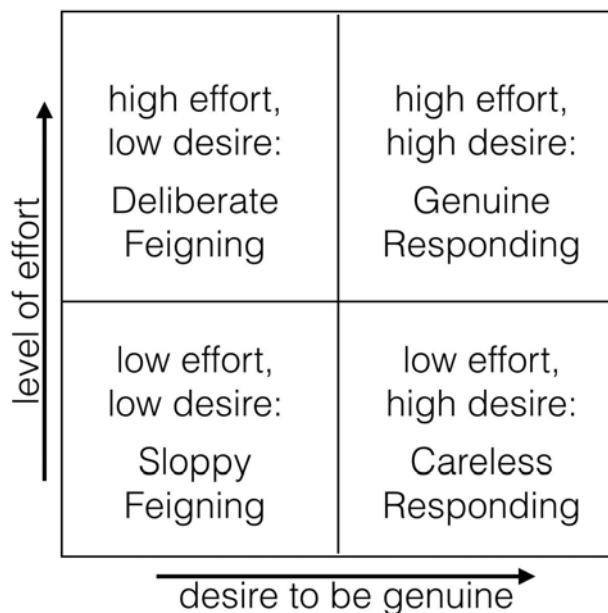
## Telling the truth

*Genuine responding:* Psychologists can't say a person is telling the truth. We just can't do it. I'm not exactly sure why. I think it has to do with existential and epistemological questions about truth—how do we know the person is really telling the truth? What is the nature of truth? Is there even such a thing as objective truth when the Earth will eventually be swallowed by the sun?

In any event, psychologists don't use the word truth. Instead, we refer to someone as *responding genuinely*.

*The plaintiff answered questions in a manner she believed to be true. Or, The defendant was attempting to be honest and genuine, and he did not make himself look better or worse than is actually the case.*

## Effects of 'level of effort' on telling the truth



Many psychological experts comment on the level of effort a person has put into his or her evaluation. As in, *"Ms. Y put a great deal of effort into the clinical interview and testing, and as a result, her responses were genuine."*

Unfortunately, it is not that simple. The amount of effort a person puts into a task is certainly informative, but there is not a linear correlation—it is not always true that the more effort a person puts into a task, the more genuine she is being. In fact, it sometimes takes a great deal of effort to lie. Other times, a person may have no desire to be deceitful, but he is putting so little effort into the evaluation that his responses are meaningless.

Further, research has shown that most juveniles tend not to actively feign during psychological evaluations. If they have a motivation to be less than truthful, it almost always shows as a lack of effort (e.g. randomly responding to test questions, answering, *"I don't know"* to every question, etc.).



I am a trusting person, and I want to believe that every person with whom I work is going to put his full effort into an evaluation and be as truthful as possible. And, despite having strong incentive to lie, it is remarkable how many people are genuine with me. But as a forensic expert and a realist, I understand this is not always the case. Regardless of who hires me or what my task is, I am ethically obligated to perform an objective evaluation, and there is little use in attempting to interpret results until I understand if the person in question is telling me the truth. If I discover the person is genuine, it strengthens my expert opinions greatly. If I find out he is lying through his teeth, I can let the retaining attorney know immediately so there are no surprises in court or in deposition.

In order to determine the truthfulness of a client's responses, I don't just rely on hunches (despite what many psychologists think of their abilities, research is clear that our hunches about lying tend to be terrible). Instead, I employ a validity-testing approach that uses normed psychological tests specifically designed to evaluate for feigning. I combine that with an "embedded measures" approach by examining scales and score patterns nested into larger general tests such as the MMPI-2 or the WAIS-IV to evaluate level of effort and truthfulness.

And in those very rare cases when attorneys lie to me, they make the list. Be warned...

**For more information, please contact Max Wachtel, Ph.D. at 303-399-5300.**