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Correspondence concerning this comment should be addressed to Paul J. Hanges, Department of Psychology, University of Maryland, College Park, MD 20742. E-mail: hanges@psyc.umd.edu

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Evolutionary Psychology and False Confession

Jesse M. Bering
University of Arkansas

Todd K. Shackelford
Florida Atlantic University

Kassin's (April 2005) review of the psychology of false confessions makes a compelling argument for the need for legal reform in police interrogation practices. According to Kassin, innocents oftentimes waive their *Miranda* rights and their right to counsel because they mistake the invocation of these rights as a defense tactic of criminals. As a consequence, when faced with the lengthy, aggressive questioning by police who presume a suspect's guilt, misread naive behavior as cues to guilt, use deceptive tactics concerning evidence, and falsely present commiserative feelings toward the suspect, any reasonable person might confess to a crime that he or she did not commit.

Because his work strikes at the heart of the American criminal justice system—its fairness—the value of Kassin's (2005) empirical points cannot be understated. Here, we offer a complementary model of the psychology of false confession, one that articulates many of Kassin's insights through the language of evolutionary psychology. We argue that false confessions are the result of specific social dynamic events that trigger evolved heuristics of information management that were designed to maximize our ancestors' genetic reproductive success.

From an evolutionary perspective, it might seem counterintuitive that individuals would ever confess, even if they were guilty. Although humans are expert at making theoretical inferences about unobservable mental states, we are not literally mind readers. Knowing this, and knowing that confession guarantees social exposure of transgressions and usually some form of punishment, it seems that the mind would be designed to motivate absolute discretion in response to accusations of wrongdoing.

Yet the urge to confess is real. In previous work (Bering & Shackelford, 2004, in press), we have argued that confession is a preemptive strategy against statistically probable social exposure of a moral offense. Anxiety may be the primary affective state that precipitates confession, with confession being the only available recourse that has this positive effect; confession should be the default response under such conditions and should be difficult to inhibit. When the probability of exposure is high (as when there is incontrovertible evidence or there are witnesses to the crime), confession might serve to moderate inevitable punishment. In a recent study with inmates of Arkansas penitentiaries, all of whom pled guilty to their offenses, it was found that retrospective "urge to confess" feelings were significantly and positively correlated with the number of people who knew that the individual had committed the crime (Bering, Shackelford, & Johnson, 2005).

Kassin (2005) describes several standard police interrogation tactics—including lying about evidence, witnesses, and/or informants—that may contribute to the production of false confessions. Punishment is the product of the group's belief in the individual's guilt rather than the veridical truth of the individual's guilt or innocence. If innocents perceive the likelihood of their vindication to be outweighed by the reality of other people's false belief in their guilt, then false confession may have been an adaptive strategy, particularly in ancestral environments, in which trial by jury, judicial appeals, or DNA exclusion could not provide exoneration.

Through confession, the individual has available multiple proximate means of achieving ultimate payoffs in genetic-fitness terms. Gold and Weiner (2000) showed that when confession occurs with remorse signals (such as those accompanying affective guilt), observers are more likely to reason that recidivism is unlikely or that the person has suffered enough through feeling ashamed, thus promoting forgiveness and a reduction in punishment. In the ancestral past, the advantages of

false confession may have therefore overridden protestation over suspected guilt; denying one's guilt, even if one was innocent, might have had a more calamitous impact on reproductive success if such protests fell on the ears of group members who held uncompromising false beliefs.

In addition, confession to allies might have led to social aid. Allies may come to an individual's physical defense when hostile in-group members seek retribution; they may speak on behalf of the individual; they may make alternative retributive deals (e.g., proffering scarce resources) that salvage the individual's freedom; or they may blackmail potential punishers, yielding the same salvaging effect. This helps us to understand why false confessions are frequently elicited as a result of the minimization tactics described by Kassin (2005) in which interrogators assume the role of confidante. Confession can serve as a signal of commitment to others because it reduces the likelihood of defection from a relationship (Hong, 1998; Rogers & Holloway, 1993; Shackelford & Buss, 1996). By confessing, one becomes at risk for blackmail and will therefore be more complicit in relationships with those who possess sensitive information (Schelling, 1960); thus, innocents may find themselves increasingly influenced by authority figures who are slowly priming them with fabricated details, with the ultimate goal being getting them to sign a confession.

Evolutionary psychological metatheory also predicts that people should first seek confidantes who have some stake in their genetic fitness, such as a parent or a mate with whom an individual shares offspring. This is impossible for suspects who have been isolated in interrogation rooms; authority figures, however, may parasitize this evolved heuristic by adopting a familiar or familial role (e.g., that of a caring father figure for a young suspect), thus increasing the likelihood of false confession. When confessions are made to those who do not hold such stock, it frequently involves conditions of anonymity (as in the Catholic church) or confidentiality (as in clinical therapy), both of which satisfy the urge to confess but are designed to defend against social exposure. Interrogation tactics that assume these conditions, such as those that imply a confidential relationship between the suspect and the interrogator (e.g., "it's just me and you here"), are likely also to evoke confessions.

Kassin's (2005) review of the psychology of confession identifies key investigative practices in the context of which innocence places innocents at risk. An evolutionary psychological perspective provides

a coherent, comprehensive framework for integrating work on false confessions with recent research on confession as strategic information management.

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Correspondence concerning this comment should be addressed to Jesse M. Bering, Department of Psychology, University of Arkansas, Fayetteville, AR 72701. E-mail: jbering@uark.edu

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Historical Conflict and Incitement Also Provoke the Journey to Terrorism

Joseph Steiner
North East Ohio Health Services

Moghaddam's (February–March 2005) article, which uses the metaphor of a narrowing staircase “to provide a more in-depth understanding of terrorism” (p. 161), describes the journey as being provoked by how people perceive of levels of fairness and experience feelings of relative deprivation. If the masses perceive injustice and feel deprived and cannot adequately influence the procedures through which such perceptions can improve, some are likely to begin climbing the staircase that eventually

leads to enrollment in terrorist groups. Two factors that also encourage such perceptions receive minimal attention in Moghaddam's article: historical conflict and current organized incitement. The long-running conflict between the West and the larger Islamic world, for example, has spanned hundreds of years. Western culture and Islam have fundamental differences basic to the beliefs of millions of people—differences that many view to be inconsonant.

To say that Islam is incompatible with democracy should not be seen as a disparagement of Islam. On the contrary, many Muslims would see it as a compliment because they sincerely believe that their idea of rule by God is superior to that of rule by men which is democracy. (Taheri, 2004)

Incitement has been used frequently to support the continuation of tension and conflict among populations. “All of the major genocides started with similar kinds of propaganda, and the heads of today's terrorist groups are being filled with such vicious material” (Sternberg, 2003, p. 5). Palestinian authorities have used TV, radio, political rallies, and official statements to support the “us-versus-them” ideology to which Moghaddam (2005) alludes. Decades of cultural conflict and purposeful incitement have motivated many to climb Moghaddam's staircase toward terrorist activity. “Israel will exist and will continue to exist until Islam will obliterate it, just as it obliterated others before it” (The Martyr, Imam Hassan el-Banna, quoted in the Covenant of the Islamic Resistance Movement [Hamas], published August 19, 1988).

Moghaddam's (2005) third policy recommendation is to educate against categorical us-versus-them thinking as a preventive strategy. However, in many cases, such a rigid style of categorization already has existed for many years. The challenge is for such education to become pervasive in a society through schools, textbooks, religious institutions, and, most importantly, the home. Until this challenging task is undertaken, the doors to the staircase will remain wide open.

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Correspondence concerning this comment should be addressed to Joseph Steiner, North East Ohio Health Services, 23210 Chagrin Boulevard, Beachwood, OH 44122. E-mail: jms27@po.cwru.edu

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Some Thoughts on the “Staircase to Terrorism”

Freddy A. Paniagua
University of Texas Medical Branch

On Moghaddam's (February–March 2005) “staircase to terrorism,” a person will become a terrorist because he or she experiences “injustice and the feelings of frustration and shame” on “the ground floor” (p. 162). If this situation does not change on higher floors, particularly on the fourth and fifth floors, this person will realize that terrorism is the only way to have a “democratic participation in addressing perceived justices” (p. 166).

Therefore, the prevention and end of terrorism will be achieved “only by reforming conditions on the ground floor” (Moghaddam, 2005, p. 167). A dialogue between leaders in the dominant political system and “those who have climbed the stairway to terrorism” (p. 167) would also help in this context. Moghaddam cites as an example the original Irish Republican Army (IRA) “in Northern Ireland, whose political wing now participates in mainstream politics” (p. 168). Moghaddam considers as “naive reliance” (p. 167) current U.S. and international strategies to prevent and end terrorism (e.g., military forces), and he concludes that those strategies “will not end terrorism in the long-term” (p. 168).

People who perceive injustices and unfairness in a given political system may, indeed, try to destroy that system with terrorism. But this is *political terrorism*, not the form of Islamic fundamentalist terrorism or messianic terrorism directed by Osama bin Laden and Abu Musad al-Zarqawi (Hallett, 2004; Marsella, 2004; White, 2003). In addition to the original IRA, other examples of political terrorist organizations include the Tupamaros in Uruguay and the Chechen separatists in Russia (White, 2003).

A dialogue with political terrorists will be achieved only when their *asymmetric warfare* tactics (e.g., suicide bombing) are no longer effective (White, 2003). This explains why the Tupamaros and the IRA—in 1971 and 1997, respectively—agreed to enter into a dialogue with the dominant political system (White, 2003). And