

FALSE MOBBING

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## **1 Jornada de Análisis Integral del Mobbing Ámbito Jurídico**

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### **THE TESTIFICAL TEST: HOW TO DETECT THE FALSE MOBBING?**

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*In Spanish in the original. Translation by Marina Parés.*

#### **Introduction:**

The reason for my paper is based on the figure of false mobbing understood as false-positive in the sense that it is often a secret stalker who does not perceive himself as such and who, consciously or she subconsciously presents herself as a victim of bullying and this is so given the bully's tendency to pretend to be a victim when she is discovered. The purpose of this paper is to present the keys that allow us to detect and reach it through an analysis of the type of language that is used; that is, in his own words, to find the signs of his manipulative character. Therefore, manipulation is the key issue in determining the false mobbing of authentic mobbing. In false mobbing the type of communication is paradoxical, that is, manipulating language; instead, a true victim with authentic mobbing communicates through genuine and truthful speech. In every judicial process, the search for truth is one of its ends, which is why reconstructing facts through witnessing becomes an important part. Speaking the lie in this context involves detecting the falsehood of that witness. The test is probably the most important element in any lawsuit and this is because the test depends on the judge ruling for or against, so in-depth knowledge of the means of probation is an obligation of the attorney. Confessions and statements, both in frequency and in the data they are able to provide, are the most important evidence in court proceedings. Before proceeding I want to review a little the terms confession and declaration. Confession is defined as "the spontaneous or solicited recognition that a subject makes of his participation in an event or in a situation in which he is engaged and which he has kept secret until then" (Poggi, V. 1996) . In addition to detailed confessions, jurists distinguish so-called "forced or provoked confessions". Every other exposition of known facts by the perpetrators or witnesses to the judge is called a "statement." We know that both confessions and statements are surrounded by a deep subjectivism that will present difficulty and will be considered valid. Those that meet a difficult requirement to verify, which is sincerity.

#### **Mobbing concept**

The definition of the twenty third edition of the Dictionary of the Spanish Royal Academy on the word "harassment" is: "the action and effect of harassing" and defines to the moral or

psychological harassment like "the practice exerted in the relations personal, especially in the workplace, consisting of vexatory and qualifying treatment towards a person, in order to destabilize them psychically. "The great advancement that comes with introducing this concept in the RAE dictionary, must be appreciated. We still have to check that there are two important elements missing that define any situation of harassment, such as the acts of marginalization and the group element of moral harassment, and the importance of the group element as it will be clear indicator that will allow us to distinguish a false mobbing from a true (Parés, 2005). "Moral bullying is a group's psychological violence against a person; this is not a conflict between two people, a bully and a victim, and if, instead, a group against a worker".(1) In cases where there is no such group element the element that will serve us being able to discriminate between a true victim of bullying and false mobbing will be the use of manipulation in the language by the bully who pretends to be a victim or the existence of a mental disorder in the case of It is known that the harasser attributes or "accuses" the victim of his own intentions as if he were a mirror and ascribes his own mistakes and his own fears Hirigoyen, MF (1999). González de Rivera , JL (2002). Piñuel, I (2001), so it is no surprise that in court proceedings you present yourself as a victim of the truly bullied person. We quote Hirigoyen: "A perverse individual may be charged with acts which You have not committed a person whom you want to disqualify. Even if the person leaves the rehabilitated trial, they may lose their reputation and even their job. It will be essential to respect the presumption of innocence".(2) Often in mobbing what first draws attention to the manipulator's speech is this feeling that there is something that is not logical. Dig deeper into that perception instead removing it from our minds will be the first step in learning how to detect an expert manipulator of communication, such as organizational perverse, and it is very common for a bully to attribute a victim to bad faith without evidence of it. An open-minded attitude is to listen to the intentions the bully attributes to the victim, as they will give us the intimate motives of the manipulator to bully him in. Mobbing does not seek the harm of evil, he seeks that this evil produces a result. Uses the language to manipulate and this manipulation is specific in the use of incongruity and contradiction, we can say that these two elements are always present in every manipulative speech.

(1) M. Parés "Mobbing: Knowing the Siege Group from Anthropology". Master Conference. XIII International Symposium on Physical Anthropology "Joan Comas". Campeche-Mexico. November 2005.

(2) and MF Hirigoyen "Moral harassment at work. Distinguishing the truth from the false." (2001: 290).

## **False accusations**

Once the moral harassment is defined and the type of communication the harasser uses, I will approach the subject of false accusations in the legal field and that is why I have based on Proggi's work (3).

(3) V Proggi et al. "False accusations". Liga psychiatry award. 3rd International Congress of Psychiatry. Buenos Aires. October 1996.

In false accusations the content of the speech may be accurate or erroneous, but within the content of the wrong it may happen that the subject truly believes what he says because he is

aware of it, or that the subject may be aware of the authenticity of his discourse, try that this is true and this "try" is what will make the fundamental difference, although in both cases the speech is wrong, at first there is a lack of intention to deceive. Paranoid Personality is a personality disorder that defines commonalities with victims of bullying. The main signs are mistrust, psycho-rigidity, low ability to self-criticize, egocentrism, the need for flattery. They are people who harbor resentment and of considerable aggression, in some cases detected and in others projected. It is these cases that we see frequently in court with their complaining and protesting attitudes and behaviors. According to Proggi: "In cases in which the true belief of the "wrong" subject is possible to warn of two aspects: error or mental pathology. If the stated speech is true, it may be that the falsehood is taken as true, with the When speech is sustained by abnormal, firm, tenacious beliefs or convictions of absurd or illogical content, and such an experience of certainty is incorrigible by experience, then we are in the field of delusional pathology. Instead, when the false whistleblower has a lack of sincerity as the sole purpose, we would be in the field of pathological lying. And it is precisely in this case that the psychiatric-forensic literature describes three psychopathic personalities inclined to this class of imputations: the hysterical, the mitoman and the perverse personality. Let's see how the description of each of these personalities corresponds to the profile of the organizational perverse stalker. The hysterical person likes the theatricality and being the center of attention, and this because of its vanity. However in the mythomaniac the element that defines it is the fabrication, it is the queen of the fable, who delights, among other things, with the "hetero sexual accusations" (Proggi quoting Dupré). Finally, the person with a perverse personality is full of destructive desire in any of its forms, and is characterized by being bad because he enjoys writing anonymously, is known for his overlapping and poisonous comments, as well as for the viperin denunciation and liar. The explanation for its fit into the stalker profile is that the three personality types (hysterical, mitomaniacal, and perverse) have two common ingredients in it: malignancy on the one hand and affective impermeability on the other, with which any kind of simulation is feasible. We quote Hirigoyen (1999: 117) "Bullying defends itself by means of projection mechanisms: they attribute to others all their difficulties and all their failures and do not feel guilty about anything. They also defend themselves through denial."

We have already seen that these features, which have been previously defined by legal psychiatry, are the same as described by experts as typical of the bullying subject. Therefore, these three types of personality serve to define the profile of the stalker, of any stalker, whether in the work, school, family. The harassment often comes to court, accusing his (authentic) victim of causing his evils. According to Hirigoyen (1999: 102) "Whenever he has to justify his hatred, he causes the wicked person to rely on a persecution on the part of his victim. He thus places himself in a situation of self-defense". Two types of personality alteration often come together in the same person: the perverse and the mitoman, we are dealing with the so-called perverse-mitoman. The perverse mythomist acts essentially in evil, making false accusations and allegations moved by his hatred, despair, jealousy and vengeance, or simply by the pleasure or fun of causing evil to others. An example of this is defamation campaigns by means of anonymous letters, which cause a climate of uneasiness that can sometimes be quite long and have a serious severity, and are called virtual bullying when using virtual networks for to its diffusion. According to Hirigoyen (1999: 114) In the perverse, disappointments produce anger or resentment, and a desire for revenge. When a pervert perceives a narcissistic wound (a defeat or repulsion), he feels an unlimited desire to have a rematch. It is not a passing reaction, but an inflexible resentment. "It is also worth noting that a frequent form of vanity mythomania", which is very common among bullies who have reached a certain position in the organization, are those

who go away and They pretend to have influential or important relationships or belong to certain circles. These characters usually fall into disrepair shortly after meeting them (charlatans and fanfare), but in certain circumstances they can invent or suggest true stories of accusation and self-accusation. That there is an abnormal or pathological background in the one who seeks through the false accusations, revenge, utility, redemption, notoriety, fun, but such an assertion cannot generalize. Be aware, since there is a whole group of subjects who, for different reasons, have one common feature: that of presenting a conscious will to fraud.

## The Stalker

To delve deeper into the idea that false mobbing often masks a true bully and to be able to understand that in the case of false positives, we are dealing with the same type of people as those described in forensic psychiatry as personalities with alterations in mind. In the face of false accusations I will go on to define the profile of the bully according to the experts in the matter like Hirigoyen, González de Rivera and Piñuel. Hirigoyen (4) defines the organizational perverse as a narcissistic pervers. González de Rivera describes him as being affected by the active inoperative mediocrity disorder or MIA syndrome (5): "The individual suffering from MIA is persistent, easily develops high activity (inoperative, of course) and has a great desire for notoriety and influence over others, which sometimes reaches messianic tints" and Piñuel (6) agrees with their psychopathic nature.

(4) "The perverse narcissist puts the most docile members of the group against the isolated person" Hirigoyen, MF "Moral harassment at work. Distinguish true from false." (2001: 46).

(5) González de Rivera, JL "The psychological abuse" (2002: 89).

(6) "understanding of the psychopathic nature of the bully and his perverse behavior" Piñuel, I "Mobbing" (2001: 129).

For all of the above we have been able to show that the workplace harasser follows the parameters of personality alteration described by forensic psychiatry as those promoters of false accusations, and that through a perverse twist he presents himself in court with a false accusation of mobbing in which you want to show yourself as a victim or as a "poor of me". According to Field (7) "the standard response of a serial bully, when considered responsible for his action, and fears seeing his inadequacy, incompetence, and disorderly behavior, is to respond with the strategy of denial to counterattack by pretending to be a victim. It's very effective".

(7) Field, T. "The Standard Response of a Serial Bully". On the website "Bully-on line" (2000).

Thus false accusations of mobbing will be promoted by two types of subjects; on the one hand those people affected by a mental disorder (Paranoia) and on the other people who promote the fraud. In the latter case, fraud takes place through manipulation and the subjects who promote them exhibit one of three types of personality alteration that are consistent with the

profile of the bully described in the entire mobbing literature. We conclude that for the French therapist the paranoid patients are the main claimants of false mobbing, Hirigoyen (2001: 61) "The greatest danger of false accusations of moral harassment is that of the paranoid, who find support in the subject. In most cases, the diagnosis is clear. (...) Unlike the true victims, a person with a paranoid character will not try to move the situation towards any agreement but will try to keep it. His denunciation of the victim-harasser he has designated (...) With a paranoid argument it is impossible to argue, and conflicts can never be resolved but they go into an endless process of accusations. Morals are in doubt, they are questioning their own actions and they are looking for solutions that can end their torment. The paranoid, however, do not doubt, assert and accuse".

## **Manipulation in Language**

Apart from paranoia patients the other large group of false mobbing is determined by the manipulators where the motivation is fraud. Cases of fraud in accusations of false mobbing can be detected by analyzing the language used by the manipulator. For the study of language manipulation I will be based on a specific type of communication that uses the organizational perverse namely paradoxical communication (8).

(8) Parés, M "Communication in Mobbing" 1st Ibero-American Symposium on Ergonomics and Psychosociology. Avilés. October 2005.

We know that in order to harass another human being, the harasser will have to carry out two types of manipulations, one aimed at the victim's environment and one directed at the harassed person. For the bully, the manipulation aimed at the environment is intended to make him his ally, whether he collaborates in the harassment or does not make it clear that this is the obvious and that is why all he asks for is the stalker is that he does nothing. In a situation of complaint for false mobbing collaborating in harassment is to deny the victim a presumption of innocence, and to do nothing consists of not investigating the motives and the mechanisms of harassment.

This paper aims to provide the keys to detect deception in the first place, by assessing in a fair measure the group pressure through checking the existence of the group element of any bullying and in cases of fraud detecting deception in analysis of reasoning and arguments used. The environment that does nothing becomes a tacit contributor to bullying; however, manipulation when aimed at the victim aims to damage and destabilize it.

In a process of psychological harassment, the paradox (contradiction) arises at both the language and behavior levels, in both cases there is violence. Behavior is symbolic (Perkins 2001) and is concretized in actions and attitudes; thus at the behavior level it is manifested in both non-verbal communication and non-communication acts. Non-verbal communication acts include exaggerated sighs, shrugged shoulders, looked down upon; and as non-communication acts, ignoring a greeting, not answering a question, acting as if a certain person were not present, and turning your back. etc. In addition, in mobbing the contradiction arises in verbal communication through the paradoxical language. In moral harassment the language is perverted, each word hides a misunderstanding that turns against the chosen victim. We say that language manipulation is a tool of the psychological bully as it seeks to hide the practice of

violence on the one hand, and on the other hand to use privileged information to harm. In the record of perverse communication, one must prevent the other from thinking, understanding, acting; whether it is the victim or the environment. In the case of false mobbing the environment corresponds to the judicial authority. Understanding the stalker's language (speech) manipulation is realized through studying the terms used, mental outlines, strategic approaches and strategic procedures, and in all of them there are keys to detection of the stalker from the language used by himself, these keys are contradiction and inconsistency. The contradiction is in the speech and the incongruity in rooting.

We define incongruity as a lack of logic or bewildering logic and can find it in the entirety of the discourse, and define it as a contradiction to the set of fallacies, that is, to the false arguments propagated by the manipulator, which include insinuations and misunderstandings. Hirigoyen (1999, 124) "When a wicked person attacks his victim, he usually points to the weaknesses in the register of disrepute and guilt". There is a contradiction in the stalker's speech that does not appear in the victim's speech. The issuer uses the contradiction intentionally. The contradiction includes the use of falsehoods and errors. We see falsehood in the argument that is based on a lie and in reasoning a mistake is hidden (error) (9).

(9) Parés, M. "Mobbing: Detection of the Bullying Through the Language" III International Meeting on Occupational Health and Safety. Vilanova i La Geltrú. May 2005.

According to Hirigoyen (1999: 104) "If the victim reacts and stops behaving as a docile object, the aggressor is considered threatened and assaulted. Whoever, in the beginning, initiated the violence, is now in position (...) The perverse tries to get his victim to act against him in order to accuse him of being "evil." In order to dismantle the false argument, one must look for the lies that underpin him and for this he must be shelling one at a time. one component of the argument in order to find evidence that will make the lie that the bully pretends to be true is clear, and one must be alert and detect the hints and misunderstandings that constitute the argument that justifies harassment to the victim. The contradiction also includes the errors of the accusations and these are hidden in the reasoning. Regular checks must be made in order to verify one by one the reasons used by the harasser to stigmatize the victim. The baffling logic of the harasser provokes, as it says it, confuse the receiver and in this way the manipulator achieves one of his goals, that is, blocking the action of the listener.

We find baffling logic or no logic, as there is a dissonance between the perceived and the verbalized. According to Hirigoyen (1999: 96) "The wicked person devotes all his strategies to sinking to another and, with this, he recalculates himself." Knowing these keys gives us some immunity from manipulation. Being less vulnerable will allow us to differentiate between the victim and the bully. Victim discrediting will always provide a gain for the bully instigator; the benefit that the harasser would gain from the victim's discredit could not be achieved without the use of harassment. I quote Hirigoyen (1999: 129) "The aggressor is frustrated. His victim becomes a living reproach, which drives him to hate him even more". It is precisely the fraudulent acquisition by the latter of the latter that will determine whether or not the mobbing has been beneficial to the harasser.

## CONCLUSIONS

Forensic psychiatry informs us that false crimes are formulated by personalities with delusional pathologies or are engaged in other types of personality alterations whose pathological lie is the defining element. Among pathological liars he defines those who are inclined to lie and cheat on the one hand (subjects with hysterical personality and mythomania) and those who malignantly (perverse personality). Therefore I agree with Piñuel (2003,194) that "to point out that there is no way to distinguish between aggressor and victim to mobbing is a real nonsense". The stalker is satisfied when he receives from the surroundings some ratification of the effectiveness of his disguise. He has become truthful, the truth has been mocked by appearance, but as he is aware of his trap, he cannot run the risk of being spontaneous. The abrupt, the sudden carries a risk. The risk is the irruption of a contradiction that irreversibly belies the validity of its falsification. The false mobbing promoted by a bully who pretends to be a victim can be discovered by highlighting the contradictions and inconsistencies in his speech. The solvency of his act is threatened by the unconscious contradictions that lurk in him, and which he is exposed to most of the time. You just have to be willing to detect it and I think it is an ethical obligation on the part of all those involved to determine these cases of false mobbing. According to Hirigoyen (2001: 61). "It must be ensured that cases of false accusations of moral harassment do not discredit and call into question the reality of what the real victims are suffering. A positive resolution of a mobbing case needs to ensure that the harasser fails to obtain. The desired object, otherwise it will serve as a reinforcement of this bullying strategy, so it is likely that the harasser will reapply using this technique which has been so beneficial to him and thereby establish 'harassment as a usual way of operating' This paper aims to avoid the danger that the concept of moral bullying may end up losing its credibility.

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