

**PATHOLOGICAL LYING,
ACCUSATION, AND SWINDLING A
STUDY IN FORENSIC PSYCHOLOGY**

BY

WILLIAM HEALY, A.B., M.D.

**DIRECTOR, PSYCHOPATHIC INSTITUTE, JUVENILE
COURT, CHICAGO ASSOCIATE PROFESSOR NERVOUS
AND MENTAL DISEASES CHICAGO POLICLINIC;
AUTHOR OF "THE INDIVIDUAL DELINQUENT" AND**

MARY TENNEY HEALY, B.L.

**TO MERRITT W.
PINCKNEY JUDGE OF THE
JUVENILE COURT
CHICAGO**

"Bonus et sapiens et peritus utilitatis dignitatisque civilis."

EDITORIAL ANNOUNCEMENT

This volume is one of a series of Monograph Supplements to the Journal of Criminal Law and Criminology. The publication of the Monographs is authorized by the American Institute of Criminal Law and Criminology. Such a series has become necessary in

America by reason of the rapid development of criminological research in this country since the organization of the Institute. Criminology draws upon many independent branches of science, such as Psychology, Anthropology, Neurology, Medicine, Education, Sociology, and Law. These sciences contribute to our understanding of the nature of the delinquent and to our knowledge of those conditions in home, occupation, school, prison, etc., which are best adapted to elicit the behavior that the race has learned to approve and cherish.

This series of Monographs, therefore, will include researches in each of these departments of knowledge insofar as they meet our special interest.

It is confidently anticipated that the series will stimulate the study of the problems of delinquency, the State control of which commands as great expenditure of human toil and treasure as does the control of constructive public education.

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Illinois.

PREFACE

Careful studies of offenders make group-types stand out with distinctness. Very little advancement in the treatment of delinquents or criminals can be expected if typical characteristics and their bearings are not understood. The group that our present work concerns itself with is comparatively little known, although cases belonging to it, when met, attract much attention. It is to all

who should be acquainted with these striking mental and moral vagaries, particularly in their forensic and psychological significances, that our essay is addressed. In some cases vital for the administration of justice, an understanding of the types of personality and of behavior here under discussion is a prime necessity.

The whole study of characterology or the motivation of conduct is extremely new, and there are many indications of immense values in uncovered fields. Some appreciation of this fact may be gained from the following pages which show the possibility of tracing one form of behavior to its source.

We have laid under contribution practically the entire literature on the subject, almost none of which is in English, and also the thorough-going longitudinal case studies made by the Juvenile Psychopathic Institute of Chicago. In the latter material there was found much of value bearing upon the subject of lying, false accusation, and swindling of pathological character.

Our institute, later taken over officially by the Juvenile Court of Cook County, was for five years maintained upon a foundation provided by Mrs. W. F. Dummer.

WILLIAM HEALY MARY TENNEY HEALY

WINNETKA, ILL. June, 1915.

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PATHOLOGICAL LYING, ACCUSATION, AND SWINDLING

CHAPTER I

INTRODUCTION

Through comparison of the literature on pathological lying with our own extensive material we are led to perceive the insistent necessity for closer definition of the subject than has been heretofore offered. Reasons for excluding types earlier described as pathological liars will be found throughout our work. Better definition goes hand in hand with better understanding, and it is only natural that formal, detailed contemplation of the subject should lead to seeing new lines of demarcation.

Definition: Pathological lying is falsification entirely disproportionate to any discernible end in view, engaged in by a person who, at the time of observation, cannot definitely be declared insane, feebleminded, or epileptic. Such lying rarely, if ever, centers about a single event; although exhibited in very occasional cases for a short time, it manifests itself most frequently by far over a period of years, or even a life time. It represents a trait rather than an episode. Extensive, very complicated fabrications may be evolved. This has led to the synonyms:—*mythomania*; *pseudologia phantastica*.

It is true that in the previous literature, under the head of pathological liars, cases of epilepsy, insanity, and mental defect have been cited, but that is misleading. A clear terminology should be adopted. The pathological liar forms a species by himself and as

such does not necessarily belong to any of these larger classes. It is, of course, scientifically permissible, as well as practically valuable, to speak of the epileptic or the otherwise abnormal person through his disease engaging in pathological lying, but the main classification of an individual should be decided by the main abnormal condition.

A good definition of pathological accusation follows the above lines. It is false accusation indulged in apart from any obvious purpose. Like the swindling of pathological liars, it appears objectively more pernicious than the lying, but it is an expression of the same tendency. The most striking form of this type of conduct is, of course, self-accusation. Mendacious self-impeachment seems especially convincing of abnormality. Such falsification not infrequently is episodic.

The inclusion of swindling in our discussion is due to the natural evolution of this type of conduct from pathological lying. Swindling itself could hardly be called a pathological phenomenon, since it is readily explicable by the fact that it is entered into for reasons of tangible gain, but when it is the product of the traits shown by a pathological liar it, just as the lying itself, is a part of the pathological picture. It is the most concrete expression of the individual's tendencies. This has been agreed to by several writers, for all have found it easy to trace the development of one form of behavior into the other. As Wulffen says, ``Die Gabe zu Schwindeln ist eine `Lust am Fabulieren.' " Over and over again we have observed the phenomenon as the pathological liar gradually developed the tendency to swindle.

Notwithstanding the grave and sensational social issues which arise out of pathological lying, accusation, and swindling, there is very little acquaintance with the characteristics of cases showing this type of behavior, even by the people most likely to meet the problems presented. Lawyers, or other professional specialists

have slight knowledge of the subject. Perhaps this is due to the fact that the pathological lying does not follow the usual lines of abnormal human behavior, unless it be among the insane where other symptoms proclaim the true nature of the case. Another reason for the slight acquaintance with the subject is the fact that almost nothing has been written on it in English.

The important part which behavior of this type sometimes plays in court work is witnessed to by the records of our own cases as well as those cited in the previous literature. The legal issues presented by pathological lying may be exceedingly costly. These facts make it important that the well-equipped lawyer, as well as the student of abnormal psychology, be familiar with the specific, related facts. For such students the cardinal point of recognition of this class of conduct may at once be stated to be its apparent baselessness.

The only method by which good understanding may be obtained of the types of personality and mentality involved in pathological lying, accusation, and swindling, as well as of the genetics of these tendencies, is by the detailed reading of typical case histories. In this fact is found the reason for the presentation of this monograph. Appreciation of the nature of the phenomena can only be obtained through acquaintance with an entire career. Any of us may be confronted by fabrications so consistent as to leave at one or several interviews the impression of truth.

Our selection of literature to summarize needs no explanation. We have simply taken all that we could find which specifically bears on the problem. Lying, in general, especially as a form of delinquency, has received attention at the hands of some authors, notably Ferriani[1] and Duprat.[2] The falsifications and phantasies of children and adolescents have been dealt with by Stanley Hall.[3] None of these goes into the important, narrower field with which we are here concerned. The foreign literature is vitally important in its opening up of the subject, but from the

standpoint of modern psychopathology it does not adequately cover the ground.

[1] Ferriani, Lino, "L'Enfance criminelle." Milan, 1894. (Trans. Minderjährige Verbrecher. Berlin, 1896.)

[2] Duprat, G.-L., "Le mensonge." Alcan, Paris, 1903.

[3] Hall, G. Stanley, "Children's Lies." Amer. Journal of Psychology, Jan. 1890; pp. 59-70.

The fabrications, often quite clever, of the clearly insane, which in earlier literature are confounded with pathological lying, we have discriminated against as not being profitable for us to discuss here, while not denying, however, the possibility in some instances of lies coexisting with actual delusions. We well remember a patient, a brilliant conversationalist and letter writer, but an absolutely frank case of paranoia, whom we had not seen for a period during which she had concocted a new set of notions involving even her own claim to royal blood, confronting us with a merry, significant smile and the remark, "You don't believe my new stories, do you?"

A short statement on the relation of lying to delinquency may be of interest here. Ferriani's discussion[4] of the lying of 500 condemned juvenile offenders, with classification of their lies, ranging from self-defense, weakness, and fancy, to nobility of purpose, does not include our field. Nor does he leave much room for appreciation of the fact we very definitely have observed, namely, that plenty of young offenders are robust speakers of the truth. Our analysis[5] of the delinquencies of 1000 young repeated offenders carefully studied by us does not tell the proportion of truth tellers as distinguished from liars, but it does give the number in which lying was a notable and excessive trait. The total number of males studied was 694, of females 306. Ages ranged from 6 to

22; average about 16 years.

[4] loc. cit.

[5] Vide p. 140, in chapter on Statistics, William Healy, "The Individual Delinquent." Little, Brown, and Co. Boston, 1915.

MALES FEMALES

Lying—counted only when excessive and a notorious characteristic of the individual, (15%) (26%)

False accusations—only recorded when of an excessive and dangerous sort, (.7%) (5%)

The exact number of pathological liars is not determinable in our series because of the shading of this lying into other types. It would be safe to say that 8 or 10 of the 1000 were genuine cases of pathological lying according to our definition, that 5 more engaged in pathological false accusations without a notorious career in other kinds of lying. Examples of borderline mental cases showing fantastic lying and accusations are given in our special chapter. Some of the cases of pathological lying given in this work do not belong to the series of 1000 cases analyzed for statistical purposes. The extraordinary number of times several of these individuals appeared in court (resembling in this respect the European case histories) shows that the total amount of trouble caused by this class is not in the least represented by their numerical proportion among offenders.

We have purposely limited our own material for presentation. Here, as elsewhere, we insist on the value of genetics and consequently have busied ourselves at length with those cases where we could gain something like an adequate conception of the antecedents in family and developmental histories and where some

measure of the psychogenetic features could be taken. Cases of older individuals with their prolonged and often picturesque careers, equivalent to those recounted in European literature, we have left strictly alone. One ever finds that the older the individual the less one can learn satisfactorily of beginnings of tendencies, just on account of the unreliability of the principal actor in the drama. The cases of older swindlers at first sight seem to offer much for the student of criminalistics, if only for purely descriptive purposes, but in the literature we have failed to find any satisfactory studies of the formative years of such careers. By taking instances of younger pathological liars, such as we have studied, the natural progress into swindling can be readily seen.

In court work we have been brought face to face with many cases of false accusation and, of course, with plenty of the usual kind of lying. Where either of these has been entered into by way of revenge or in belief that it would aid in getting out of trouble, no further attention has been paid to it from the standpoint of pathological lying. Our acquaintance with some professional criminals, particularly of the sneak-thief or pick-pocket class, has taught us that living conditions for the individual may be founded on whole careers of misrepresentation and lies—for very understandable reasons. Self-accusations may sometimes be evolved with the idea of gaining directly practical results, as when a lover or a comrade is shielded, or when there is danger of a larger crime being fastened on the self-incriminator.

In selection and treatment of our material we have confined ourselves as closely as possible to the definition first given in this chapter—a definition that after some years of observation we found could be made and held to. While we would not deny that some of our cases may eventually find their way into an insane hospital, still none of them, except some we have enumerated under the name of border-line types, has so far shown any indication of this. That some of our cases have more or less

recovered from a strongly-marked and prolonged inclination to falsify is a fact of great importance for treatment and prognosis.

We see neither reason for including insane cases nor for overlapping the already used classifications which are based on more vital facts than the symptom of lying. Our use of abnormal cases in our chapter, "Illustrations of Border-Line Types," will be perfectly clear to those who read these cases. They represent the material not easily diagnosed, sometimes after long observation by professional people, or else they are clearly abnormal individuals who, by the possession of certain capacities, manage to keep their heads well above the level of social incompetency as judged by the world at large.

We have introduced only the cases where we have had ample proof that the individual had been given to excessive lying of our peculiar type. In the court room and working with delinquents outside the court, it is in rare instances totally impossible to know where the truth finally rests; such have been left out. Then, too, we omit cases in which false accusations have about them the shadow of even a suspicion of vindictiveness. False accusations of young children against parents would hardly seem to have such a basis, and yet in some instances this fact has come out clearly. Grudge-formation on the part of young individuals has all through our work been one of the extraordinary findings; capacity for it varies tremendously in different individuals.

Several forms of excessive lying, particularly those practised by children and adolescents, are not discussed by us because they are largely age phenomena and only verge upon the pathological as they are carried over into wider fields of conduct. The fantasies of children, and the almost obsessional lying in some young adolescents, too, we avoid. There is much shading of typical pathological lying into, on the one hand, the really insane types, and, on the other hand, into the lying which is to be explained by

quite normal reactions or where the tendency to mendacity is only partially developed.

It has been a matter of no small interest to us that in planning this monograph we conceived it necessary to consider part of our material under the head of episodic pathological lying and that later we had to omit this chapter. Surely there had been cases—so it seemed to us at first—where purposeless lying had been indulged in for a comparatively short time, particularly during the adolescent period, without expression of a prevaricating tendency before or after this time. When we came to review our material with this chapter in mind we found no sufficient verification of the fact that there was any such thing as episodic pathological lying, apart from peculiar manifestations in cases of epilepsy, hysteria, and other mental abnormalities. A short career of extensive lying, not unfrequently met with in work for juvenile courts and other social agencies, seems, judging from our material, to be always so mixed up with other delinquencies or unfortunate sex experiences that the lying, after all, cannot be regarded as purposeless. It is indulged in most often in an attempt to disguise undesirable truths. That false accusations and even self-accusations are engaged in for the same purpose goes without saying. The girl who donned man's clothes, left home and lived for months a life of lies was seeking an adventure which would offset intolerable home conditions. The young woman who after seeing something of the pleasures of the world was placed in a strict religious home where she told exaggerated stories about her own bad behavior, was endeavoring to get more freedom elsewhere. A young fellow whom we found to be a most persistent and consistent liar was discovered to have been already well schooled in the art of professional criminalistic self-protection. So it has gone. Investigation of each of these episodic cases has shown the fabrications to emanate either from a distinctly abnormal personality or to partake of a character which rules them out of the realm of pathological lying. In our cases of temporary adolescent psychoses lying was rarely found a puzzling

feature; the basic nature of the case was too easily discoverable.

A fair question to ask at this point is whether pathological lying is ever found to be the only delinquency of the given individual. We should hesitate to deny the possibility of its being the sole offense, but in our study of a long list of cases, and after review of those reported by other authors, it seems practically impossible to find a case of this. The tendencies soon carry the person over to the production of other delinquencies, and if these do not come in the category of punishable offenses, at least, through the trouble and suffering caused others, they are to be regarded essentially as misconduct.

The reverse of the above question deserves a word or two of attention; are there marked cases of delinquency which do not show lying? Surveying the figures of Ferriani[6] who enumerated thousands of lies, belonging to his nine classes of prevarications, which a group of 500 young offenders indulged in, one would think that all delinquents are liars many times over. But as a matter of fact we have been profoundly astonished to discover that a considerable percentage of the cases we have studied, even of repeated offenders, have proved notably truthful. Occasionally the very person who will engage in a major form of delinquency will hesitate to lie. Our experience shows this to be less true, however, of sex delinquency than perhaps of any other. This statement is based on general observations; the accurate correlations have not been worked up. Occasionally the professional criminal of many misdeeds is proud of his uprightness in other spheres of behavior, including veracity. But even here one would have to classify carefully, for it is obvious that the typical swindler would find lying his best cloak of disguise. On the other hand, a bold safe-blower may look down with scorn upon a form of criminality which demands constant mendacity.

[6] loc. cit.

Realizing that pathological lying is a type of delinquency, and following the rule that for explanation of conduct tendencies one must go to youthful beginnings, we have attempted to gain the fullest possible information about the fundamentals of developmental and family history, early environment, and early mental experiences. Fortunately we have often been able to obtain specific and probably accurate data on heredity. The many cases which have been only partially studied are not included.

Successive cross-section studies have been made in a number of cases, and it has been possible to get a varying amount of after-history. Observational, historical, and analytical data thus accumulated have given us a particularly favorable opportunity for discerning the bases of this special delinquent tendency. The results of the various kinds of social treatment which have been undertaken are not the least interesting of our facts.

To enumerate the results obtained on the many mental tests given in most cases seems quite unnecessary for the purpose of this monograph. We have referred to a few points of special interest and rarely have designated the results on tests in our series. In general, the reader probably will be better off with merely the statement of the principal findings and of the mental diagnosis.

Of much interest for the present subject is the development of psychological studies of testimony or report. Because of the natural expectation that the pathological liar might prove to be an unreliable witness our studies on this point will be offered in detail. For years we have been giving a picture memory test on the order of one used extensively abroad. This "Aussage" Test is the one described as Test VI in our monograph on Practical Mental Classification.[7] More recently our studies on the psychology of testimony have led us into wider fields of observation, and here the group of cases now under discussion may have to stand by themselves. The picture, the record of testimony on which is given in some detail in our case histories, is that of a butcher's shop with

objects and actions that are universally comprehended. After careful and fair explanation of what is about to be undertaken, the picture is exposed for ten seconds, and then the examinee is asked to give a free recital of all he saw. When he states that no more is remembered he is questioned on omitted details. (All told, there are about 50 details of varying importance in the picture.) During the progress of this part of the examination he is asked if he saw 7 objects which might well be in a butcher shop, but which are not in the picture. This is the test for susceptibility to suggestion. All points are carefully scored. Norms on this test, as on many others, it seems hardly fair to give by averages—there is much variation according to mentality and even personality groups. Practically all of our cases of pathological lying range above the age of young childhood, so it is not necessary here to discuss the characteristics of young children's testimony. Perhaps it is sufficient to say that the ordinary individual recalls voluntarily or upon questioning upwards of 20 items, and does not give incorrect items to any extent. On questioning he may perhaps accept one or two of the seven suggestions, but when details in general are asked for he does not add fictional items more than are accounted for by some little slip of memory. One can find definite types of intellectual honesty, even among children of 10 or 12 years of age, when there is no tampering with the truth; if an item has not been observed, there is no effort to make it seem otherwise. For discussion of the results on this test among our pathological liars we refer to our chapter on conclusions.

[7] ``Tests for Practical Mental Classification," by William Healy and Grace M. Fernald, Monograph No. 54. Psychological Review Pub. Co., 1911, Princeton University, Princeton, N. J.

The short summary of causative factors given at the end of the case study deals only with the factors of delinquency. To avoid misinterpretation of the coordinated facts, what they are focused upon should ever be remembered. The statement of these

ascertained factors brings out many incidental points which should be of interest to lawyers and other students of criminalistics.

It should be needless to state to our professional readers that the personalities represented in our case histories are entirely fictitious, but that alterations have been made only in such facts as will not impair scientific values. We confess to no particular pleasure in writing up this rather sordid material; the task is undertaken because such studies offer the only way to gain that better understanding which is necessary for adequate treatment of special types of human beings.

CHAPTER II

PREVIOUS STUDIES

The subject of pathological lying was first definitely brought to the attention of the medical and legal professions by the studies of Delbruck.[8] The aim of this work was to follow the development of a symptom but little commented upon up to this time, a symptom, as he says, found in every healthy person in slight degree, but in some cases rising to pathological significance and perhaps dominating the entire picture of abnormal traits—thus becoming pathognomonic. This symptom he at the outset calls lying.

[8] ``Die pathologische Luge und die psychisch abnormen Schwindler. Eine Untersuchung Uber den allmahlichen Uebergang eines normalen psychologischen Vorgangs in ein pathologisches Symptom, fur Aerzte und Juristen." Pp. 131, Stuttgart, 1891.

Through an elaborate and exhaustive investigation of the lies told by five patients over a period of years, he came to the conclusion that the form of falsifying in these cases deserves a new and separate name. It was not ordinary lying, or delusion, or false

memory, these words express only part of the conception; hence he coined the new term, *pseudologia phantastica*, to cover the species of lying with which he was concerned. Later German writers have also adopted his terminology.

To emphasize the method by which he arrived at this conclusion and to gain at the same time some knowledge of the problems he dealt with, we may review in bare outline his case-studies.

The first patient presented by Delbruck was an Austrian maid-servant who in her wanderings through Austria and Switzerland had played at various times the roles of Roumanian princess, Spaniard of royal lineage, a poor medical student, and the rich friend of a bishop. Her lying revealed a mixture of imagination, boastfulness, deception, delusion, and dissimulation. She romanced wonderfully about her royal birth and wrote letters purporting to be from a cardinal to herself. She fled disguised as a man from an educational institution to Switzerland where her sex was discovered. It appeared that she was subject to contrary sex feelings and thought of herself as a man. She was under the observation of Krafft-Ebing at one time. He considered it at least as a case of paranoia. Others had determined the girl to be a psychopath who indulged in simulations and lies. Delbruck denominated it a case of direct lying with a tendency to phantasies, delusions, and dissimulations. Delbruck from this case argues that a mixture of lies and delusions is possible, comparing such a state with dreaming and with the hypnotic condition in which one follows the suggestion of the hypnotizer and is still aware of the fact. It was evident at times that this girl half believed her own stories, then again that she had forgotten her former lies. In her, Delbruck considers perverted sex feeling and hysteria revealed a brain organization abnormal from birth. There was the instinctive tendency to lie.

The second patient, an epileptic girl, had been many times

imprisoned and also sent to the Charite for examination into her sanity before Delbruck saw her. Her peculiar method was to approach strangers, claiming to be a relative coming from another city to visit. If cordially received she would stay as long as her welcome lasted, then depart taking with her any of their possessions her fancy chose. Many prominent physicians examined her and were unable to decide as to her responsibility; judges and others said she was a willful deceiver, a refined swindler. Delbruck, looking deeper, found that she was suffering from hysteria, having hystero-epileptic seizures with following delirium, or rather twilight states. Though her delinquencies seemed to show cunning and skill, a careful investigation revealed the fact that this was merely aberrant. Generally her thieving was undertaken in feeble-minded fashion; many times she stole things worthless to herself. Evidences of her pathological mentality were that she would give orders for groceries, would buy children's clothes, or send for a physician under an assumed name. She might not go back for the groceries, but after ordering them would say she would return with the carriage. The characteristic fact throughout her career was that she wished to appear to be some one wealthier, more influential than she was. Delbruck classifies her as high-grade feeble-minded, suffering from convulsive attacks and peculiar states of consciousness, with a morbid tendency to lying. She possessed no power to realize the culpable nature of her acts when she was performing them.

His third patient as a boy appeared normal both mentally and physically. In his youth he went through the gymnasium and then studied theology. He spent money very freely on clothing and books, but at this period neither stole nor lied. After finishing his theological studies, he preached in his home town and was regarded as a young man of great promise. Then came a change; he began to write strange letters, telling of some positions offered him, he borrowed money freely from relatives and friends who were willing to give because they believed in his coming career.

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