

Unfair cops?

Steve Blinkhorn

The Psychology of Interrogations, Confessions and Testimony. By Gisli Gudjonsson. Wiley: 1992. Pp. 362. £24.95, \$48.95.

BUDDING Torquemadas stop here and look elsewhere for a thrill. This is the story of everyday inquisitorial folk, seeking conviction more by confession than by detection and denied the aid of rack and thumbscrew. It is also, coincidentally, an object lesson in how a soft, social, semi- and sometimes pseudo-science (for such is psychology) can carry the day when set against poorly controlled real science.

Gisli Gudjonsson is an eminent forensic psychologist whose original career was as a policeman in Iceland. He has written a book that is a model of academic rectitude in crediting original sources, judiciously weighing the relative merits of competing theories and maintaining a detached and dispassionate style when discussing his own work. On the surface it is a worthy academic tome. But its subject matter is life and death, and decades of imprisonment, and the perpetuation of grudge, and the philosophy of human thought and action under the extreme pressure of interrogation under suspicion of serious crime.

People confess to crimes they have not committed — or at the very least, the police have claimed that people have confessed to crimes they have not committed. Why? It will not do to say that, in the absence of sufficient evidence, the first recourse of the police is to invent some more. The police have ways of making people talk, and perhaps of getting them to say what they (the police) would like to hear. Those interested in finding out how to do this should refer immediately to Chapter 3.

When people confess to crimes they have not committed, psychologists disagree as to why they do so, even when they agree as to which confessions are false. The courts, meanwhile, are faced with varieties of expert testimony that they are ill-equipped to choose between and where the credibility of the expert may weigh more heavily than the credibility of the testimony or the adequacy of the science on which it purports to be based.

Attempts to recruit science into differentiating truth from falsehood have had at best a mixed history. Various

forms of truth serum, polygraph lie detection and statistical and linguistic analysis of written documents have all been pressed into service with the aim of improving the quality of decisions in criminal justice systems — or at least of increasing the clear-up rate of crimes, which may or may not be the same thing. The past year has seen the execution of a convicted murderer in the United States a matter of hours after submitting himself to a polygraph lie detection test (and 'failing'), and the

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Facing the truth — 1937 Italian picture of a lie detector.

acquittal on appeal of Judith Ward in the United Kingdom, whose conviction of a terrorist atrocity nearly two decades ago was based largely on a confession, supported by now-discredited forensic evidence, to point to just two of the distressingly long list of wrongful and doubtful convictions.

It is hard to escape the conclusion that too much trust has been placed in forensic evidence based on methods derived from the physical sciences. Tests for the presence of traces of explosives on suspects' hands which prove sensitive to traces of inoffensive everyday substances are as deserving of disrepute as the polygraph, whose capacity for the detection of deceit is exceeded only by its capacity for falsely implicating the innocent. Enthusiastic science so often becomes bad science, and any kind of science sits uneasily in a courtroom.

Both the judicial process and the work of the scientist are centrally concerned with the evaluation of evidence and standards of proof, but in the end a court is a common-sense forum so far as the evidence is concerned — the law may be a different matter. It's not *what* you believe, it's *who* you believe.

What is ultimately less than satisfying about Gudjonsson's book is not the quality of his account but the state of the subject matter. We have come a long way in our understanding of language since Wittgenstein's *Tractatus*, but common sense, and by extension the police and the courts, may still assume there is a unique and natural point-to-point correspondence between events and reports of events. What psychologists have to say about the fallibility of memory and the suggestibility of people — even though this is not yet a single settled body of knowledge — tends to relegate the notions of truth and falsehood, like sanity, to the category of purely legal concepts, but does not entirely succeed. It is not a satisfying substitute for what we used to believe. The attraction of the lie detector is that it seems to restore the moral certainty that twentieth-century philosophy and psychology have stripped from our judgements.

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There remains the question of the status of the expert witness, called to testify to the credibility of statements made under interrogation. It is hard to shake off the sense that, at least some of the time, psychologists base testimony on theoretical positions that will soon seem laughable. So one ends up preferring provisional theorizing from a credible source, but with an uncertain shelf-life, to hard science badly done.

Perhaps we all hanker after the days when the gifted amateur detective would confront the suspects in the library and reveal the culprit with an ineluctable line of reasoning and a single incontrovertible piece of evidence. Popular detective fiction from Conan Doyle on has portrayed its heroes as quasi-scientists who so often eventually extract a confession after an elegant process of deduction from evidence. The truth always was messier than fiction, and Gudjonsson reveals the messy truth about interrogation and confession: his welcome and timely book should be required reading for all who strike public attitudes on crime and punishment. □

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