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From Memory to Miscarriage of Justice: the Cognitive and Social Dynamics of False Testimony

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Abstract

False testimony represents a major source of judicial error, often contributing to wrongful convictions and undermining confidence in legal systems. Contrary to common assumptions, inaccurate statements are not always the result of intentional deception but frequently arise from normal cognitive processes and social influences that affect memory and recall. This paper examines the cognitive and social dynamics underlying false testimony, with a particular focus on eyewitness accounts.

Drawing on research in cognitive psychology, the study highlights the reconstructive nature of memory, showing how recall is influenced by prior knowledge, expectations, and post-event information. Factors such as stress, time delay, and repeated questioning can significantly alter memory accuracy, increasing the risk of distortion. The role of suggestibility is also explored, particularly in the context of leading questions, misinformation, and authority pressure, all of which can shape or even create false memories. In addition, the paper analyzes the discrepancy between confidence and accuracy in eyewitness testimony, a phenomenon that may lead legal professionals to overestimate the reliability of confident witnesses. Social dynamics, including conformity, compliance, and the desire to meet perceived expectations, further contribute to the formation of false or distorted statements.

The findings emphasize that false testimony is a multifactorial phenomenon resulting from the interaction of cognitive vulnerabilities and situational pressures. The paper concludes that understanding these mechanisms is essential for improving investigative procedures, promoting evidence-based interviewing techniques, and reducing the risk of miscarriages of justice. This perspective underscores the need for greater integration of psychological insights into legal practice and policy development.

Keywords: False Testimony; Eyewitness Memory; Memory Distortion; Suggestibility; Cognitive Bias; Social Influence; False Memories; Witness Reliability; Forensic Psychology;

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