



# Why do drivers lie?

By Andrew Stone

Very rarely do drivers' statements include any frank admission of wrongdoing. Even where the objective evidence points towards some lack of care, drivers rarely make any corresponding admission of fault. Why is this so?

A 2008 book by Tom Vanderbilt (a journalist, not an accident reconstruction specialist) called *Traffic: Why We Drive the Way We Do* suggests one answer [at 72]:

'A driver's own memory of events is usually clouded by a desire to lessen their own responsibility for an event (perhaps so as to not conflict with their enhanced self-image or to avoid legal liability). "Baker's law", named after crash reconstructionist, J Stannard Baker, notes that drivers "tend to explain their traffic accidents by reporting circumstances of lowest culpability compatible with credibility" – that is, the most believable story they can get away with.'

Vanderbilt observes conclusions made by Baker regarding accidents that occurred along Route 66 (a route stretching across the US from California to Illinois):

1. Police estimates of speeds were consistently higher than drivers' own estimates, especially where police estimated that drivers had exceeded the speed limit.
2. The generally high correlation between the reasons given by drivers and subsequent police investigations as to the causes of accidents could be largely due to police investigators simply accepting drivers' opinions as to cause.
3. Any differences of opinion between drivers and police investigators usually involved a reluctance or failure by drivers to report falling asleep or alcohol as a contributing factor.
4. Drivers would claim tyre failure, distractions, windblasts, sunglare and steering failure rather than concede that they had fallen asleep at the wheel or were intoxicated.

Baker's research established that drivers will lie primarily to avoid criminal culpability. However, plaintiff lawyers will be familiar with defendants who demonstrate absolute conviction in their blamelessness when giving evidence, even when objective evidence points to negligence. How can they 'lie' so convincingly?

The answer may lie within the mechanisms of human memory. Patrick J Robins is a psychologist and the author of *Eye Witness Reliability in Motor Vehicle Accident Reconstruction and Litigation*. He identifies the many ways in which human

memory is malleable and fallible. Cognitive dissonance occurs when the mind simultaneously holds two thoughts or cognitions that conflict. The result is anxiety or tension, which we seek to relieve by changing one of the thoughts, as in the following example [49]:

'...in a moment of inattentiveness I have just struck a pedestrian with my vehicle. The thought process might go something like this: "I have just struck a pedestrian; people who strike pedestrians are careless drivers; I must be a careless driver."

Now in conflict with that thought is this idea: "But I am actually a careful driver." We now have a state of cognitive dissonance, which...requires resolution and a strong motivation to reduce the dissonance. One option would be for me to change the second cognition from "I am actually a careful driver" to "I am actually a careless driver, and I will have to change my driving behaviour in the future and accept the consequences of this incident." However, an equally effective method of reducing the dissonance would be to change the first cognition to something like: "Pedestrians who are struck by drivers are careless and even the most careful driver is at risk from them and since I am a careful driver this pedestrian must have acted carelessly."

...People, like electricity, usually seek the path of least resistance. Since it is easier to change the first cognition and see the victim as a perpetrator than it is to change our self-images and see ourselves in a bad light, most people elect to change the first cognition rather than the second.'

I struggle to imagine an Australian court allowing expert psychological evidence about cognitive dissonance and the tendency of drivers to misremember or lie. In any specific case it would be impossible to prove that a driver was reconstructing events so as to preserve their own sense of self-worth. However, understanding why drivers lie is a useful starting point for cross-examining drivers and accident reconstruction experts and submitting to a judge as to why a witness who appears to fervently believe their own account should not necessarily be believed. ■

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