
Confessions: Psychological and Forensic Aspects

A confession is any written or oral statement in which a person admits to having committed some transgression, often indicating acknowledgement of guilt for a crime. In some settings, confessions are considered necessary for absolution, social acceptance, freedom, or physical and mental health, making it easy to understand why people often exhibit an 'urge to confess.' However, in other settings confessions predictably result in personally damaging consequences to the confessor—such as a loss of money, liberty, or life itself—making it difficult to understand this aspect of human behavior.

Confessions have played a multifaceted and powerful role throughout history. There are three venues of human social interaction in which one person's confession to another has proved important: religion, psychotherapy, and criminal justice. In religion, the scene of the penitent with the Catholic priest, occurring inside a small, private, and hallowed stall known as a confessional, serves to remind us that all of the world's major religions advise or oblige adherents to confess to their transgressions as a means of moral cleansing. In psychotherapy, the image of the emotionally distressed patient laying on a couch, in tears, while self-disclosing deep, dark, personal secrets to his or her analyst, illustrates the widely held belief in the healing power of 'opening up' the past—including memories of one's actual or imagined misdeeds. In criminal justice, of course, the classic image of the beleaguered suspect being grilled by police behind the locked door and under the bright light of the interrogation room, serves as a stark reminder that, in the law, the self-incriminating statement is considered the most potent evidence of guilt.

1. Confession in Religion

All major religions of the world—Buddhism, Christianity, Hinduism, Islam, and Judaism—provide a mechanism and encouragement for followers to acknowledge and disclose their transgressions. The

purposes served by such confessions are twofold: to cleanse the individual's soul and to police the community, thus serving as a deterrent to wrongdoing.

Religions vary in terms of how, when, where, and to whom confessions are given, and even whether they are made in private or in public. Profound differences exist even within Christianity. For example, the Quakers, Unitarians, and others are encouraged to confess their sins to themselves, through private prayer. Others, such as Catholics and the Greek and Russian Orthodox have more formal rituals whereby followers confess, often at a designated time or place, to ministers or priests. The adoption of this model was particularly explicit in the year 1215 when the Roman Catholic Church, in the Fourth Lateran Council, made the rite of an annual confession obligatory for all adherents. In other religions, the confession to be given depends on the nature of the misdeed. Among American Southern Baptists, for example, people are required to disclose their sins to those they have specifically harmed—such as a spouse, an employer, or the entire congregation.

2. Confession in Psychotherapy

People in many parts of the world have long believed that confession is good not only for the soul but also for the body and the mind. Several years ago, anthropologist Weston La Barre (1964) found that many Native Americans of North and South America believed that physical and mental health required purity, which in turn required exposure—often through elaborate confession ceremonies involving shamans and witch doctors. Similar notions have permeated Western medicine ever since Josef Breuer and Sigmund Freud (1895) observed that patients often felt better after purging their minds of material buried in the unconscious. This discovery gave birth to Freud's *Psychoanalysis*, the first systematic form of 'talking cure,' and now forms the basis for many modern psychotherapies and social support groups.

Recent research confirms the healing power of opening up to someone else about one's problems, transgressions, victimizations, and other unpleasant truths. In a series of controlled experiments, James Pennebaker (1997) and others brought research subjects into a laboratory and asked them to talk into a tape recorder or write for 20 minutes either about past traumas or about trivial daily events. While speaking or writing, the subjects were upset and physiologically aroused. Many tearfully recounted accidents, failures, personal wrongdoings, instances of physical or sexual abuse, and other issues. Soon, however, the subjects felt better than ever. Thus, while systolic blood pressure levels rose during the disclosures, they later dipped below pre-experiment levels. The subjects even exhibited a decline in their number of doctor visits over the next six months.

Other studies, too, have shown that keeping confessional secrets can be stressful and that 'letting it out' and 'getting it off your chest' can have therapeutic effects on health—effects that are especially strong when the events being described are highly traumatic (Smyth 1998). For example, in a study of women who had an abortion, those who talked about it to an experimenter—compared to those who did not talk about it—were later less haunted by intrusive thoughts about the experience (Major and Gramzow 1999). In another study, researchers identified 80 gay men newly infected with the HIV virus but who had no symptoms, administered various psychological tests, and monitored their progress every six months for nine years. They found that in men who were partly 'in the closet'—compared with those who had openly confessed rather than concealed their homosexuality—the infection spread more rapidly, causing them to die sooner (Cole et al. 1996). This provocative correlation does not prove that 'coming out' is healthier than 'staying in.' In a controlled laboratory experiment, however, subjects who were told to suppress rather than express turbulent emotional thoughts exhibited a temporary decrease in the activity of certain immune cells (Petrie et al. 1998).

3. Confessions in Law

In criminal law, confession evidence is a prosecutor's most potent weapon—so potent, as one legal scholar put it, that 'the introduction of a confession makes the other aspects of a trial in court superfluous' (McCormick 1972). On the one hand, confessions play a vital role in law enforcement and crime control. On the other hand, they serve as a source of recurring controversy, with questions often arising about whether a statement is authentic, voluntarily given, the product of a competent waiver of rights, and in accord with the law. For all of these reasons, confessions have been described as 'troubling' (Brooks 2000).

3.1 Rules of Confession Evidence and Procedure

To guard the integrity of the criminal justice system, to protect citizens against violations of due process, and to minimize the risk that innocent people would confess to crimes they did not commit, American courts have erected guidelines for the admission of confession evidence. According to the historical overview proposed by Wigmore (1970), the modern law's treatment of confession evidence has evolved through a series of stages. In England, during the sixteenth and seventeenth centuries, there was no restriction on the use of confessions. All avowals of guilt were accepted at face value. Thus, at least through the middle of the seventeenth century, physical torture was used to extract self-incriminating statements. In contrast, by the nineteenth century, the judiciary was highly cynical

of confessions and quick to repudiate them for a lack of reliability. Currently, as in the twentieth century, confessions are not accepted or rejected outright but, rather, each is judged according to a 'totality of the circumstances' and the requirement that it be considered voluntary. Thus, confessions are typically excluded if elicited by brute force, prolonged isolation, a deprivation of food or sleep, threats of punishment or harm, promises of immunity or leniency, or without notifying a suspect of his or her rights (Grano 1993 Kamisar et al. 1999).

In cases involving a disputed confession, a preliminary hearing is typically held in which a judge determines whether a confession was voluntary and hence admissible as evidence. In American courts, the trial judge will then either admit confessions deemed voluntary without special instruction, or he or she may specifically direct the jury to make an independent judgment of voluntariness and disregard statements found to be coerced.

3.2 Methods of Police Interrogation

Many years ago, interrogators used bright lights, brute force, the rubber hose, and physical intimidation to get confessions. Today, the police are required to warn suspects of their 'Miranda' rights to silence and to an attorney (Leo and Thomas 1998)—and the use of physical force has given way to psychologically oriented techniques such as feigned sympathy and friendship, appeals to conscience and religion, the presentation of false evidence, the alternation of good cop and bad cop, and other forms of trickery and deception. Today, a number of manuals are available for training the police in how to elicit confessions through interrogation. The most popular of the manuals is Inbau et al. (2001) *Criminal Interrogation and Confessions*, first published in 1962 and now in its fourth edition.

Inbau et al. (2001) advise the police to put suspects into a small, barely furnished, soundproof room—a physical environment designed to promote feelings of social isolation, helplessness, and discomfort. They then present a nine-step procedure for overcoming the suspect's resistance. According to this method, the interrogator begins by confronting the suspect with his or her guilt (Step 1), then develops psychological 'themes' that justify or excuse the crime (Step 2), interrupts all statements of denial (Step 3), overcomes the suspect's factual, moral, and emotional objections to the charges (Step 4), ensures that the increasingly passive suspect does not mentally withdraw (Step 5), shows sympathy and understanding, and urges the suspect to tell the truth (Step 6), offers the suspect a face-saving alternative explanation for his or her guilty action (Step 7), gets the suspect to recount the details of the crime (Step 8), and converts that statement into a full written confession (Step 9).

Kassin and McNall (1991) note that there are two general approaches contained within this method of interrogation. One is to pressure the suspect into submission by expressing certainty in his or her guilt—a goal that, at times, leads interrogators to falsely state or imply that they have damaging evidence such as fingerprints or an eyewitness. In this way, the accused is led to believe that it is futile to mount a defense. The second approach is to befriend and sympathize with the suspect and ‘minimize’ the offense by offering face-saving excuses—such as suggesting that the crime was provoked by the victim, or was accidental. This technique may lead a suspect to anticipate leniency, which provides an inducement to confess. Research shows that these tactics are often used (Gudjonsson 1992, Kassin 1997). In an observational study of 182 interrogations, for example, Leo (1996) found that detectives used an average of five to six tactics per suspect.

3.3 The Psychology of False Confessions

As prescribed, police interrogations should lead guilty suspects to incriminate themselves by reducing the perceived negative consequences of confessing while, at the same time, increasing the anxiety associated with continued deception. It could be argued that interrogation is not overly coercive in that innocent people do not confess to crimes they did not commit. This assumption is incorrect. Nobody knows the incidence of false confessions or has devised an adequate method of calculating their prevalence. The pages of history and current events make it clear, however, that there are many documented false confessions on the record (Borchard 1932, Gudjonsson 1992, Leo and Ofshe 1998, Radelet et al. 1992, Wrightsman and Kassin 1993). In fact, among the first 62 prisoners to be exonerated by DNA evidence, 15 had given full or partial false confessions (Scheck et al. 2000).

Regardless of the precise numbers of such cases, Kassin and Wrightsman (1985) identified three different types of false confession: voluntary, coerced-compliant, and coerced-internalized. This categorization scheme has provided a useful framework for the study of false confessions and has been adopted by other researchers in the field.

A ‘voluntary false confession’ is a self-incriminating statement that is offered without external pressure from the police. When Charles Lindbergh’s baby was kidnapped in 1932, 200 people confessed. Why would anyone volunteer a false confession? There are several possible motives. Sometimes the goal is to protect a friend or relative—a problem often revealed in interviews with juvenile offenders. Other possible motives include a pathological need for fame, acceptance, recognition, or self-punishment.

In contrast to voluntary false confessions are those in which suspects confess as a result of intense

interrogation pressures. Within the category of coerced false confessions, it is necessary to further distinguish between two forms of social influence: compliance and internalization. In the common language of social psychology, compliance refers to a change in one’s public behavior for instrumental purposes. This form of influence was observed in early studies of conformity by Asch (1956) and research on obedience to authority by Milgram (1974). In contrast, internalization refers to a private acceptance of the beliefs espoused by others. This deeper form of influence was exhibited in early autokinetic studies on the formation of group norms (Sherif 1936) and later research on minority influence (Moscovici 1985).

‘Coerced-compliant false confessions’ occur when a suspect confesses to escape or avoid an aversive interrogation, or to gain a promised or implied reward. In these cases, the confession is an act of decision-making compliance by a suspect who privately knows that he or she is truly innocent. Psychologically, coerced-compliant false confessions are easy to understand, as they arise whenever a suspect comes to believe that the short-term benefits of confessing—such as being left alone, fed, or released—outweigh the long-term costs associated with prosecution, the loss of reputation, and incarceration (Hilgendorf and Irving 1981). Individuals who are characteristically predisposed to exhibit compliance in social influence situations are particularly vulnerable in this regard (Gudjonsson 1989). The pages of legal history are filled with documented false confessions of this nature. In one instance, four young men confessed independently to the massacre of six Buddhist monks in a Phoenix Arizona temple. In that case, a psychiatric inpatient called the police, volunteered a confession, and implicated three other men. His ‘accomplices’ were then seized and interrogated for several hours through the night. All eventually confessed and spent 70 days in jail—until the real murderers were discovered via ballistics evidence (Parloff 1993).

‘Coerced-internalized false confessions’ are those in which an innocent person—anxious, sleep-deprived, confused, and subjected to a highly suggestive interrogation that often includes the presentation of false evidence—actually comes to believe that he or she committed the crime. This type of false confession is particularly frightening because the suspect’s memory may be altered, rendering its original contents potentially irretrievable. This phenomenon is closely related to recent laboratory and field studies involving the creation of false memories for words in a list, visual images, and past experiences (Garry et al. 1996, Hyman et al. 1995, Loftus 1993, Roediger and McDermott 1995).

Several cases of this sort have appeared in recent years. Consider, for example, the story of 18-year-old Peter Reilly, who returned home one night to find that his mother had been murdered. Immediately he called the police. Despite Reilly’s distraught mental and

emotional state, the police interrogated him for 24 hours, during which time they administered a polygraph, which they described as infallible—and which, they claimed, he failed, thus indicating that he murdered his mother despite having no memory of having done so. Transcripts of the interrogation session revealed that Reilly underwent a stark transformation from denial through confusion, self-doubt, conversion ('well, it really looks like I did it'), and the signing of a full written confession. Two years later, independent evidence revealed that Reilly could not have committed the murder, that the confession he came to believe was false (Barthel 1976). Over the years, a number of other such cases have surfaced (Gudjonsson 1992, Kassin 1997, Leo and Ofshe 1998).

Is it really possible to convince people that they are guilty of an act they did not commit? Based on an analysis of past cases, Kassin and Kiechel (1996) theorized that two factors increase the risk: (a) a suspect who lacks a clear memory of the event in question, or whose memory is vulnerable to manipulation, and (b) the presentation of false evidence. To test this hypothesis, they recruited pairs of college students to work on a fast- or slow-paced computer task. At one point, the computer crashed, and students were accused of having caused the damage by pressing a key they had been specifically instructed to avoid. All students were truly innocent and denied the charge. In half the sessions, however, the second student (a confederate) said that she had seen the student hit the forbidden key. Demonstrating the process of compliance, many of the subjects confronted with this false witness signed a confession handwritten by the experimenter. Next, indicating internalization, some subjects later 'admitted' their guilt to a stranger (also a confederate) after the experiment was supposedly over and the two were alone. In short, innocent people made vulnerable to suggestion can be induced to confess and to internalize guilt by the presentation of false evidence—an interrogation tactic commonly used by the police.

3.4 Confessions and the Jury

Legal scholars have long speculated that confessions are the most persuasive form of evidence against a criminal defendant. Research shows that this assumption is correct. In a series of mock jury studies, Kassin and Neumann (1997) inserted a confession, eyewitness identification, or character testimony into various cases otherwise containing only weak circumstantial evidence. Consistently, they found that confessions raised the conviction rate more than did the other common and potent forms of evidence. Whenever a suspect confesses during a coercive interrogation but then withdraws the statement, claiming it was false, the jury is confronted with an attributional dilemma, needing to determine whether the defendant had

confessed because he or she was truly guilty (a personal attribution) or because he or she merely sought to avoid the aversive consequences of silence (a situational attribution). According to the logic of attribution theory, jurors should lack certainty about confessions made in response to external pressure. But over the years, studies have shown that people, at least in Western cultures, frequently fall prey to the 'fundamental attribution error'—that is, they tend to make dispositional attributions for another person's actions, while neglecting the role of situational factors (Gilbert and Malone 1995, Jones 1990).

Is it similarly possible that jurors view suspects who confess as guilty, even if they were highly pressured by an interrogator? To examine this question, Kassin and Sukel (1997) had mock jurors read one of three versions of a murder trial. In a control version that did not contain a confession, only 19 percent voted guilty. In a low-pressure version in which the defendant was said to have confessed immediately upon questioning, the conviction rate rose considerably, to 62 percent. But there was a third, high-pressure condition in which subjects were told that the defendant had confessed out of fear and with his hands cuffed painfully behind his back. How did subjects in this situation react? Reasonably, they judged the confession to be coerced, and they said it did not influence their verdicts. Yet the conviction rate in this situation significantly increased, this time to 50 percent. In short, people were powerfully influenced by evidence of a confession—even while conceding that this confession was coerced.

The jury's reaction to confession evidence also depends on how that evidence is presented. Today, it is mandatory in the UK and common in some American police departments to videotape confessions for presentation in court. But how are these events staged for the camera? Attribution research has revealed that observers who watch two people engage in a conversation overemphasize the influence on that interaction of the person who is visually salient (Taylor and Fiske 1978). The same is true of interrogator-suspect interactions. Lassiter et al. (2001) reviewed a series of studies in which researchers taped mock confessions from three different camera angles so that either the suspect or the interrogator or both were visible. All subjects heard the same exchanges of words, but those who focused on the suspect saw the situation as less coercive—and the suspect as more guilty—than did those focused on the interrogator. When the camera directs all eyes on the accused, jurors are thus likely to underestimate the amount of pressure exerted by the 'hidden' interrogator.

3.5 Psychologists as Confession Experts

The problems raised by confession evidence are fundamental to criminal justice, substantial, and

important. Thus, there is a great deal about this aspect of the legal system that warrants the intervention of psychologists for educational and research purposes. It is important to note that intervention in this regard may take several forms, including but not limited to in-court testimony from 'confession experts.' In recent years, a growing number of psychologists have testified, often on behalf of criminal defendants who confessed but then retracted their statements and went to trial. Typically, these experts testify in general terms about the social influence processes of compliance, persuasion, and obedience to authority; suggestibility effects in memory; personality and psychopathology; and other relevant phenomena; in other cases, they offer opinions concerning a specific defendant based on interviews and clinical test results. As both the law and empirical foundations for such expert testimony evolve, it remains to be seen what impact psychological research on confessions will have on police, judges, juries, defendants, and others in criminal justice.

See also: Criminal Justice, Ethics of; Aspects of Human Dignity; Criminal Justice, Sociology of; Deception, Psychology of; Expert Testimony; Forensic Psychiatry; Forensic Psychology; Guilt; Juries; Law; Defense of Insanity

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