

The Illusion-of-Truth Effect

People are more likely to believe a statement they have heard before, simply because they have heard it before. This is the illusion-of-truth effect: repetition makes a claim feel more true, regardless of whether it is true, and even when the person cannot consciously remember having encountered it. The effect is one of the most robust findings in the psychology of belief, and it has unusually direct implications for the law, where claims are repeated — in the media before trial, across successive interviews of a witness, in argument, and in testimony — and where jurors are routinely instructed to disregard things they have already heard. This paper explains what the illusion-of-truth effect is, why it occurs, how it persists even against a person's own knowledge, why attempts to correct a false claim can backfire, and what all of this means in the courtroom. It assumes no background in psychology, and the science here favors no party.

What the Illusion-of-Truth Effect Is

The effect was first documented in a study in which people rated their certainty that each of sixty plausible but obscure statements was true or false, on three occasions two weeks apart (Hasher, Goldstein, & Toppino, 1977). A subset of the statements was repeated at every session; the rest were new each time. The repeated statements were rated as more true with each repetition, while the new statements showed no such drift. Mere repetition — with no new evidence, no argument, nothing but a second and third exposure — raised the perceived truth of the claims. The finding has since been replicated many times and confirmed by meta-analysis as a reliable and general phenomenon (Dechêne, Stahl, Hansen, & Wänke, 2010).

Why It Happens: Familiarity Masquerading as Truth

The mechanism is processing fluency. A statement encountered before is easier to read, parse, and process the next time, and that ease feels like something — it registers as familiarity. The mind treats that fluent, familiar feeling as a cue to truth, on the reasonable-sounding but unreliable assumption that things we have heard before tend to be true. Critically, the effect does not require remembering the earlier exposure: a person who has no conscious recollection of having heard a claim can still find it more believable because it processes more fluently. The truth signal comes from the feeling of familiarity, not from any judgment about the claim's content or source — which is why the effect operates beneath awareness and is so hard to resist.

It Works Even Against Knowledge and Argument

Two findings show how far the effect reaches. First, repetition increases agreement with claims regardless of how strong the supporting argument is: familiarity boosts the persuasiveness of weak arguments as much as strong ones, because the felt fluency operates independently of the merits (Moons, Mackie, & Garcia-Marques, 2009). Retrieval has the same power as repetition — information a person pulls from their own memory comes to feel more compelling and true, so that the act of remembering can itself manufacture conviction (Ozubko & Fugelsang, 2011). Second, and most striking, knowing better does not reliably protect against the illusion. People shown statements that contradict facts they actually know — that they can correctly answer when asked directly — nonetheless rate the repeated falsehoods as more true, relying on fluency even when accurate knowledge is available to them (Fazio, Brashier, Payne, & Marsh, 2015). Repetition can make a claim feel true to a person who, on reflection, knows it is false.

When Corrections Backfire

The most counterintuitive — and, for the law, most consequential — extension concerns attempts to debunk a false claim. Telling people that a claim is false can, over time, make them remember it as true. In experiments, repeatedly identifying a claim as false helped people remember it as

false in the short term, but after a delay it made them more likely to remember it as true, an effect especially pronounced in older adults (Skurnik, Yoon, Park, & Schwarz, 2005). The reason is a source-monitoring failure: each repetition of the claim — even in the act of denying it — builds familiarity, while the "false" tag attached to it fades faster than the claim itself. What remains is a familiar statement stripped of its correction, which the mind reads as true. Denials and warnings, repeated, can thus inadvertently strengthen the very belief they were meant to dispel.

The Illusion-of-Truth Effect and the Law

The legal implications are pointed. First, a claim that is repeated — through pretrial publicity, repeated questioning of a witness, or sheer reiteration in a proceeding — gains believability from familiarity alone, independent of its truth or the evidence behind it. A repeatedly aired accusation can come to feel true to those exposed to it, and a witness who recounts an account many times may find it feels truer with each telling. Second, and more pointed still, the effect bears on a central feature of trial practice: the instruction to disregard. Telling jurors to ignore inadmissible evidence, or that a claim is false, asks them to do what the research shows they largely cannot — and the corrections-backfire finding suggests that repeating and highlighting a false or prejudicial claim, even to deny it, can entrench it. The law has long harbored the same suspicion. Courts have recognized that a limiting instruction may be insufficient to cure the prejudice of a powerfully suggestive piece of evidence (*Bruton v. United States*, 1968), and a Justice of the Supreme Court famously called the assumption that prejudice can be erased by an instruction to disregard a "naive" one that "all practicing lawyers know to be unmitigated fiction" (*Krulewitch v. United States*, 1949, Jackson, J., concurring).

These realities inform the use of the tools the rules provide — limiting instructions (Fed. R. Evid. 105) and the exclusion of evidence whose prejudicial effect substantially outweighs its probative value (Fed. R. Evid. 403) — and they bear on decisions about pretrial publicity and the framing of argument. Whether an expert may explain the illusion-of-truth effect to a court is governed by the general standards for expert evidence — *Daubert v. Merrell Dow Pharmaceuticals* (1993), as extended by *Kumho Tire Co. v. Carmichael* (1999), or the *Frye* general-acceptance test still followed in some jurisdictions (*Frye v. United States*, 1923) — and a witness may testify only from personal knowledge (Fed. R. Evid. 602). Such testimony informs the trier of fact about how repetition shapes belief; it does not establish the truth or falsity of any particular claim.

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, the illusion-of-truth effect is most relevant to the believability that repetition lends to claims and to the limits of curative instructions. The issue most likely to surface is that a repeatedly aired allegation — through media coverage or repeated questioning — may gain credibility from familiarity rather than from evidence, and that a witness's repeated retelling can make an account feel truer to the witness and the jury without making it more accurate. The error best guarded against is treating a "disregard" instruction as a reliable cure for prejudicial or

inadmissible material the jury has already heard, when the research and the courts' own experience indicate that such instructions often fail and that repeating a claim, even to discount it, can entrench it. Anchoring the case in evidence rather than in reiteration, and being deliberate about whether and how to repeat a contested claim, keeps the State's proof grounded in proof rather than in familiarity.

Understood this way, the science counsels discipline that strengthens the State's position: a case built on repeated assertion is vulnerable, while one built on documented evidence is not, and awareness of how repetition shapes belief helps the State avoid both over-reliance on familiarity and the backfire of over-arguing a point.

Special Issues for Defense

For the defense, the illusion-of-truth effect bears on the cumulative force of a repeatedly stated accusation and on the strategy of correction. The issue most likely to surface is that an allegation amplified by pretrial publicity, repeated interviews, or reiteration at trial can come to feel true to jurors through familiarity alone, and that the customary remedy — an instruction to disregard, or a vigorous repeated denial — may not cure the effect and can, over time, deepen it. The error best guarded against is overclaiming: the effect describes a general tendency of belief, not proof that a particular juror was misled or that a particular claim is false. The constructive course is to weigh carefully whether repeating a damaging claim, even to rebut it, serves the client, to consider motions addressed to prejudicial repetition under the governing rules, and, where admissible, to offer expert explanation of how repetition and familiarity shape perceived truth.

The corresponding safeguard is to ensure the trier of fact understands the science: that repetition makes claims feel truer regardless of their accuracy; that this occurs through familiarity, often beneath awareness and even against one's own knowledge; and that corrections and denials can paradoxically strengthen a familiar falsehood. Where admissible, expert explanation of the illusion-of-truth effect can help the factfinder weigh a repeatedly asserted claim for its evidentiary support rather than for how familiar it has become.

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