

Is Vigilantism on Your Mind? An Exploratory Study of Nuance and Contradiction in Student Death Penalty Opinion

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Death penalty opinion is multifaceted and controversial consequently students may feel social pressure when discussing their support or disapproval of capital punishment. Similarly, the research community has often used simplistic questions to measure death penalty opinion thus missing its complexity. In the current study, a survey that contained slightly different statements about the death penalty and vigilante forms of justice was administered to a convenience sample of 218 undergraduates at a large Midwestern university. Death penalty opinion varied according to the underlying justification used, and a substantial number of students indicated support for vigilantism as a partial basis for their opinion. Implications for research, teaching, and student understanding of the death penalty are discussed, namely, the need to explore substantive yet controversial issues in criminal justice education.

Keywords: Death Penalty Opinion; Student Attitudes; Vigilantism; Retribution; Capital Punishment

Introduction

'I am against the death penalty unless someone in my family was the victim, then I am all for it.' Over the years, many students have uttered this statement or something like it in our classrooms. What it reveals is that although capital punishment is among the most fascinating, complex, and controversial topics in criminal justice, potentially important bases of student opinion have been ignored. Perhaps this has occurred

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because students feel social pressure to avoid discussing more personal or emotional rationales to support their opinions. Unfortunately, this hinders not only the understanding of death penalty opinion, but also the very educational experience of criminal justice students. To redress this, the current study provided an exploratory empirical assessment of student opinions on the death penalty and alternative forms of justice such as vigilantism. The nuances and contradictions in opinion that emerged were couched within the death penalty opinion literature and could be used to facilitate classroom discussion and debate on controversial criminal justice subject matter.

Literature Review

Empirical Background

Opinions about capital punishment are often internally inconsistent. Persons may voice a particular view about the legitimacy of capital punishment in the abstract, but endorse an entirely different position when the issue affects them personally (Murphy, 2000). Proponents of the death penalty may easily change their opinion if presented with alternative penalties, such as life imprisonment without the possibility of parole (Bowers, Vandiver, & Dugan, 1995; Cochran, Boots, & Heide, 2003; Moon, Wright, Cullen, & Pealer, 2000; Whitehead, Blankenship, & Wright, 1999). Conversely, death penalty opponents may 'switch sides' and express support for the sanction if presented with specific information that portrays the heinousness of capital crimes (Durham, Elrod, & Kinkade, 1996). Several scholars (Bowers et al., 1995; Cochran et al., 2003; Ellsworth & Gross, 1997; Ellsworth & Ross, 1983; Harris, 1986; Jones, 1994; Spratt, 1999; Whitehead et al., 1999) have suggested that inconsistencies in death penalty opinion are partially a function of simplistic, generic, or global questions that do not accurately measure its complexities.

Historically and today, Americans support the use of capital punishment evidenced by their responses to public opinion polls and surveys (Bedau, 1997; Berns, 1979; Blumstein & Cohen, 1980; Bohm, Clark, & Aveni, 1990; Bowers et al., 1995; Cullen, Fisher, & Applegate, 2000; Durham et al., 1996; Harris, 1986; Longmire, 1996; Whitehead et al., 1999). In fact, only once, in 1966, did more Americans indicate that they opposed rather than supported the death penalty. Recently, Cullen et al. (2000) reviewed eight national level polls conducted between 1995 and 1998. They found that public support of capital punishment ranged from 66 to 79% with an average approval rating of 72%. In other words, even during an era when some have asserted that there was declining public approval for capital punishment (Niven, 2002), nearly three-fourths of respondents continued to express support for the death penalty.

Although public opinion polls have consistently demonstrated that the majority of Americans support the death penalty, a number of issues have been raised concerning the substantive meaning of this finding. Capital punishment surveys traditionally have been broad in nature and examined global opinions such as whether respondents 'favor' or 'oppose' the death penalty. As Longmire (1996, p. 101) suggested, 'Knowing what proportion of the population says that they "support" or "oppose" the death

penalty tells us little about when, if, or how they really believe the ultimate sanction should be administered.' A superficial understanding of death penalty opinion is further complicated when researchers are unaware of the underlying sentiment or reasoning behind respondent opinion. For example, Harris (1986, p. 454, italics added) suggested, 'there is considerable danger in relying on findings drawn from poll questions that *oversimplify* and *under-conceptualize* the issues investigated.' Similarly, Sprott (1999, p. 473) advised that

Assessing punitiveness through simple measures ... obscures the complexity with which members of the public view criminal justice issues. Responses to these general questions are, in a sense, meaningless given the contradictions that are found when members of the public are questioned further.

Methodological changes (e.g., providing punishment alternatives to the death penalty, providing neutral or don't know response categories, and offering contextual vignettes) have increased the validity of death penalty opinion surveys (Cochran et al., 2003; Cullen et al., 2000; Durham, 1993; Mackey & Courtright, 2000). At times, these modifications have resulted in interesting twists on traditional death penalty opinion. For example, some scholars have found that support for the death penalty decreased when alternative forms of punishment such as life imprisonment without parole were provided in response categories (Durham et al., 1996; Gallup, 2002; Longmire, 1996; Whitehead et al., 1999). Conversely, Durham et al. (1996) found that the level of public support for the death penalty increased dramatically when crime scenario vignettes were used to depict the nefarious details of some capital crimes. Indeed, they found that 95% of respondents favored the death penalty for at least one occasion as an appropriate punishment. Moreover, they found that 43% of the sample thought that the death penalty was an appropriate punishment for voluntary manslaughter, a non-capital offense.

A variety of hypothesized rationales or sentiments for or against capital punishment have been explored. Since death penalty opinions are often complex (Bohm & Vogel, 1994; Harris, 1986; Whitehead & Blankenship, 2000; Zeisel & Gallup, 1989), scholars have wondered whether discrete beliefs or a plurality of opinions inform views of the death penalty. For example, death penalty proponents have been found to harbor 'traditional' values (Lotz & Regoli, 1980), demonstrate racial prejudice and attribute crime to blacks (Aguirre & Baker, 1993; Arthur, 1998; Barkan & Cohn, 1994; Gelles & Straus, 1975), and employ a 'good versus evil' moral perspective to crime and justice issues (Lotz & Regoli, 1982; Zeisel & Gallup, 1989). Others have asserted that death penalty opinions arose from larger beliefs centered around the functionalism of punishment, such as deterrence (Whitehead & Blankenship, 2000), punitiveness, and retribution (Bohm & Vogel, 1994; Ellsworth & Gross, 1997; Gelles & Straus, 1975).

Emotionally laden rationales, such as vigilantism, have been largely ignored in death penalty opinion research and instead have been imputed by criminologists and media commentators. Ellsworth and Gross (1997) have squarely addressed this issue in their review of the research. They found it curious that although many scholars reported that death penalty opinions were often non-instrumental and ideological in nature, few

have explored these expressive bases. Indeed, Ellsworth and Gross (1997, p. 100) contended that

Despite the popularity of this idea [emotional support of capital punishment], hardly anyone has asked respondents questions that give them the opportunity to express their emotions directly, and some have intentionally confined their response alternatives to those that are rational.

The dearth of research on the more primal rationales underlying capital punishment is surprising given the perennial importance of the topic and the amount of research in other disciplines that has been conducted (Bandes, 1999). The remaining literature review briefly explores the conceptual framework of a specific emotional/primal rationale for capital punishment, vigilantism.

Conceptual Background

A hallmark of civilization has been the transformation of retributive criminal justice practices that were personal and often brutal to the formalized, dispassionate, bureaucratized system of today (Friedman, 1993). Durkheim (1933 [1893]) suggested that early societies characterized by mechanical solidarity employed a penal system of law in which sanctions were repressive in nature. As societies developed, industrialized, and became characterized by, in Durkheim's words, organic solidarity, law became contractual in nature and sanctions themselves became restitutive. In other words, the personal vengeance of law and criminal justice was replaced by an impersonal, formal system of criminal justice.

Primal rationales for the death penalty, such as vigilantism, have appeared sporadically in criminological scholarship. Mead (1918) described the seemingly natural human proclivity for justice, often vigilante justice, and the duties and responsibilities of the state to harness this emotion into a civilized system of justice. According to Mead (1918, pp. 585–586), 'the respect for the law is the obverse side of our hatred for the criminal transgressor.' The revulsions against crime and criminals were so intense that condemnatory forms of criminal justice such as lynch law and common vigilantism were often perceived as fitting and righteous forms of social control. Decades later, Donald Black explored the historical and philosophical use of crime and punishment as similar forms of self-helping social control. Black (1983, p. 44, italics added) asserted that

There is a sense in which conduct regarded as criminal is often quite the opposite. Far from being an intentional violation of a prohibition, much crime is moralistic and involves the pursuit of justice. *It is a mode of conflict management, possibly a form of punishment, even capital punishment. Viewed in relation to law, it is self-help.*

In this sense, vigilante justice carries with it a sense of satisfaction and efficacy that is difficult to achieve under common law.

As mentioned at the onset of this study, it is common to hear from both death penalty opponents and proponents a hint of personal dissatisfaction with the contemporary administration of capital punishment. Individuals may be against

capital punishment generally, yet simultaneously advocate and even envision lethal revenge against a capital offender, particularly if they were personally victimized. Others may have a fiscal objection against the costs of executing a condemned offender and prefer a form of expedited, 'frontier,' or vigilante form of justice (e.g., 'The appeals take too long, let's just execute them and get it over with'). Historically, public concerns for the costs and perceived effectiveness of the official criminal justice system have served as the impetus for various forms of vigilante justice (Little & Sheffield, 1983, p. 798). However, interest in vigilante justice extends beyond mere concerns about the fiscal and organizational efficiency of the criminal justice system. Vigilante justice seeks a vindication of the moral and legal order that the official criminal justice system simply does not satisfy.

Heretofore, vigilantism has been an understudied correlate of death penalty opinion. Few scholars have examined the salience of it and analogous emotions in constituting views on capital punishment. Vigilantism and related phenomena, such as vindictiveness, punitiveness, and retribution, are characterized by an intense, morally based view of capital punishment that encompasses both their antipathy toward criminals and their desire to affirm the rights of the public (Bohm et al., 1990; Finckenaue, 1988; Murphy, 2000). Frequently, persons who espouse this view are deeply committed to a just deserts orientation and are not amenable to other views of capital punishment. Bohm (1992) found that some death penalty proponents articulated visceral feelings of 'vindictive revenge' or 'revenge utilitarianism' as justifications for their position. Often, a zealous advocacy of capital punishment served as a symbolic reflection of an individual's self-image (Ellsworth & Ross, 1983). As noted by Eichenberg (2001), vindictiveness, retribution, and even subtle forms of vigilantism are so salient to the populace that they appear diffusely in public policy, such as the use of victim impact statements to advocate condemnation at capital sentencing. Eichenberg describes these policies as forms of participative retribution driven by the desire for vigilante justice. Similarly, Berns (1979, p. 152) has said that anger is the passion that recognizes and cares about justice.

Current Focus

The current research explored a phenomenon that students may feel too restrained by social pressure to divulge in classroom discussions: their emotional based reasons *for and against* the death penalty. Because death penalty opinion literature is dominated by topics, such as deterrence, just deserts, and the constitutionality of the ultimate sanction, criminal justice educators may have inadvertently ignored important rationales that underlain the death penalty, which is truly unfortunate. To illustrate this point, take into consideration that among death penalty opponents, a preference for personal retribution or dissatisfaction with the state's ability to swiftly punish capital offenders could be driving student opinion. Among death penalty proponents, the death penalty may simply represent the closest approximation of society meting out its condemnation of the most serious criminals. These are important issues that not only impact criminal justice education, but also jurisprudence and philosophy. The current study

intended to provide baseline information on the place of 'ugly emotions' like vigilantism in death penalty opinion among college students.

Data and Methods

The Criminal Justice Values Survey was administered to a convenience sample of 250 undergraduates enrolled in introductory criminal justice and juvenile delinquency courses at a large public university in the Midwestern USA. Two hundred and eighteen students completed the voluntary, anonymous survey during class yielding a response rate of 87%. The results were used to create a primary data-set that students could use for research purposes for other courses in the curriculum. The sample was 64% female and 36% male, 87% white and 13% nonwhite. The average age was 20 years, and 94% of the sample was between the ages of 18 and 22. Nearly 70% of the students were enrolled in the criminal justice program, and the remaining 30% were not. Those who were enrolled in an official criminal justice program had no prior courses on the death penalty.

The questionnaire contained many conceptually different statements intended to measure student opinion about assorted criminal justice system policies. Ten statements pertaining to vigilantism and capital punishment were the current focus. The vigilantism statements included 'If anyone ever victimized my family I would be tempted to hurt the person responsible (X_1),' 'If anyone ever victimized my family I would hurt the person responsible (X_2),' 'If anyone hurt my family I would be tempted to kill the person responsible (X_3),' 'If anyone hurt my family I would kill the person responsible (X_4),' 'Revenge killing is always wrong (X_5),' and 'If someone were to rape your mother than you would be morally justified in killing the perpetrator (X_6).' These items broached abstract, indirect, and direct statements about vigilantism. The six items appeared to be reliable measures of the same construct (Cronbach's $\alpha = 0.843$).

Statements that assessed attitudes toward the death penalty were 'Certain criminal actions warrant a person losing their natural right to life (X_7),' 'People who commit murder deserve to be executed (X_8),' 'The death penalty should be abolished because it is too costly (X_9),' and 'The state should never have the authority to execute its citizens (X_{10}).' These assessed capital punishment from reciprocity, deserts, fiscal, and libertarian perspectives. Overall, the four items appeared to be reliable measures of death penalty opinion (Cronbach's $\alpha = 0.846$). All items were operationalized using a 5-point Likert scale (strongly disagree = 1, disagree = 2, neutral = 3, agree = 4, strongly agree = 5). A zero-order correlation matrix for these 10 variables is shown in Figure 1.

Table 1 contains descriptive statistics (mean and standard deviation) and categorical outcomes for the 10 death penalty and vigilantism questionnaire items. As mentioned above, the four death penalty items appeared to reliably measure the same construct ($\alpha = 0.846$) as did the six items measuring beliefs about vigilantism ($\alpha = 0.843$). *t*-Tests were conducted to assess group differences by sex, race, and criminal justice course of study for the death penalty and vigilantism scales. To explore whether vigilante views

	X ₁	X ₂	X ₃	X ₄	X ₅	X ₆	X ₇	X ₈	X ₉	X ₁₀
X ₁	1.00									
X ₂	0.589*	1.00								
X ₃	0.551*	0.502*	1.00							
X ₄	0.336*	0.632*	0.670*	1.00						
X ₅	-0.303*	-0.335*	-0.329*	-0.335*	1.00					
X ₆	0.416*	0.602*	0.464*	0.530*	-0.468*	1.00				
X ₇	0.245*	0.257*	0.210*	0.189*	-0.331*	0.345*	1.00			
X ₈	0.314*	0.338*	0.289*	0.302*	-0.246*	0.468*	0.573*	1.00		
X ₉	-0.141	-0.194*	-0.110*	-0.099	0.191*	-0.266*	-0.516*	-0.533*	1.00	
X ₁₀	-0.183*	-0.226*	-0.124*	-0.144	0.330*	-0.361*	-0.645*	-0.600*	0.618*	1.00

Figure 1 Zero-Order Correlation Matrix. *Correlation is Significant at the $p < 0.01$ Level (Two-Tailed).

predict death penalty opinion, an OLS regression model was created. The death penalty scale ($M = 0.001$, $SD = 0.828$, range = -1.25 to 2.43) was the dependent variable and the independent variables were the vigilantism scale ($M = 0.007$, $SD = 0.746$, range = -1.81 to 1.87), age (range = $18-35$), race (white = 0, nonwhite = 1), sex (male = 0, female = 1), criminal justice course of study (no = 0, yes = 1), and political views ($M = 3.08$, $SD = 0.81$, very liberal = 1, liberal = 2, moderate = 3, conservative = 4, very conservative = 5). Certain items were reversed, thus low values on the death penalty scale indicated support for the death penalty and high values indicated disapproval of the death

Table 1 Attitudes Towards the Death Penalty (%).

	SD	D	N	A	SA	Mean	Standard deviation
<i>People who commit murder deserve to be executed</i>	7.8	13.8	22.5	40.8	15.1	3.42	1.14
<i>Certain criminal actions warrant a person losing their natural right to life</i>	4.7	10.7	16.3	47.0	21.4	3.70	1.07
<i>The death penalty should be abolished because it is too costly</i>	30.9	40.1	17.0	8.3	3.7	2.14	1.06
<i>The state should never have the authority to execute its citizens</i>	16.0	49.1	19.8	7.1	8.0	2.42	1.09
<i>If anyone hurt my family, I would be tempted to kill the person responsible</i>	13.3	28.9	24.2	25.1	8.5	2.87	1.18
<i>If anyone hurt my family, I would kill the person responsible</i>	27.4	38.2	24.1	6.1	4.2	2.22	1.0
<i>If anyone ever victimized my family, I would be tempted to hurt the person</i>	2.8	9.9	7.6	52.8	26.9	3.91	0.99
<i>If anyone ever victimized my family, I would hurt the person responsible</i>	5.7	26.9	31.1	25.5	10.8	3.09	1.08
<i>Revenge killing is always wrong</i>	4.6	22.0	36.2	27.5	9.6	3.16	1.02
<i>If someone were to rape your mother, than you would be morally justified in killing the perpetrator</i>	12.2	38.0	19.3	18.8	11.7	2.80	1.22

SD = strongly disagree; D = disagree; N = neutral; A = agree; SA = strongly agree.

penalty. Low values on the vigilantism scale indicated disapproval and high values indicated agreement or support for vigilantism. Table 2 contains the regression model.

Results

As shown in Table 1, the majority of the students favored capital punishment, however, their support depended on the type of statement used in the questionnaire. For example, 65.9% of the students either agreed or strongly agreed with the just deserts philosophy of the statement 'People who commit murder deserve to be executed.' More students responded neutrally to this statement (22.5%) than disagreed or strongly disagreed with it (21.6%). In other words, three times as many respondents expressed agreement rather than disagreement for the capital punishment of murderers from a just deserts perspective. Even greater approval was found for the more abstract statement, 'Certain criminal actions warrant a person losing their natural right to life.' More than two-thirds of the sample (68.4%) expressed moderate or strong agreement with the statement. Again, neutral responses (16.3%) exceeded disagreeing responses (15.4%). The greatest consensus centered on the statement, 'The death penalty should be abolished because it is too costly.' Indeed, 71% of respondents disagreed or strongly disagreed with the statement, 17% were neutral, and 12% agreed that the costs of capital punishment exceed its potential benefits. The libertarian statement, 'The state should never have the authority to execute its citizens' elicited 65.1% disagreement, 19.8% neutral, and 15.1% agreement responses.

In short, 65–71% of the students favored capital punishment regardless of the questionnaire item. These statements referenced four doctrines of death penalty thought, just deserts ('People who commit murder deserve to be executed'), the reciprocity of *lex talionis* ('Certain criminal actions warrant a person losing their natural right to life'), fiscal pragmatism ('The death penalty should be abolished because it is too costly'), and libertarianism ('The state should never have the authority to execute its citizens'). The percentage of students who disagreed with capital punishment ranged from 12% for the fiscal pragmatism argument to nearly 22% for the just deserts approach. In other words, the proportion of death penalty opponents in the sample almost doubled depending on the underlying rationale of the death penalty query. Importantly, for all four death penalty queries, a greater proportion of students responded neutrally rather than negatively. Thus, surveys that contain binary response categories such as 'favor' or 'oppose' are potentially forcing respondents to align themselves with a position that they may not actually endorse.

The remaining questionnaire items yielded responses indicating substantial, and at times, dramatic support for vigilantism. The most abstract statement 'Revenge killing is always wrong' yielded 37.1% agreement, suggesting that the modal response is to disagree with vigilantism in the abstract. An almost equal percentage of students, 36.2%, responded neutrally and slightly more than one-fourth (26.6%) of the respondents disagreed with the statement. This suggests that one in four respondents can envision a situation where revenge killing would be a righteous response. Half of the students (50.2%) disagreed with the hypothetical scenario 'If

someone were to rape your mother then you would be justified in killing the perpetrator.' Thirty percent agreed with the moral justification of such an act, and 19.3% were neutral.

Items that caused respondents to contemplate vigilante action after their own family had been victimized produced some interesting findings. For example, almost 80% of the students agreed that they would be tempted to hurt the person who victimized their family, 12.7% disagreed that they would be tempted, and only 7.6% were neutral. It appears that respondents were less equivocal when their family was hypothetically victimized. More dramatic was the percentage of respondents who indicated that they would hurt the person responsible for victimizing their family (36.3%). A slightly smaller percentage (32.6%) of the sample disagreed that they would ever hurt someone who victimized their family and 31.1% were neutral. The amount of uncertainty increased when the questionnaire item moves from contemplating the use of violence to actually committing to use violence. Expectedly, the statements that touched on dire responses to affronts ('If anyone hurt my family, I would be tempted to kill the person responsible' and 'If anyone hurt my family, I would kill the person responsible') had much higher levels of disagreement than agreement. More than 42% of the students disagreed that they would be tempted to kill the person responsible for hurting their family, 33.6% agreed that they would be tempted, and 24.2% were neutral. Nearly two-thirds (65.6%) of respondents disagreed that they would kill the person responsible for hurting their family, 24.1% were neutral, and 10.3% reported that they would kill the person responsible. As mentioned by prior public opinion research (e.g., DeLisi, 2001), it is important to acknowledge that completing a questionnaire about what you would or might do is often diametrically different from what you actually do. Perceptions and intentions are often incongruous from observed behavior. This is likely the case here because it is doubtful that 10% of a student sample would actually commit homicide to avenge their family. Nevertheless, they reported that they would.

Male students reported greater approval of the death penalty than female students ($t = 2.85, p = 0.005$). Similarly, male respondents scored much higher on the vigilantism scale than female respondents ($t = 4.01, p = 0.000$). Although male and female students were very different in their opinions, there were no significant differences on the death penalty scale ($t = 1.47, p = 0.144$) or vigilantism scale ($t = 0.76, p = 0.449$) between white and nonwhite students. In the same way, group differences for the death penalty scale ($t = 0.31, p = 0.756$) and vigilantism scale ($t = 0.17, p = 0.866$) also did not emerge between students enrolled in the criminal justice program and those from other scholarly areas. Output for t -tests was not included but can be provided upon request.

As shown in Table 2, the regression model indicated that students who expressed approval of vigilante forms of justice (recall that the scale was reverse coded) were significantly likely to favor the death penalty ($b = -0.399, t = 5.37$). Minority students were significantly less approving of the death penalty than white students ($b = 0.283, t = 1.88$) and students who identified as political conservatives were significantly supportive of capital punishment ($b = -0.121, t = 1.73$). No significant effects emerged for age, sex, or program of study.

Table 2 OLS Regression Model of Death Penalty Scale.

Variable	<i>b</i>	SE	<i>t</i>
Vigilante scale	-0.399	0.074	5.37***
Age	0.029	0.033	0.88
Race	0.283	0.150	1.88**
Sex	0.095	0.122	0.78
Criminal justice student	-0.029	0.109	0.27
Political beliefs	-0.121	0.070	1.73*
Constant	-0.315	0.756	0.42
<i>F</i>	7.89***		
R-Squared	0.195		

*** $p < 0.001$; ** $p < 0.05$; * $p < 0.10$.

Discussion and Implications

Occasionally, a study raises more questions than provides definitive answers; this is clearly the case here. The current study was a modest, preliminary look at the relationships between vigilante beliefs and death penalty opinion among criminal justice students. Methodologically, the analyses were largely descriptive and based on a convenience sample of 218 undergraduates. Future research could employ these or similar questionnaire items to determine if respondents from other regions of the country also ponder vigilante beliefs when considering the death penalty. Ultimately, the use of multivariate statistics has little value without replicating this study on another sample to determine how the measures of association hold on validation. Once some baseline data are produced that demonstrate the prevalence of vigilante beliefs, more sophisticated analytical techniques (e.g., factor analysis) should be conducted to further specify the relationships between vigilante beliefs and death penalty beliefs. These admonitions aside, the current study provided empirical evidence that can be used to refine the understanding of the death penalty. Moreover, the scales demonstrated good construct reliability and regression analysis indicated that advocacy of vigilante beliefs significantly predicted death penalty opinion.

Following prior research (Bedau, 1997; Bohm et al., 1990; Cullen et al., 2000; Durham et al., 1996; Harris, 1986; Longmire, 1996; Whitehead et al., 1999), it was clear that most persons agreed with capital punishment rather than disagreed with the sanction. Indeed, support ranged from 65 to 71% agreement with the death penalty. Students were four to six times as likely to agree, than disagree with the death penalty. Support or disapproval of the ultimate sanction depended on the rationale underlying the death penalty questionnaire item. The current study used four items that encompassed a just deserts justification, reciprocity/*lex talionis* reasoning, fiscal pragmatist concerns, and libertarian reasoning. These issues differently resonated with students, thus questionnaire items should be chosen carefully to most accurately measure death penalty opinion. Preferably, response categories would provide respondents several

opportunities to express their agreement or disagreement with capital punishment. Moreover, the neutral category was selected more frequently (22.5% to 16.3%) than the disagreement categories for all four death penalty items. Thus, it appears that students were more likely to be ambivalent, rather than against capital punishment. What would respondents have done if not presented with a neutral response category? Of course students could opt not to respond to the item; however, it is more likely that students would in effect be forced to express approval or disapproval for a punishment about which they are uncertain. As mentioned by prior researchers (e.g., Harris, 1986), oversimplified death penalty polls or surveys with binary response categories are in grave danger of measurement error. Jones (1994) concluded that researchers could effectively preclude or dissuade 'don't know' or 'no opinion' responses by simply not including them on survey instruments. Future research could specify precisely what is meant by a neutral response. Are respondents ambivalent? Have they not sufficiently contemplated the issue? Do they not care? Do they simply not know?

Many scholars have alluded to the role that 'ugly emotions' such as retribution, vindictiveness, and even vigilantism play in partially determining death penalty support (Bandes, 1999; Berns, 1979; Binder, 2002; Bohm, 1992; Ellsworth & Gross, 1997; Finckenauer, 1988). The current survey indicated that there is ample agreement about the appropriateness, righteousness, and even the potential application of vigilante forms of justice. Vigilantism becomes increasingly more salient when respondents themselves (or at least their families) felt the sting of criminal victimization. More than 33% of students agreed that they would be tempted to kill a person who hurt their family, and 10% reported that they would kill a person who hurt their family. Approximately 80% of the students would contemplate hurting the person who victimized their family, and nearly 40% reported that they would indeed hurt the perpetrator who victimized their family. The difference of means or *t*-tests indicated that male undergraduates harbor significantly more punitive views than female students, including approval for vigilante forms of justice. These findings have meaningful implications. Often, students are reticent in the classroom because they feel social pressure (unfortunately, sometimes generated by the instructor) to avoid certain debates. This can occur when discussing controversial topics such as the death penalty. If 'ugly emotions' such as vigilantism are germane to student opinion as the current study found, then they should be fodder for classroom discussion.

Binder (2002) offered an interesting explanation about the link between vigilante justice and official criminal justice penalties. In her words (2002, p. 328), 'vigilante justice is not morally wrong, and that legally authorized punishment of the guilty is not morally right. The wrong of vigilante justice is a political wrong and the right to punish conferred by law is a political right.' It is conceivable that some respondents did not support vigilantism because they felt that they were able to achieve revenge killing through their state sponsored capital punishment. Others may espouse vigilantism because they feel that the criminal justice system has no real veracity when it comes to punishment and their indignation toward criminals is not being met.

The accurate understanding of the public's view of the death penalty is critically important because policy makers frequently use survey results to justify the enactment

of crime-control legislation (Cullen et al., 2000; Durham, 1993; Durham et al., 1996; Harris, 1986; Mackey & Courtright, 2000; Whitehead et al., 1999). Surveys have been improved by including alternative forms of punishment to the death penalty option, in addition to contextual information that provides the respondent with a more accurate understanding of the death penalty. The current research indicates that more work is needed. Respondents should be queried about their various reasons for favoring or opposing the death penalty, including statements that are more personal in nature or broach sensationalistic emotional rationales such as vigilantism.

Conclusion

Capital punishment is a wedge issue that has likely been misinterpreted, underconceptualized, and inaccurately used to portray individuals as 'conservative' or 'liberal' on crime issues. The death penalty is loved or hated for many reasons, including fiscal, social, racial, due process, and governmental considerations. These concerns are not mutually exclusive. They often overlap and interact in strange and substantively interesting combinations, and generally indicate that much death penalty opinion is inconsistent. One of these concerns is vigilantism, a phenomenon that becomes increasingly more popular when victimization is personalized. Indeed, a desire for vigilante justice could be on the mind of students when they answer queries about the ultimate sanction.

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