The Electronic Pillory: Social Time and Hostility Toward Capital Murderers

Scott Phillips   Mark Cooney

In early modern Europe, popular hostility toward criminals could be expressed through the use of the pillory (a device in which offenders were restrained and publicly displayed). Modern electronic communications have facilitated the emergence of contemporary versions of the pillory. One such example is prodeathpenalty.com, a Web site created by supporters of capital punishment that permits members to post comments about particular executions. Most such comments are markedly hostile toward the convicted offender. But is the hostility random or patterned? A new theory by Donald Black predicts that hostility will increase with changes in social space, or the movement of social time. Testing Black's theory, we find that the number of online comments hostile to the killer and supportive of the execution increases with the degree to which the murder was a movement of relational, vertical, and cultural time. Moving beyond the electronic pillory, we argue that Black's theory has much to offer to law and society scholars.

From time immemorial, people have criticized, mocked, and excoriated deviants. Popular sanctions of that kind appear to have been particularly prominent before the Industrial Revolution. In early modern England, for instance, "villagers, acting communally, might take it upon themselves to punish those considered guilty of anti-social or immoral conduct" (Durston 2004: 313). Popular punishments included charivari or skimmington (a noisy parade designed to humiliate a deviant), carting (being paraded publicly in a cart), and ducking stools (confinement in a chair that is plunged into water). A sanction that combined popular and legal components was the pillory—when a criminal "was made to undergo a form of public penance by being exhibited on a platform with his hands and head fixed in a wooden structure" (Beattie 1986: 464). Members of the community could respond to the offender with praise, indifference, or, more usually,

hostility—by jeering or bombarding him or her with rotten vege-
tables or other matter, thereby drawing wider attention to the
offense and humiliating the offender (see, e.g., Greene 2003).

Over time, popular sanctions of this kind increasingly gave way
to state sanctions administered by legal officials. Popular justice
never disappeared, but it assumed less public prominence. Scholar-
ship reflects the general trend. The conduct of police, prosecutors,
attorneys, judges, juries, and other legal officials has been studied
in considerable detail. By contrast, the sanctions that non-state
actors continue to inflict on one another has attracted much less
interest (but see, e.g., Baumgartner 1988; Morrill 1995; Senechal
de la Roche 2004).[1] Moreover, when popular justice is scrutinized
it often focuses on those occasions when informal sanctions are
used instead of law: if business people or rural country neighbors
do not sue when they have legal rights to do so, how do they man-
age their conflicts (e.g., Ellickson 1991; Macaulay 1963)? Some-
times, however, law and popular justice are found together (e.g.,
Manza and Uggen 2006; Pager 2007). And sometimes they are
both applied to the very same act. For instance, in a murder case
the killer might be arrested, prosecuted, and sentenced by the legal
system while also being castigated and shunned by the community.
In such cases, the legal sanctions are recorded and publicly accessi-
ble but the popular penalties have tended to remain private,
known only to those directly involved.

The growth of mass means of communication has provided
new outlets for popular justice. Radio, television, film, and, espe-
cially, news media enhanced the ability of ordinary citizens to
have their say about wrongful behavior. But no medium has
boosted it more than the internet. The internet allows more peo-
ple to participate in more moral controversies and do so faster
than ever before. Consequently, many disputes between individu-
als, groups, and countries now originate online; others migrate
there, wholly or in part. People have expanded opportunities to
support or oppose general moral causes (e.g., human, animal
rights) or to weigh in on particular moral controversies (e.g., the
guilt/innocence of defendants in well-known trials). Information
about moral events can be disseminated far and wide allowing
people to become familiar with the details of arrests, assassina-
tions, riots, massacres, and other manifestations of conflict—even
those occurring in distant lands. Since much e-control is either
publicly or semipublicly accessible, it can provide researchers

---

[1] One tradition in legal sociology treats both law and popular justice as aspects of legal
pluralism (see, e.g., Griffiths 1986; Merry 1988). Given the marked contrast in severity and
otherwise between the death penalty and the online criticism we address here, we find it
useful to distinguish the two forms.

with data previously difficult to uncover. Yet with the exception of online bullying, relatively little is known about this new phase of popular justice. In particular, it is unclear whether the anonymity of much electronic social control results in it obeying different principles to traditional social control.

Prodeathpenalty.com is an online moral community composed of supporters of the death penalty. Among other things, the Web site provides members with a forum for expressing anonymous opinions about executions. Most of the comments are highly critical of the condemned prisoner. This electronic pillory provides naturally occurring data regarding hostility toward convicted murderers. But are such hostile comments equally distributed across cases? Or do some offenders attract more than others? To answer the question and redress the relative deficit of research on popular justice, we examine hostile comments directed at 149 offenders executed in Texas from 2005 to 2012.

The Web site postings also reveal variation in support for particular executions, as indicated by hostility toward the condemned prisoner. Scholarship on support for the death penalty has largely focused on the social and psychological characteristics of supporters (see, e.g., Boots and Cochran 2011; Unnever and Cullen 2012). The comments posted to prodeathpenalty.com allow us to address a different question: Among those who favor the death penalty, is support greater in some instances than others?[2]

Most importantly, the data afford an opportunity to test an ambitious new theory of conflict developed by Donald Black (2011). Black's theory posits that the fundamental cause of conflict is the movement of social time. Social time is the fluctuation of social space—the dynamic aspect of social life. As people's fortunes rise or fall, as they form new or dissolve old relationships, or as they encounter or reject cultural diversity, conflicts emerge. But movements of social time vary in magnitude: larger and faster movements cause more conflict.

Black's theory has been applied to explicate the causes of three forms of violence: genocide, family honor killing, and suicide (Campbell 2013; Cooney 2014; Manning 2015). However, it has not yet been tested in the context of nonviolent popular

---

[2] The social control on prodeathpenalty.com is what rational choice theorists call higher-order social control—a response to the punishment that responds to the killing (Axelrod 1986; Horne 2009). Higher-order social control is not, in itself, unusual. Since many crimes are themselves responses to deviance (Black 1983), much legal punishment is higher-order social control. What makes the e-community's higher-order control different is that it is an unofficial or popular response to the legal punishment (rather than, as is more common, a legal response to a popular punishment or a popular response to a popular punishment).

justice. Since murder is a movement of social time, if the theory is correct, then the popular (and legal) penalties that are inflicted should increase with the magnitude of the movement of social time. People ought to express more revulsion when the homicide was a greater movement of social time. Similarly, support for an execution should vary directly with the murderous movement of social time. Analyzing threads on prodeathpenalty.com devoted to Texas executions, we find confirmation of Black's theory. Murders that are larger movements of social time attract more postings hostile to the murderer and supportive of the execution. At least among people who approve of the death penalty, anonymous online responses to particular executions are highly sensitive to the moral dynamics of the original killing.

Literature Review

The three issues raised by our data—hostility toward criminals, support for executions, and electronic social control—have each generated a body of literature. Consider each in turn.

Hostility Toward Criminals

Anthropological research in prestate societies has yielded invaluable information on a variety of modalities of social control, including feuding, compensation, avoidance, and mediation (see, e.g., Boehm 1984; Ekvall 1964; Gibbs 1963; Stauder 1972). Less is known about popular sanctions in state societies, at least for conduct also subject to legal penalties. Historians have documented the struggle between law and lynching in the nineteenth- and early twentieth-centuries, particularly in southern states. Many lynchings took place after the lynching victim was seized from the custody of legal officials (see, e.g., Ayers 1984: 253–55). A particularly egregious example occurred in March of 1891when nineteen Italian-Americans were being held in the New Orleans jail for the murder of the police chief. When nine of the prisoners were acquitted by a jury, an angry crowd numbering in the thousands gathered outside. Members of the crowd stormed the jail and searched the building for the prisoners. They found and shot 11, and delivered two more to the waiting crowd outside, where they were promptly hanged (Gambino 1977).

Although the storming of prisons and lynching of prisoners has long died out in the United States, popular resentment against criminals is still prevalent. However, that hostility has traditionally been expressed largely in private settings—among victims, their family members, friends, and neighbors. Interviewing men and women convicted of homicide and a member of their families,

Cooney (2009) found that the most severe popular sanction typically found in murder cases was shunning: the killer, and sometimes his or her family, might be avoided by neighbors and acquaintances. But he did not obtain data on criticism of the murderer that might not have reached the ears of the informants. The backstage nature of such condemnation has made it difficult to study.

Support for the Death Penalty

Although support for the death penalty has declined in recent years—from 80 percent in 1994 to 61 percent in 2014—a substantial portion of Americans still favor it (if life without parole is included as an option then support drops to 42 percent) (http://deathpenaltyinfo.org/national-polls-and-studies; see ABC News/Washington Post poll in June 2014). Support is unevenly distributed across the population. Research reveals that whites are more supportive than blacks, even when socioeconomic status, political conservatism, religious fundamentalism, and other factors are controlled (Cochran and Chamlin 2006; Unnever and Cullen 2007). Among whites, those who score higher on a scale of racial-ethnic prejudice display stronger support (Unnever and Cullen 2012; see also Unnever and Cullen 2007). Men are more supportive than women, a pattern that persists in the face of a large body of statistical controls (e.g., SES, socialization, fear of crime) (Cochran and Sanders 2009). Authoritarian personality further predicts support as do fear of crime and residence in a county with a higher homicide rate (Baumer, Messner, and Rosenfeld 2003; Keil and Vito 1991; Stack 2003). Religious fundamentalists are often thought to be more favorably disposed toward capital punishment, but the image of God people hold (e.g., judgmental vs. forgiving) appears to be a stronger predictor (Unnever, Cullen, and Applegate 2005).

This body of empirical inquiry provides valuable insights into the social and psychological correlates of support for capital punishment not just in America but other countries as well (see, e.g., Unnever and Cullen 2010). However, it does not address variation at the case level. Is support greatest for certain kinds of cases? That question is best answered by naturally occurring data of the kind found on prodeathpenalty.com.

Electronic Social Control

The emergence of electronic social control has generated a good deal of commentary in the mass media. Critics have frequently remarked on the vitriolic nature of many online discussions, pointing to the insults, invective, and general intolerance that are so often the order of the day in the online comment section of

newspaper and magazine articles. Indeed, racist, sexist, homophonic, xenophobic, sectarian, and other antagonistic comments are frequent enough to have generated several popular neologisms, including "sockpuppetry" (using a false online identity to deceive), "flaming" (posting a hostile message), "trolling" (posting hostile messages designed to disrupt online communications), and its subtypes such as "gendertrolling" (posting hostile messages designed to disrupt online communications by women). Several publishers, in an effort to raise the tone of online discussions, have removed offensive comments, or required commentators to register via an account on Facebook or other social media platform (e.g., Binns 2012; Landers 2013). Some go further, shutting down Web sites entirely (e.g., JuicyCampus and College ACB). Others have simply banned online comments (e.g., LaBarre 2013).

Scholarly attention has focused primarily on online harassment or cyber-bullying, particularly among young people. Different scholars define these terms differently, but in their broadest sense they refer to "threats or other offensive behavior targeted directly at youth though new technology channels (e.g., Internet, text messaging) or posted online about youth for others to see" (Jones, Mitchell, and Finkelhor 2013: 54). The medium may be social networking sites, text messages, pictures or video clips sent via mobile phone cameras, emails, chat rooms, video games, and Web sites (O'Moore 2012: 212). Cyber-bullying appears to be less frequent than traditional, face-to-face bullying (Mora-Merchán and Jäger 2010). While boys appear to be more frequent aggressors than girls, and girls appear to be more frequent victims, the gap has narrowed over time (see, e.g., Jones, Mitchell, and Finkelhor 2013; O'Moore 2012). Defining cyberbulling as repeated harmful comments transmitted electronically, Patchin and Hinduja (2012) reviewed 43 peer-reviewed papers (including three of their own) on cyberbullying in the United States. The authors report several findings: among 11–18-year olds, about one in four report being cyberbullied at some point and about one in six report cyberbullying somebody else; those who are bullied often themselves bully; girls report slightly higher rates of victimization and slightly lower rates of offending than boys; there are no significant differences by race; and both offenders and victims are more susceptible than other teenagers to offline or traditional bullying (Patchin and Hinduja 2012).

Like much online commentary, the contributions to prodeathpenalty.com are often highly critical in tone. Like cyberbullying, the comments are frequently highly personal in nature. But the comments on the Web site raise issues that are not addressed in either literature, in particular how people in e-communities respond to crimes.

Theoretical Perspective

Contributors to prodeathpenalty.com may post comments about particular executions. The great majority of such comments are hostile to the death row prisoner and supportive of the execution. However, not all executions excite equal enthusiasm on the Web site. Some pass with relatively little comment; others generate lengthy threads harboring an avalanche of critical comments. What, if anything, explains variation in hostility toward condemned prisoners?

Explaining Hostility

One possibility is simple random variation. Some threads happen to take off for reasons that have nothing discernible to do with the nature of the killing or the identity of the parties. One offender who committed rape-murder is executed without fanfare, while another who is executed for the same crime is pilloried simply because a few members of the group happen to have a little spare time just then.

A second possibility is that hostility varies with the seriousness of the original homicide. Most people would surely agree that rape-murder is more serious than murder alone. Most people would also agree that robbery-murder is more serious than a murder to avenge a prior assault. But if all life is sacred, why should sexual assault increase, and provocation decrease, the seriousness of a murder? Dead is dead. One answer is to base judgments of seriousness on legal penalties. However, penalties for the same conduct vary greatly across time and place (e.g., adultery was once punishable). Moreover, legal penalties are merely an objective reservoir of the subjective opinions of lawmakers as to the seriousness of conduct. The same problem infects a second possible solution: opinion data—whatever people rate as more "serious" is more serious. That is the approach embodied in the Sellin–Wolfgang (1964) scale of crime seriousness (see also Wolfgang et al. 1985). But however useful the scale may be for some purposes, it only pushes the critical question back one step: why do people rate one action to be more serious than another (Black 1979)? Donald Black's (2011) theory of moral time provides an answer. Since the theory is new and perhaps unfamiliar to readers, consider briefly its history.

Social Geometry

Black's well-known work, *The Behavior of Law* (1976), proposed a sociological theory of law (defined as governmental social

control). Subsequently, Black (1993) expanded his theory to include non-legal forms of conflict management including violence, avoidance, negotiation, and toleration. Common to both bodies of theory is the argument that the *response* to conflict can be explained by social geometry—the location and direction of the case in social space. Critical to whether a conflict is handled leniently or severely, violently or peaceably is whether it is directed upwardly (against a higher status actor), downwardly (against a lower status actor) or laterally (against a status equal). Crucial, too, is whether the conflict spans small or large social distances (e.g., intimates versus strangers, same culture versus different culture, functionally dependent versus independent). Black's reasoning has been applied by him and others to isolate the conditions under which a broad array of conflict management behaviors occur from individual violence (Cooney 1998; Phillips 2003) to collective violence (Black 2004; Senechal de la Roche 1996), from suicide (Manning 2012) to genocide (Campbell 2009), and from avoidance (Baumgartner 1988) to therapy (Horwitz 1982; Tucker 1999).

Social geometry is a potent predictor of the severity of conflict management and the various forms it assumes. But for all its power social geometry leaves one central fact unexplained: the cause of the conflict. What conduct triggers conflict in the first place? Black's (2011) most recent book—*Moral Time*—is designed to answer that question.

Social Time

The fundamental cause of conflict (the clash of right and wrong), Black proposes, is the *movement of social time*. Just as physical time is known by a change in physical space (e.g., the movement of the earth around the sun), so social time is a change in one or more dimensions of social space. Social time is, therefore, the dynamic aspect of social space. Whereas social geometry provides a snapshot of social space at any one point, social time is the motion of social space.

Movements of social time can be divided into three principal categories: relational time, vertical time, and cultural time. *Relational time* consists of increases or decreases in intimacy. A rape is a sudden and extreme intrusion into the life of another and, hence, a substantial increase in intimacy, while abandonment is a sudden and extreme exit from the life of another and, hence, a considerable decrease in intimacy. *Vertical time* is any increase or decrease in inequality (e.g., money, power, reputation). A promotion at work is a significant upward movement of vertical time in which others get left behind, whereas being fired is a rapid

downward movement of vertical time in which a person's status plummets overnight. *Cultural time* is any increase or decrease in social diversity. A radically new and innovative idea is a momentous increase in social diversity, but clinging to old-fashioned ideas is a notable decrease in social diversity. Cultural time also moves when, for example, ethnically distinct groups suddenly interact, especially when they are culturally distant (e.g., different languages, religions, nationalities).

The motion of social space is ceaseless, as humans' relationships, statuses, and cultural differences are constantly in flux. Thus, conflict is inevitable. But not all movements of social time are equal—larger and faster movements cause more conflict. Hence, the seriousness of conduct—the degree to which it triggers conflict—increases with the magnitude of the movement of social time. Note, too, that conflicts are not only caused by the movement of social time but are also themselves movements of social time (because the response—such as arguing, fighting, suing, or reconciling—changes actors' intimacy, inequality, and diversity). So conflict tends to cause more conflict. Indeed, Black (2011: 4) argues that "Social time is moral time" (not because the concepts are one and the same, but rather because the movement of social time explains moral conflict).

Violence, the subject of the current research, is always a movement of vertical and relational time. Violence is a movement of vertical time because it both enables one party to dominate another and reduces the target's ability to survive and prosper. By destroying life—the most fundamental wealth—homicide is a particularly large movement of vertical time. Violence is a movement of relational time because it involves contact with the victim's body—an increase in physical intimacy. The more contact with the victim's person the violence involves, the greater the surge in intimacy. As Black (2011: 23) observes:

> Violence is a form of intimacy, and all the more when it inflicts pain. Spanking a child is a form of intimacy and so is slapping a wife, beating a prisoner, or whipping a slave. So is torture, which might include additional increases in intimacy, such as stripping or raping the prisoner.

Importantly, movements of social time depend not just on who does what—they also depend on who does what to whom. Thus, since the killing of a high status person results in a greater drop in status for the victim than the killing of a low status person it is a greater movement of vertical time. Killing a high status person, such as a CEO and mother of two, is also more serious because the movement of social time radiates outward—the lives

of her spouse, children, and employees are all diminished. Similarly, the same killing of a vulnerable victim (e.g., a child) is a larger movement of vertical time than the killing of a nonvulnerable victim—the homicide represents a greater exertion of dominance (power) by the killer (Black forthcoming). And a predatory killing (the offender exploits the victim's person or property such as a rape or robbery) is a greater movement of vertical time than a moralistic killing (the offender responds to a conflict with the victim) because the former is unprovoked; killing an innocent victim results in a greater drop in status than killing a victim whose respectability has been compromised by the act that produced the conflict (e.g., marital infidelity). The movement of relational time likewise varies with the social geometry of the offense: violence against a stranger is a greater increase in intimacy than is violence against an intimate. And while violence against somebody of the same culture is not a movement of cultural time, violence against somebody of a different culture is.

If Black's theory is correct, then murders that are the greatest movements of social time—those that are predatory, committed through physical contact, involve rape, torture, and include multiple or vulnerable victims who are strangers or of a different race—should attract the most conflict, as measured by the severity of sanctions. We do not test this implication as all our cases are executions. Instead, we test a higher-order hypothesis: *Within the pro-death penalty e-community, the execution of prisoners whose killings were the greatest movements of social time will trigger the greatest hostility toward the killer.* Before addressing the hypothesis, a prior issue must be addressed: What exactly is "hostility?"

Forms of Hostility

Some posters express hostility toward condemned prisoners through contempt—the prisoner is dehumanized, mocked, taunted, jeered, and scorned. Other posters express hostility through the unabashed celebration of the prisoner's death. Still others appeal to the putative societal benefits of execution. The common thread is criticism of the condemned and support for his execution. In the examples that follow, the posters' handles have been changed to pseudonyms to protect anonymity (additional examples are provided in the appendix).[3]

Consider, for example, the contemptuous dehumanization of prisoner Cary Kerr by Thunder From Down Under: "Well, I'm

---

[3] We corrected grammar/spelling/punctuation errors in the posts to improve readability.

quite pleased Texas and other states began treating condemned murderers in the appropriate manner. Once they enter the gates of death row they cease to be human beings and therefore should be treated as animals and be annihilated as such." Less explicitly but more graphically, death row prisoners are also referred to as a "turd" or "POS" (piece of shit). Payback Penny, referring to the execution of Derrick Jackson, notes: "Flush flush, fizz fizz, oh what a relief it is. Texas flushes another turd down the toilet to hell." Old School Guillotine feels the same way about Franklin Alix: "Hopefully this POS gets the Gurney Ride to Hell with the rest of his buddies...A real piece of non-human horse manure that even the worms won't enjoy...the 30th is marked on my calendar...lets see if he's laughing when the straps are tightened down." Beyond dehumanization, contemptuous comments also deride. Pretending that she is talking to Johnny Johnson, PinHead Pro notes:

> Hey Johnny! You get to die soon, you worthless POS. I can't imagine the terror you must be feeling as you prepare to have lethal poison injected into your slimy veins. We are all going to laugh at you and shout NEXT!! Poor Johnny. Why could you not refrain from murdering. It is so easy to do. But you are a screw up, aren't you? You suck at life in general, and now it is time to ride. Yes, TX will do you up right. What does it feel like to know that there is already a body bag waiting for you? You fucking DR [death row] zombie. We're gonna take you out soon...very soon...POS.

TagEmAndBagEm had two parting shots for Denard Manns. To begin, he posted: "He really should have taken my advice to invoke the "I'm retarded" defense. That way we could have called him Denard the Tard. Talk about ineffective assistance of counsel on the part of his lawyer." He continues:

> Not long to go now. Bet he tells everyone that he has found God and knows he will be forgiven in heaven. I wonder if he will tell everyone he is innocent like they all fucking do. BORING!!!! You have been tried, you have been found guilty, you have been sentenced to DEATH. So my little scumbag...FUCK off and die you worthless POS, it's what you deserve.

In an attempt at humor, The Hustler offers the following post for the execution of William Berkley: "The world will be better off without this creep. One fourth-trimester abortion, coming right up!" Finally, BigTex's disdain for Larry Davis is evident in his desire to add insult to injury: "Less than an hour to go. Sure wish I could be there to spit in his last meal."

Execution is also a cause for celebration among posters. Some celebrate through drinking and song, some travel, some offer praise to God, and some are ecstatic because an execution falls on their birthday. For others, an execution eases the burden of the workday. T-Rex, for example, has plans to commemorate the execution of Khristian Oliver: "Lookin' forward to this one and will be going out tonight for pizza and drinks to celebrate." Referring to the execution of Eric Nenno, Combat Veteran is drinking from the top shelf: "I have a bottle of really good wine I have been saving for a special occasion. Tonight's the night!!" But Lightning Storm, focused on the execution of Kenneth Morris, urges posters to pace themselves: "I know a lot of us are going to be hung over and tired after tonight's execution, but we have another one set for tomorrow at 6pm. So let's keep soldiering on and try to get some sleep tonight." Posters also pen songs. Smooth Operator croons about the upcoming death of Bobby Woods:

Tis the season to get even, Fa-la-la-la-la, la la la laaa;

Missed you once but not again, Fa-la-la-la-la, la la la laaa;

It's not right to rape 'n kill, Fa-la-la-la-la, la la la laaa;

You will soon be cold and still, Fa-la-la-la-la, la la la laaa.

Ironically, Sun Star celebrates the death of Roy Pippin by adapting a song traditionally identified with the anti-war movement of the 1960s: "The answer, my friend, is flowin' in the syringe, the answer is flowin' in the syringe." Some posters even claim to take exotic trips to revel in death. Pro Death Forever writes:

This Thursday, Joshua Maxwell is set to die for what can only be described as one of the worst acts of human depravity. In celebration of his departure, we are flying to Maui, Hawaii Thursday morning. I have not done the math, but when this asshole croaks, I imagine I will be somewhere over the Pacific when the juice starts flowing at 6pm. This execution marks the beginning of spring, and there is no better way to celebrate the birth of new life than through the ritual killing of evil. So let's all share our thoughts and jubilation over the removal of this POS. Let us hope that this season's harvest will be bountiful, and that the ringing of the Justice Bells will be heard throughout the nation. God bless you, God bless Texas, God bless capital punishment.

Still other celebrations invoke religious themes. Old Testament Tim posts the following commentary regarding the execution of Khristian Oliver:

Lord accept this offering. Let us wipe away another stain of 1000 tears. Hear us now as we humbly beseech you to allow us to return into your holy graces through this execution! We are with you always in the preservation of your divine creation! Hallelujah!

For Hater Posse, the execution of Bobby Woods may not be sacred, but remains festive: "YAY!!! AN EXECUTION ON MY BIRTHDAY!!!" Modern Pirate, posting about the upcoming execution of Rogelio Cannady, goes for the shock factor: "Awesome. I am going to try not to take a dump on the 17th and 18th so I can save up an extra big turd to commemorate this execution." Finally, for Big Bomb the execution of Robert Salazar makes the workday a little brighter: "One more murderin, child killin scum returning to the elements thanks to Texas. The rest of this shift won't be so bad after all."

Hostile comments also invoke narratives about the putative benefits of capital punishment. Vodka Man argues that justice demands death: "Without Riley's demise there would be no justice. Every morsel of food and cubic millimeter of air he consumes could have been breathed or eaten by someone worthy of the gift of life . . . " But earthly justice is not enough for some, as Nuclear Bomb yearns for Eric Nenno to suffer eternal pain:

> \Yah, I like to think of him slowly drifting off from the needle, thinking the worst is over, closing his eyes as he dies . . . then opening them to giant winged demons carrying him high into a sky made of fire, his eyes are gouged out and then he is skull fucked by the demons for eons. Yah, a few millennia of that seems fair.

Focusing on incapacitation, Zombie Slayer argues that only death can keep Ricardo Ortiz from committing future violence:

> Let me cite this piece of crap as a prime example why LWOP horribly fails. He could be in prison for a hundred years and still be a vile, rabid animal. Fortunately, TX took care of this garbage. In 9 minutes, TX accomplished what years of prison could not.

Moving beyond retribution and incapacitation, declarations of innocence are met with ridicule. Posting about the execution of Derrick Frazier, The Buzzed Taxidermist notes sarcastically:

> This man says he's innocent. So just because he knew details that only someone in the house knew, and knew where the bodies were, and how many bullets were in them, and just because the truck was parked outside his apartment and his fingerprints were

in the truck, and just because he was wearing some of the clothing from the house and his girlfriend had some of the stolen merchandise doesn't mean he committed the crime. I think we should give him the benefit of the doubt.

Given the argument that capital punishment works, posters want executions to be expeditious and painful. Nevada Boy is ready for Derrick Sonnier to die: "This dirtbag's direct appeal took nearly three years, and his state habeas appeal took more than six years to work its way through the system. That's a disgustingly long amount of time." Striking a similar chord, Mortuary Attendant believes that taxpayers have spent enough money on Bobby Woods: "I suppose this POS accidentally sexually molested this child. He needs a razor taken to his throat and other parts of his anatomy. Texas has fed this Bastard too long. Time for payback." Posters are also frustrated by so-called frivolous appeals. Trojan Horse does not buy the argument that Bobby Woods was mentally retarded:

> Yeah, this guy was clearly not retarded, but I'm sure this scam has worked numerous times with a liberal judge. Just bring a hired gun psychologist, have the prisoner purposely bag the IQ test, then lay that in front of some simpering Obama appointee judge. What do you get . . . a full fledge retard! Expect more of this as the 'change' we were promised comes.

But speedy executions are not enough—posters want pain. Glass half empty is disappointed that Gregory White's execution appeared tranquil:

> You know, the more I think about that pic, the more furious I get. Why does he get to lie there dead looking all peaceful and serene? Did his victim or victims die that way? It is a disgrace. He should have electrical burns and charred flesh from the Chair, but instead he got to gorge himself on a final meal before laying down on a soft padded gurney to enjoy a loving execution surrounded by family and friends. Is that what justice is really about!? Don't get me wrong, I'm glad he is dead. I also do have an affinity for the cold sterility of lethal injection. But seeing his corpse like it is makes me want something more. Some sign of suffering. Does anyone understand where I am coming from?

Hostile comments toward death row prisoners are cast in different hues—some demean, some celebrate, and some focus on the putative benefits of capital punishment. But the common denominator remains the same: criticism of the offender and, by implication, support for the execution. Does hostility vary across

executions? If so, is variation explained by the movement of social time? In the following section, we describe our strategy for answering these questions.

Methods

Sample

Created in 1998, prodeathpenalty.com offers an array of information on topics such as the number of people on death row by state, numbers previously executed, and scheduled executions. Links are provided to death penalty legislation, opinion polls, books and articles, and other sources. Importantly for the present investigation, the Web site includes a discussion board where people can post comments about executions—a poster begins a thread about a particular execution that is upcoming or completed and other posters can offer comments in response, often creating lengthy exchanges (most executions generate multiple threads). Posters also insert newspaper articles about the case into the threads, allowing us to code the facts of the murder that are relevant for measuring the movement of social time. Because the newspaper articles are embedded in the threads we know that posters were aware of the information used to construct our theoretical measures. Finally, the discussion board has a search function that can be used to find all the threads about a particular execution by searching on the offender's name.[4]

Although users comment on executions across the nation, we focus on Texas for substantive and methodological reasons. Substantively, Texas leads the nation in executions accounting for 518 of the 1,394 executions that have occurred in the United States since the death penalty was reinstated in 1976 (as of December 31, 2014). Methodologically, focusing on a single state eliminates the need to control for between state confounders (Web site users express opinions about state execution rates, state lethal injection protocols, state governors, state appeals processes, and other state level issues). Texas is the only state with enough executions to support a quantitative test.

---

[4] Posters to the Web site can choose to withhold or reveal their gender, age, and location. Drawing a random sample of 20 cases that included 107 different posters, we find that 89 percent reported gender, 52 percent reported age, and 58 percent reported location. Those who revealed such information tended to be middle-aged men (the age of the posters ranged from 22 to 74 with a mean of 47; 66 percent of the posters were men) who live in the United States (76 percent live in the U.S., 24 percent live abroad). Posters from outside the U.S. hailed from numerous nations including: Australia, Canada, England, Germany, New Zealand, Poland, Scotland, South Africa, Sweden, and Wales. The accuracy of the reported information cannot be verified, however.

Having narrowed our focus to Texas, we established temporal parameters for the data. The number of hostile posts directed at a particular offender depends on the number of people who use prodeathpenalty.com, so it was important to determine when the Web site reached a stable group of users. In the absence of specific data, we chose an indirect indicator—the time period in which all Texas executions generated at least one thread. Searching Texas executions revealed that most did not generate a thread in the early years of the Web site. However, the execution of Bryan Wolfe in 2005 marks the beginning of a time period in which all Texas executions generated at least one thread on the prodeathpenalty.com Web site. Thus, we examine the 149 executions that occurred in Texas from May 18, 2005 (Bryan Wolfe) to November 15, 2012 (Preston Hughes) (2012 is the final year for which data were available at the time of coding).[5]

Measures and Models

To measure the dependent variable, we coded the hostile posts for each execution (using all the threads for the case). A hostile post is a comment that criticizes the specific prisoner (as opposed to a generic, factual, or extraneous comment).[6] As described earlier, hostile posts can be contemptuous, celebratory, or invoke the putative benefits of execution. We are not interested in *how* hostility is expressed, but rather *how much* hostility is expressed. Thus, hostility is measured as the total number of hostile posts directed at each offender (regardless of length).[7]

---

[5] A total of 150 prisoners were executed during the time period in question. However, we excluded the case of Steven Michael Woods because the victim's mother is a poster. A substantial amount of hostility was directed at Woods as posters engaged in partisanship towards the victim's mother. The posters' partisanship artificially increased the number of hostile posts in Woods' case (in addition to skewing the count of hostile posts, such partisanship also introduced an issue that falls beyond the scope of the current research).

[6] Generic comments tend to focus on the overall benefits of capital punishment, factual comments tend to focus on logistical issues such as the date of an upcoming execution, and extraneous comments exhibit considerable variation. Examples of extraneous comments include an exchange about whether a poster was a fan of a particular video game (another poster thought his avatar resembled a character from the game), an exchange about whether executed prisoners should be buried or cremated (with all in agreement that the state should do whatever is cheaper), and an anti-Obama rant. We separated the wheat from the chaff, counting the hostile posts while ignoring the generic, factual, and extraneous posts.

[7] In a small number of cases, multiple offenders were executed for the same crime. Because it was impossible to distinguish hostility toward one offender from hostility toward another offender (hostile posts often referenced all the offenders), we identified the total number of hostile posts and divided by the total number of executed offenders (assigning the resulting number to each).

To illustrate our strategy, consider two examples. David Powell was executed in June 2010 for the 1978 murder of police officer Ralph Albanedo. Before the execution Powell was allowed to file a final appeal in March of 2010, prompting Hater Hard-Core to post:

> I think this jaybird has lived long enough for the crime he and his girlfriend committed. They need to strap her alongside of him. 32 years is a lot of good AIR wasted, while this scumbucket has been in the Texas system, not to mention wasted food, housing, and legal eagle help.

But nobody responded to Hater HardCore's comment. Thus, it is counted as a single hostile post. To be clear, the Powell case generated multiple threads and a substantial number of hostile posts, but the thread in question demonstrates that some hostile posts do not create an exchange. Yet other posts lead to protracted exchanges. Consider the case of George Whitaker. After Whitaker's girlfriend Catina Carrier broke up with him, he drove to her home, forced his way inside, and shot three people: Catina's mother, her 5-year-old sister Ashley, and her 16-year-old sister Shakeitha who died (Catina was not home). In November 2008, Hater HardCore initiated a thread by inserting a newspaper article about the case and commenting: "He needs a small sedative to put him out of OUR misery…what a worthless POS." This time Hater HardCore's comment was followed by 16 hostile posts. Regardless of length, each adds an increment of 1 to the dependent variable. Examples include:

- Burn the POS at the stake.
- 30 minutes to go. I'm totally pumped.
- Georgi Porgi pudding and pie, Killed a girl and now he'll die, Come 6 o'clock there'll be no stay, And Georgi Porgi will go away.
- Hey George, Best wishes to you. You must be very terrified right now, but it will be alright. I'm sure it is humiliating to know that you are going to crap your pants in front of a roomful of spectators who eagerly look forward to your death, but you'll get through this. Indeed, you have no choice. If you are able to stomach it, you will be given a last meal and time to meet with some preacher. Hopefully that will help you stay strong so you can ride the gurney to Hell like a man. Have you made plans on what you want done with your corpse? Do you want to be buried in the prison cemetery, or will someone else be responsible for your remains? Also, have you thought about

a last statement? You only get one shot at this, so you want to try to make it memorable and not screw it up. Moreover, if you are good to the execution team, they will be good to you. Treat them with kindness and help them find a good vein. Then just lie back and let the poison kill you. Worst case scenario is that you will suffocate while conscious (but paralyzed) for a few minutes before you die. No biggie. Please decompose nicely for us (provided you have not opted for cremation). Best wishes, and God bless.

In total, the 149 executions generated 687 threads which were read a combined total of 143,396 times (the Web site indicates the number of times each thread has been read, meaning opened). Most centrally for our research, the 687 threads contained 3,779 hostile posts. The number of hostile posts directed at an offender ranged from 2 to 124 with a mean of 25 (and a standard deviation of 20).

Turning to the theoretical model, Black's concept of social time includes three elements: relational time, vertical time, and cultural time. To measure the movement of social time we read and coded the newspaper articles that were embedded about the case, focusing on details of the crime that represent more or less movement. Our measurement strategy is depicted in Figure 1 and described in Table 1.

The movement of *Relational Time* is greater if:

- The victim was *raped* (0 = not raped, 1 = raped).
- The victim was *tortured* (0 = not tortured, 1 = tortured). Forms of torture include: mental anguish, brutal beating, the methodical infliction of pain, the violation of the victim's corpse, or a parent who was killed in the presence of her/his children).[8]
- The victim was killed through *brutal physical contact* (0 = shot, 1 = one or more forms of physical contact). Forms of physical contact include: beating, stabbing, or asphyxiating.

---

[8] Our approach to torture draws on Baldus' death penalty research (Baldus, Woodward, and Pulaski 1990; see also Phillips 2008, 2009a, 2009b). Because the components of torture are subjective, examples are helpful to illustrate our coding. The methodical infliction of pain involved tormenting the victim in a slow and deliberate manner (e.g., one offender dripped hot wax on the victim's labia as he masturbated). Mental anguish involved the terror of a prolonged death (e.g., the offender abducted/kidnapped the victim). Brutal beatings involved massive injuries (e.g., a child whose skull, ribs, and legs were crushed and broken) and/or methods that shocked the conscience (e.g., one offender repeatedly stomped the victim's head into a concrete curb). Because any beating that results in death is brutal by definition, this component was coded in a conservative manner (only nine cases met the standard). Violation of the victim's corpse involved desecration (e.g., raping, mutilating, or running over the corpse with a car). Finally, killing a parent in the presence of her/his children is self-explanatory.
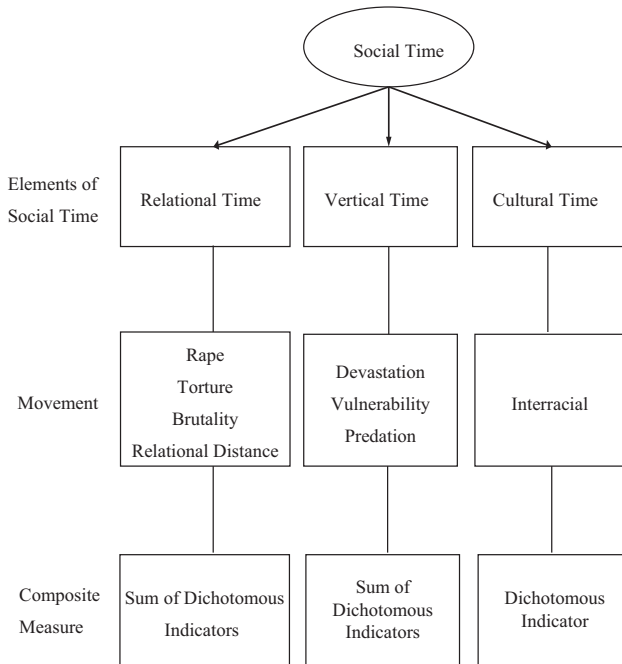
Figure 1. **Measuring the Movement of Social Time.**

- The killing traversed a large expanse of *relational distance* (0 = victim nonstranger, 1 = victim stranger). Nonstrangers include acquaintances and current/former intimates.

  The movement of *Vertical Time* is greater if:

- The *devastation* extends to multiple victims (0 = one victim, 1 = multiple victims). Victims who survived are not counted.
- The victim was *vulnerable* (0 = not vulnerable, 1 = vulnerable). Vulnerable victims include: children (0-12), adolescents (13-18), the elderly (60 or older), the mentally and physically disabled, and women.
- The murder was *predatory* (0 = moralistic, 1 = predatory). Moralistic murders involve conflicts (arguments and disputes) while predatory murders involve the unprovoked exploitation of the victim (Cooney and Phillips 2005).[9]

  The movement of *Cultural Time* is greater if:

---

[9] Since we were unable to obtain information on victim status for a substantial number of cases we had to exclude it from our measure of vertical time.

Table 1. Measurement Strategies

	Codes	Elaboration	Mean
Relational Time			
Rape	0 = victim not raped 1 = victim raped	Nonconsensual intercourse	0.29
Torture	0 = victim not tortured 1 = victim tortured	Forms of torture include: methodical infliction of pain; mental anguish; brutal beating; violation of corpse; parent killed in presence of children	0.39
Brutality	0 = victim killed without physical contact (shot) 1 = victim killed by physical contact	Forms of physical contact include: stab, beat, asphyxiate	0.46
Relational Distance	0 = victim is not a stranger 1 = victim is a stranger	Nonstrangers include: acquaintances and former/current intimates	0.55
Vertical Time			
Devastation	0 = single victim 1 = multiple victims	Victims who survived are not counted	0.38
Vulnerability	0 = victim not vulnerable 1 = victim vulnerable	Forms of vulnerability include: child (0–12), adolescent (13–18), elderly (60 plus), mental/physical disability, female	0.68
Predation	0 = moralistic murder 1 = predatory murder	Moralistic murders stem from conflicts; predatory murders stem from exploitation	0.72
Cultural Time			
Interracial	0 = Intraracial murder 1 = Interracial murder	At least one offender and victim are of a different race/ethnicity	0.42
Controls			
Days Since Last U.S. Execution	count		6.78
Year of Execution: 2005	1 = yes		0.09
Year of Execution: 2006	1 = yes		0.16
Year of Execution: 2007	1 = yes		0.17
Year of Execution: 2008	1 = yes		0.12
Year of Execution: 2009	1 = yes		0.16
Year of Execution: 2010	1 = yes		0.11
Year of Execution: 2011	1 = yes		0.09
Year of Execution: 2012 (reference)	1 = yes		0.10

- The murder was *interracial* (0 = intraracial, 1 = interracial). A murder is coded as interracial if at least one offender and victim were of a different race/ethnicity.[10]

To create composite measures of relational time and vertical time we summed the values of the constituent dichotomous indicators. The composite measure of relational time ranges from 0 to 4 with a mean 1.69 (and a standard deviation of 1.14). The composite measure of vertical time ranges from 0 to 3 with a mean of 1.78 (and a standard deviation of 0.77).

Moving beyond the theoretical measures, we control for two potential confounders. To begin, we examine the number of days since the last U.S. execution.[11] A longer wait could produce more hostility as frustration mounts and anticipation reaches a fever pitch. Or a longer wait could produce less hostility as posters lose interest and move on to other leisure pursuits. We also examine the popularity of the prodeathpenalty.com Web site—more users presumably generate more hostility. Although we do not have data on the number of users over time, calculating the average number of hostile posts per year suggests a trend. Specifically, the average number of hostile posts increased from 2005 to 2008 (with the exception of 2007) and then decreased from 2009 to 2012 (2005 = 23; 2006 = 28; 2007 = 19; 2008 = 37; 2009 = 31; 2010 = 26; 2011 = 23; 2012 = 13). To control for the popularity of the Web site over time we include dummies for each year (2012 serves as the reference). The dummies also capture unmeasured temporal confounders (e.g., changes in public opinion about capital punishment). Measurement strategies and means for the controls are also described in Table 1.

Negative binomial regression is used to model hostile posts, a positively skewed count variable. Coefficients, transformed by exponentiation, indicate how a unit change in the independent variable is related to changes in the expected count of hostile posts.

Patterns oF Hostility

Does the murderous movement of social time explain variation in the amount of hostility directed at condemned prisoners? To begin answering this question, we examine whether the indicators of the theoretical measures operate in the expected manner. Focusing on relational time, Table 2 demonstrates that the

---

[10] Race data were drawn from: www.clarkprosecutor.org/html/death/usexecute.htm.

[11] Execution dates were drawn from: www.clarkprosecutor.org/html/death/usexecute.htm.

mean number of hostile posts increases if the victim is raped (from 22 to 34), tortured (from 22 to 30), or brutally murdered (from 23 to 28). The relational distance between the offender and victim also matters, but the mean difference is smaller (from 24 to 27). Summing the dichotomous indicators reveals that the correlation between the composite measure of relational time and hostile posts is 0.28 ($p < 0.01$). Turning to vertical time, the mean number of hostile posts increases if the devastation extends to multiple victims (from 23 to 30), the victim is vulnerable (from 21 to 28), or the murder is predatory (from 22 to 27). Here, the correlation between the composite measure of vertical time and hostile posts is 0.27 ($p < 0.01$). Finally, the mean number of hostile posts increases if the offender kills a member of a different racial/ethnic group (from 24 to 28).

Having confirmed that the indicators of the theoretical measures operate in the expected manner (mean differences) and established prima facie relationships (correlations), we turn to the key question: Does the movement of social time—relational, vertical, and cultural—predict hostility in a multivariate context? Table 3 presents exponentiated coefficients from the negative binomial regression models. Initially, we examine each element of social time (with controls). The findings provide strong support for Black's theory: model 1 suggests that each unit increase in the movement of relational time increases the expected count of hostile posts by 18 percent ($p < 0.01$); model 2 suggests that each unit increase in the movement of vertical time increases the expected count of hostile posts by 26 percent ($p < 0.01$); and model 3 suggests that the execution of an offender who committed an interracial murder generates 31 percent more hostile posts than the execution of an offender who committed an intraracial murder ($p < 0.01$). But are the elements of social time theoretically *and* empirically distinct? Model 4 suggests an affirmative answer: the coefficients for the elements of social time attenuate slightly, but remain robust and significant in the full model.

Continuing to move from the trees to the forest, we ask a final question: How much does the *overall* movement of social time matter? What is the magnitude of the effect? To answer the question we created an aggregate measure of the movement of social time by summing across the eight dichotomous indicators (rape, torture, brutality, relational distance, devastation, vulnerability, predation, and interracial). The aggregate measure ranges from 0 to 8 with a mean of 3.9 (and a standard deviation of 1.6). We then subdivided the aggregate measure into three groups: small movements of social time (score of 0 to 2), medium movements of social time (score of 3 to 5), and large movements of social time (score of 6 to 8) (we recognize that any murder is an extreme movement of social

Table 2. Hostility Toward Condemned Offenders by Indicators of the Theoretical Constructs: Means (*n* = 149)

	Code	Mean Number of Hostile Posts	(*n*)
Relational Time			
Rape	0	21.7	106
	1	34.3	43
Torture	0	22.3	91
	1	30.2	58
Brutality	0	23.0	80
	1	28.1	69
Relational Distance	0	24.0	67
	1	26.5	82
Vertical Time			
Devastation	0	22.9	93
	1	29.5	56
Vulnerability	0	20.6	47
	1	27.6	102
Predation	0	21.8	42
	1	26.8	107
Cultural Time			
Interracial	0	23.5	87
	1	28.0	62

Table 3. Exponentiated Coefficients from the Negative Binomial Regression of Hostile Posts on the Movement of Social Time (*n* = 149)

	Number of Hostile Posts			
	Model 1 Exp(B)	Model 2 Exp(B)	Model 3 Exp(B)	Model 4 Exp(B)
Movement of Social Time				
Relational Time	1.182***			1.144***
Vertical Time		1.256***		1.164***
Cultural Time			1.307***	1.235**
Controls				
Days Since Last U.S. Execution	1.009	1.004	1.009	1.006
Executed 2005 (reference 2012)	1.856***	1.604**	1.948***	1.877***
Executed 2006 (reference 2012)	2.141***	1.952***	2.335***	2.179***
Executed 2007 (reference 2012)	1.583**	1.335	1.564**	1.557**
Executed 2008 (reference 2012)	3.082***	2.629***	3.262***	3.110***
Executed 2009 (reference 2012)	2.508***	2.257***	2.562***	2.577***
Executed 2010 (reference 2012)	2.007***	1.844***	2.154***	2.037***
Executed 2011 (reference 2012)	1.985***	1.828***	1.848***	2.077***

p values: *$p < 0.10$; ** $p < 0.05$; *** $p < 0.01$.

time, so we only use the terms small, medium, and large in a relative sense). Estimating the predicted number of hostile posts at each level reveals that small movements are predicted to generate 17 hostile posts, medium movements 23 hostile posts, and large movements 39 hostile posts (confounders held constant at the mean). Such a pattern supports Black's (2011: 6) hypothesis that all movements of social time matter, but larger movements have a particularly pronounced impact.

Examining the controls discloses that the number of days since the last U.S. execution does not influence hostile posts; longer waits do not produce a cathartic deluge, nor do longer waits

cause interest to fade. But the year of the execution matters—each year produced more support than the reference year of 2012. Such a pattern suggests that the popularity of the Web site might be in decline.

Before closing it is important to consider a potential limitation. Posters are not a random sample of the population or even of death penalty supporters, but rather extremists who devote considerable time and energy to vitriolic comments. Still, posters might not be so different either. Surely the general public is also more outraged by murders that move more rather than less social time—murders that involve the rape and torture of vulnerable victims, for example. Although posters might be seen as boorish in some circles, it does not follow that posters' define the seriousness of murder in a fundamentally different manner. However, a definitive answer to that question must await future research.

Discussion

Popular justice is always strongest in close-knit communities—families, villages, tribes and the like. For centuries, most people lived in such communities and popular sanctions were, therefore, vastly more important in their lives than legal penalties. But large-scale, long-term changes such as the development of the state, the growth of cities, and the individualization of society all helped to weaken popular justice and strengthen the role of law in everyday life. The rise of electronic social control has slowed and perhaps even reversed that trend, creating new moral communities with some village-like properties. Prodeathpenalty.com, for instance, provides death penalty supporters an opportunity to express their sentiments about particular executions. The site harbors a moral community in the Durkheimian sense, one bound together in righteous belief in the correctness of capital punishment. As with other online fora, the anonymity with which members of prodeathpenalty.com can express their views results in strong, demeaning, even cruel language. Posters do not pull punches, resort to euphemisms, or veil their criticisms: they hate the sin and the sinner. Being public, the Web site simultaneously provides researchers with unobtrusive data on an issue about which little is known: which executions receive the most support, as indicated by hostility toward the condemned.

The hostility displayed on prodeathpenalty.com brings to mind older forms of popular justice such as the pillory. It is true that the wooden and electronic pillories are not identical. The criminal is no longer displayed publicly; people expressing

hostility toward the offender and celebrating his execution do not have to assemble in one place (e.g., the prison walls); and the objects of electronic scorn are better able to block out the invective—death row prisoners do not have access to the internet and other people pilloried electronically can choose to remain offline. Still, the end results are similar: a wave of popular hostility directed against those who break the law. Individuals on death row are no longer pilloried in the traditional manner, but the internet allows them to be pilloried in the contemporary sense of that term—subjected to harsh public criticism.

Black's theory of moral time predicts that greater movements of social time will trigger more severe sanctions than smaller movements. Our analysis of postings to prodeathpenalty.com is supportive: murders that are greater movements of relational, vertical, and cultural time generate a greater number of hostile comments even controlling for the amount of time elapsed since the last execution. The executions of murderers who kill brutally or who rape or torture their victims are hailed. So too are those whose killings are predatory, involve strangers, multiple victims, or cross racial and ethnic lines. Particular support is expressed for the execution of those who murder more physically vulnerable victims—children, women, the disabled, and the elderly. Support—though strongly worded and likely offensive to opponents of capital punishment—is, therefore, not morally arbitrary: it tracks the objective gravity of the underlying murder.

Whether online social control exhibits the same fundamental principles as traditional social control more generally remains to be seen. But the anonymous comments on prodeathpenalty.com at least exhibit the expected pattern: more heinous homicides elicit greater condemnation. There is nothing inevitable about that. Popular justice could quite possibly not vary with the movement of social time, or vary negatively. In actuality, homicides that are objectively more serious elicit more frequent denunciation of the killer. Seriousness is a complex concept, a combination of how much pain and suffering the killing inflicts, how vulnerable the victim is, and how socially distant the parties are.

Social control is typically a movement of social time in the opposite direction of the deviance to which it responds. Just as violence increases the offender's intimacy with and dominance of the victim, so the punishment of violence increases the offender's distance and subordination through imprisonment or even death. For supporters of the death penalty in murder cases, it is precisely the more complete reversal of social time that the death penalty brings compared to life without parole that is one of its most appealing features ("If you kill, you will be killed"). Still, for many, the reversal of social time does not go far enough, as

posters consistently call for a more painful death that mirrors the victim's suffering.

Looking beyond prodeathpenalty.com, the most expansive support for the death penalty will presumably be reserved for the killing of the most extreme killers—like Osama Bin Laden (see Carey 2011). In such cases, even people who do not ordinarily express strong support for execution may celebrate the killing. Conversely, we would expect that among opponents of capital punishment, criticism of particular executions is likely to be greatest when the original murder was a comparatively small movement of social time (e.g., a woman killing a man).[12]

This last point has a more general implication for research into public opinion on the death penalty. Researchers have generated a vast body of literature on that topic and their findings are regularly cited in policy discussions of the death penalty. The research typically analyzes General Social Survey (GSS) data to see if the predictor of interest (e.g., religion, racial prejudice, gender) explains whether respondents support the death penalty. Regardless of its sophistication, the research starts from the assumption that the respondent *has* a consistent position on capital punishment (apart from the need to provide an answer to the interviewer). Is that true? Or does the respondent's stated position depend on the nature of the case? We suspect that people may express different opinions about murders that are greater or lesser movements of social time. Consider two cases: (1) A man plans to rob a convenience store, but the crime escalates to murder—a common death penalty case. (2) The case of Eric Nenno (in our data). Nenno lived two doors down from Buddy Benton who was having a birthday party and playing with his band in the garage. Benton's 7 year-old daughter, Nicole, was playing in the front yard. Nenno told Nicole he was going home to get his guitar and asked if she wanted to come with him. Once inside his home, Nenno raped Nicole and strangled her to death. He then placed her nude body in the attic and raped her corpse repeatedly for two days before being apprehended. A substantial portion of GSS respondents might report being opposed to capital punishment, but would want Nenno to be executed. Conversely,

---

[12] We suspect that support for executions also varies with the social geometry of the case. For instance, since experimental evidence suggests that whites tend to regard black-on-white crime as more serious than white-on-black crime, while blacks view white-on-black crime as more serious than black-on-white crime (Ugwuegbu 1979), support is likely to vary inversely with the racial or cultural closeness between the offender and third-party citizens. Similarly, actors relationally close to the homicide victim (e.g., relatives) would appear more likely to support the execution than those relationally close to the homicide offender (Black 1993: Chapter 7). So too, it would seem, are those who are organizationally close to the state carrying out the execution (e.g., police officers, prosecutors).

a substantial portion of GSS respondents might report being in favor of capital punishment, but would hesitate to execute the robber. Yet GSS respondents can only give one answer. Unlike researchers and others specialists (e.g., prosecutors and defense attorneys), many ordinary citizens might not express a strong and consistent position on the death penalty. Indeed, they might not have given the issue much thought (as Justice Marshall argued in *Furman v. Georgia*). In sum, public opinion about the death penalty may be much less consistent, and much more sensitive to the movement of social time entailed by the murder, than existing research and policy debates assume.

Conclusion

The number of hostile postings to prodeathpenalty.com closely tracks the moral gravity of the murder that put the killer on death row. This is consistent with Black's theory of moral time. But it is also consistent with explanations based on widely used variables in the sociolegal literature. What, then, does Black's theory add? Does the theory do anything more than provide new concepts for old ideas?

The answer is "yes." For the first time, the theory of moral time provides a single, coherent account of the handling of legal cases. To see this point, consider one of the central critiques Gottfredson and Hindelang (1979) leveled against Black's *The Behavior of Law*. Drawing on victimization data, Gottfredson and Hindelang argued that the legal gravity of the offense was a stronger explanation of victims' decisions to report the crime to the police than the sociological variables specified by Black. They measured legal gravity or crime seriousness with the scale developed by Sellin and Wolfgang from surveys of citizens' opinions, a scale, they noted, that rests on a general consensus across social groupings within the United States and across other countries. In response, Black (1979) pointed out that their measure of crime seriousness is not a fact but a moral evaluation. The Sellin–Wolfgang scale merely provides an objective measure of the respondents' subjective opinions. Black acknowledged that conduct must ultimately be incorporated into a scientific theory of law but added that: "Before this problem can be solved, it is likely that conduct itself will have to be understood in an entirely different way" (1979: 25).

The required new conception of conduct remained elusive. In its absence, most law and society scholars have pragmatically posited two categories of influence on legal outcomes—a social element (the characteristics of the parties) and a legal element (the seriousness of the wrongdoing) (see, e.g., Myers 1979;

Phillips 2008; Spears and Spohn 1997). Each element helped explain part of the variance in legal outcomes. That solution is unobjectionable in studies that simply seek to explain the greatest amount of variance. But it is wholly unsatisfactory theoretically. A scientific theory must be entirely empirical. And its terms must be internally coherent or mutually compatible. In contrast, social and legal variables are like the proverbial chalk and cheese—they belong to logically different categories. Social variables, such as age, occupation, and gender, are empirical, whereas legal variables rest on normative judgments regardless of how much consensus they enjoy. Homicide, for instance, causes more damage to people and societies than assault, and is universally defined by legal codes as more serious than assault. But the selection of damage as a basis for ranking the seriousness of illegal conduct is a value judgment, even if it is a universal one.

Moral Time provides—over three decades later—the long-awaited novel conception of conduct that Black mentioned. The movement of social time yields an empirical measure of the seriousness of wrongful conduct. The theory both explains what is deviant about deviance and which deviance is more serious. Moreover, since movements of social time depend on what people do and to whom they do it, the theory subsumes the social element and the legal element into a single, coherent framework. Indeed, the theory reveals that the legal element and the social element are both social and, thus, inseparable. Finally, there is a unified theory of the case.

The unified theory has implications for the division often noted by political scientists between judges and social scientists over judicial decisionmaking (see, e.g., Bybee 2012). While judges tend to insist their decisions are based on legal rules, social scientists look to factors external to the rules. Various reconciliations have been proposed (Geyh 2011). For instance, the theory of motivated reasoning holds that judges base their decisions on those legal arguments that they are predisposed by nonformal criteria to find more convincing (Braman 2009). The theory of moral time suggests a different, nonphenomenological, conclusion: formal and informal factors are not just both relevant but inextricably intertwined. What people do cannot be separated entirely from who they are. For example, as Estrich (1987) notes, when appellate courts come to assess the legality of a rape allegation they do not separate out the conduct and the relationship of the parties but invariably judge them in combination.

The theory of moral time, then, explains why what we always knew to be important—conduct—is important. But the theory has some surprising implications as well. One is that the theory categorizes   wrongdoing   in   a   novel   manner.   Seemingly

incongruous forms of behavior turn out to be actually related on the same continuum of wrongdoing. According to the theory, rape belongs to the same family as staring (overintimacy), child abandonment belongs to the same family as refusal to greet (underintimacy), a military massacre of civilians belongs to the same family as a man striking a woman (overstratification), a slave uprising belongs to the same family as a new assistant professor dominating a faculty meeting (understratification), the genocidal destruction of indigenous peoples that accompanied European colonialism belongs to the same family as mocking a foreign accent (overdiversity), and an honor killing committed by a Middle Eastern father against his daughter for wearing Western clothing belongs to the same family as folk music fans booing Bob Dylan for abandoning the acoustic guitar for an electric guitar (underdiversity).

A second surprising implication is that deviance and social control, far from being opposites, are aspects of the same thing. Assault, homicide, rape, robbery, breach of contract, trespass, professional negligence—these are all movements of social time. But so too are fines and terms of imprisonment, probation and damage awards, the pillory and the death penalty. At a deep level, there is no difference between these two, normally separated, categories. Thus, deviant acts and the legal and social response to them are wedded into a single theory. In concrete terms, this suggests that researchers could profitably analyze longer sequences of conduct—not just how deviance leads to social control but what leads to the deviance itself.

Finally, the theory does not just explain variation in social control across cases—it also explains variation in social control across time and place. Moreover, it does so without stopping at changes in values. Consider popular justice. An important contrast between medieval popular justice and today's versions lies in the intensity of social control. Earlier popular justice more often involved enthusiastic physical violence (see e.g., Simpson 1998: 199–202). As one historian has noted:

> The crowds at the pillory occasionally treated prisoners with vicious brutality, taunting and pelting them with dirt and stones. Men who had committed crimes that were especially repulsive, such as sexual crimes against children, were often dealt with harshly by large groups of people, and were even on occasion killed by crowds. (Beattie 1986: 134).

All this has either disappeared or become considerably more muted. The crowd can hurl insults, but not physical objects: an assault on the person is now likely to be treated as a criminal act.

The authorities no longer restrain the pilloried individual in a humiliating posture. Popular criticism of the criminal has become less communal and more controlled: many people consider hostile comment against those who have already been punished to be unnecessary, inappropriate, and even cruel. Part of the attraction of being a member of prodeathpenalty.com may be the opportunity to say things known to offend others.

Why have popular sanctions against others, even condemned criminals, become so much less intense over the centuries? True, values have evolved, but why? The theory of moral time provides an answer. Hostile criticism of criminals is not just a response to the movement of social time; it is itself a movement of social time. To criticize is to enter the life of another, to comment negatively on his or her conduct. In every society, therefore, criticism is a form of intimacy. Yet where people are already highly intimate, criticism is a relatively small increase in intimacy or relational time. As sociologists have long noted, over the long-term, relational distance has generally increased in human societies. Families and communities have become smaller and less enveloping. Villages have given way to towns, towns to cities and suburbs. Life is increasingly led around strangers. Consequently, the typical instance of hostile criticism now travels across considerably greater expanses of relational space than it once did. And because hostile criticism is now a greater increase in intimacy, it has, in the process, become more deviant. As social time moves, so do our conceptions of what is acceptable and unacceptable, good and evil.

In short, the theory of moral time has much to offer the field of law and society, re-conceptualizing conduct in a manner that allows existing facts to be explained and new facts to be predicted. Much remains to be done in testing and elaborating the theory. But already it opens up fresh vistas for scholars, including those who would address the largely neglected topic of popular justice.

Appendix

Executed Prisoner	Hostile Post
Panel A. Contemptuous	
Franklin Alix	"The world will probably never know the pain and agony this garbage heap has inflicted on humanity . . . Here's hoping his payback is just as painful . . ."
Luis Salazar	"To the dump, to the dump, to the dump dump dump!"
Kevin Watts	"Another scumbag to bite the dust in due time. Really, these creatures are no more than worms. Polluted ones though."
Franklin Alix	"Strange how a lowlife murdering POS, like this dogturd, can get by all these years robbing and plundering for kicks and a living- . . . I hope he is a blubbering glob of lard as they strap his sorry rotten body to the clean white gurney . . ."

(Continued)

Executed Prisoner	Hostile Post
Francis Newton	"Kudos to the great state of Texas after ridding itself of a notorious pathogen."
Milton Mathis	"He's ain't human. He's bad animal who should have been liquidated years ago. Just read his case. A real bad rabid beast."
Frank Moore	"Grind his body into chili and feed him to the other prisoners on the Row. Yeah!"
Kevin Watts	"Maybe they will put Watts in the electric chair. Sorry I couldn't pass that one up."
Reginald Perkins	"Hey Reggie, I am going to tell the funniest joke ever at 6pm, trust me, you'll die laughing!"
Tony Roach	"Raid Roach Motel, for this guy, anyone???"
Cary Kerr	"Mr Kerr: Suck it you piece of shit. I hope you go to hell and fucking burn. In just a short time they are gonna pump you up good with Texas Tea! Tell us, how's your stomach feeling you worthless slimeball? I hope you're nauseous as hell! Ain't nothing you can do about it because the reaper is waiting. You bucket of puke. If you had any courage you would have hanged yourself with your prison bed sheets, fuckface. We're comin' to getcha!!! Whoooooo!"
Kevin Watts	"That is awesome. As far as last words go, I grade that as an 'A.' My favorite last statements always involve the POS dying in mid-sentence, and this one was one of the best."
Panel B. Celebratory	
John Alba	"I look forward to his death!"
William Berkley	"Happy days are here again!!!!!!!!!!!!!!!!!!!!!!."
Bobby Woods	"What a great Christmas present that would make if he would be executed near Christmas for his victims family!"
Carlton Turner	"Yeehaw! Let Executionfest2008 begin! Load up the RV, first stop the Walls Unit Texas for some pickled Carlton!"
Kenneth Parr	"Easily one of the biggest pieces of trash to ride the gurney STRAIGHT TO HELL this year. What an incredibly evil human being. I look forward to his death!"
Derrick Frazier	"Hell yeah!!! I've got an acute case of execution fever!"
Frank Moore	"Moore was a multiple convicted felon. TX took care of that. So, release the doves, dance a jig, tip back a few cold ones, or whatever you do to commemorate the occasion because Moore has been executed."
Richard Hinojosa	"Get the doves loaded and prepped for launch . . . I suggest Captain Morgan for tonight."
Robert Perez	"I burst into song at the idea of this turd getting wiped off the shoe of humanity tomorrow."
Heliberto Chi	"Nah, nah, nah, nah . . . Nah, nah, nah, nah . . . Hey, hey, hey . . . GOODBYE!!!"
Khristian Oliver	"With only two days to go, time is a valuable commodity for Mr. Oliver. Soon justice will be served and Texas will have washed away a horrible blood stain. No doubt these are surreal days for Oliver. I wonder if he has been able to eat and defecate normally will all the fear and stress he must be experiencing? The Gurney beckons, and the grim specter of death looms ever closer. *Lord hear our prayer, for we are about to do your bidding!*"
Panel C. Putative Benefits of Execution	
Bobby Woods	"Millions of ass-raping, flesh-ripping demons will be awaiting the start of his eternity in hell. That is greater justice than a lethal injection."
Angel Resendiz	"This guy is a vagrant serial killer. He is not retarded. He has done nothing of value in his life and never will. And most importantly to you. He has not apologized. I will not have a party when he dies. I have never attended any execution vigils or rallies of whatever. I will quietly sit and think about the people he has slaughtered and give thanks that he will never be able to do this to anyone else."

(Continued)

Executed Prisoner	Hostile Post
Lawrence Brewer	"Very long overdue execution. How much money has been wasted on this piece of garbage."
Virgil Martinez	"It's time this POS stopped costing the taxpayers money."
Eric Nenno	"Much to my disappointment, it sounds like the execution was textbook perfect, which dashed my hopes for a slow and painful death for this pos scum."

References

Axelrod, Robert (1986) "An Evolutionary Approach to Norms," 80 *American Political Science Rev.* 1095–111.

Ayers, Edward L. (1984) *Vengeance and Justice: Crime and Punishment in the 19ᵗʰ Century American South*. New York: Oxford Univ. Press.

Baldus, David C., George A. Woodworth, & Charles A. Pulaski Jr (1990) *Equal Justice and the Death Penalty: A Legal and Empirical Analysis*. Boston: Northeastern Univ. Press.

Baumer, Eric P., Steven F. Messner, & Richard Rosenfeld (2003) "Explaining spatial variation in support for capital punishment: A multilevel analysis," 108 *American J. of Sociology* 844–75.

Baumgartner, M.P. (1988) *The Moral Order of a Suburb*. New York: Oxford Univ. Press.

Beattie, J.M. (1986) *Crime and the Courts in England, 1660-1800*. Princeton: Princeton Univ. Press.

Binns, Amy (2012) "Don't Feed the Trolls: Managing Troublemakers in Magazines' Online Communities," 6 *Journalism Practice* 547–62.

Black, Donald (1976) *The Behavior of Law*. New York: Academic Press.

——— (1979) "Common Sense in the Sociology of Law," 44 *American Sociological Rev.* 18–27.

——— (1983) "Crime as Social Control," 48 *American Sociological Rev.* 34–45.

——— (1993) *The Social Structure of Right and Wrong*. San Diego: Academic Press.

——— (1995) "The Epistemology of Pure Sociology," 20 *Law and Social Inquiry* 829–70.

——— (2004) "The Geometry of Terrorism," 22 *Sociological Theory* 14–25.

——— (2011) *Moral Time*. New York: Oxford Univ. Press.

Black, Donald (forthcoming) "The Beginning of Social Time: An Interview with Myself," *International J. of Law, Crime and Justice*, special issue on "The Pure Sociology of Right and Wrong."

Boehm, Christopher (1984) *Blood Revenge: The Enactment and Management of Conflict in Montenegro and Other Societies*. Philadelphia: Univ. of Pennsylvania Press.

Boots, Denise Paquette, & John K. Cochran (2011) "The Gender Gap in Support for Capital Punishment: A Test of Attribution Theory," 21 *Women & Criminal Justice* 171–97.

Braman, Eileen (2009) *Law, Politics, and Perception: How Policy Preferences Influence Legal Reasoning*. Charlottesville: Univ. of Virginia Press.

Bybee, Keith J. (2012) "Paying Attention to What Judges Say: New Directions in the Study of Judicial Decision Making," 8 *Annual Rev. of Law and Social Science* 69–84.

Campbell, Bradley (2009) "Genocide as Social Control," 27 *Sociological Theory* 150–72.

——— (2013) "Genoicde and Social Time," 6 *Dilemas: Revista de Estudos de Conflito e Controle Social* 465–88.

Carey, Benedict (2011) "Celebrating a Death: Ugly, Maybe, But Only Human," *New York Times*, 5 May. Available at: http://www.nytimes.com/2011/05/06/health/06revenge.html (accessed 3 June 2015).

Cochran, John K., & Beth A. Sanders (2009) "The Gender Gap in Death Penalty Support: An Exploratory Study," 37 *J. of Criminal Justice* 525–33.

Cochran, John K., & Mitchell B. Chamlin (2006) "The Enduring Racial Divide in Death Penalty Support," 34 *J. of Criminal Justice* 85–99.

Cooney, Mark (1998) *Warriors and Peacemakers: How Third Parties Shape Violence*. New York: New York Univ. Press.

——— (2009) *Is Killing Wrong? A Study in Pure Sociology*. Charlottesville: Univ. of Virginia Press.

——— (2014) "Family Honor and Social Time," 62 *The Sociological Rev.* 87–106.

Death Penalty Information Center (2014). Available at: http://www.deathpenaltyinfo.org/ (accessed 3 June 2015).

Durston, Gregory (2004) *Crime and Justice in Early Modern England*. Chichester, UK: Barry Rose Law Publishers.

Ekvall, Robert B. (1964) "Peace and War Among the Tibetan Nomads," 66 *American Anthropologist* 1119–48.

Ellickson, Robert C. (1991) *Order without Law: How Neighbors Settle Disputes*. Cambridge: Harvard Univ. Press.

Estrich, Susan (1987) *Real Rape*. Cambridge: Harvard Univ. Press.

Gambino, Richard (1977) *Vendetta: The True Story of the Largest Lynching in U.S. History*. Toronto: Guenica.

Geyh, Charles Gardner, ed. (2011) *What's Law Got to Do with It? What Judges Do, Why They Do It, and What's at Stake*. Stanford: Stanford Univ. Press.

Gibbs, Jack L. Jr (1963) "The Kpelle Moot: A Therapeutic Model for the Informal Settlement of disputes," 33 *Africa* 1–10

Greene, Jody (2003) "Public Secrets: Sodomy and the Pillory in the Eighteenth Century and Beyond," 44 *The Eighteenth Century* 203–32.

Griffiths, John (1986) "What is Legal Pluralism?" 18 *J. of Legal Pluralism* 1–55.

Horne, Christine (2009) *The Rewards of Punishment: A Relational Theory of Norm Enforcement*. Stanford: Stanford Univ. Press.

Horwitz, Allan V. (1982) *The Social Control of Mental Illness*. New York: Academic Press.

Jones, Lisa M., Kimberly J. Mitchell, & David Finkelhor (2013) "Online Harassment in Context: Trends from Three Youth Internet Safety Surveys (2000, 2005, 2010)," 3 *Psychology of Violence* 53–69.

Keil, Thomas J., & Gennaro F. Vito (1991) "Fear of Crime and Attitudes Toward Capital Punishment: A Structural Equations Model," 8 *Justice Q*. 447–64.

LaBarre, Suzanne (2013) "Why We're Shutting Off Our Comments," *Popular Science*, 24 September. Available at: http://www.popsci.com/science/article/2013-09/why-were-shutting-our-comments (accessed 3 June 2015).

Landers, Elizabeth (2013) "Huffington Post to Ban Anonymous Comments," 22 August. Available at: http://www.cnn.com/2013/08/22/tech/web/huffington-post-anonymous-comments/index.html (accessed 3 June 2015).

Macaulay, Stewart (1963) "Non-Contractual Relations in Business: A Preliminary Study," 28 *American Sociological Rev.* 55–67.

Manning, Jason (2012) "Suicide as Social Control," 27 *Sociological Forum* 207–27.

Manning, Jason (2015) "Suicide and Social Time, 8" Dilemas: Revista de Estudos de Conflito e Controle Social 97–126.

Manza, Jeff, & Christophehr Uggen (2006) *Locked Out: Felon Disenfranchisement and American Democracy*. New York: Oxford Univ. Press.

Merry, Sally Engle (1988) "Legal Pluralism," 22 *Law and Society Rev.* 869–96.

Mora-Merchán, Joacquín, & Thomas Jäger, eds. (2010) *Cyberbullying: A Cross-National Comparison*. Landau: Verlag Empirische Pädagogik.

Morrill, Calvin (1995) *The Executive Way: Conflict Management in Corporations*. Chicago: Univ. of Chicago Press.

Myers, Martha A. (1979) "Rule Departures and Making Law: Juries and Their Verdicts," 13 *Law and Society Rev.* 357–83.

O'Moore, Mona (2012) "Cyberbullying: The Situation in Ireland," 30 *Pastoral Care in Education: An International J. of Personal, Social and Emotional Development* 209–23.

Pager, Devah (2007) *Marked: Race, Crime, and Finding Work in an Era of Mass Incarceration*. Chicago: Univ. of Chicago Press.

Patchin, Justin W., & Sameer Hinduja (2012) "Cyberbullying: An Update and Synthesis of the Research," in Patchin, J., & Sameer Hinduja, eds., *Cyberbullying Prevention and Response: Expert Perspectives*. New York: Routledge. 13–35

Phillips, Scott (2003) "The Social Structure of Vengeance: A Test of Black's model," 41 *Criminology* 673–708.

——— (2008) "Racial Disparities in the Capital of Capital Punishment," 45 *Houston Law Rev.* 807–40.

——— (2009a) "Status Disparities in the Capital of Capital Punishment," 43 *Law and Society Rev.* 807–838.

——— (2009b) "Legal Disparities in the Capital of Capital Punishment," 99 *J. of Criminal Law and Criminology* 717–56.

Sellin, Thorstein, & Marvin E. Wolfgang (1964) *The Measurement of Delinquency*. New York: Wiley.

Senechal de la Roche, Roberta (1996) "Collective Violence as Social Control," 11 *Sociological Forum* 97–128.

——— (2004) "Modern Lynchings," in Zahn, Margaret A., Henry H. Brownstein, & Shelly L. Jackson, eds., *Violence: From Theory to Research*. Newark: LexisNexis/Anderson Publishing. 213–25

Simpson, Antony E. (1998) "Spectacular Punishment and the Orchestration of Hate: The Pillory and Popular Morality in Eighteenth-Century England," in Kelly, Robert J., & Jess Maghan, eds., *Hate Crime: The Global Politics of Polarization*. Carbondale: Southern Illinois Univ. Press. 177–220.

Spears, Jeffrey, & Cassia Spohn (1997) "The Effect of Evidence Factors and Victim Characteristics on Prosecutors' Charging Decisions in Sexual Assault Cases," 14 *Justice Q.* 501–24.

Stack, Steven (2003) "Authoritarianism and Support for the Death Penalty: A Multivariate Analysis," 36 *Sociological Focus* 333–52.

Stauder, Jack (1972) "Anarchy and Ecology: Political Society Among the Majangir," 28 *Southwestern J. of Anthropology* 153–68.

Tucker, James (1999) *The Therapeutic Corporation*. New York: Oxford Univ. Press.

Ugwuegbu, Dennis Chimaeze E. (1979) "Race and Evidential Factors In Jury Attribution of Legal Responsibility," 15 *J. of Experimental Social Psychology* 133–46.

Unnever, James D., & Francis T. Cullen (2007) "Reassessing the Racial Divide in Support for Capital Punishment: The Continuing Significance of Race," 44 *J. of Research in Crime and Delinquency* 124–58.

——— (2010) "Racial-Ethnic Intolerance and Support for Capital Punishment: A Cross-National Comparison," 48 *Criminology* 831–64.

——— (2012) "White Perceptions of Whether African Americans and Hispanics Are Prone to Violence and Support for the Death Penalty," 49 *J. of Research in Crime and Delinquency* 519–44.

Unnever, James D., Francis T. Cullen, & Brandon K. Applegate (2005) "Turning the Other Cheek: Reassessing the Impact of Religion on Punitive Ideology," 22 *Justice Q.* 304–39.

Wolfgang, Marvin E., et al. (1985) *The National Survey of Crime Severity*. Washington, DC.: Department of Justice, Bureau of Justice Statistics.

Scott Phillips *is an Associate Professor in the Department of Sociology and Criminology at the University of Denver. His research on conflict management (examining the escalation of grievances) and capital punishment (examining arbitrariness and public support) has been published in several journals, including:* Law and Society Review, Criminology, Justice Quarterly, *and the* American Sociological Review.

Mark Cooney *is Professor of Sociology and Adjunct Professor of Law at the University of Georgia. He has published work on various aspects of conflict and its management, including the role of third parties in violence, the social foundations of evidence in legal cases, and the causes and conditions of family honor violence. He is the author of* Is Killing Wrong? A Study in Pure Sociology *(University of Virginia Press, 2009).*