

Dissociation and Memory

Dissociation refers to a disruption in the normally integrated functions of consciousness, memory, identity, and perception. It runs along a continuum. At the ordinary end are common experiences such as becoming so absorbed in a task that one loses track of time, or driving a familiar route with little memory of it. At the pathological end are the marked detachments seen in dissociative disorders and in conditions such as post-traumatic stress disorder. Because dissociation involves the integration of memory itself, it has consequences for how reliably a person encodes and later reports events, and those consequences can matter in a legal setting.

This paper summarizes how dissociation is measured, what is known about its relationship to memory error and suggestibility, and how that evidence should and should not be used.

Measuring Dissociation

Dissociation in non-clinical samples is most often assessed with the Dissociative Experiences Scale, a self-report questionnaire in which people rate how often they have various dissociative experiences (Bernstein & Putnam, 1986). The scale taps several components, including depersonalization and derealization (feeling detached from oneself or one's surroundings), absorption and imaginative involvement, and dissociative amnesia. A subset of items is intended to capture a more pathological form of dissociation seen primarily in people with trauma histories or dissociative disorders. These instruments describe a dimension along which people vary; a higher score is not in itself a diagnosis or a finding about any particular memory.

Dissociation, Suggestibility, and False Memory

A body of laboratory research has examined whether people who report more dissociative experiences are more prone to memory error. Several studies find that higher dissociation is associated with greater susceptibility to misinformation and to forming false memories, a link sometimes attributed to reduced attention to external detail, which may leave gaps that suggestion can fill, and to a tendency to rely on the gist of a situation rather than its specifics (Eisen & Carlson, 1998); studies of people reporting recovered memories of abuse, a group characterized by elevated dissociation, have likewise found higher rates of false recognition on laboratory tasks (Clancy, Schacter, McNally, & Pitman, 2000). The relationship, however, is not uniform. Some studies find no association between dissociation and false recognition on standard laboratory tasks, and a careful review of the field has questioned whether the dissociation–memory connection is as strong or as simple as often assumed (Giesbrecht, Lynn, Lilienfeld, & Merckelbach, 2008). The honest summary is that higher dissociation is, on average and in some paradigms, associated with greater memory vulnerability, but the effect is modest, inconsistent across tasks, and far from deterministic.

Interpreting the Evidence

Two points keep the evidence in proper perspective. First, the research is largely correlational and concerns group-level tendencies, so a high dissociation score cannot establish that a particular memory is false, nor can a low score guarantee accuracy. Second, dissociation is statistically associated with trauma exposure, which complicates interpretation: the same experiences that elevate dissociation may independently affect memory, and the presence of dissociation says nothing about whether an underlying traumatic event did or did not occur. Dissociation is best understood as one factor that can, in some circumstances, increase vulnerability to suggestion, to be weighed alongside the rest of the evidence rather than treated as a verdict on a witness's reliability.

Special Issues in Legal Practice

The principles described above apply with equal force to every party in a legal proceeding. Memory operates the same way regardless of who is asking the questions, and the science summarized here favors no side. What differs between the parties is not the science but the vantage point — the particular places where memory issues tend to surface, and the particular errors each party is best positioned to guard against. The two summaries below identify those recurring issues. They are offered for orientation, not as litigation strategy; in every case the controlling question is what the evidence in that case will, and will not, support, and the expert's role is to inform the trier of fact rather than to advocate for either side.

Special Issues for Prosecutors

For the State, dissociation may be relevant where a witness scores high on dissociative experiences and the conditions of the case, repeated questioning, exposure to others' accounts, or suggestive interviewing, raise the possibility of suggestion. The prosecution is well positioned to reduce that risk through early, open-ended, non-suggestive interviewing and to recognize that a dissociation score is not evidence that a witness's account is false (Giesbrecht et al., 2008). The error to guard against is assuming that a witness's report is reliable simply because it is detailed or sincerely held, where suggestive conditions and elevated dissociation together raise a genuine concern about contamination (Eisen & Carlson, 1998). The safeguard is sound interview practice and corroboration of contested details against independent evidence.

Special Issues for Defense

For the defense, the research is relevant where elevated dissociation coincides with suggestive interviewing, repeated questioning, or other sources of post-event information that could foster error. The defense is well positioned to develop, through proper evidence, the conditions under which the account was formed and the role any suggestion may have played. The corresponding error to guard against is overclaiming. The dissociation–memory association is modest and inconsistent, it is largely correlational, and a high score neither proves a memory false nor speaks to whether a traumatic event occurred (Giesbrecht et al., 2008). Responsible cross-examination and expert testimony should present dissociation as one factor bearing on susceptibility to suggestion under particular conditions, not as a basis for declaring a witness's memory unreliable.

References

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