False Confessions: An Analysis using MAC Theory

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Abstract. False confessions have only been successfully recognized and detected in recent years. However, the wide-scale recognition did not bring out a reduction in the frequency of false confession occurrences as no known policies were created in an attempt to eliminate them. Even more recently, morality-as-cooperation was theorized in an attempt to categorize morality into more measurable and graspable principles. Previous research focused on categorizing and understanding the surface causes of false confessions. Based on previous research, it can be concluded that the confession choices were made by the confessors themselves, raising questions about the evaluation process. This article attempts to understand the action of false confessions from a moral standpoint by applying the concept of false confessions to the morality-as-cooperation theory. Putting together this literature review, it's indicated that almost all false confessions can be explained as the violation of morality-as-cooperation subprinciples including kinship, mutualism, reciprocity, division, and dovishness. The timely situation heavily influences individuals' decision of whether or not to violate their morality to tell a costly lie.

Keywords: False Confession; Morality; Cooperation.

1. Introduction

False Confessions are narrative admissions to crimes committed by innocent individuals [1]. False confessions in the criminal justice system bring out damaging consequences, including penalty fines and incarceration, which can further lead to possible antisocial behaviors, psychological strain, and physical exclusion from the society experienced by the incarcerated individual's family [2]. Nevertheless, they happen at unexpectedly high rates. According to the National Registry of Exonerations, 12% of all exoneration cases result from exonerated defendants' confessions [3]. Confessions are unconditionally trusted, and a lot of the time, investigation stops after a confession has been made [4]. Thus, even as this problem had been addressed and made more aware in recent years, the rate of 12% had been unvarying throughout the years. It is not just minor misdemeanors that people falsely confess to, but severe murder crimes, like the Central Park jogger case and the Fairbanks Four case. It is more than probable that the confessors were aware of the possible consequences of the crimes they are committing, whether it is large amounts of fines to pay, the entrance to rehabilitation programs, or even long periods of incarceration. These exert unnecessary burdens, physically and mentally, onto innocent families while simultaneously leaving the actual crime perpetrators out in society to pose more harm.

The theory of morality-as-cooperation (MAC) proposes that humans follow the seven sub-principles to reach the goal of morality fulfillment. False confessions do count as an act of cooperation, but the consequences that proceed obviously contradict the sub-principles (e.g., Incarceration causes the inability to fulfill kinship; lying contradicts honesty). The purpose of this article is to analyze the moral aspect of false confessions, mapping the action onto the theory of MAC [5]. The main concentration would be on voluntary and compliant false confessions, as internalized confessions involve internal psychological processes that cause individuals to truly believe in themselves being criminals, and conscious morality considerations usually are not made [6]. This study wishes to contribute to a better understanding of false confessions and the importance of doubt in the confessions made in interrogation processes for police departments, scholars, and courtroom personnel.

2. Method

This article reviewed and analyzed how the action of false confessions can be explained based upon the Morality-as-Cooperation model created by Curry et al. in 2018 [7]. Other studies included in the review section can be accessed through Hollis and Google Scholar and are filtered out using the keywords “kin altruism”, “non-relative”, “false confessions” and “fairness”. To better apply the fairly new MAC concept to the already prevalent concept of false confession, it is ensured that only recent articles published after 1990 are included [7]. Various aspects of false confessions will be specifically discussed and exemplified to correspond with MAC morality principles. As a result, this review includes a total of 20 articles.

3. Literature review

3.1 Classification and Definition

The MAC theory summarizes morality as a set of rules that promotes cooperation and divides morality into seven sub-principle: kinship, mutualism, reciprocity, hawkishness, dovishness, division, and possession. These are also the most common factors that people consider while making cooperative decisions, which means that cooperation is not only limited to these seven principles [8].

False confessions are untrue confessions that can be understood as moves of cooperation, as they are behaviors, attitudes, and outcomes of the implementation of the joint determination of common goals [9]. It is an example of cooperation that does not follow the sub-principles, which are more closely examined and specifically analyzed in the following sections. The reason for individuals to overcome these principles is different depending on the situation and the type of false confessions. Some individuals feel more natural and instinctive when falsely confessing due to possible antecedent dishonesty or immoral behavior as agents, while others feel more restrained to falsely confess voluntarily but were dehumanized to a point where they start self-dehumanizing, causing them to acquiesce and confess, regardless of the accuracy of the confessions [10]. Kassin divided false confessions into voluntary, compliant, and internalized [6]. Voluntary confessions are when individuals willingly admit to crimes they have not done for personal reasons (e.g., to cover up for a relative; poverty-driven seeking for shelter). Compliant false confessions are when individuals had been too extremely interrogated or had been put under unbearable pressure where further resistance would be seemingly pointless. Internalized false confessions are usually when mentally vulnerable individuals (e.g., mentally ill individuals, children) are interrogated into believing they are criminals. Voluntary and compliant false confessions happen in individuals’ consciousness, indicating a process of evaluation between acquiescence and persistence from one’s moral standpoint, whereas internalized false confessions result from modifications in one’s preexisting cognitive and moral traits Therefore, only voluntary and compliant false confessions will be examined and analyzed with the MAC theory.

3.2 Voluntary

3.2.1 Kinship

One of the biggest reasons for voluntary false confessions is the desire to cover up for someone else. As this action suggests a certain level of altruism, it would be more common among kins as they contain more social intimacy in their relationships [11]. With kins, individuals also would feel a sense of duty. Mothers who rear their children are willing to sacrifice many aspects of their own life and even have natural mechanisms to protect them; fathers and brothers feel responsible for protecting and supporting their families [12]. When kinship becomes the motivation behind cooperation, individuals naturally start sharing resources, helping other members reach physical and mental welfare, as well as investing in emotional attachment. The emotional attachment and empathy aspect is stronger between directly related bonds like mother-child or father-child, as well as siblings where almost no social distance exists. When helping out kins, strong emotions are involved, as eventually,

when the emotions are too powerful, they can overpower the preexisting moral values and conscience [13]. This is a probable explanation for why many cases involve false confessions that were meant to protect a family member. Some individuals are willing to sacrifice themselves to protect one's kins when cooperation is demanded in a situation (e.g., when police forces are after a kin).

However, falsely confessing to crimes one had not done can pose obvious consequences, including incarceration, fine paying, and so forth. Many of these possible consequences result in a loss of kinship. For instance, if a father confesses to a crime that his son had committed and ended up getting incarcerated for it, he is giving up years of parental care which makes him fail to maintain intimate kinship. The fact that even violence towards parents is usually held back and not reported by the parents implies that [14].

3.2.2 Mutualism

Subprinciple mutualism includes concepts of friendship, loyalty, and conformity. Among voluntary false confessions that are done to protect a non-related acquaintance, this would be the most common motivation, along with reciprocity (see 3.2.3). Between friends and other kinds of mutual relationships, individuals are prompted to protect each other just like kins as the social closeness becomes extremely intimate [11]. When their social closeness is established and their social distance is reduced, some would also be willing to sacrifice themselves for the welfare of another. However, even with the extremely intimate social distance, the action of falsely confessing to protect a mutualistic acquaintance can further lead the confessors to violate the subprinciples of reciprocity and division.

3.2.3 Reciprocity

Reciprocity, or exchange, is when actions are prompted by a need to return favors, so it generally demonstrates progress from cooperation to reciprocation of benefits. To clarify the difference between reciprocity and mutualism, reciprocity is centralized more around the concept of "returning a favor," while mutualism is more simple to understand, meaning when individuals voluntarily take actions to benefit each other. This concept's main intention is to make sure no "free-riding" exists in mutualism and that individuals can pull themselves out of a relationship where another enjoys the supply and outcome of the relationship but does not contribute to the production of them [15]. However, falsely confessing to crimes, as mentioned in previous concepts, can lead to seriously costly consequences. Reciprocity is very uncertain as to if favors would be returned, how favors would be returned, and if the reciprocating favors can equate with each other [16]. Taking incarceration as an example again, if one out of a pair of partner-in-crime confesses to all the crimes to protect the other and ends up imprisoned, the other partner cannot ensure sufficient opportunity to reciprocate this huge favor. One partner getting imprisoned but the other not getting so is an instance of "free-riding", yet it's still something that's skipped over in the confessor's evaluation process when they confess under pressure.

3.2.4 Division

The division subprinciple includes the concepts of fairness, negotiation, and compromise. The sense of fairness starts to develop when an individual is only at the age of three [14], indicating how important this trait is to human society and the social interaction structure. Fairness is destroyed when incarceration, poverty, or other physical barriers forcibly keep mutualistic relationships unmaintainable. When one partner in a pair of partner-in-crime or when a friend falsely confesses to protect the other, the favor is hard to be returned, considering the solemnity of the event. Even if the confessed side got out of prison years later and the protected partner tried to reconcile, the balance of the benefits had already been disrupted. Apart from the fact that this is a huge favor to return, certain benefits will not be able to get divided fairly, like how illegal money will only be divided among crime partners that do not get incarcerated. However, this aspect seems to not be considered in the evaluation and consideration process of the confessor as the number of voluntary false confessions still comprises a percentage of protective friends.

3.3 Compliant

Compliant false confessions are when individuals admit to acts of crime that they have not done in response to extreme methods of interrogation or other persuasive skills used by detectives. This type of false confession is when pressure and perception of the danger of the moment override anything else, strongly prompting individuals to cooperate; or when individuals start to feel hopeless in convincing the authorities about their innocence and give in due to the possible "lenient treatment" that the authorities promise [1]. Compliant false confessions can be referred to as compliant altruistic behavior [17].

3.3.1 Reciprocity

One of the demonstratable traits of reciprocity would be trust. Many false confessors invested trust in the criminal justice system. They carried a belief that the system would not let innocent individuals take punishments for things they have not done without knowing that confession evidence can overpower factual forensic evidence like ballistics or DNA [18]. Especially among individuals with no former encounters with the criminal justice system and those whose police encounters left them with positive impressions, they respect and invest more trust in the system than others [19]. During the interrogation process, the trust starts to break down but still remains unwaveringly. It's not until interrogation is already over and their confessions have been taken as solid, unchangeable facts that they realize their faults. The trust they previously held for the criminal justice system was not reciprocated, as the truth they told was unheard by interrogators, and they could not make a difference unless a confession was made. The fact that false confessions are still being made under conditions where it's uncertain that trust would be mutually established is a case of contradiction with the concept of reciprocity itself. This action makes sense forensically but contradicts the reciprocity principle.

3.3.2 Dovishness

Dovishness comprises respect and obedience. This is difficult to achieve, especially the obedience aspect, since obedience can directly counter one's personal wills and desires. Depending on what social situation an individual is in, different obedience decisions can be made. For example, when contemplating whether to cooperate and confess to a crime one had not committed, he would be deciding either to obey his own honesty and integrity or to obey to authorities. Especially in this case, the encountered police members and law members are undoubtfully authorized, possibly with acts of power display, attempting to intimidate suspects into submitting [20]. When one decides to confess falsely, it is a process of dehumanization or the shattering of ego due to their violation of the self as they give in and let something untrue blemish their identities.

4. Implications

Based on these morality subprinciples, it is obvious that depending on an individual's personal values and the environment, decisions can be made differently. To put in an effort to reduce the frequency of false confessions, interrogators should be aware of the consequences their hardcore interrogation methods can bring out and also try to keep some doubt for confessions. It has implied that interrogators can use the multiple aspects mentioned above to try and break down individual cases of false confessions, whether they are compliant or voluntary. It's possible for interrogators to get a more comprehensive background investigation before interrogation so that the possibility of false confessions is considered beforehand and strategies to break false confessions down are planned ahead. The reminding of the suspects' family, the unfairness that might result from covering up a partner, and other factors depending on a suspect's personal conditions can possibly break them away from their false confessions and perhaps retract them.

5. Conclusion

Through this literature review and the application of MAC, it can be concluded that most false confessions are results of spontaneity and intentional determination to overlook certain sacrifices that have to be made. Some of the sacrifices include unreturned favors, not reciprocated benefits, betrayal of kinship, and let-down trust. It's still unclear whether the disregard and the lack of attention paid to these sacrifices are of a mechanism where they are forgotten under the pressure of interrogation or done on purpose. The yet-to-be-explained mechanism of compliant false confessions raises more questions for future research regarding the effects of the difference in individuals' levels of psychological resiliency on the probability of false confessions and whether the great desire to escape the stress of the moment is worth the possible sacrifice of years, and eventually if the stress at the moment is more pressuring than the possible outcomes of false confessions. It is possible that when making the decision of false confessions, individuals temporarily suppress the knowledge of the possible consequences.

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