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*'Shadow and Substance': An Examination of Capital Punishment  
Through the Lens of *The Twilight Zone* and *Black Mirror**

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### Abstract

The media has tremendous influence over how institutionalized systems are perceived by the public. Given the decline in the use of capital punishment across the globe and the secrecy that shrouds the execution process, the public, once given a front-row seat but now relegated to the periphery in the modern era, turns to other channels to make sense of this so-called machinery of death. By examining the contemporary science fiction television anthologies *Black Mirror*, and its earlier counterpart *The Twilight Zone*, the state of and possibilities for capital punishment in the modern era are exposed. Through representations that call into question the possibility for a "humane death," we explore how popular media can expose tensions between the public and institutional systems of control and force the viewer to confront their own unstable positions as participants in this governing system.

*Keywords:* Capital punishment, media, science fiction, *Twilight Zone*, *Black Mirror*

## Introduction

*In many ways the press made possible the privatization of executions (the community no longer had to be present to know that an execution had taken place), but it also held up a magnifying looking glass to a precarious ritual that the authorities were taking pains to conceal from the general public (Linders, 2002: 618)*

Executions were not always held within the tightly regulated walls of correctional facilities. In America, through the nineteenth century,<sup>1</sup> hangings were commonly public spectacles attended by men, women, and children. The transition from public to private sphere resulted from a combination of the following: 1) the execution site, which shifted from public to private; 2) the audience size, which went from large to small; 3) the composition of the audience, which transitioned to male witnesses from previously mixed crowds; 4) the shifting class character, which became more professionalized, 5) the method of execution, which had been primarily hangings, to more technologically advanced methods; and 6) the jurisdiction of the execution, from the local authorities to the state (see for example, Linders, 2002). By limiting the role of the public audience as spectators to state-sanctioned executions, the state also transformed its authority, as “the spectacle and the attack on the body (in the form of visible pain), were replaced by their logical opposites, secrecy and the absence of pain” (Linders, 2002, p. 610). Indeed, Foucault’s (1979) seminal analysis of the criminal justice system in *Discipline and Punish* indicates the public crowd is both the target and the witness to the executing authority, meaning the crowd could either confer or deny legitimacy to that authority; however, the public is powerless to influence the executing authority from its voyeuristic position.<sup>2</sup> As Evans (1996, p. 614) suggests, the executing authority’s “struggle to control the execution audience is simultaneously an effort to control the perception and legitimacy of state-authorized killings and, by extension, the legitimacy of the entire criminal justice system.” As executions moved from the transparent space of public arenas to the private containment behind prison walls, so too did the execution audience undergo a transition. The crowd, originally composed of public citizens *en masse*, became delineated as a more select group of professionals and prison staff once the punishment was transferred behind the walls of correctional facilities (Linders, 2002). The executing authority’s attempts to control and contain the audience in this manner is also linked to its broader attempt to influence the legitimacy of capital punishment, and the death penalty in particular (Linders, 2002). The history of lynching in America follows a similar trajectory; these once public spectacles became subversive as the process became delegitimized with the public demand for civil rights.

The current secrecy surrounding capital punishment may result in a lack of trust from the public in the executing authority’s ability to conduct fair, unbiased, and humane executions. As a result, the public often seeks explanations and critiques from the media, from daily news programming to documentaries, courtroom dramas, and cable television series. As our knowledge and understanding of the world around us becomes increasingly global in scope, these media can play a central role in directing the focus of conversations around the political, economic, and social issues of the moment, and the variety of media available for public consumption allows for diverse audiences to participate across time and geographical space, expanding our understanding of the place and function of the spectator in what Mathiesen (1997) has identified as the “viewer society.”

Taking up the concept of the viewer society as a way to examine shifts in public perception and policy, this article examines the contemporary state of capital punishment through the lens of a particular genre of media: science fiction. More specifically, it explores how the science fiction television anthologies *The Twilight Zone* and *Black Mirror* engage historical debates around the death penalty and explore potential solutions to long-term questions about the ethics and efficacy of capital punishment more broadly. Rabkin (2004, p. 472)

argues that “science fiction right now is the cultural system from which systemic criticism is being born.” These anthologies support Rabkin’s generic definition as they interrogate and critique the political, social, and economic systems that we inhabit. Using a social science lens to examine the dynamics between the executing authority and its citizens, and a humanist lens to explore the role of science fiction in peeling back the curtain of the death chamber for public viewership this article also demonstrates the value of interdisciplinary scholarship in interrogating issues of global significance.

## A “Humane” Death

The transition from public hangings to executions by electrocution, and later lethal injection, also resulted due to changing standards regarding what constituted a “humane” death. As Spierenburg (1984) explains, this transition was reflective of a major change in public expression, in which public displays of suffering and death were no longer compatible with modern life. Arguably, for an execution to be considered humane, the death should be quick, clean and painless, be able to be conducted by staff with no medical or technical expertise, and be implemented rationally, purposively, and proportionately by the executing authority. Additionally, the death should not be gruesome to witness, not require cooperation from the prisoner, and would not make a victim out of the offender (e.g., through a torturous or botched procedure). According to Sarat (2014), of the approximately one thousand executions carried out by lethal injection between the years 1980 and 2010, more than seven percent were botched. Surprisingly, this rate is higher than other, now outmoded and discarded, methods of execution, including hanging and lethal gas.

Changes in capital punishment procedure also allow for an entirely sanitized and screened procedure for the witness: “glass separates witnesses from the potential noises and smells of the execution chamber, and a drapery ensures that witnesses “are not privy to the preparations of the condemned body...” (Lynch, 2000, p. 19). Furthermore, should the execution become botched, the “curtain can be used to quickly cut off the view” (Linders, 2002, p. 646). As discussed later, the current highly controlled capital punishment process is not unlike the futures imagined by *The Twilight Zone* and *Black Mirror*; this sanitization distances the witnesses from the reality of the execution process.

Calls for executions to return to the public sphere have stemmed from advocates for transparency with respect to the capital punishment process. That is to say, if America is to retain capital punishment, then citizens should be able to see what a death sentence means (Bessler, 1997). Should executions once again become public in America, it would join other non-abolitionist countries, including China, Nigeria, Iraq and Pakistan (DPIC, 2018). But the question remains as to whether transparency in the execution process will yield more public support, understanding, or acceptance of the criminal justice system or increase public opposition. Sarat (2001) suggests viewers of a televised execution might feel “they had come to ‘know death’” (O’Sullivan, 2003, p. 489), but also claims it would be difficult to ascertain the effects of a televised execution on a mass audience: “There is an ‘instability of the image’ in as much as there is no unique way an image can be read or a conclusion drawn from it” (O’Sullivan, 2003, p. 489). Sarat (2001, p. 208) further contends there are no televised executions “because state killing requires invisibility in order to maintain its fiction of a non-sadistic, administrative death”. As previously noted, the modern sanitization of the execution procedure shields witnesses from botched executions; despite technological advances in execution methods, botched execution rates are *higher* for lethal injection than earlier methods, including hanging and lethal gas (Sarat, 2014).

In 1997, a federal judge in California supported claims by the media with respect to the public, which he stated must “have sufficient access to the execution... so that it can understand and appreciate the nature and quality of the event” (cited in Lifton & Mitchell 2000, p. 181). The Supreme Court, in a 5-4 decision, ruled states have leeway in carrying out their capital punishment protocols, despite current problems with lethal

injection (*Glossip v. Gross* 576 U.S., 2015). In her dissenting statement on this ruling, Justice Sonia Sotomayor claimed:

Petitioners contend that Oklahoma's current protocol is a barbarous method of punishment — the chemical equivalent of being burned alive. But under the court's new rule, it would not matter whether the state intended to use midazolam, or instead to have petitioners drawn and quartered, slowly tortured to death, or actually burned at the stake: because petitioners failed to prove the availability of sodium thiopental or pentobarbital, the State could execute them using whatever means it designated. (*Glossip v. Gross* 576 U.S., 2015)

Modern challenges to capital punishment as cruel and unusual consistently fail due to the "fixed" definition of the Eighth Amendment. That is to say, executions were an acceptable punishment to the framers of the Constitution. Modern arguments must stress that, "American society had culturally progressed (appeal to the "evolving standards of decency that mark the progress of a maturing society") to the point it no longer found the execution [...] morally acceptable" (Paternoster, Brame & Bacon, 2008, p. 114). Therefore, Sotomayor's dissent, supported by two other justices, revisits the question of a "humane" death in modern society. Indeed, Justice Bryer contends, "I believe it highly likely that the death penalty violates the Eighth Amendment. At the very least, the Court should call for full briefing on the basic question" (*Glossip v. Gross* 576 U.S., 2015). In light of increased debate about the fairness and potential cruelty of the death penalty, supported by a heightened awareness of related problems such as dwindling lethal injection supplies, the exoneration of death row inmates, and failure achieving a humane death as evidenced by botched executions, there is a growing perception by the public and some Supreme Court justices that the capital punishment system is broken and cannot be relied upon to consistently and accurately distinguish between guilty and innocent death row inmates. As the dissenting Justices of *Glossip v. Gross*, 575 U.S. argue, these systemic problems may once again call upon the constitutionality of capital punishment, a discussion not engaged by the Supreme Court since *Gregg v Georgia*, 428 U.S. 153 in 1976.

### **The Publics' View on Capital Punishment**

Support for the use of capital punishment has continuously fluctuated over time (Warr, 1995). Indeed, the United States remains the last notable Western nation to continue to use capital punishment. The United Kingdom, who abolished the practice in 1965, was spurred to do so for a number of reasons, including a combination of: "parliamentary campaigning; public disquiet over three controversial executions in the 1950s; botched reforms to the law of murder in the 1950s; and changing attitudes towards social and penal affairs, most of all, the acceptance by an enlightened majority of MPs that the state just ought not to be in the business of taking human life" (Knowles, 2015, p. 5). Knowles (2015, p. 5) further notes "this was a Parliamentary decision *which was not supported by the public*: abolition came in the face of popular support in the UK for capital punishment, at least in the abstract, which has lasted more or less until the present day" (*our emphasis*). Echoing the moratorium on capital punishment in the 1970s,<sup>3</sup> the United States Supreme Court, acting independently of public opinion, may be poised to once again review the constitutionality of capital punishment.

As measured by the Gallup Poll, support in America declined to a low of 42% in 1966, but increased to a high of 80% in 1994 (Newport, 2010). Currently, 54% find the death penalty morally acceptable and 56% support the death penalty for a person convicted of murder (Gallup, 2020). The current decline in support can be partly explained by the political polarization of Americans; while two-thirds of conservatives continue to find the death penalty to be morally acceptable, support among moderates and liberals has dropped to levels not

observed since 2001 (Brenan, 2020). The legitimacy of capital punishment is based on the premise that it is a process that is administered fairly, and that only the guilty are punished (Unnever, Cullen, & Roberts, 2005). Late Justice Thurgood Marshall suggested popular support for the death penalty could be explained by a lack of knowledge, that increasing information about the realities of capital punishment would decrease public support, and that those who supported the use of capital punishment based solely on revenge or retribution would not alter their attitudes (Bohm, Vogel, & Maisto, 1993; Bohm & Vogel, 1994; Burgason & Pazzani, 2014; Cochran & Chamlin, 2005; Lambert, Camp, Clarke, & Jiang, 2011; Michel & Cochran, 2011; Wright, Bohm, & Jamieson, 1995).

Researchers have also argued that individuals form opinions about capital punishment based primarily on emotion, and then assimilate new information subjectively (see for example, Ellsworth & Ross, 1983; Unnever, Cullen, & Roberts, 2005). Therefore, individuals can further justify their position if the new information supports their original standpoint. However, if the new information goes counter to their position, it can be either discounted or ignored (Unnever, Cullen & Roberts, 2005). Perceptions of capital punishment may also shift depending on how it is framed within a given societal climate. For example, Unnever, Cullen & Roberts (2005) contend the steep decline in public support for capital punishment in the 1960s was due to perceptions that it was being applied unfairly to African Americans; this is also likely the case today with respect to renewed calls for civil rights and nationwide protests. Although Black people consist of ~13 percent of the population, they account for 42 percent of inmates on death row, and 35 percent death row executions (Ford, 2014; NAACP, 2016). Current declines in the use of capital punishment may be attributable to shifting perceptions in whether the process is humane or disproportionately applied to different racial/ethnic groups. As previously noted, the secrecy surrounding capital punishment may result in a lack of trust from the public in the executing authority's ability to conduct fair, unbiased, and humane executions.

Despite attempts by the executing authority to limit the role of the public audience, Linders (2002, p. 646) argues, "it is only with the aid of an audience that the execution can ever rise above criticism... the audience emerges as the main aorta of capital punishment, without which it cannot survive as a public institution". This is to say, justification for the use of capital punishment by the executing authority is linked to public approval. Linders (2002, pp. 608-609) further explains,

just as the public execution audience had carried the power to discredit and challenge the execution event, subsequent witnesses, in turn, carried the power to confer respectability and legitimacy on the event. In this sense the execution audience has always played a complex role of both observer and observed in the execution drama and, whether conceived of as a rowdy crowd or a select group of solemn witnesses, emerges as the key figure in the transformation of the execution and also, consequently, as a major contributor to the tenuous position of capital punishment more generally.

Using the language of theatricality to equate the event of the execution to an unfolding and episodic "drama", Linders (2002) sets the stage to consider the consequences of positioning the death of the offender as part of a production or spectacle: it allows public witnesses to the event to see the offender at a distance from themselves, as an actor living in a world other than or separate from their own. The death of the offender in this scenario can be written off as scripted, cast into the realm of *unreality*. The consequences of this casting off are embedded within Justice Sodomayor's accusation of the "collective comfort" sustained by keeping the curtains drawn. But behind the protective shield of that curtain is the stark reality of the human experience of death that threatens to be exposed.

Linders (2002) contends shifting public opinion regarding capital punishment has an effect on how executions are perceived, organized, and delivered. Historically, the executing authority responds to public unrest by adopting a "tough on crime" or "law and order" stance, which was recently seen with the federal

government's return to implementing the death penalty. Given the ultimate power of the Supreme Court to decide constitutional questions, and federal and state governments' authority to implement capital punishment, the public may turn to the media for insight and clarity, as well as critique. With this in mind, we move to consider how contemporary discourse and debate around capital punishment emerges in popular media. By looking at representations of capital punishment from the mid-twentieth century to today through the lens of media culture and in the increasingly popular and prophetic realm of science fiction, we gain insight into how the system is packaged for public consumption and continued legitimacy.

## The Viewer Society

The rise of mass media in the second half of the twentieth century gave way to a gradual shift in place for the public as the coffee house was succeeded by the chat room. The growth of the television industry signalled the birth of what Mathiesen (1997) identifies as a "viewer society," described as a symptom of the increasing ubiquity of media across the world. As screens begin to infiltrate homes, offices, and social spaces, they also become sites of critical discourse and, with the emergence of the internet, virtual meeting places for ideas to be exchanged across geographical, temporal, and cultural boundaries. Mathiesen (1997) argues that our technology-dependent post-war world breeds new ways of seeing, understanding, and controlling those around us, which leads to a revision of Foucault's (1979) panoptic system—a surveillance society in which "the few see the many" (Mathiesen 1997, p. 217)—to a *synoptic* system, which Mathiesen (1997: 219) defines as an "enormously extensive system enabling the many to see and contemplate the few." Mathiesen (1997, p. 221) contends, "the basic synoptical character of the media was in a fundamental way enhanced by television. As television developed, millions, hundreds of millions, of people could see the few on the stage, first by the aid of the camera after the event, and more recently on the spot and directly." The decentralized location of the televised event offers the possibility for diverse and global publics to be constituted around it, united through shared media experience rather than physical proximity. The flexibility of the location of the television viewer gives the public a perceived increase in power as it expands in range and influence: communal experience now exists in physical *and* virtual forms, allowing for more robust and global "publics" to emerge.

In the digital age, social media outlets such as Facebook and Twitter mine the power of this emergent viewer society by providing outlets for users to increase their public interactions and broaden the dissemination of their opinions. In this network system, consumers become creators. If what we, as global citizens, see on our screens has the power to influence our ideologies and determine how we participate in public life, then it is crucial to re-examine the potential impact of screen culture—and of television as its founder—in relation to the political, social, and cultural systems that purport to control it.

With the theoretical framework of the viewer society in place, we move to a case study that considers how the media engages issues of public concern in the post-war period and, more specifically, how it addresses the topic of capital punishment and the discourses that surround it. We are paying particular attention to how capital punishment is represented in works of science fiction, following Rabkin's (2004, p. 462) argument that "science fiction is quite naturally the most influential cultural system in a time like ours, in which dominant technological change constantly provokes hope, fear, guilt, and glory." Works categorized as science fiction are renowned for their production of social and cultural commentary through estrangement: that is, destabilizing relatable contexts through the inclusion of strange elements. Marketed as science fiction television anthologies, *Black Mirror* (Brooker et al., 2012), whose first two seasons aired on British public television before Netflix purchased it in 2015, and its American precursor, *The Twilight Zone* (Serling, 2006), take on capital punishment through their engagement with strangeness and alterity, delivering episodes that prompt viewers to question political and judiciary institutions, their leaders, and their participating publics at a distance from their own. In their examinations of crime and punishment, these popular series explicitly ask us to bear witness to the

execution—in its documented and hypothesized forms—challenging us to confront the machinery of death<sup>4</sup> and forcing us to recognize our place within it.

### ***Shadow or Substance?: Science Fiction as a Site of Critique***

Works of science fiction have the “oldest active fandom of any [...] genre” and, as such, have the power to stage critiques of institutionalized systems that cultivate mass public attention (Rabkin 458, p. 2004). *The Twilight Zone* (Serling, 2006), which aired on CBS from 1959-1964, is a classic example. The opening sequence of *The Twilight Zone* (Serling, 2006) invites its viewers to enter “another dimension” through a voiceover that tells us: “you’re moving into a land of both shadow and substance, of things and ideas. You’ve just crossed over into the Twilight Zone” (Serling, 2006). In this other dimension, the binary structures that permeate viewers’ understanding of the world—public/private, reality/fantasy, shadow/substance,—threaten to collapse, leaving us to constitute our own versions of reality out of the familiar elements contained within it. In this way, *The Twilight Zone* (Serling, 2006) produces worlds that are both ours and not ours: it invites us to “unlock” our imaginations and play with the possibilities of inhabiting an alternative space.

During its run, *The Twilight Zone* (Serling, 2006) delivered at least seven episodes specifically invoking the death penalty, including “The Obsolete Man” (Serling & Silverstein, 1961), “Shadow Play” (Beaumont & Brahm, 1961), and “Dust” (Serling & Heyes, 1961), all airing in 1961 at the height of the show’s popularity. These episodes collectively anticipate deteriorating public support for capital punishment in the post-war world through storylines that feature protagonists whose sentences are called into question as unjust or suspect, but whose fates are irreversibly sealed by the State. Through exposure to the conflict between the State and its citizens, as well as between the sentenced and the sentencing body, viewers of these episodes are provoked to consider justifications for the preservation of the death penalty and to question the concept of the “humane” death sentence that the law upholds.

*The Twilight Zone*’s (Serling, 2006) critical interrogation of the death penalty is revealed in the final episode of Season Two: “The Obsolete Man” (Serling & Silverstein, 1961); it is the episode that most visibly anticipates the current debate initiated by dissenting Justices of *Glossip v. Gross* (Sotomayor and Bryer) about the constitutionality of the death penalty and the concept of the “humane” execution. Set in a totalitarian state that has eliminated books and proven that there is no God, “The Obsolete Man” (Serling & Silverstein, 1961) begins with the trial of librarian Rodney Wordsworth; the charge, obsolescence. The familiar voice of the show’s creator Rod Serling, who also serves as the narrator of the series, asks us to bear witness to the trial, with one caveat:

You walk into this room at your own risk because it leads to the future. Not a future that will be, but a future that might be. This is not a new world. It is simply an extension of what began in the old one. It has patterned itself after every dictator who has ever planted the rippling imprint of a boot on the pages of history since the beginning of time. It has refinements, technological advances and a more sophisticated approach to the destruction of human freedom. But like every one of the super States that preceded it, it has one iron rule: logic is an enemy and truth is a menace (Serling & Silverstein, 1961).

Divorcing logic and truth from the ideology of the State, “The Obsolete Man” (Serling & Silverstein, 1961) opens with a contradiction inherent in the very principles that the State uses to justify and administer its penalties, principles that law-abiding citizens respect and uphold: *if a crime is committed, then the criminal must be punished*. But Wordsworth’s trial and its aftermath become the focal points for an emerging tension between the State and its citizens. According to the narrator, Wordsworth is “eliminated” because “he is built out of flesh and because he has a mind” (Serling & Silverstein, 1961). Throughout his trial, Wordsworth asserts



"I am a human being. I exist!" (Serling & Silverstein, 1961). But the Law, under the auspices of maintaining both truth and logic in its sentencing, is upheld at the *expense* of Wordsworth's claim to humanity and human freedom as he is proven to be an "anachronistic" member of society who has "no purpose here, no meaning" (Serling & Silverstein, 1961).

Wordsworth's trial is adjudicated by the Chancellor, representing the State, and a "board" of men and women who stand at attention, responding only to laugh when Wordsworth states his occupation and to gasp when he declares his belief in God and his absolute faith and dedication to words, which the Chancellor believes have "no substance and no dimension" (Serling & Silverstein, 1961). The board and the Chancellor unanimously act in line with the ideology of the State, finding Wordsworth to be obsolete and sentencing him to death. We might say, then, that the Law is disinterested in what the public—embodied by Wordsworth—actually wants (that is, the acknowledgement of its *humanity*), and instead invests itself in the preservation of the system at all costs. Upon being issued the death penalty, Wordsworth is told that he will be "liquidated" within 48 hours, but he is given the choice as to *how* and precisely *when* that execution will take place. Among the options given to him are "pills, gas, electrocution," all familiar to the viewer society as commonly-used methods of execution. But Wordsworth has another proposition for the State. He asks for two things: first, to be "granted an assassin to whom [*he*] will tell the method of [*his*] execution," creating suspense around the punishment that also functions as a privileged secret between prisoner and executing authority; and second, that he will die "with an audience," a request that the Chancellor applauds, stating that televising these events is common for the "educative effect[s]" it has on the public (Serling & Silverstein, 1961). But after the Chancellor is elected as Wordsworth's assassin, he finds himself locked in a room with the offender, who patiently reads verses from the Bible as he awaits the explosion of the bomb set to exterminate him. Viewers quickly become aware that Wordsworth has manufactured a scenario that will expose the hypocrisy of the State by forcing the Chancellor to beg for his life: the Chancellor is refused his freedom until, in a moment of hopeless desperation, he asks for it "in the name of God" (Serling & Silverstein, 1961). While the Chancellor escapes Wordsworth's death sentence, he does not escape his own: the episode ends in the same place that it began, but this time it is the Chancellor who on trial for obsolescence.

The Chancellor's betrayal of the State's ideology in declaring his faith in God earns him the title of the obsolete man and the episode ends with him being dragged off to his execution by the same board of jurors who once supported him, neatly closing the narrative loop. The narrator returns in this moment to declare the lesson to be learned: "any State, any entity, any ideology that fails to recognize the worth, the dignity, the rights of man, is obsolete. A case to be filed under M for Mankind in the *Twilight Zone*" (Serling & Silverstein, 1961). Turning the charge of obsolescence on the State, this episode asks us to consider the (hu)Man involved in the punishment, championing Wordsworth's faith in both God and humanity over the Law that attempts to silence it. This conclusion, delivered heavy-handedly by *The Twilight Zone's* (Serling, 2006) writer and host, offers a critical diagnosis of the death penalty that we, as members of the viewer society, are invited to witness, but also to participate in. As a site of critique, *The Twilight Zone* (Serling, 2006) offers the viewer a place at the table to consider the consequences of the events that unfold and to come to their own conclusions about the future of the State-to-come.

### ***Black Mirror* and Its Critique of Capital Punishment**

If *The Twilight Zone* (Serling, 2006) contains its critique of capital punishment through a framed narrative structure that allows its viewers to situate themselves outside of the fantasy spaces it creates, its twenty-first-century counterpart *Black Mirror* (Brooker et al., 2012) refuses such containment by bringing viewers into its narrative machinery and not letting them go. *Black Mirror's* (Brooker et al., 2012) title sequence is reminiscent of that of *The Twilight Zone's* (Serling, 2006)—a black screen penetrated by white

images—but there is no voiceover to initiate us into the system. Instead, we watch as shadowy figures flicker and fade and, within seconds of its appearance, the title—BLACK MIRROR—is violently and audibly *SLASHed* and our screens crack with it (Brooker et al., 2012). The literal breakdown of *Black Mirror's* (Brooker et al., 2012) title sequence gives way to episodes that echo its disorienting and shattering effects: the worlds that we enter are broken, or on the brink of collapse. Entering this series, we are struck by the notion that we cannot comfortably disconnect from its world as it “look[s] like a future we might actually inhabit” (Wortham, 2015). There is no framing device to protect us, nor is there any reassurance that what we will witness on screen is “not a future that *will* be, but a future that *might* be” (Serling & Silverstein, 1961, *our emphasis*). As such, *Black Mirror* “feels like required viewing for our always connected, device-augmented lives” in its anticipation of the ways in which our future holds up a mirror to the now (Wortham, 2015).

Through its engagement with new technologies and the publics they cultivate, *Black Mirror* (Brooker et al., 2012) also examines how screen and media culture alter and often govern our perceptions of public and institutional policies and practices. *Black Mirror's* (Brooker et al., 2012) engagement with capital punishment surfaces explicitly in the episode “White Bear” (Brooker & Tibbetts, 2013), which presents an unconventional alternative to the death penalty that recasts the roles of the State, the alleged offender, and the public in an “execution drama” (Linders, 2002) fit for our twenty-first century. In doing so, it reinstates the voyeuristic role played by the public as both witnesses and participants in the prosecution process, exposing the dehumanizing effects that a mediated system of justice will inevitably produce.

“White Bear” (Brooker & Tibbetts, 2013) opens in the room of an unnamed woman who wakes in an amnesiac state. As she looks around, she sees pills scattered about the floor and notices that her wrists are tightly bandaged, indications of a failed suicide attempt. Getting up from her chair, she is struck by the flickering image on her television set, which is broadcasted over the mechanical, static-filled hum of the screen. The woman shuts the television off and makes her way downstairs, where she encounters another screen displaying the same image. On the mantle above it is a photo of a young girl, tucked into a frame that houses another photo of herself and a man presumed to be her partner. Grabbing the photograph of the girl, the woman is drawn into a memory. But as the memory begins to come into view, the high-pitched noise of feedback distorts the vision and the image of the girl vanishes. Panicked and confused, the woman leaves her home in search of someone who can help her figure out what has happened, but her neighbors are deaf to her cries. They say nothing, but instead stare expectantly through their windows, recording her actions on their cell phones and video cameras.

Like the protagonist, viewers of “White Bear” (Brooker & Tibbetts, 2013) are thrust into an unsettling scenario and spend most of the episode attempting to gain control of the situation and make sense of their experience. What's more, the off-screen audience finds itself in a split position. On the one hand, we are the spectators behind the windows, watching a series of events unfold at a distance. On the other hand, we are thrust into the mindset of the protagonist, experiencing the events alongside her or from her point of view; we hear her labored, heavy breath as the camera closes in on her at tight angles, accentuating the vulnerability and fear that she exudes as she cries for help. As the episode unfolds, the fear and the tension escalates. The woman is pursued by both the crowd of spectators and a group of machete-and-machine-gun-wielding “hunters” who eventually chase her into the woods, where she sees bodies of other victims hanging from trees. The woman repeatedly cries for help, shouting: “help me! I'm a human being”! (Brooker & Tibbetts, 2013) echoing Wordsworth's rage against the State in *The Twilight Zone* (Serling & Silverstein, 1961). The protagonist of “White Bear” (Brooker & Tibbetts, 2013) appeals to a shared humanity between herself, her attackers, and the viewer society in an attempt to get the spectators to abandon their cameras and save her. She is met only with the blind gaze of a zombified collective, ineffective in controlling the action but participating as a captive audience. The camera-wielding public that doubles as witness to the violent events of the protagonist's world mirrors the off-screen viewer of *Black Mirror* (Brooker et al., 2012) with an important difference. In a sudden

narrative twist, we learn that what we have been watching is not a “real” event, but a constructed one, a performance executed in “White Bear Justice Park” by a company that has transformed the criminal justice system into a form of public entertainment: people pay to enter the theme park and participate in the humiliation of a convicted criminal who has no idea that she is playing the starring role (Brooker & Tibbetts, 2013).

With its narrative machinery exposed, “White Bear” (Brooker & Tibbetts, 2013) gives its off-screen viewers the background we need to piece the story together: what we learn is that that woman we have been following is Victoria Skillane and that her crime is aiding her male partner in the abduction and murder of Jemima Sykes, the six-year-old girl from the photograph. While she did not commit the murder herself, Skillane recorded her partner with a mobile camera, later found in her possession, as he tortured and killed the girl. To avoid conviction, the man killed himself in custody and Skillane, who survived to stand trial, was found guilty for being “an enthusiastic spectator to Jemima’s suffering” (Brooker & Tibbetts, 2013). Her sentence was a punishment that the judge deemed “proportionate and considered” for her crime: Victoria will live out the rest of her days as the star of this performance, to experience the same kind of torture that her victim did in her dying moments. Unlike six-year-old Jemima, Victoria will not be murdered by the State but be hunted by the crowd; she will be forced to live imprisoned in a system of surveillance that the public will pay to witness and record her suffering for their perpetual enjoyment.

While Skillane’s punishment is outside the parameters of traditional death sentences cited earlier, it is every bit as inhumane in its execution. She is stripped of her identity and forced to play a role in which she fights for her life, only to discover that she is not a victim, but an alleged murderer, an “animal” (Brooker & Tibbetts, 2013). Replaying the experience over the closing credits, *Black Mirror* self-reflexively comments on the spectacle of it all, exposing the media as the mechanism through which the punishment is produced, with us—the viewer society—as its willing and enthusiastic collaborators. As off-screen participants, we become part of the crowd that listens to Victoria Skillane scream but that does nothing to stop it. Behind the scenes, we watch as the crew places the dead child’s photograph back on the mantle and places probes on Skillane’s head to erase her memory. The episode concludes with a feedback loop as we are brought back to the first scene with new knowledge. Skillane screams over the scrambled image of her victim, and then wakes up alone and confused. Cut to black.

The ambiguity with which this particular episode concludes leaves us to question the fate of the protagonist as well as the sustainability of the system itself: are there other facilities staging similar performances? Are there other offenders in the queue who might take Skillane’s place when her time expires? These open questions reject the closure that *The Twilight Zone* (Serling, 2006) offers, as they insist upon critiquing potential alternatives to the death penalty, making a case for a re-examination of capital punishment in the twenty-first century.

### Conclusion

While *The Twilight Zone* (Serling & Silverstein, 1961) offers its critique of capital punishment based on a familiar system of justice that must confront its inhumanity, it ultimately invests itself in preserving the humanity of its subjects. *Black Mirror* (Brooker & Tibbetts, 2013), on other hand, suggests that humanity is sacrificed in the criminal justice system it presents. Actor Kumail Nanjiani, who stars in an episode of Jordan Peele’s 2019 reboot of *The Twilight Zone* noted that “At its core, *Black Mirror* is cynical about humanity [...]. ‘*Twilight Zone*,’ no matter how dark the episode, is ultimately optimistic about reality” (Sharf, 2019). While the punishment Skillane suffers may be constructed as a potentially more “humane” alternative to the death penalty, it is clear that Skillane does not escape a death sentence. Rather, Skillane’s perpetual performance of her sentence strips her of her humanity as she becomes a cog in the justice machine. In the moment that we learn the “truth” of our own viewing experience, we too become acutely aware of our own roles as spectators in the

media event. Like Skillane, we have no agency in this world, and without agency, we fall victims to the State: a voiceless public staring mindlessly into a black screen.

Once a spectacular public event, the execution of alleged offenders has undergone significant revisions and, while the Western world has largely abandoned or hidden it behind prison walls, the critical discourse that theories of capital punishment invoke more broadly remain. While publics may voice collective support or lack of support for the death penalty through polls or legislative proposals, their opinions are unlikely to directly influence decision-makers in control of determining the legitimacy of capital punishment. The media, therefore, plays a visible role in amplifying the voices of the public by providing structure to their arguments, while also imagining the possible consequences of an executing authority who insists executions can be fair and humane.

*The Twilight Zone* (Serling 2006) and *Black Mirror* (Brooker et al., 2012) present stories of the condemned caught in the machinery of death, which continues to churn on even after the closing credits. Although these stories echo reality in the sense that the executing authority holds the ultimate power in determining the fate of the offending body, they also explore the inherent failures of these systems that invite a broader critique. Considering the "alternatives" to our capital punishment systems presented through *The Twilight Zone* (Serling, 2006) and *Black Mirror* (Brooker et al, 2012), we can think carefully about how the world has changed and what options we now have for the definition and administration of justice on a global scale. This examination is particularly relevant in 2020, as we face unprecedented and intersecting crises that have renewed conversations about criminal justice practices and reform in the United States. The Covid-19 pandemic has initiated a global state of unrest that has led to scrutiny of prison conditions, and the death of George Floyd in Minneapolis has re-energized the Black Lives Matter movement along with a host of related movements bringing international attention to institutionalized racism while demanding reformation of policies and practices that have led to a disproportionate number of deaths among Black Americans in the United States. In times of crisis, it is common for citizens to re-examine institutional priorities, policies and practices as catalysts for change. The same is true for artists, writers, and filmmakers. "Part of the genius of Rod Serling, the 'Twilight Zone's' creator, is that he depicts how people react to fear and paranoia in ways that remain timeless" Blake (2020) of CNN wrote in the early days of the Covid-19 pandemic. *Black Mirror's* Charlie Brooker is positioned for a similar legacy. Worthman (2015) argues "[*Black Mirror*] deals with the reality that, no matter what gadgetry we may possess, *our problems remain human*. It reminds us that technology probably won't enslave us, but it definitely will change us." For all our advances in technology, from a simple wooden scaffold and a noose to a thorough lethal injection protocol, executions remain administered by humans and what our readings of these two episodes reveal is that as long as the human remains tethered to the justice system, the need to attend to the human side of the policies and practices that govern not only our independent States, but our world at large, is crucial.

*Notes*

1. Vermont was the first state to abolish capital punishment in 1864, followed shortly after by Maine in 1964, then New Hampshire in 1869, and Ohio in 1885 (Linders, 2002). Bowers et. al (1984) suggests this transition was due, in part, to the adoption of the electric chair, which did not lend itself to the public sphere.
2. The “executing authority” refers to “a multitude of actors involved in capital punishment at various institutional levels, to varying degrees” Linders (2002: 614).
3. The ten-year moratorium on capital punishment, beginning in 1967, ended with *Gregg v. Georgia*, 428 U.S. 153, when the Supreme Court declared the execution of Troy Leon Gregg to be constitutional. The Court set out new guidelines for constitutional capital sentencing schemes, including: objective criteria to limit jury discretion, a bifurcated trial (i.e., the conviction and sentence phases are separate), appellate review, and consideration of mitigating and aggravating factors.
4. See Justice Blackmun’s dissenting opinion in which he refers to the death penalty as “the machinery of death”. Supreme Court of the United States, No. 93-7054. *Bruce Edwin Callins Petitioner v. James A Collins, Director, Texas Department of Criminal Justice, Institutional Division*. Retrieved 24 June 2020 from <https://www.law.cornell.edu/supct/html/93-7054.ZA1.html>

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