



Terror management in the courtroom: Capital crimes, death accessibility, & interrogation camera angle may alter conviction rates

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## Abstract

This research examines the effects of terror management theory (TMT) and camera angle perspective on jury members. TMT states that humans defend themselves against the anxiety stemming from death awareness (mortality salience; MS) by investing in cultural worldviews, which often results in identification with similar others as well as harsh denigration of criminals. I sought to investigate whether participants' rating of a suspect's guilt would be influenced not only by MS but also by whether they watched a video of the suspect or the interrogator, which presumably altered their identification with the suspect. Each participant was either primed with mortality salience (MS) or a control before reading a description of a mock crime and then viewing an 80-second video clip of the beginning of an interrogation with the suspect, with the camera either focused on the suspect or the interrogator for the duration of the clip. Results of two experiments showed that, under MS, participants who watched the suspect-centered video were significantly less certain of the suspect's guilt—and less likely to reach a unanimous guilty verdict during deliberation—than those who watched the interrogator-focused video, whereas the converse was true for the control participants. Gender also played a role in the verdicts with females finding the suspect guilty significantly more often than males. Results are discussed and directions for future research are offered.

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“The idea of death, the fear of it, haunts the human animal like nothing else; it is a mainspring of human activity—activity designed largely to avoid the fatality of death, to overcome it by denying in some way that it is the final destiny for man.” – Ernest Becker (1973, p. ix)

Terror management theory (TMT; e.g., Greenberg, Pyszczynski, & Solomon, 1986) was developed more than twenty years ago to help explain the ubiquitous need for meaning and self-esteem—that they may arise in part in an effort to secure oneself psychologically from concerns stemming from the awareness of mortality. Mortality salience (MS) manipulations, which involve priming people with the idea of death as compared to a control topic, have been by far the most common way to examine the impact of death awareness as delineated by the theory.

### *Terror Management Theory: Empirical Approach*

Terror management theory was inspired from the writings of Ernest Becker (1962, 1973, 1975), who worked to integrate a broad array of social scientific theory and research. The theory proposes that a potential for anxiety results from the juxtaposition of death awareness—presumably a uniquely human capacity made possible by cognitive abilities such as self-awareness and abstract thought—and the instinct for self-preservation, which is common to all animals. To defend against this potential death anxiety, people must believe that some valued aspect of themselves will continue, either literally or symbolically, after cessation of their biological body. Literal immortality takes the form of an afterlife (e.g., heaven), whereas symbolic immortality takes the form of extensions of the self (e.g., children, achievements) continuing to exist after the person’s biological death (Martin, 1999). Whether literal or symbolic, this cultural anxiety-buffer consists of two components: (a) belief in the validity of a cultural worldview and the standards and values associated with that worldview, and (b) belief that one is meeting or exceeding those standards and values, i.e., self-esteem (Rosenblatt et al., 1989). Thus, as Becker (1973, p. 255) described it, a cultural worldview “is more than merely an outlook on life: it is an immortality formula.”

Part of the value of TMT is its examination of a process that is outside of conscious awareness and thereby not particularly obvious to people employing the proposed defenses. According to the theory, the problem of death resides beneath consciousness and, from there, triggers distal death defenses—the maintenance of worldviews and self-esteem. The conscious contemplation of death is defended against differently according to TMT; it is dealt with more rationally by denying vulnerability to physical death or pushing it into the distant future using proximal death defenses such as a conscious thought about one’s excellent state of physical health or one’s family trend toward longevity (Pyszczynski, Greenberg, & Solomon, 1999).

By providing an explanation for why people invest so heavily in their belief systems and why people need to feel valued, TMT offers insight into a broad array of human behaviors. Of particular import has been using TMT to examine the omnipresent nature of intergroup conflict. Given a fundamental human motive to secure oneself from death, TMT postulates that problems will typically arise when differences between people are perceived as challenges to one’s beliefs and sense of value—the distal death defenses. Recently, two different reviews of TMT have highlighted its relevance for peace processes (Niesta, Fritzsche, & Jonas, 2008) and its implications for understanding prejudice, intergroup conflict, and political attitudes (Greenberg

& Kosloff, 2008). TMT can help explain why peace work is hampered particularly in the context of war and life-threatening violence as it suggests that our most vile attitudes and actions toward other groups stem from a fear of death that we cannot fully cope with or comprehend.

In the typical MS study, participants complete a packet of questionnaires ostensibly for the purpose of assessing personality. However, embedded within this packet, participants are asked either to briefly write about their own death or about a non-death related (often negative) control topic. Participants then typically complete one or two distraction questionnaires before finally completing a dependent measure that taps their distal death defenses. This delay and distraction between the death prime and the dependent measure is included to allow for death to fade from consciousness, in keeping with the theory's contention that the distal death defenses occur only when death is beneath consciousness (Pyszczynski, Greenberg, & Solomon, 1999). Indeed, removal of this delay/distraction has been shown to eliminate the effects of MS on the dependent measures (e.g., Greenberg, Arndt, Simon, Pyszczynski, & Solomon, 2000). The MS hypothesis has led to hundreds of experiments to date examining whether priming people with their own mortality increases adherence to their cultural worldviews and/or self-esteem.

#### *Summarizing the MS Experiments: Reviews*

Several summaries or reviews of the TMT literature have been conducted (e.g., Greenberg, Solomon, & Pyszczynski, 1997; Solomon, Greenberg, & Pyszczynski, 2004; Pyszczynski, Solomon, & Greenberg, 2003) and they provide a qualitative description of the variety of MS experiments. One important outcome of these summaries has been to show that different methods for priming thoughts of mortality elicit similar distal effects predicted by TMT and that these effects occur across a variety of populations and cultures. These summaries provide convergent validity for TMT and the psychological importance of death. A second main outcome of these summaries has been to show that priming people with thoughts of their own death elicits different effects than priming people with non-death topics that share similar characteristics—for example, negative thoughts such as pain or social rejection. Thus, the varied control topics have provided discriminant validity for the MS hypothesis. Additionally, these reviews underscore the wide array of behaviors that have been influenced by MS, covering such disparate domains as prejudice, tanning, sexual practices, having children, donating to charities, voting, and driving.

A recent meta-analysis was conducted on empirical trials investigating the MS hypothesis of TMT. Overall, 164 articles with 277 experiments were included. MS yielded moderate effects ( $r = .35$ ) on a range of worldview- and self-esteem-related dependent variables, with effects increased for experiments using: (a) American participants, (b) college students, (c) a longer delay between MS and the DV, or (d) people-related attitudes as the dependent variables (Burke, Martens, & Faucher, in press).

#### *Terror Management Theory in the Courtroom*

The current research focuses specifically on the implications of TMT in the courtroom. Due to the importance of laws and justice to one's cultural worldview, they are vulnerable to influence by terror management processes (Arndt, Lieberman, Cook & Solomon, 2005). In one study, judges who were primed with the thought of their own death (MS) before setting bail for prostitution decided on a \$450 bail versus only \$50 in the control (dental pain) condition. This was attributed to a dramatic increase in defending an important cultural value—i.e., not

committing crimes—when faced with the thought of your own death (Rosenblatt et al., 1989). Moreover, American participants shown footage of a fatal car crash (MS) rendered more favorable judgments toward American manufacturers and less favorable evaluations of foreign manufacturers, particularly when the movie footage reminded participants of their own mortality (Nelson, Moore, Olivetti, & Scott, 1997). Finally, research conducted in Israel showed that people who scored low on a hardiness scale issued more severe judgments for legal transgressions following MS (Florian, Mikulincer, & Hirschberger, 2001).

### *The Camera Perspective Bias*

The current American judicial system is typically viewed as one of the best ways to determine a suspect's guilt or innocence in a fair and rational manner. Despite this assumption, however, there remain problems with the current system and how a jury reaches its verdict. One such flaw is the potential conviction of an innocent suspect following a false confession (e.g., Kassin & McNall, 1991), with legal scholars increasingly suggesting that police videotape interrogations in order to minimize this risk of false imprisonment (Kassin, 2004). However, even cameras have flaws. For instance, Lassiter (2002) found that an interrogation camera angle had a direct effect on how the suspect was perceived. When the camera was centered on the suspect, individuals viewed the suspect as more guilty, whereas the converse was true when the camera was centered on the interrogator. Even so called 'experts' in the criminal justice system—i.e., judges and police officers—were not immune to this camera perspective bias (Lassiter, Diamond, Schmidt, & Elek, 2007).

This camera angle effect may occur because the viewer's perspective is limited to only the person facing them in the video; thus, the suspect is automatically thought of as guilty and the interrogator as innocent of coercion (Ware, Lassiter, Patterson, & Ranson, 2008). In other words, viewers may ascribe inaccurate causality to a stimulus simply because it is more noticeable or salient than other available stimuli (Lassiter, Geers, Munhall, Ploutz-Snyder, & Breitenbecher, 2002), thereby blaming the suspect or the interrogator (depending on camera angle) for the hostile tone of the interrogation.

In a full jury trial, of course, more than just videotaped confessions or interviews are used—there is a plethora of other evidence (e.g., pictures, forensic material, witnesses) given to a jury panel. With this in mind, Lassiter, Geers, Handley, Weiland, and Munhall (2002) had participants watch a full video of a mock trial with actors, real attorneys, and a judge. Even with all of the other evidence included in a trial, participants subjected to a suspect-centered camera angle of an interrogation were more likely to convict than other participants. When the judge informed the participant of the camera perspective bias, participants still convicted the suspect more often than other participants. This suggests that the camera perspective bias is not eliminated merely by becoming aware of this bias.

I conducted two experiments to investigate the interaction between terror management processes and the camera angle effect discussed above on jury decisions of guilt or innocence.

### *Study I*

Because mortality salience (MS) causes participants to vehemently defend their own culture and worldview, I predicted that a suspect-centered camera angle would *increase* the viewer's identification with the suspect—i.e., as a fellow college student who looked and dressed like them—and thereby result in lower guilt ratings under MS but not control conditions. I

further hypothesized that the converse would occur for the interrogator-centered angle under MS, such that the viewer would identify with the interrogator and join him in judging the suspect most harshly.

## Methods

### *Participants*

Seventy-nine undergraduate students from Fort Lewis College participated in this experiment, with an average age of 24.0 ( $SD=4.07$ ) and an age range of 19-50 years old. There were 26 males and 53 females in the sample: 58 Caucasians, 16 Native Americans, 2 Hispanics, and 3 others. A total of 32 seniors, 27 juniors, and 20 sophomores participated.

### *Design*

This experiment was a 2 X 2 between-subjects design. Half of the participants were randomly assigned to received an MS prime as their mock crime sheet (reproduced below) described the death penalty in detail; the control group received the same mock crime sheet but with a sentence of “25 years to life” rather than the death penalty as the recommended punishment:

### **“SCENARIO:**

A young single female, Misha, is living alone in a condominium. Two weeks ago there was a knock at her door. She went to see who it was. As soon as Misha opened the door, the man shoved his way in and subdued Misha. The man tied up Misha’s hands and feet. He gagged her and locked Misha in the bedroom.

For two days the man stayed at Misha’s house. He tortured Misha relentlessly. He would deny Misha food and water for a day at a time. He beat her to unconsciousness several times. He broke eight of her ten fingers throughout the two days. He would stab her with a needle if Misha did anything she wasn’t supposed to. He kicked and beat her so much that 60% of her body was covered in bruises. She had one broken rib and a fractured wrist. Misha was also raped several time each day. She was forced to do sexual acts to herself as well as him. After the two days of torture, the man left.

Misha filed a police report as soon as she was able to. A few weeks later John Stossel was picked up in regards to the crime and interviewed. You will be watching a short clip from that interview with police. Listed below is a list of the evidence against John Stossel followed by the DA’s sentencing recommendation.

### **Evidence:**

- Medical examination proves rape, broken fingers, broken rib, fractured wrist, and needle punctures, along with pictures of all of her bruising.
- John Stossel was the last person seen at Misha’s house, by neighbors, before Misha was tortured.
- John Stossel loosely matches Misha’s description of the perpetrator, but Misha was to terrified to pick him out of a lineup.
- John Stossel’s fingerprints were found at the condo, but he had been there in the past because he was an acquaintance of Misha.

**Sentence Recommendation [for experimental group]:**

Death penalty. The death penalty is used in forty of the states. A person sentenced to death will usually wait ten to twenty years before they are executed. The person usually gets a last meal and consults with a priest. In all of the forty states that have the death penalty, lethal injection is used. The person sentenced to death gets three injections. The first is a muscle relaxant. The second is an anesthesia, and the third is a high dose of detrochlorothine which shuts down the heart. As many as thirty people can watch from behind a two-way mirror as the convict is killed. Death usually occurs within seven minutes of the final injection.

OR

**Sentence Recommendation [for control group]:**

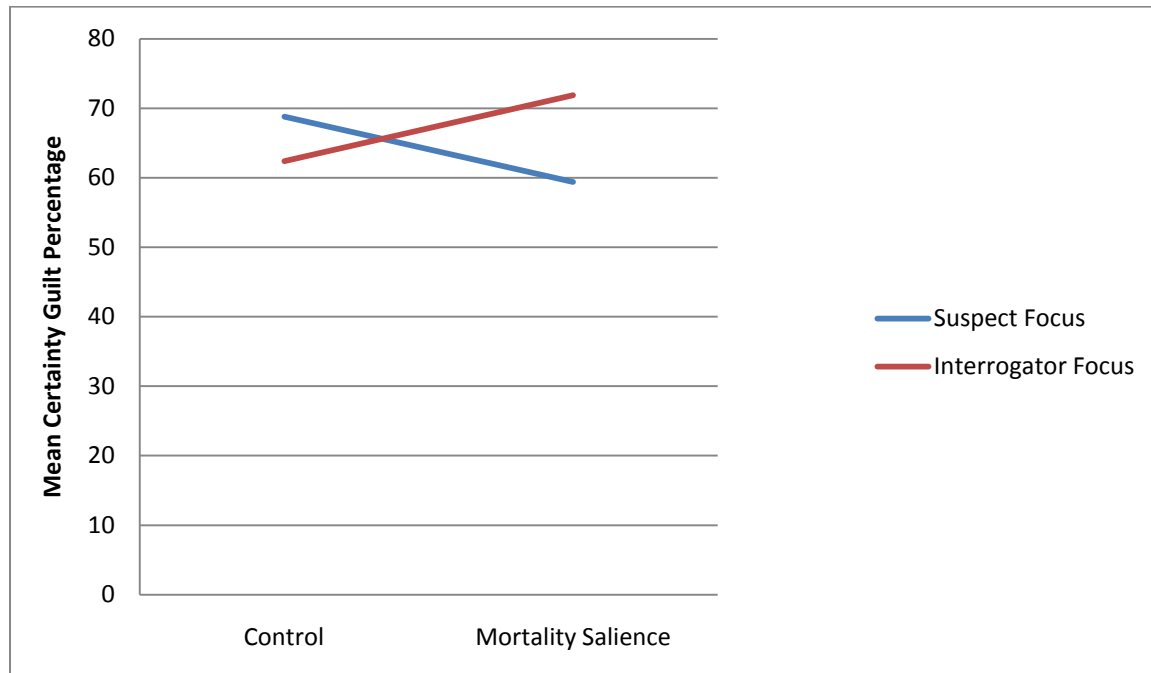
Twenty five years to life in prison. Generally, people convicted of rape or torture are sent to maximum security prisons, where they get 3 meals a day and 60 minutes of outdoor time daily. They usually bunk with one or two other prisoners in a 5' X 6' cell. Most criminals can work doing menial jobs such as license-plate making or telemarketing while they are confined to a prison."

As a delay, one of two 80-second interrogation videos was used, both of which had the exact same script: One had a camera that was focused on the suspect, whereas the other had the camera focused instead on the interrogator. After the videos were shown, participants were asked to indicate the percentage certainty they had of the suspect's guilt.

**Results**

For this experiment an alpha level of .05 was used to determine a statistically significant difference. ANOVA yielded no significant main effects of MS or video camera angle on ratings of suspect guilt. However, as predicted, there was a significant interaction between MS and camera angle for suspect guilt,  $F(1,75)=4.22, p=.043$ , such that MS (death penalty) significantly increased guilt ratings versus the life sentence control when the interrogator-focused video was shown (71% vs. 62%), whereas MS significantly decreased guilt ratings (59% under MS vs. 68% for the control) when the video focused instead on the suspect (see Figure 1 below). The implications of these results will be discussed in the General Discussion section below.

Figure 1. Juror Guilt Ratings by MS and Video Camera Angle



### Study II

In conducting a second study, I aimed to address two of the main limitations of the first experiment. First, the death penalty had never been tested in any previous experiment as an MS prime, and it is therefore possible that the interaction reported above was not due to terror management processes but rather something unique about a capital trial. Second, actual trials always involve more than one person on the jury and an opportunity for jurors to deliberate with one another.

In Study II, I therefore used a classic MS prime (as described below) as well as jury deliberation following the interrogation video. I expected to replicate the interaction between MS and camera angle reported in Study I above for individual guilt ratings. I further hypothesized that *groups* exposed to both MS and the interrogator-centered video would come more frequently to a unanimous guilty verdict following jury deliberation.

### Methods

#### Participants

Eighty seven undergraduate students from Fort Lewis College participated in this experiment, with a mean age of 22.6 ( $SD=4.15$ ) and an age range of 18-46 years old. There were 37 males and 50 females in our sample. The sample was comprised of 69 Caucasians, 13 Native Americans, 3 Hispanics, one African-American, and one Asian-American, with a total of 41 Seniors, 29 Juniors, 15 Sophomores, and 2 freshman participants.

#### Design



This experiment was a 2 X 3 between-subjects design. Half of the participants were randomly assigned to answer a typical MS essay question asking participants to “please briefly describe the emotions that the thought of your own death arouses in you,” and to “jot down, as specifically as you can, what you think will happen to you as you physically die and once you are physically dead.” The control group received similar instructions except that the participants wrote about dental pain instead of death. Participants then all read the same case description as in Study I above.

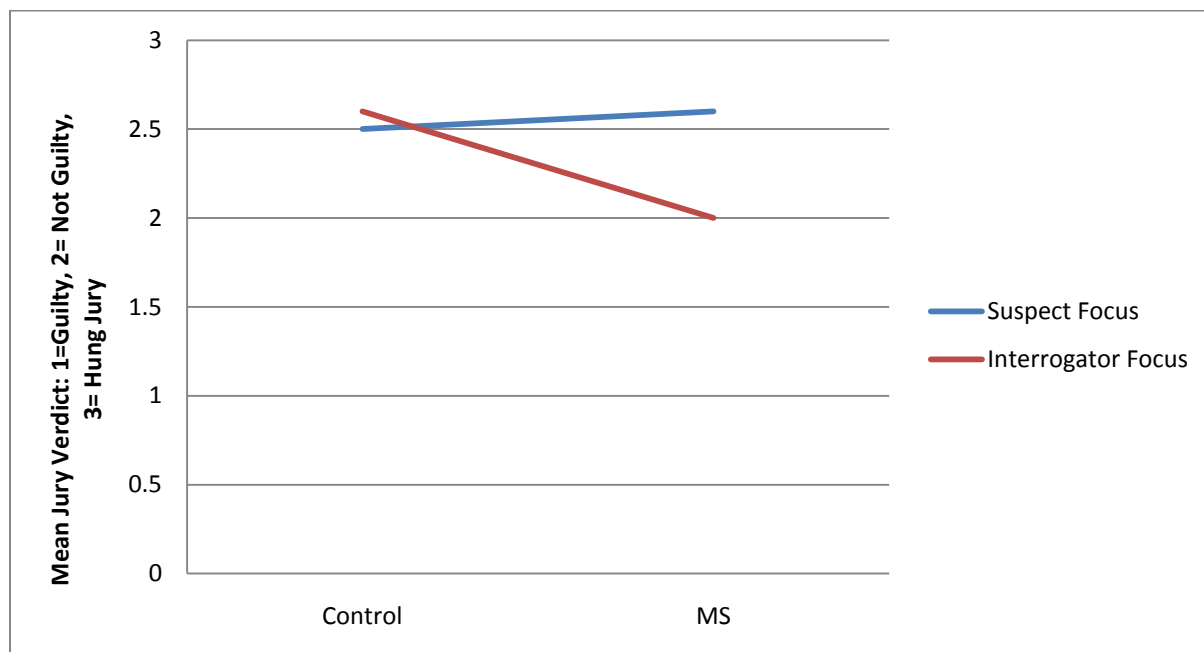
As a delay, one of two 80-second interrogation videos was used as in Study I. After viewing the video, participants were asked to indicate the percentage certainty they had of the suspect’s guilt, as well as their own sentencing recommendation for the crime.

After each individual participant completed those questions, they were split up into groups of 4-6 “jurors” (with participants who received the same video and essay question as they did) and given 10 minutes to deliberate on the suspect’s guilt or innocence to reach a unanimous jury verdict of guilty or not guilty.

## Results

In Study II, an alpha level of .05 was used to determine statistical significance. ANOVA failed to support my first hypothesis, as the individual guilt ratings did not show an interaction between MS and camera angle as they did in Study I. However, in accordance with my second hypothesis, this interaction did appear in the group results. As shown in Figure 2 below, jury groups reached a unanimous guilty verdict significantly more often following MS and viewing the interrogator-centered video ( $M= 2.00$ ,  $SD=0.56$ ) whereas the converse was true for those in the dental pain control condition ( $M= 2.58$ ,  $SD=0.70$ ).

*Figure 2. Jury Verdict by MS and Video Camera Angle*



An interesting secondary finding in Study II was the effect of gender on guilt ratings. As Table 1 below reveals, before jury deliberation, females were significantly more likely to find the suspect guilty ( $M=1.40$ ,  $SD=0.50$ , 60% of females voted “Guilty”) than males ( $M=1.68$ ,  $SD=0.45$ , 32% “Guilty”),  $t(85)=2.61$ ,  $p=.011$ . This gender effect persisted post-jury deliberation, whereby females continued to convict the suspect at a significantly higher rate ( $M=1.6$ ,  $SD=0.50$ , 40% “Guilty”) than did the males ( $M=1.8$ ,  $SD=0.40$ , 19% “Guilty”),  $t(85)=2.13$ ,  $p=.036$ . Across genders, the conviction rate decreased significantly overall from pre- ( $M=1.5$ ,  $SD=0.50$ , 48% “Guilty”) to post-jury deliberation ( $M=1.7$ ,  $SD=0.47$ , 31% “Guilty”),  $t(86)=3.68$ ,  $p<.001$ .

*Table 1. Suspect Ratings by Gender*

Participants	% Guilty Ratings		% Not Guilty Ratings	
	<i>Pre-deliberation</i>	<i>Post-deliberation</i>	<i>Pre-deliberation</i>	<i>Post-deliberation</i>
Females	60.0	40.0	40.0	60.0
Males	32.4	18.9	67.6	81.1
ALL	48.3	31.0	51.7	69.0

### General Discussion

These two experiments may shed light on how actual jurors make decisions during a trial. Our findings suggest that individually, jurors may be more lenient of criminal suspects when they are able to directly observe that suspect (as in the suspect-focused video) in death penalty cases, with the opposite effect occurring in non-capital trials. One possibility for this interaction is that MS makes people harsher on criminals overall (e.g., Arndt, Lieberman, Cook, & Solomon, 2005)—which is what occurred under interrogator-centered video conditions—but may also make people more lenient of someone with whom they identify. In other words, the suspect-focused camera angle may have increased participants’ identification with the defendant and thereby reversed the TMT effects, resulting in a reduction of guilt ratings in capital (MS) cases. This reversal also appeared in a non-capital case when jurors were reminded of their own death (MS) before deliberation, with a hung jury or unanimous not-guilty verdict more likely under these conditions.

The camera angle bias (e.g., Lassiter et al., 2007) was replicated under control conditions, wherein jurors were more likely to find the suspect guilty when they viewed a suspect-centered interrogation video. Further, after deliberation without MS, a jury of 4-6 people was more likely to reach a unanimous guilty verdict if they had each seen the suspect-centered rather than the interrogator-centered video.

In Study II, the jurors were approximately evenly split on guilt (48.3%) or innocence (51.7%) before deliberation. The odds of acquittal increase dramatically when the pro-acquittal faction represents 33% or more of the jury (Devine, Clayton, Dunford, Seying, & Pryce, 2001), which was likely the case herein; thus, it is not surprising that most groups in this experiment were pro-acquittal at the end of the allotted time for jury deliberation.

An unanticipated finding was the effect that gender had on conviction rating, with females leaning more towards a verdict of guilty both pre- (60%) and post-jury deliberation (40%). This could be because juries composed mostly of women tend to convict a male defendant more often than juries with a lower proportion of women in a rape case such as the

mock trial employed in both of these experiments (Fischer, 1997), presumably because they identify most strongly with the female victim (e.g., “Misha”) in the case.

### *Research Implications*

The primary implications of these findings are that MS and camera angle may interact to significantly influence how a jury member decides a case both individually and as a part of the larger jury group. Attorneys may modify their strategies accordingly. For instance, defense attorneys may want to focus squarely on the details of the death penalty (in a capital case) and the juror’s own mortality—thereby heightening jurors’ mortality salience—as well as commonalities between the suspect and jurors in order to accentuate the jurors’ identification with the suspect. Conversely, the prosecution may want to focus instead on the victim, especially if they are able to select a jury that is similar to the victim in important characteristics such as gender.

### *Limitations & Future Research*

Both studies above have limitations to be addressed in future research. One limitation was the gender of the suspect (male), the victim (female), and the interrogator (male), as well as the fact that both suspect and interrogator were Caucasian college students. By switching the gender—and perhaps the ethnicity—of the three key figures in the study, results might reveal a different pattern and shed light on how and under what conditions juror identification is maximized with suspect, victim, and interrogator. Moreover, the interaction between MS and camera angle found in Study I was only partially replicated—after group deliberation but not individually—in Study II, and thus it is still not possible to ascertain whether these findings represent true MS effects or merely the effects of sentencing (e.g., death penalty). Future research should be conducted to determine how TMT influences jurors in a variety of different cases and formats. For instance, a study could examine whether gory crime scene photographs may also act as MS primes and reduce guilt ratings when identification with the suspect is maximized.

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