

## *How to refrain from lying and illusory speech*

Nicole Harris, a 23 year old with two young sons, was convicted by an Illinois jury in 2005 of killing her four year old son, named Jaquari, after the boy was found dead with an elastic cord wrapped tightly around his neck. She was sentenced to 30 years in prison.

After Ms. Harris had spent almost eight years behind bars, prosecutors dismissed her murder charge. Ms. Harris said that Chicago police had coerced her into confessing during a 27 hour interrogation. A federal appeals court found that her confession was “essentially the only evidence against her.”

Ms. Harris’s surviving son, five-year-old Diante, had repeatedly given testimony that his brother’s death was accidental. The appeals court concluded that Diante’s testimony, which was barred from court by the trial judge, would have “changed the entire tenor” of the case and returned a different verdict if jurors had been allowed to consider it. “Diante had been in the room with his younger brother. He told authorities that he saw Jaquari wrap the cord around his neck while playing, something his father had testified that he’d seen Jaquari do before, according to court records. But Diante was barred from testifying at trial, in part because he believed Spider Man, Santa Claus and the tooth fairy were real.” When asked by the court if he knew the difference between a truth and a lie, Diante said: “Telling a lie, you might get in trouble. Telling the truth, you might get a star.”

At five years old, Diante could already explain the “trouble” that lies can cause and the “starry” brightness of truth and reality. Since the heart of **all our ethical principles** is our vow to live for the welfare of all others, how can we learn to protect all others from the harm caused by lying and illusory speech, even when we have illusions and misconceptions?

## **1. LOOK INTO YOUR DISTORTIONS AND ILLUSIONS**

First, we look into the distorted and illusory nature of our usual mental activity. “We are not threatened by error; rather and much worse, we are swimming in delirium.” If we could easily tell the truth, then we would only have to watch for occasional errors caused by rare mistakes. But we have to do much more than watch for occasional errors. We are always in “trouble,” and we need to shine more “starry” light on ourselves to reveal that trouble.

The police who interrogated Nicole Harris did not make an error or mistake. The truth is much worse: in Ms. Harris’s case, the police succeeded in realizing the objective of all interrogations, which is to extract a confession of guilt. Like young Diante, police know that telling the truth is good; the problem is that by the time they have decided to interrogate someone, they already believe often falsely that they know what the truth is, and they try to do everything in their power to compel a suspect to confess that she is guilty of what they have accused her of doing even when she isn’t .

Prosecuting attorneys, too, are committed to telling the truth; but just like interrogators, they are often falsely certain that they already know what the truth is, and they will do almost anything to convict a suspect. This tendency to see illusory confirmation of our own beliefs in an uncertain situation is often called “confirmation bias,” and it is one of many common distortions of human mental activity. Many studies have shown that the confirmation bias of police, prosecutors, and judges along with, in some cases, procedural errors and deliberate lying leads to numerous false convictions. In early 2014, newspapers widely reported that during the previous year there was a record high number of exonerations in the United States of people wrongly convicted of a crime. In these cases, the illusory speech of false accusations has caused serious harm.

Many people, including very young children like Diante, can report highly accurate memories of events that they clearly witnessed, when they want to tell the truth and when they are not coerced by biased interviewers. Stephen Ceci spent years researching human memory and has written articles on the accuracy of children's courtroom testimony. He reported that in one important study, "even three year olds recalled large amounts of information accurately," and he noted that in many studies "young children have accurately recollected the majority of the information that they observed, even when they have not recalled as much as older children." In the face of this evidence, the judge at Nicole Harris's murder trial appears to have been biased by his own beliefs when he declared her son Diante unfit to testify at trial.

All of this shows that we easily speak illusory speech even when we are trying to tell the truth. But at times we may speak illusory speech because we have decided that the truth does not serve our motives: this is called lying. We can lie to others, we can lie to ourselves, and we can lie by keeping silent, which is a lie of omission.

The urge to lie can take the form of simple greed *I want it, so I'll lie to get it*), which can lead to the mix of stealing and lying called fraud. The urge to lie can take the form of self pride *I'm above the truth* or *I want to look good, so I'll lie* , fear *If I don't lie, I'll suffer* , anger or resentment *They hurt me, so I'll lie* . When we notice these kinds of mental activity, we should stay still and quietly examine their causes and conditions. The impulse to lie, like the impulse to violate any of our other ethical principles, is born in the depths of our own poor understanding of the nature of self and other, our own emotional immaturity, and our own ignorance of the best way to live for the benefit of all others.

## 2. LOOK UNDER YOUR FEET

Second, we look at our own unique position in space and time. The Japanese use a common phrase, *kyakka o miyo* 看脚下, which means “look under your feet” or “watch your step.” This phrase is practical advice when we are walking; it can help us avoid tripping and falling. It also reminds us that the source of all distortions and illusions of our mental activity is our own body.

Our perspective is biased and limited because of the structure and position of our body. We cannot see or hear or smell or feel what is happening beyond our own limited range of seeing, hearing, smelling, and feeling. Even if we use a video monitor to view what is happening beyond our own field of view, the video monitor will also have a limited perspective because the camera providing the image has its own position in space and time. Studies of “camera perspective bias” have shown that simply changing the camera position and field of view in videotaped confessions by crime suspects changes viewers’ perception of coercion on the part of the interrogator and even perception of the guilt of the suspect. When the camera is positioned in one place the confession seems voluntary and true, and when the camera is positioned in another place the confession seems coerced and false. The position of our body, or of a camera, arranges what we perceive to be happening around our body, or around the camera.

Furthermore, “what we perceive to be happening” rapidly changes. “Keeping up with what is occurring rather than lagging and getting caught in things that no longer exist is one of life’s great disciplines.” Despite our attempts to mentally keep up with the rapid change of what is happening, we find ourselves lagging and getting caught in memories of the recent or distant past mental traces of what we once perceived at some other position in space and time, or fantasies about the future. When we are caught in our own mental activity about the imagined past or future, we stop paying attention to what

is happening around us and we become blind to it: this is called “inattentional blindness.” When we are blind to what is happening around us, it is impossible to speak anything about it but illusory speech. Before we trip and fall due to our own blindness, or before we speak illusory speech about what we never perceived, we can be brought back to attention by a simple reminder: “Watch your step.”

What we see, hear, smell, and feel is already biased and limited before we even think of speaking about it. “Illusory speech” means speaking to others without awareness of this ultimate source of all distortions and illusions: our body. “Telling the truth” means speaking with others about the limitations of our perspective. By speaking with others about the limitations of our perspective, we can protect all others from the harm that arises from lying and illusory speech.

### **3. LOOK THROUGH THE EYES OF ALL OTHERS**

Third, we try in every moment to see what is happening as all others see it. “Make a sincere effort to see through the eyes of all others, especially those from whom we feel most alienated: enemies, former spouses, estranged parents, and other races and classes of human and nonhuman life. Although you cannot actually see through the eyes of others, the effort to do so opens your eye of wisdom.”

By first looking into our own distortions and illusions, and then looking under our feet to find the ultimate source of those distortions and illusions, we know that our perspective is biased and limited. We know that we have failed to keep up with what is happening as it rapidly changes. By trying to see what is happening as others see it, we begin to go beyond our own distortions and illusions; we consider how the usual mental activity of all others is also distorted and illusory. Because we have looked into our own distortions and illusions first, we can consider the distortions and illusions of others without any

feeling of righteousness or superiority. We know that when we try to look through their eyes, we are seeing a double illusion — our fantasy about their illusion.

Police interrogators who compel an innocent crime suspect to make a confession of guilt have not thoroughly looked into their own distortions and illusions and therefore do not know that the guilt they are seeing is a double illusion. They look through the suspect's eyes and see only their own fantasy of the suspect's illusory guilt. Innocent people are harmed, and sometimes even killed, because of these police officers' illusory speech. When we speak about what we see when we try to look through the eyes of others, we should not speak as interrogators do. To speak of our own fantasy about others' views as if that fantasy were true is illusory speech. But to share with others our fantasy about their views as if that fantasy were a fantasy, and to invite them to share with us their views about our fantasy, is to start a conversation about telling the truth. Through this conversation, each of us can learn more about our distortions and illusions, and about the nature of self and other.

#### **4. LISTEN AND SPEAK TO HELP ALL OTHERS**

Fourth, we vow to listen to all others and use our speech to help them. Just as we must question our fantasy of what others perceive to be true and instead ask them what *they* perceive to be true, so we must question our fantasy of what others perceive to be helpful and instead ask them what *they* perceive to be helpful. Helpful speech is possible when we remember our vow to live for the welfare of all others and we ask others to help us realize our vow through an ongoing conversation about the distortions and illusions that are continually arising in every moment. If we ignore our distortions and illusions and we live only for our own narrow motives, all our speech will be lying or illusory speech, and we will harm others.

Five-year-old Diante already knew that telling the truth and telling a lie each have consequences. When we listen and speak to help all others, others learn that they can trust us (that is, they can expect us to listen and try to join them in a search for what is true and helpful . When we speak only for our own motives, others learn that they can't trust us (that is, they can expect us to confuse our own distortions and illusions for what is true and helpful . Because of someone else's illusory speech, Diante was prohibited from telling his truth in court and thereby helping his accused mother. May we all use what we know about the "starry" brightness of truth and reality to live a life without lying and illusory speech, to protect all others from harm, and to help ourselves and all others realize our full potential.

## SOURCES

This guide to how to refrain from lying and illusory speech was rendered by Nathan Strait [nathanstrait.com](http://nathanstrait.com) on the 13th of April of 2014. It is a meditation on the fourth grave precept of [the ethical principles of bodhisattvas](#). The story of Nicole Harris is based on the account in Duaa Eldeib's article "The road back from a wrongful conviction: exonerated mom struggles to rebuild her life" in the *Chicago Tribune*, January 19th, 2014, and Timothy Williams' article "Study puts exonerations at record level in U.S." in the *New York Times*, February 4th, 2014; and the U.S. Court of Appeals case *Harris v. Thompson*, 698 F.3d 609 2012 . The quotations are from Eldeib's article and the appeals case. The words "We are not threatened by error..." are from an essay by Gilles Deleuze on David Hume, translated into English by Anne Boyman in the book *Pure Immanence: Essays on A Life*, New York: Zone Books, 2001. How interrogators' and prosecutors' beliefs become a self-fulfilling prophecy is summarized in Carol Tavris and Elliot Aronson's book *Mistakes Were Made But Not by Me : Why We Justify Foolish Beliefs, Bad Decisions, and Hurtful*

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