

Article

The Paradox of Confession: Nat Turner, Racism, and Truth

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Abstract: In theory, confession is a narrative of truth-telling. Yet, as a genre of legal discourse, confession paradoxically does no such thing. In law, confession as truth-telling unwrites itself, inscribing in the confessant's consciousness, even her flesh, the truth of the interrogator. This article examines the discursive construction of confession in different historical settings as a perlocutionary act which performs the guilt of the accused and their associates. Only by doing so may the audience, be they Athenian citizens, clerical Inquisitors, Continental judicial torturers, or American police and jurors, reach narrative closure. The purpose of this article is to unmask the dynamic of confession as a stratagem used by those in power to superimpose and justify their ideological assumptions on those who are marginalized and victimized by extant social orders. In particular the article reviews the complex philosophical relationship of anamnesis and anagnorisis in the production of legal truths. The article uses *The Confession of Nat Turner*, the most famous of American confessions, as a focal point to illustrate how confession functions as a tool to sustain institutional racism in America grounded in the legacy of slavery. The article provides a two-fold analysis of confessional practices in Western legal traditions. First, it succinctly reviews the history of confession from antiquity through the modern civil and common law traditions: in the Athenian courts where the testimony of slaves was admissible only under torture; in late medieval ecclesial courts where *conversos*, placed on the rack, confessed heresy to Inquisitors; in Continental civil law courts where torture was employed to elicit confessions to fulfill the standard of certainty to sustain convictions; and even in police stations today, not just in America, but in police headquarters around the world, where the Reid technique is widely used to coerce confessions from the innocent. Second, the article focuses on the realities of American slavery which produced countless slave rebellions, from individual acts of resistance to organized slave rebellions. The most successful of these rebellions was the Nat Turner insurrection of 1831, which resulted in the killing of some 55 whites, including white men, women, and children. The article reviews the alleged original confession to Thomas Gray, the literary incarnation of Nat Turner's confession by William Styron, and its cinematic portrayal in Nate Porter's *Birth of a Nation*. The article then examines the underlying object of confession, the truth or *aletheia*, and the extent to which this truth can be re-membered (*anamnesis*) or, if irretrievably lost, can be re-imagined (anagnorisis). *Anagnorisis*, however, is not the truth of the police station and the courts, but rather a kairotic, redemptive truth which provides hope to those oppressed by the contemporary legal system. The article concludes that confession, not only in the courts of Athens, the Inquisitors' cells, and the torture chambers of the early modern Continental law but also in the police station and the courts of the United States, produces a legal truth that serves the ideological script of existing authorities. The reliance on confession serves to perpetuate the legacy of slavery and racism rather than the cause of justice.

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1. Introduction

In theory, confession is a narrative of truth-telling. Yet, as a genre of legal discourse, confession paradoxically does no such thing. In law, confession as truth-telling unwrites itself, inscribing in the confessant's consciousness, even her flesh, the truth of the interrogator. It has long been so in Western legal traditions: in the Athenian courts where the testimony of slaves was admissible only under torture; in late medieval ecclesial courts where *conversos*, placed on the rack, confessed heresy to Inquisitors; in Continental civil law courts where torture was employed to elicit confessions to fulfill the standard of certainty to sustain convictions; and even in police stations today, where the Reid technique is widely used to coerce confessions from the innocent, like the Central



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Park Five. This article examines the discursive construction of confession in different historical settings as a perlocutionary act which performs the guilt of the accused and their associates. Only by doing so may the audience, be they Athenian citizens, clerical Inquisitors, Continental judicial torturers, or American court observers, reach narrative closure.

The 1831 Virginia slave rebellion produced the most famous of American confessions. Written as an alleged authentic transcription, *The Confessions of Nat Turner* buried the confessant's truth under that of the slave master, a reversal which the author William Styron tried to correct with his 1967 novel by the same name. Yet, despite its endorsement by the likes of James Baldwin, Styron's work was attacked by African-American critics, and in 2016, the Black filmmaker Nate Porter reimagined Nat Turner's confession in *The Birth of a Nation*. This article examines the impossibility of his anamnestic and anagnoritic truth in the narrative genre of confession, be it in prose or film. In America, racism recognizes neither, for the word of African-Americans is not accepted without verification. Black Lives Matter not because of the testimony of African-Americans but because video of the ubiquitous smartphone authenticates in court what is otherwise not believed.

2. The Paradox of Confession

2.1 Greek Origins

For the Greeks of the Classical age, the term *aletheia* (ἀλήθεια) referred to truth, but truth was not simply veracity (Liddell, Barber, Jones and Scott 1940). Instead, *a-lethe* meant an unforgetting; truth therefore was not a thing but a process of remembrance. The mercantile Greeks of Athens associated truth with *basanos* (βάσανος), a touchstone marked by gold or silver coins to assess their purity and hence their value (Liddell, Barber, Jones and Scott 1940). The literal meaning of *basanos* therefore became a metaphor for test. Truth was therefore produced through a test. Truth, of course, was a matter of concern for the Athenian courts whenever citizens filed actions against one another. To discover the truth of the matter, litigants not only used the testimony of free men but also coerced their adversaries into allowing the torture of their opponents' slaves to elicit a confession of the truth. Whereas Athenians assumed that free men possessed *logos* and therefore could be compelled to tell the truth by oaths, they commonly held the view that slaves did not have the power to reason. Hence, free Greek male citizens could testify rationally, but slaves, who did not have the power to reason and therefore could not swear to tell the truth voluntarily, had to be physically coerced to produce the truth. Without torture, a slave might simply frame his or her answers in court according to the interests of their masters. If an adversary refused to allow his slave to be tortured, the jury was permitted to make an adverse inference, i.e., the adversary was attempting to hide the truth. The body of the slave was put to the test through *basanos*, which both Herodotus and Aristophanes used to mean torture. The application of physical force compelled the body of the slave to yield its secrets. Accordingly, this Greek notion of *basanos* became the foundation in Western culture for the widely embraced understanding that the body is the repository of truth (DuBois 1991, 35-39; 47-69). Aristotle did not find torture morally wrong, but he did question the accuracy of the "truths" told by tortured slaves (Horton 2013). Nonetheless, it is questionable that Aristotle, a Macedonian foreigner from Stagira, had any noticeable effect on the use of a slave's confession in Athenian legal proceedings. The practice of torture in courts was likewise carried out in Rome. "Since the evidence of slaves was admissible in some cases and it was taken normally by torture it appears that it could not be received in any other form" (Gligic 2017). Although it appears that the torture of slaves to produce evidence against their masters was barred in the Roman Republic, Augustus Caesar instituted a law which compelled the sale of slaves in such instances so that they could be coerced to testify against their former masters (Coleman 2018, 2). Tacitus reported two such instances of manumission in cases of treasonous plots (Aubert 2021, 26).

2.2 Continental Practices

Late Antiquity and early medieval texts laid the groundwork for the adoption of torture by the Church during the High Middle Ages. Although torture was used in Imperial Roman times against slaves to confess to either witnessing or carrying out their masters' plans, or against free Roman citizens allegedly plotting treason, the Roman Church in the Christianized empire enticed Imperial authorities to use physical coercion on their behalf against so-called heretics. At the height of the attempted suppression of the Donatists, Augustine wrote to Boniface, the commander of the Roman legions in North Africa, urging him to use all necessary force ("howsoever you can") against the alleged heretics (Letter 185, ca 410 CE). "Why, therefore, should not the Church use force in compelling her lost sons to return, if the lost sons compelled others to their destruction? . . . Is it not a part of the care of the shepherd, when any sheep have left the flock, even though not violently forced away, but led astray by tender words and coaxing blandishments, to bring them back to the fold of his master when he has found them, by the fear or even the pain of the whip, if they show signs of resistance [?]" (Letter 185). Likewise, Boethius, in his prison memoir *The Consolation of Philosophy*, argued that "you cannot think of anyone as human whom you see transformed by wickedness . . . when a man abandons goodness and ceases to be human, being unable to rise to the divine condition, he sinks to the level of being an animal" (94). Accordingly, "the wicked are happier if they suffer punishment" (97). Boethius's martyrdom at the hands of Theodoric the Ostrogoth, an alleged Arian heretic, in years hence justified the use of force against those deemed the Church's enemies. The revival of Justinian's *Corpus Juris Civilis* ("CJC"), rediscovered in Bologna in 1070 CE, led to the incorporation of Roman law into the medieval civil law tradition and the establishment of a *jus commune* (Head 2011). Justinian's codex specifically called for the punishment of heretics (Art.1(1)) (Scott 1932).

During the High Middle Ages, the Church, following in the footsteps of the CJC, sanctioned the use of torture by Inquisitors in Pope Innocent IV's *Ad extirpanda* in 1252. The text instructs heads of state and rulers with, where feasible, the assistance of Franciscan and Dominican Inquisitors, to "force all the heretics whom he has in custody, provided he does so without killing them or breaking their arms or legs, as actual robbers and murderers of souls and thieves of the sacraments of God and Christian faith, to confess their errors and accuse other heretics whom they know . . ." (Art. 25). Although history records four major Inquisitions (Medieval, Spanish, Portuguese, and Roman), the Spanish Inquisition was probably the most notorious for its use of violence (Homza 2006). The accused who confessed, sometimes after being shown the instruments of torture, were "reconciled" to the Church. If they relapsed, these "penanced" individuals faced being burnt at the stake by civil authorities to whom they were "relaxed" by the Inquisitors (Homza 2006). In one such typical case, Maria Gonzalez, the wife of a local merchant, was charged in

1511 in Spain with being a Judaizer, a *converso* to Catholicism, who nonetheless had never truly abandoned Jewish practices. Threatened with torture, she confessed, implicating friends and neighbors. The Inquisitors believed that she falsely implicated others (itself an act of heresy) and ordered her “put to the question of torture” (Homza 2006). Stripped naked and tied to the rack, she confessed that she had made up her previous confession and that she had borne witness against her neighbors out of jealousy. The Inquisitors ordered her waterboarded, after which she babbled that her original confession was true, not false. The Inquisitors threatened to waterboard her again. “I speak the truth. I have spoken the truth. I have already spoken the truth. I speak the truth what I have said is true. I am telling the truth. I do not tell lies. I have not lied. I have spoken the truth. I have spoken the truth” (Homza 2006). Waterboarded again, she claimed that she would now “speak the truth” and confessed to lying about her friends and neighbors. Following the interrogation, Maria Gonzalez was “relaxed” to the secular arm and burned at the stake in 1513 as a heretic for having falsely confessed. Clearly this victim of the Inquisition confessed not for the sake of truth but to stop the incessant process of pain and suffering, to end the terror inscribed in her mind and on her body. Truth had become a victim of the very process of confession.

This strange marriage of secular and ecclesial law had been presaged by the medieval tradition of trial by ordeal. The most common forms were ordeal by fire and ordeal by water (Bartlett 1986). In the former, the accused was compelled to hold a red-hot iron bar for a number of minutes. After three days, the bandages covering the wound were removed. If the burns showed signs of healing, the accused was innocent. If not, the accused was guilty. In the latter, the arms and feet of the accused would be tied together, and the victim thrown into a pond. If the accused sank, they were innocent. If they floated, they were guilty. “The mere threat of an ordeal, a form of judicial torture, was sometimes enough to resolve the issue. If the suspect confessed to avoid the ordeal, then they were considered to have brought judgment upon themselves” (Trainum 2016). As horrific and irrational as the procedure appeared, the practice had an implicit rationale. Conviction was based on certainty—here, the hand of God (Langbein 1977). The practice of trial by ordeal was abolished by the Fourth Lateran Council in 1215 (“nor may anyone confer a rite of blessing or consecration on a purgation by ordeal of boiling or cold water or of the red-hot iron”) (*Decrees of the Fourth Lateran Council, 1215*, §18. Clerics to Dissociate from Shedding Blood). Nevertheless, on the Continent, secular authorities continued to employ certainty as the standard for conviction.

The civil law tradition, influenced by the Roman-canon law of proof, sought to eliminate judicial discretion, particularly the use of circumstantial evidence. Convictions based on less than absolute certainty strayed far from the justice of God, which had been the vehicle for condemnation under trial by ordeal. The Roman-canon law of proof required either testimony of two eyewitnesses or confession by the accused. In many instances the former criterion was simply unworkable. A court could not convict based on the testimony of one eyewitness, even if there were also sufficient circumstantial evidence. In the absence of full proof, something had to be done to redeem the very concept of justice. “The two-eyewitness rule was hard to compromise or evade, but the confession rule invited ‘subterfuge.’ To go from accepting a voluntary confession to coercing a confession from someone against whom there was already strong suspicion was a relatively small step, indeed, one which was probably taken at the very inception of the system” (Langbein 1977). Accordingly, the European civil law tradition instituted a judicial law of torture, which would be triggered if the credible testimony of one eyewitness served as probable cause to subject the accused to the rack.

2.3 Common Law Tradition

Whereas Continental jurisprudence was based on the practice of judges, acting in lieu of God, the English system relied on the decisions of a jury of the accused’s peers. Conviction in Britain did not require certainty, but circumstantial evidence could lead to a conviction, even if the evidence of guilt was less than that required to authorize judicial torture on the continent. “The medieval English legal system not only presented no occasion to torture, it also developed no institutions to conduct torture” (Langbein 1977). As heir to British common law, the American legal system abstained from the judicial law of torture.

Nonetheless, the absence of judicially authorized torture did not mean that police in American towns and cities refrained from the use of physical coercion. “[O]nly the willfully naive or transparently duplicitous could claim that agents of the state refrained from torture in the United States. Law officers in virtually every state used the third degree, and courts across the country routinely accepted confessions that had been violently wrenched out of prisoners” (Brundage 2018). As a matter of law, the practice of beating prisoners and eliciting confessions through physical violence allegedly ended with the U.S. Supreme Court’s 1966 *Miranda* Decision. The Court noted that “the police resorted to physical brutality -- beating, hanging, whipping -- and to sustained and protracted questioning incommunicado in order to extort confessions” (384 U.S. 436, 446)¹. To protect an accused from the threat of violence and their right against self-incrimination, the Court fashioned the basis for the so-called *Miranda* warnings: the right to remain silent and the right to legal counsel.

That did not mean that the police had to forego using psychological coercion in interrogation of suspects. Recognized as the most widely used interrogation method by police worldwide, the so-called Reid Technique, introduced in 1947, has been taught to over 500,000 police and law enforcement officials around the world (Brown and Huseby 2018). The Reid Technique is a for-profit product marketed by John E. Reid and Associates Inc., a private Chicago-based corporation. The corporation founded the Reid Institute in 1999 whose membership “is open to all government, law enforcement, and private security investigators who share our commitment to learning and professionalism” (“Protecting the Innocent and Identifying the Guilty,” John E. Reid and Associates Inc.). In advertising itself as an “institute,” the corporation enlists an aura of science and technology to increase the reach of the Reid Technique to police and employers throughout the United States and the world by invoking an uninterrogated appeal to truth. The truth of the technique is allegedly supported by the experience of interrogators who have used it over the decades; the proof being that suspects subject to the Reid Technique frequently confess. However, whether they are in fact guilty of the alleged crimes is a different question.

¹ *United States v. Miranda*, 384 U.S. 436 (1966). <https://supreme.justia.com/cases/federal/us/384/436/>

Why would an accused confess to a crime that they did not commit? As Saul Kassin, a faculty member in criminal psychology at New York's John Jay College, noted regarding coerced confessions, "these are cases, like the Central Park jogger case, where innocent people, who know they are innocent become so stressed, so broken down, and so confused as to what their best means of escape is that they confess fully knowing they're innocent. In these cases they typically recant the confession almost immediately as soon as the pressure of the situation is lifted" (Nestarek 2014). The format of the Reid Technique provides a step-by-step guide to conduct initial interviews and follow-up interrogations of witnesses and suspects. In particular, the interrogation protocol calls for nine steps to lead the accused from the initial confrontation to transcribing an oral into a written, signed confession. Along the way, the interrogator makes allegedly scientific inferences, including the assumption that passivity or the absence of prolonged and vigorous denial is a sure sign of guilt. Likewise, a suspect's use of emotional, factual or moral objections is evidence of culpability. The interrogator is instructed to empathize with the suspect, including suggesting that they had no other choice but to commit the crime or perhaps even did not intend to do what they allegedly did. At the same time, the interrogator is encouraged to move inside the accused's "personal zone," 18" to 4 ½', to create a sense of trust between the interrogator and the accused, even to place the interrogator's hand on the subject's knee or shoulder. The accused is led to believe that the interrogator is on their side and only wants what is best for them ("Critics Corner: The Reid Technique," John E. Reid and Associates Inc.).

According to numerous scientific studies of the Reid Technique, the method hardly serves "to elicit truth" in the confessional setting as claimed ("Critics Corner: The Reid Technique," John E. Reid and Associates Inc.). There is little, if any, evidence that these techniques are scientifically valid. Confessions are frequently validated by the suspect's knowledge of details of the crime. However, interrogators frequently reference details of the crime to the suspect and ask for confirmation, thereby poisoning the well. The accused frequently assents, not because they have personal knowledge of these particulars, but rather because they assume that the police know such details. Moreover, police are constitutionally permitted to lie and deceive suspects to manipulate them psychologically (Frazier v. Cupp, 394 U.S. 731, 739 (1969))². Accordingly, the result is frequently false confessions, as acknowledged by Wicklander-Zulawski Associates, one of the primary trainers of the method, who dropped teaching the Reid Technique in 2017 (Innocence Staff 2017). Other researchers have reached a similar conclusion concerning the reliability of the Reid Technique (Chapman 2020; Tabet 2020; Klein 2016; Moore and Fitzsimmons 2012). "Importantly, the inherently deceptive and manipulative nature of the Reid technique (e.g., presentation of false evidence, minimization of the offense) raises important ethical/professional issues and concerns about its political legitimacy in a modern liberal society" (Gudjohnsson and Pearse 2011).

2.4 Central Park Five

The most notorious use of the Reid Technique occurred in 1989 in the case of the Central Park Five. On April 19, 1989, after a series of assaults had been committed in New York's Central Park, police arrested a group of African American and Hispanic teenage boys, Stephen Lopez (age 15), Kevin Richardson (14), and Raymond Santana Jr. (15). In the early hours of the following morning, a 29-year-old unconscious woman was found, hands tied by her T-shirt, beaten and raped. Known as the "Central Park Jogger," Trisha Meili was a white investment banker, who, when found, was near death. During the police interrogation, Richardson stated that Santana and Lopez had chased and beaten her and that another Black teenager Antron McCray (15) had raped her, although Richardson stated that all had sexually assaulted her. After their interrogation, police arrested Antron McCray (15) on the following day who, during the interrogation, confessed that he had sexually assaulted, but had not raped, Meili. In the late afternoon of April 20, Santana signed a statement claiming that Lopez and Richardson had sexually assaulted her and that Lopez subsequently had raped her, having hit her in the head with a brick. During these interrogations two other individuals were identified, Korey Wise (16) and Yusef Salaam (15). Questioned on April 20, Salaam admitted to hitting Meili with a pipe and then groping her, but had not raped her. On April 21, police interrogated Wise, who claimed that he had witnessed Lopez, Santana, and Richardson sexually assaulting Meili, but that he had not raped her. The accused were charged with attempted murder, rape, sodomy, sexual abuse, and assault in a series of trials. Forensic evidence at these trials did not establish a DNA match to the semen taken from Meili for any of the defendants nor did hair samples taken from the crime scene establish the identity of the teenagers as the assailants. Lopez was convicted based upon his confession of an earlier robbery the night of April 19, but he had not confessed to the assault and rape of Meili as had the other teenagers (Newkirk Center for Science & Society).

In May 1989, Donald Trump took out a full-page ad in the *New York Times* calling for them to be executed. "I want to hate these murderers and I always will," Mr. Trump wrote. "I am not looking to psychoanalyze or understand them, I am looking to punish them." He wrote in all caps: "Bring back the death penalty and bring back our police!" (Ransom 2019).

The remaining five were convicted and sentenced to prison despite their age at the time of the alleged crime, Lopez, Santana, McCray, Salaam, and Richardson, all being released by 1997. At the Auburn Correctional Facility in upstate New York in 2001, McCray met Matias Reyes, who confessed to having assaulted and raped Meili. Subsequent DNA and other forensic evidence identified Reyes as the sole perpetrator of the crime, and led to the exoneration of the five who had been unjustly convicted (People v. Wise, N.Y. Supreme Court, 194 Misc.2d 481, 486, 2002)³. John E. Reid & Associates claimed that the Netflix dramatization of the Central Park Five case, *When They See Us*, had defamed the company by asserting that the police had used the Reid Technique in the interrogations, but the litigation was promptly dismissed by a federal judge (Westenfeld 2020).

It might be questioned why anyone would confess to a crime that they did not commit. There are a variety of reasons, the desire to go home or a wish to please the interrogator so that they will cease and desist. "[T]he innocent suspect naturally becomes flustered by the insistence of his guilt, leading him to feel 'distressed, confused, and desperate,' if not downright paranoid. In such a posture, he is particularly susceptible to a promise of leniency" (Hirsch 2005). Above all, African American suspects have a deep-seated fear of the police, heightened in a society where police have historically persecuted people of color. Remarkably, one study

² Frazier v. Cupp, 394 U.S. 731 (1969). <https://tile.loc.gov/storage-services/service/ll/usrep/usrep394/usrep394731/usrep394731.pdf>

³ People v. Wise, N.Y. Supreme Court, 194 Misc.2d 481, 752 N.Y.S.2d 837, 2002 N.Y. Slip Op. 22761, December 19, 2002. <https://www.casemine.com/judgement/us/5c3cc06e342cca549e0a729a>

showed that “42% of those later exonerated had confessed” (Gross and Shafer 2012). That is particularly the case with Black people. “African Americans are only 13% of the American population but a majority of innocent defendants wrongfully convicted of crimes and later exonerated. They constitute 47% of the 1,900 exonerations listed in the National Registry of Exonerations (as of October 2016), and the great majority of more than 1,800 additional innocent defendants who were framed and convicted of crimes in 15 large-scale police scandals and later cleared in ‘group exonerations’” (Gross, Possley and Stephens 2017).

Whether it is in an ancient Athenian court or a modern-day American police station, confession is a coercive practice which victimizes both the accused and witnesses to confirm the suspicions and allegations of the Inquisitors. It is not about telling the truth nor is it an unforgetting. It is a fiction written to confirm falsehoods.

3. Slavery and The Original Confessions of Nat Turner Transcribed by Thomas Gray

In the Atlantic slave trade, some 10.6 million embarked from Africa to the New World; about 9.2 million disembarked. 1.4 million did not survive (Slave Voyages Operational Committee). About 388,000 African arrived in bondage in the United States (Gates 2014). The slave trade in the United States did not terminate with the end of transatlantic slave voyages. Domestic human trafficking far exceeded that of the slave ships. In what has been called a “Second Middle Passage,” “more than one million slaves from the Upper South [were sold] to the plantation frontiers of Mississippi, Louisiana, Arkansas, and Texas” (Beckert and Rockman 2016).

As part and parcel of human slavery, those in bondage were subjected to the use of both physical and psychological torment. Contemporary accounts of American slavery are replete with instances of whipping, beatings, starvation, and rape. Indeed, horrific accounts tell the stories of burning, branding, mutilation of ears and genitals, cutting off fingers and toes, murder, and decapitation (Weld 2011 [1839]). Slaves lived in terror, knowing that a wrong word or an action deemed inappropriate would subject them to excruciating punishment.

This fear was particularly palpable on Southern cotton plantations where the use of torture was designed to elicit a truth of sorts: “the maximum poundage that a man, woman, or child could pick” (Baptist 2014). Of course, torture had its place not only for punitive purposes but also juridical ones. “For example, torture was permissible in extracting confessions from slaves suspected of having committed a crime” (Berg 2011). Generally speaking, the testimony of slaves was not admissible in Southern courts, other than as confession of a crime. That changed in Virginia in 1723 when the state legislature made slave testimony admissible in cases of slave rebellions on the grounds that only slaves were parties to such conspiracies (Morris 1996). Fear of slave insurrections always existed, but became more prevalent after the suppressed Denmark Vesey rebellion of 1822 in Charleston, South Carolina where Blacks outnumbered the city’s white population (Fede 2017). White paranoia led to increased surveillance of slave populations and widespread rumors, frequently based on “‘confessions’ obtained by torture or promises of freedom” (Berg 2011).

Nonetheless, like Denmark Vesey, Nat Turner planned and carried out, on August 21, 1831, one of the most successful slave revolts of the antebellum period, killing an estimated 55 whites, including men, women, and children (“Confession” 2017). Captured on October 30 and tried November 1-3, 1831, Nat Turner allegedly confessed to leading the rebellion and killing at least one of the victims personally. Some 50 African Americans were tried in the Southampton County court in the fall of 1831; yet, there were no *verbatim* transcripts taken at the trials, only case summaries. The Southampton County trial record reflects the testimony of a number of eyewitnesses to the rebellion, but Nat Turner did not himself take the witness stand. Two justices of the peace, James Trezevant and James W. Parker, before whom Turner was arraigned, testified that Turner told them, *inter alia*, he had struck his master and mistress (Joseph and Sarah Travis) and killed Peggy Whitehead. Moreover, he allegedly described his motives for the insurrection, including his supposed inspiration by God (“Nat Turner’s Trial Record” 2017). As evidenced by the trial record itself, Nat Turner’s hearsay confession was not first-hand, but rather voiced by two white men, both state government officials. His arraignment confession could hardly be considered a reliable source for Nat Turner’s truth.

However, Nat Turner also allegedly confessed to Thomas R. Gray, a lawyer who was paid by the court to represent other defendants (but not Turner himself) and was himself a slaveholder. In dire financial straits, Gray had access to the jail where Turner was incarcerated and used that opportunity to interview Turner. Gray writes that “without being questioned at all” (“Confession” 2017), Turner commenced his long confession, asking for nothing in return and appearing only to wish to cleanse his conscience. Gray suggests that Turner’s confession was spontaneous and unsolicited. Yet, it is hard to believe that Turner was unaware of the implicit threat which Gray, as an officer of the court, represented. To be sure, Turner knew he would be executed; the only question would be the timing and manner of death. In a society which not only tolerated but frequently savored the most hideous punishments, Turner had to have contemplated the most excruciating death, including mutilation and perhaps even flaying alive. It behooved Turner to give Gray what he wanted, a story which would please him, and help Turner face a relatively quick and painless death. Gray foresaw a considerable market for Nat Turner’s *Confession*, since whites would have the vicarious thrill of an allegedly first-hand account of murder and a resolution which would allay the deep-seated fears of Black insurrection. Indeed, as the editor of Nat Turner’s *Confession* noted, it is important to “consider the silences in the text” (Greenberg 2017). For it is not only what Turner contrived to tell Gray, but what he did not say about the events in question. But that truth, we will never know, no more than that of the Greek slave or the Jewish *converso*.

Nat Turner’s truth would be doubly obscured. On the one hand, Turner told a story that Gray wanted to hear. On the other hand, Gray transliterated Turner’s confessional performance into a literary broadsheet, foregoing Turner’s own words for the stilted language of a supposed white Southern gentlemen who embellished Turner’s narrative for his own purposes. “[Gray’s] work cannot be viewed uncritically, apart from the legal and literary milieus in which he worked. To do so is to see the myth apart from its maker” (Fabricant 1993). Gray claimed to have read his text of Turner’s allegedly voluntary confession to the trial court, which Turner verified before judge and jury, to affirm the supposed authenticity of his creation (“Confession” 2017). Whether he did so is open to question since the trial summary only records the confession to Trezevant and Parker and nowhere mentions Gray’s version (Fabricant 1993). Gray copyrighted the text on November 10, 1831, the day before Nat Turner hanged, and consequently sold between 40,000 and 50,000 copies as a pamphlet, thereby averting his impending financial calamity. But it is not only for the sake

of money that Gray crafted the *Confessions*. It was also plainly to advance the cause of slavery as a necessary instrument of white supremacy.

4. William Styron's Confessions of Nat Turner

Over a century later, during the height of the Civil Rights movement, William Styron reimagined Nat Turner's alleged confession and published a "meditation on history" in 1967 based loosely upon Gray's work (Styron "Author's Note"). Styron himself was a white Southerner from Tidewater Virginia, the locus of Turner's slave insurrection, whose legacy echoed throughout the region. In a world of Jim Crow laws, Turner's rebellion was a "long time ago and only yesterday" (Styron "Author's Note"). Styron recalled that his grandmother had been a slaveowner, who had title to two human beings, both young African American teenage girls. At the close of the war, the Union Army razed his grandmother's plantation, leaving both whites and Blacks to starve in the following winter. His grandmother had a visceral hatred of Yankees. Styron, on the other hand, was an "unabashed enthusiast of the despised Negro" (436).

He considered Gray's work to be "an extremely sketchy and mysterious historical record" (434); however, he believed that "the bulk of the document appeared genuine" (440). Turner speaks Styron's words, "If I was to be hung come what may, what purpose could be served by withholding a 'confession' . . ." (14). Styron appears to accept the substance of Gray's account at face value, and uses it as a jumping off point from which to embellish Turner's narrative and construct the interior life of the rebel leader. Styron concluded, based on Gray's depiction of Turner as a slave preacher, that he was "a dangerous religious lunatic" (441). Although Turner's alleged prophetic mission was to free the slaves and enact the wrath of God, Styron chose to focus on "subtler motives" (442). He noted that Gray makes no reference to any liaison with a woman, an absence which Styron dismisses as unlikely, so he invents a relationship with a teenage white girl, Margaret Whitehead (444). Accordingly, passages appear in Styron's *Nat Turner* that depict a Nat Turner nearly overwhelmed with lust. He would masturbate in a storage shed, "always a nameless white girl between whose legs I envisioned myself . . ." (173). Frustrated by their positions as master and slave, Turner's longing simultaneously evinces a violent, murderous intent. "[T]he long, hot desire to reach out with one arm and snap that white, slender, throbbing young neck is almost uncontrollable" (92). And again, he fantasizes about a young white Northerner woman, the fiancé of a white Southerner, and raping her in an "abrupt, brutal, and rampaging fury. . ." (264).

Although Styron's friend James Baldwin, who drafted his essay *The Fire Next Time* in Styron's own house, praised Styron's *Nat Turner*, many Black academics and intellectuals condemned it in the strongest terms. To them, Styron's depiction of Nat Turner smacked of racist caricature. The renowned African American psychiatrist Alvin Toussaint asked whether "the author has freed himself of his own white supremacist attitudes as he attempts to project himself into the mind of a black slave?" (Alvin Toussaint, Clarke 1968, 17). Charles V. Hamilton, a co-founder with Stokely Carmichael of the Black Power movement, argued that the book "confirms America's racist feelings" (Charles V. Hamilton, Clarke 1968, 77). Styron conjures a Nat Turner, characterized by "an uncontrollable desire to 'violate' a white woman!" concluded Loyle Hairston. "This is pure racism" (Hairston, Clarke 1968). The consensus among these Black critics reflected the conclusion of Lerone Bennett: "The voice in this confession is the voice of William Styron. The images are the images of William Styron. The confession is the confession of William Styron" (Lerone Bennett, Jr., Clarke 1968, 4).

Whereas Nat Turner's truth in Gray's original *Confessions* were doubly obscured, first by the threat of violence and then by Gray's own pecuniary interests, Styron's re-imaginings had little to do with the historical Nat Turner or the circumstances of the insurrection. Gray's account claimed to be an *anamnesis*, an unforgetting of what had occurred in August 1831 in Tidewater Virginia. Yet the truth retreats before the very grasp. Confessions in a legal context render the truth unreadable. Likewise, confessions in a literary context pose the challenge of *anagnorisis*, the reinvention of narrative by one who vicariously experiences a truth. But is that truth the truth of the victim, whether that be of slaves or heretics or suspects?

5. Nat Turner and a Reimagined Birth of a Nation

The recollection of Nat Turner's rebellion did not, however, end with William Styron. In 2016, the director, writer, and actor Nate Parker produced *The Birth of a Nation*, named after the original 1915 film by D.W. Griffiths, a racist screed which praised the Ku Klux Klan as the savior of the South and a white nation. This propaganda piece, which inspired the resurrection of the Klan at Stone Mountain, Georgia, excoriated the abolition of slavery and Reconstruction and depicted a mulatto "carpet-bagger" as the incarnation of evil. Nate Parker's film effectively rewrote the founding of the modern American nation, not in the terror and lynchings of the Klan, but in righteous uprising of Nat Turner against the institution of slavery, for it is there where, as Parker claims, the United States has its origin. Like Styron's *Confessions*, Parker's *Birth of a Nation* rewrote the story, oddly filling in the absence of women in Nat Turner's life by providing a fictionalized account of his great love for his wife, a female slave named Cherry Ann, aka, Madison. Hence, the narrative of rebellion is strangely rooted in a love story in which Turner, inspired by God, seeks revenge for the injustices done by a white slave patrol to his wife. Is Parker's iteration any more faithful to Nat Turner than Styron's? What constitutes a truthful iteration of human loss and suffering? Literary theorists struggle to answer that question, but at least in the case of Nat Turner, it is the view of many African-American scholars that Styron's attempt fails to speak the truth of the Black experience in America. Does Parker's?

6. Anamnestic and Anagnoritic Remembrance

The serial treatment of Nat Turner by Gray, Styron, and Parker highlights the paradox of confession. It is a literary form imbued with the shadow, but not the substance, of truth. Like its theological antecedent, it is infused with the reader's belief that it is an avenue to understanding a factual and psychological reality, and its performance is a perlocutionary, and simultaneously illusory, act, grasping at grains of sand that run through the fingers.

Oddly enough, the Greek notion of truth, *aletheia*, is a double negative, based on the concept of *lethe* (λήθη) or forgetfulness (Liddell and Scott 1999). What has been known, but then forgotten, is now remembered. Truth is therefore a performative act or a

coming into being. As Michael Peters noted, this Greek term for truth appeared some 17 times in the *Iliad* and *Odyssey*, predating its use in classical Greek philosophy. “The Homeric notion of *Aletheia* which emerges from examining its uses is precisely the same, with the same force and flavor, as that enshrined in the traditional oath or solemn affirmation required of a witness in court proceedings: to tell the truth, the whole truth, and nothing but the truth” (Peters, 106). As remembrance, truth is a product of the perlocutionary act of the witness or the accused. *Aletheia* is therefore intimately tied to equity for without testimony of what is known, but forgotten, there can be no justice.

Aletheia begs the question concerning how this truth can be recaptured both for the speaker and the listener/reader. Classical Greek philosophy suggests that the avenue to remembrance is found by way of *anamnesis* (Liddell and Scott 1999), an undoing of amnesia. The philosopher Paul Ricoeur distinguished between the Platonic and Aristotelian approach to *anamnesis*, the former being a passive reception of memories, while the latter an active pursuit of the trace (56). Whereas the Platonic *anamnesis* is a product of reflection, Aristotelian *anamnesis* is consonant with performance of truth. Yet the question remains of how the speaker recollects the pieces, the fragments, the shards of truth into a reliable narrative. Is it possible for the reader to share in anamnestic solidarity with this symbol of resistance to slavery? The likelihood turns on the existence of the narrative’s authenticity. In the case of Thomas Gray’s *Confessions*, there can be no authenticity, no reliability, no *anamnesis*, and no *aletheia*. Nat Turner’s memories, if in fact they were shared with Gray in the Southampton jail cell, were undoubtedly warped and corrupted by both Gray’s white supremacist worldview and his pecuniary interests in selling lurid, sensationalized pamphlets. To sew the pieces of Turner’s experience into whole cloth is an impossibility. They are lost to the modern reader who can recover neither his testimony nor his truth.

Anamnesis requires mining the elements of a narrative so that the underlying truth is exposed. Certainly, that was the intention of William Styron in rewriting Gray’s version of Nat Turner’s *Confessions*. Styron admitted that “[n]either historians nor writers of fiction have ever been able to make much sense of the original document . . .” (452). There is no reason to believe that Styron, despite his residency in Tidewater Virginia, was any closer to the truth of the events of 1831 than Gray. Instead, Styron creates *de novo* a Nat Turner conceived in the mind of a white writer, raised in the Jim Crow South, in part by a grandmother who herself was a slaveowner. It is difficult to conceive how he could make the leap across decades and cultures to inhabit the world of a 19th century Black slave without distorting Nat Turner’s story. Is that story irretrievable?

In his *Poetics*, Aristotle suggests an alternative method to reveal the *aletheia* that lies buried. His dramatic theory postulates two devices to uncover the truth embedded in Greek tragedy: *peripeteia* (περιπέτεια) and *anagnorisis* (ἀναγνώρισις) (Aristotle 1452a). “Within the structure of the tragic plot, this irruption of the unknown, this sudden trans-formation of what one thought one knew, constitutes the decisive turn, the *peripeteia*” (Weber 2008). Yet, it is not only the reversal of the expected trajectory of the plotline, e.g., the Oedipal twist in Sophocles’ play in which the fortunes of the protagonist are dashed, but also “a shift from ignorance to knowledge” (Aristotle 1452a), a recognition or *anagnorisis* of truth, like a flash of lightning. This literary epiphany takes the form of a psychological phenomenon, studied by research scientists, termed an *Aha-Erlebnis*, the “aha being proportional to actual information gain” (Van de Cruys et al. 2021). This is especially so in reading a text since “the ancient Greek terms for ‘recognition,’ ‘reader’ and ‘reading’ (respectively *anagnorisis*, *anagnostes*, and *anagignoskein* or *anagnosis*) are closely—phonetically and conceptually related” (Kennedy and Lawrence 2009). But despite the failure of Styron to capture Nat Turner’s truth, it is not in a textual source where an attempt to bottle anagnoritic lightning is found, but rather in a cinematic version.

Nate Parker’s *The Birth of a Nation* (2016) retells *The Confessions of Nat Turner* within the larger frame of the America’s racist history. Its original namesake, *The Birth of a Nation* (1915), propagated the revisionist Southern ideology of the “Lost Cause.” Parker set himself a formidable task: to undo both and set forth a new history, founding a re-envisioned nation based on resistance to white supremacy. “This is my effort to retrieve it, the actual narrative, and soak it in a truth” (Parker). Based on a passage from Gray’s *Confessions*, Parker thought of Turner as a devout Evangelical Christian whose faith reflected his own (Parker). It is clear that Parker sees in Turner his own reflection, which may make for great film-making, but the truth of Parker’s film, like Gray’s truth and Styron’s truth, was not Turner’s truth. His *aletheia* is buried under the narrative genre of confession, inaccessible, if not forgotten.

7. Black Lives Matter

These narratives, be they text or film, struggle with the legacy of Nat Turner, but there is no doubt about the effect of slavery’s legacy on African Americans today. Blacks who try to tell their story, be it on the streets or in interrogation rooms, are silenced by the police, whose very existence echoes the experience of bondage.

In the antebellum South, whites used slave patrols to surveil and control the Black population. Slave codes obligated all whites to help capture runaways or suppress rebellion by force if necessary. Slave patrols were the forerunner of police departments, which became professionalized after the war in major Southern cities like Richmond, Atlanta and Nashville. Likewise, the founding of police departments in Northern states was linked to slavery since their appearance during the antebellum period occurred simultaneously with the influx of freed and escaped slaves (Brucato 2020).

African Americans have therefore been associated historically in a predominantly white culture, both North and South, with lawlessness and are feared as being capable of great violence. “The cultural stereotype that portrays Black people as criminal is an enduring social psychological legacy of slavery” (Najdowski 2023). That legacy was prolonged by *de jure* segregation in Southern Jim Crow laws, prior to the Civil Rights movement, and contemporary *de facto* segregation. “[W]hites all over the South lived with the constant fear of rebellion . . . This tension continues today and is evident in the movement #BlackLivesMatter” (Berry 2017).

The tension between police and the Black community remains palpable. The phenomenon of mass incarceration, adopted as a policy in the 1990s, pathologized African-Americans, “perpetuating the stereotype that Black people are inherently predisposed to criminality” (Najdowski 2023). For African-Americans themselves, the legacy of slavery appears in another more personal fashion when arrested by police on suspicion of criminality. “To put the point provocatively, all interrogated suspects are slaves. That is, the conditions of interrogation create a social and psychological reality mirroring that of the slave” (Hirsch 2005). Hence, when interrogated, Blacks experience what has been called by psychologists a stereotype threat, i.e., they are aware that the stereotype of Black criminality leads police to disbelieve any statements that they make.

Studies indicate that stereotype threat causes African Americans to experience more anxiety and physiological stimulation than their white counterparts and that these reactions are frequently interpreted by police interrogators as indicia of guilt (Najdowski 2011). In short, Blacks are frequently suspected of deception and their statements are not to be believed. Like their predecessors—slaves in Athens, Jewish conversos in Spain, the accused in Continental law courts or American police stations, there is no room for the confessant's truth, only the truth of the confessor.

8. Conclusion

Confession as a legal practice has a long history in Western culture. Yet, confession is not truth freely given. Instead, it is a phenomenon rooted in a structural relationship between confessor and confessant that is strikingly disproportionate in power. Initiated in the Athenian courts and those of classical Rome, the confession of slaves, compelled through physical torture, bleed into widespread coercive practices adopted by the Church as well as civil and common law traditions. One thread bound these various historical moments together: the fundamental belief that the body is the repository of truth. It is a belief that is widely held, not only in the legal context but throughout Western cultures, by both conservative and progressive advocates. In the legal setting, truth must be compelled from the body, either through physical or psychological coercion. This article traces the history of confession from Antiquity through the medieval torture chambers of Dominican and Franciscan Inquisitors to the "jurisprudence of torture" in early modern Continental settings and contemporary police stations in the United States. In particular, the article examines the evolution of the use of physical and psychological coercion by American law enforcement in the context of race relations. Reviewing the notorious Central Park Five case and the exoneration of young African-American boys, who falsely confessed to a heinous crime, the legacy of disproportionate power in a racist society may be traced back to the *Confessions of Nat Turner*, originally written by the white lawyer and slaveholder Thomas Gray and revised by both the novelist William Styron and present-day film maker Nate Parker. Neither Gray nor Styron could discover the *aletheia* or truth of the 1831 slave rebellion, for the structure of confession, either in the jail cell or as reimagined by a white Southern liberal, could affect its recovery. Indeed, even the noble anagnoritic attempt by African-American movie director Nate Parker could not conjure the semblance of Nat Turner's truth. The heritage of social injustice, perpetuated by American institutionalized racism, has longed silenced African-Americans whose struggle for truth continues in Black Lives Matter.

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