

Content downloaded/printed from

[HeinOnline](#)

Fri Sep 20 09:14:41 2019

Citations:

Bluebook 20th ed.

Peter J. van Koppen; Dick J. Hessing; Christianne J. de Poot, Public Reasons for Abolition and Retention of the Death Penalty, 12 Int'l Crim. Just. Rev. 77 (2002).

APA 6th ed.

van Koppen, P. J.; Hessing, D. J.; de Poot, C. J. (2002). Public Reasons for Abolition and Retention of the Death Penalty. International Criminal Justice Review, 12, 77-92.

ALWD

van Koppen, P. J.; Hessing, D. J.; de Poot, C. J. (2002). Public Reasons for Abolition and Retention of the Death Penalty. Int'l Crim. Just. Rev., 12, 77-92.

Chicago 7th ed.

Peter J. van Koppen; Dick J. Hessing; Christianne J. de Poot, "Public Reasons for Abolition and Retention of the Death Penalty," International Criminal Justice Review 12 (2002): 77-92

McGill Guide 9th ed.

Peter J van Koppen, Dick J Hessing & Christianne J de Poot, "Public Reasons for Abolition and Retention of the Death Penalty" (2002) 12 Intl Crim Justice Rev 77.

MLA 8th ed.

van Koppen, Peter J., et al. "Public Reasons for Abolition and Retention of the Death Penalty." International Criminal Justice Review, 12, 2002, p. 77-92. HeinOnline.

OSCOLA 4th ed.

Peter J van Koppen and Dick J Hessing and Christianne J de Poot, 'Public Reasons for Abolition and Retention of the Death Penalty' (2002) 12 Int'l Crim Just Rev 77

-- Your use of this HeinOnline PDF indicates your acceptance of HeinOnline's Terms and Conditions of the license agreement available at

<https://heinonline.org/HOL/License>

-- The search text of this PDF is generated from uncorrected OCR text.

-- To obtain permission to use this article beyond the scope of your license, please use:

[Copyright Information](#)

Use QR Code reader to send PDF to your smartphone or tablet device



PUBLIC REASONS FOR ABOLITION AND RETENTION OF THE DEATH PENALTY*

**Peter J. van Koppen, Dick J. Hessing,
and Christianne J. de Poot**

This article compares attitudes toward capital punishment in the United States and in Europe. Views on the death penalty in the Netherlands are discussed, and similarities are drawn with opinions held throughout Western Europe. Data from several nations are compared, and the article examines why some countries retain the death penalty while most do not. The authors conclude that differences across countries may be explained by different political structures. Specifically, countries with two political parties are more likely to retain the death penalty than countries with multiple political parties.

A Gallup poll conducted in June 2000 revealed that 66 percent of the population of the United States were in favor of imposing the death penalty for murder. A May 2001 poll conducted by the Pew Research Center for People and the Press also reported that 66 percent of Americans supported capital punishment (Kohut, 2001). These polls show that support for the death penalty is slightly down in the United States compared to 1994 polls that showed support at 80 percent. Even with this slippage, the U.S. is at odds with most of the developed world. In fact, in most countries around the world, the trend is toward abolition of the death penalty, and there has been a remarkable increase in the number of abolitionist countries in the past two decades (Hood, 2001). In Western Europe, the death penalty has been abolished, many years ago in some countries. Support for the death penalty in the U.S. is difficult for most Europeans to understand ("Europe's View of the Death Penalty," 2001), especially at a time when some U.S. policy makers have called for a moratorium, and the unjustness of the death penalty has been widely reported in the American media.

In this article, we examine the reasons why reintroduction of the death penalty in Europe, compared to the United States, is highly unlikely. Views on capital punishment in the Netherlands are discussed as typical for most Western European countries. We then present quantitative data on the Netherlands and the United States and undertake a worldwide comparison to assess the reasons why some countries still retain the death penalty.

*The authors thank editor Michael S. Vaughn and three anonymous reviewers for their comments on an earlier draft of this article.

A HISTORY OF ABOLITION

During the course of the Middle Ages, the first resistance against the death penalty emerged in Europe (Willems, 1994). Since that time, resistance has only grown, to such an extent that most Western industrialized countries abolished the death penalty between the middle of the nineteenth and the middle of the twentieth century, either in practice or by law (Hood, 1996), with the United States the most important exception (Baird & Rosenbaum, 1995).

Many arguments have been put forward against the death penalty. The first well-known criminologist who explained these arguments may have been Cesare Beccaria (1764/1963). With very few exceptions, Beccaria considered the death penalty to be neither just nor effective. Subsequent research supported Beccaria's position. The death penalty does not have a general deterrent effect on murder (Bailey & Peterson, 1994, 1999; Peterson & Bailey, 1991; Waldo, 1981). Some researchers did find such an effect (Ehrlich, 1975, 1977; Phillips, 1980), but others found a brutalizing effect, i.e., an increase in homicide rates after executions took place (Bowers, 1988; Bowers & Pierce, 1980; King, 1978). This latter, counter-intuitive effect is usually explained by the fact that, in imposing the death penalty, a government broadcasts that there is a right to inflict death upon those who commit serious wrongdoing (Amsterdam, 1982; Bedau, 1982; Bowers, 1984). An explanation for these mixed results on the effect of the death penalty on murder rates is given by Cochran, Chamlin, and Seth (1994), who demonstrated that executions might have a deterrent effect on some types of homicide, e.g., non-stranger felony murders, and a brutalizing effect on other types, e.g., argument-based murders of strangers (Bailey, 1998; Cochran & Chamlin, 2000). Finally, the death penalty is considerably more expensive than life imprisonment (Spangenberg & Walsh, 1989), at least if one maintains a more or less civilized procedure in imposing this penalty.

The death penalty does provide for special safeguards, but there exists no guarantee that the penalty is indeed imposed on the real perpetrator. Bedau and Radelet identified more than 400 American capital cases and potential capital cases in the twentieth century in which the wrong person was convicted (Bedau & Radelet, 1987; Radelet, Bedau, & Putnam, 1992). These wrongful convictions continue to occur (Radelet, Lofquist, & Bedau, 1996). Gross (1996) gave an intriguing account of the mechanisms that may cause miscarriages of justice in capital cases. He demonstrated that the characteristics of these kinds of cases make them especially prone to produce wrongful convictions. Besides all that, the death penalty is a racially discriminatory measure, because relatively many nonwhites are given this punishment (Bowers, 1984), especially if the victim was white rather than nonwhite (Baldus, Woodworth, & Pulaski, 1990; Gross & Mauro, 1989).

Despite the arguments against the death penalty, supporters of capital punishment exist in all countries. However, the percentage of supporters varies from country to country.

SUPPORT FOR THE DEATH PENALTY

Why do people support the death penalty? A very simple explanation would be that the supporters do not know the arguments against the death penalty or have been misinformed. However, it is not as simple as that. Former Justice Thurgood Marshall of the U.S. Supreme Court gave the following explanation in *Furman v. Georgia* (1972): The population is not well informed on the death penalty; if they were informed, a large majority would oppose the death penalty; however, to the extent that support for the death penalty is based on retribution or revenge, more information does not increase opposition to the death penalty.

Marshall's hypotheses have garnered some empirical support (Sarat & Vidmar, 1976; Vidmar & Dittenhoffer, 1981). Although Bohm, Clark, and Aveni (1991) found that some individuals opposed capital punishment after becoming informed, support rebounded after two to three years (Bohm, Vogel, & Maisto, 1993). Thus, there is limited support for the assertion that the better informed part of the population are more opposed to the death penalty. At the same time, retribution plays a role: If individuals are led by retribution for their support of the death penalty, information will not influence their point of view. That is obvious, because the arguments against the death penalty do not address revenge (Hart, 1968, pp. 71–89). Sister Helen Prejean, however, has developed the argument that there is an important difference between deserving to die—which is the essence of the revenge argument—and the right to kill. If there are individuals who deserve to die, that does not compel the conclusion that they must die or that the state has the right to kill them (Prejean, 1994).

Marshall's reasoning has another consequence. It can be expected that, if people are confronted with hideous crimes and crimes that evoke a desire for revenge among the general public, support for the death penalty will grow. In a sense, Marshall's arguments may lead to the conclusion that adversaries of the death penalty are more or less guided by the rationale against executions, while proponents tend to be guided by the emotions surrounding feelings of revenge (Ellsworth & Ross, 1983). Thus, the question remains: Why is the support greater in some countries than in others, and, more importantly, why have some countries abolished the death penalty while others have not?

METHOD

To develop insight into this question, we undertook some different avenues. First, we looked at developments in popular support for the death penalty in both the Netherlands and the United States, using survey data gathered in these countries over the years. Second, we analyzed data from a larger number of countries to reveal differences between countries that still retain the death penalty and countries that have abolished it. For that, we turned to the Gallup Millennium Survey and the

Human Development Report. These provided us with data on support for the death penalty in each country, as well as some measures of the level of education, the level of democracy, and the level of crime. We would have liked to include a measure of penal attitude for each country but were unable to identify one.

LEVELS OF SUPPORT IN THE NETHERLANDS

In examining why countries differ in level of support, we took the Netherlands as exemplary for Western Europe, where the death penalty has been universally abolished. Nevertheless, in Western Europe support differs between countries, and over time: In the Gallup Poll (Gallup Organization, 2000), Norway scored the least support with 16 percent, while support in the United Kingdom reached 50 percent; the Netherlands was right in the middle with 35 percent support.

Part of our explanation for different levels of support comes from the extent to which the general public is confronted with or is familiar with the death penalty. In capital cases in the United States, for instance, prospective jurors are asked during voir dire whether they would be willing to consider imposing the death penalty in that particular case. If they answer this question with a "no," they are routinely excused. For the remaining jurors, the fact that they answered this question with a "yes" increases the probability that they will indeed convict and sentence to death in that particular case (Haney, 1984). The reason for the latter effect is that often a public acknowledgment that one is willing to impose the death penalty lowers the threshold for in fact imposing it (Ellsworth, 1993; Ellsworth & Gross, 1994; Thompson, Cowan, Ellsworth, & Harrington, 1984). Likewise, it can be expected that, if the population are exposed to the death penalty via media attention, they are more familiar with it and are more likely to support it. We call this the "status quo effect": Because Americans have capital punishment, they think that it must be effective (why else would we have it?) and, correspondingly, because Europeans do not have it, they think that it must be cruel or ineffective (why else would we have abolished it?).

The same effect may be partly due to the fact that, in countries where the death penalty is routinely imposed, more individuals have an opinion on the death penalty. Present-day Dutch, for example, have never encountered an execution in their country. If executions occurred with any frequency, a larger part of the population would form an opinion, and our contention is that, with more executions, individuals' opinions move from having "no opinion" to being more likely to support the death penalty. In the United States, the category "neutral" is usually not more than 10 percent (Maguire & Pastore, 1994; see also Table 3), whereas the percentage of individuals with "no opinion" in the Netherlands oscillates around 15 percent (see Table 1). Midgley (1974) supported this contention, finding that 57 percent of South Africans supported the death penalty, 40 percent opposed it, and

only 3 percent were neutral.¹ This line of reasoning, however, is not supported by the world data (see below).

Table 1

Opinions on the Death Penalty in the Netherlands, Selected Years, 1970-1996 (Percentages)

Year of survey	Against	Neutral	In favor
1970	51	13	36
1975	39	17	44
1980	46	16	37
1985	47	13	39
1987	48	14	38
1991	48	17	35
1993	42	16	43
1996	32	16	52

Note. Data from 1970-1993 are from *Sociaal en Cultureel Rapport 1994*, by Sociaal Cultureel Planbureau, 1994, Rijswijk, The Netherlands: Author. Data from 1996 are from "De Doodstraf," by P. J. van Koppen, 1997, in *Nederlands Over Criminaliteit en Rechtshandhaving* (pp. 67-74), by K. Wittebrood, J. A. Michon, and M. J. ter Voert (Eds.), Deventer, The Netherlands: Gouda Quint.

Levels of support vary not only between countries but also within countries over time. Over the last few decades, the Dutch Sociaal Cultureel Planbureau regularly surveyed the Dutch population with the question "Should the judge be able to impose the death penalty for certain crimes?" Between 1970 and 1991, between 35 percent and 43 percent of respondents answered "yes" to this question. In 1996, van Koppen (1997) repeated this survey ($N = 1,922$) and reported that for the first time a majority (52 percent) in the Netherlands favored capital punishment.

This figure needs some explanation before conclusions can be drawn. Similarly to previous surveys, van Koppen (1997) found 16 percent of respondents to be neutral. This means that the salience of the death penalty for Dutch citizens has probably not changed. The dramatic rise in respondents' support for the death penalty can be explained by examining responses to the follow-up item for supporters of capital punishment: "Please name two crimes for which the judge should be able to impose the death penalty." The results are shown in Table 2.

¹In those days, South Africa was one of the countries with the highest number of executions each year—more than 1,100 between 1981 and 1990. On June 6, 1995, the Constitutional Court decided in *State v. T. Makwanyane and M. Mchunu* (CCT3/94 (6 June 1995) 1995 (3) SA 391 (CC)) that the death penalty was at odds with the South African interim constitution.

Table 2

Crimes for Which the Judge Should Be Able to Impose the Death Penalty, Among Proponents of the Death Penalty in the 1996 Survey in the Netherlands (N = 995)

	Percentage of proponents
Murder	54
Incest, child abuse	48
Serial killing	44
Rape	19
Drugs trade	4
Kidnapping	3
Something else	8
"Dutroux," "like in Belgium," etc.	5
Do not know, cannot mention anything	1

Note. Percentages do not add to 100 because each respondent was permitted to name two types of crime. From "De Doodstraff," by P. J. van Koppen, 1997, in *Nederlands Over Criminaliteit en Rechtspraak* (pp. 67-74), by K. Wittebrood, J. A. Michon, and M. J. ter Voert (Eds.), Deventer, The Netherlands: Gouda Quint.

The most interesting result is the category "something else." In this category, combinations of crimes were mentioned, but all 5 percent of the respondents mentioned the Marc Dutroux case. In 1996, the Belgian police discovered that Dutroux had kidnapped a number of children and young women. Even while this article is being written in the summer of 2002, it remains unclear how many victims he killed; the Dutroux trial is not scheduled to start before 2004. He locked them in a cellar, abused them, and tortured them for an extended period of time, after which the victims either were killed or starved to death. The Belgian police saved two girls just in time. Dutroux apparently committed the crimes in an organized and barbaric manner, and the discovery of his crimes caused much uproar in Belgium. Public distress in the Netherlands mirrored the Belgian reaction. Part of the public outrage over this case was related to the extremely incompetent manner in which the police handled the investigation and the dreadful lack of cooperation between the various Belgian police forces.

Because the 1996 survey was administered at the height of the public's consciousness over the Dutroux case, the data suggest that this particular crime and the general call for retribution against "people like" Dutroux contributed to the

dramatic rise in support for the death penalty in the Netherlands.² Thus it can be hypothesized that, as the uproar on the Dutroux case diminishes, support for the death penalty will diminish again. The opportunity to test this hypothesis may not turn up for some time, because it is expected that the case will not come to trial for several years.

As in other studies, van Koppen (1997) found that support for the death penalty was related to the level of education of the respondents. Support gradually dropped from 62 percent among those with the lowest level of education to 32 percent among those with the highest level of education. More striking is the reaction of the political elite to the publication of the results of van Koppen's survey. Immediately after publication, the Minister of Justice, Sorgdrager, stated on television that a majority support for the death penalty would not in any way induce her to reconsider the firm Dutch policy of maintaining the abolition of the death penalty. Spokespersons for all of the political parties in parliament concurred.

The political elite seem to play an important role in the abolitionist movement in Europe. For instance, one firm requirement for membership of countries in the European Union is that the death penalty has been abolished.

LEVELS OF SUPPORT IN THE UNITED STATES

The reaction of politicians in the United States to capital punishment is markedly different. Here, political opposition to the death penalty is more risky, although the recent slippage in public support for capital punishment in the U.S. may be leading to greater reservations about its use (*Atkins v. Virginia*, 2002; Kohut, 2001). Katherine Beckett has argued that the widespread political support for the death penalty—and for a tough fight on crime in general—is generated by the political elite themselves (Beckett, 1997; Beckett & Sasson, 2000; Chambliss, 1999; Dyer, 2000). The political elite, supported by the media, have bolstered an increasingly punitive crime-control approach to social problems, even in times when both crime rates and drug use have been dropping. According to Beckett, government policy on this point has not been shaped by public opinion as much as by the political elite. Perhaps an explanation for the difference between most of the United States and Western Europe is that, although sometimes a majority of the population in a European country are in favor of the death penalty, the European political elite do not follow these sentiments, whereas the American political elite steer public opinion into the direction of being tough on crime. Usually, the proponents of the death penalty in Europe are a minority, although a substantial minority. Because

²A similar retributive effect was reported recently in the United States. As previously mentioned, the Pew Center conducted a poll in May 2001, finding that 66 percent of Americans supported capital punishment, down from 80 percent in 1994. The same poll reported that 75 percent of respondents favored the execution of Oklahoma bomber Timothy McVeigh. An April 2001 Gallup poll also reported that 22 percent of Americans who opposed the death penalty wanted to see McVeigh executed (Kohut, 2001). Thus, perhaps the celebrated cases of Dutroux and McVeigh pique the public's consciousness and increase retributive support for the death penalty.

support only periodically reaches a majority (usually after a high-profile case), the European political elite can follow Beccaria's dictum: that the death penalty is unjust and inefficient.

Some, however, argue that the public debate is gradually shifting toward abolition in the United States (Radelet & Borg, 2000). From 1966, support for the death penalty in the U.S. rose from 42 percent to 80 percent in 1994; since then, it has steadily declined (see Table 3). This may be caused by, or is at least paralleled with, a diminishing concern for the level of crime among Americans (see Table 4; comparable figures are not available for the Netherlands).

Table 3

Attitudes Toward the Death Penalty in the United States, Selected Years, 1966–2001 (Percentages)

	Question: Are you in favor of the death penalty for a person convicted of murder?		
	For	Against	No opinion
1966	42	47	11
1967	54	38	8
1969	51	40	9
1971	49	40	11
1972	57	32	11
1976	66	26	8
1978	62	27	11
1981	66	25	9
1985	75	17	8
1986	70	22	8
1988	79	16	5
1991	76	18	6
1994	80	16	4
1995	77	13	10
1999	71	22	7
2000	66	26	8
2001	67	25	8

Note. From *The Gallup Poll*, by the Gallup Organization, 2001. Retrieved June 25, 2001, from http://www.gallup.com/poll/indicators/indeath_pen.asp

Table 4

Attitudes Toward Level of Crime in the United States, Selected Years, 1989-2000 (Percentages)

	Question: Is there more crime in the U.S. than there was a year ago, or less?		
	More	Less	Same/no opinion
1989	84	5	11
1990	84	3	13
1992	89	3	8
1993	87	4	9
1996	71	15	14
1997	64	25	11
1998	52	35	13
2000	47	41	13

Note. From *The Gallup Poll*, by the Gallup Organization, 2000. Retrieved July 20, 2000, from <http://www.gallup.com/poll/indicators/indcrime.asp>

WORLDWIDE COMPARISON

A worldwide comparison (based on the Gallup International Millennium Survey and the Human Development Report Office, 1999) reveals differences between countries, depending on whether a country still retains the death penalty and other social, educational, and political factors. Only countries with sufficient data were included in the analysis (see the listing at the bottom of Table 5). Based on the discussion above, it can be expected that more developed countries with a better educated populace and with more democratic participation would have abolished the death penalty and would have a population who are less in favor of the death penalty. We added data on the level of crime in these countries in order to control for the possibility that levels of crime may influence the two dependent variables.

We did univariate analyses with the relevant variables as well as a regression analysis in which retention or abolition and the level of support were predicted. The latter was only done with the variables that were significantly related to either retention versus abolition or the level of support or to both.

As expected, Table 5 shows that the population in countries with the death penalty favor it (62 percent) compared to those in countries without the death penalty (30 percent). Worldwide data, however, do not support our hypothesis that countries that are familiar with implementation of the death penalty have fewer "no opinions" and countries that do not have the death penalty have more "no opinions." In fact, 8.4 percent were found to have no opinion in both retentionist and

abolitionist countries. It should be noted that this finding does not give an indication of the causal relationship between retention versus abolition and the level of support for the death penalty. For that, time series analyses would be needed. Thus, it may be that the death penalty is retained in a country because of continuing public support or that support for the death penalty remains high because the death penalty is retained.

Thurgood Marshall hypothesized that less educated people are more inclined to favor the death penalty. It can be expected, then, that countries with a less educated population more often retain the death penalty and have more individuals who are in favor of its application. On the country level, however, the data are far from clear. Some of the variables by which we tried to measure the level of education in the countries predict retention versus abolition (see Table 5), while others do not. There is only a significant relationship between the number of scientists in a country and the percentage of the population favoring the death penalty (see Table 6).³

The role of the political elite, as described above, seems to be supported by the worldwide data. In abolitionist countries, a significantly larger number of people voted in the most recent election than in retentionist countries (see Table 5). The same type of relationship is found with the percentage favoring the death penalty: More voters means less support for the death penalty (see Table 6). More interesting is the relationship that we found between the number of political parties in the lower or single house of parliament (see Table 5). Supporting our discussion above, countries without the death penalty have more political parties. Apparently, the presence of more parties gives politicians the leeway to be involved in more nuanced discussions on the death penalty, while single- or dual-party systems press politicians to take firm stances. However, this relation is not very strong; because of the correlations with the level of education, this relation was not found to be significant in the regression analysis.

Prevalence of the death penalty and opinions on the death penalty are not related to the level of reported crime in these countries (see Table 6). Thus, in general, more crime does not equate to more proponents of capital punishment. In fact, the one exception that we found in the univariate analyses is in the opposite direction: More drug crimes means less support for the death penalty.

³The results do not change if the U.S. is excluded from the analysis.

Table 5

Relations Between Application of the Death Penalty in a Country and Other Country Variables ($N = 51$)

	Means		Univariate analysis			Regression analysis ^c		
	Retentionist ^a	Abolitionist ^b	<i>F</i>	<i>df</i>	<i>p</i> <	β	<i>t</i>	<i>p</i> <
Human development index	61.9	49.5	2.2	1,48	<i>ns</i>	.49	1.74	<i>ns</i>
Opinions on death penalty								
Percentage favoring death penalty	61.5	42.3	12.9	1,49	.001	.51	2.58	.05
Percentage against death penalty	30.1	49.3	13.0	1,49	.001	-. ^d		
Percentage no opinion on death penalty	8.4	8.4	0.0	1,49	<i>ns</i>	-. ^d		
Education								
Adult literacy rate, 1997	84.3	92.7	2.1	1,25	<i>ns</i>			
Enrollment rate primary education, % of relevant age group, 1997	93.2	96.3	0.6	1,38	<i>ns</i>			
Enrollment rate secondary education, % of relevant age group, 1997	75.4	88.1	6.0	1,37	.05	-.84	-2.82	.01
Enrollment rate tertiary and science education, % of relevant age group, 1995	31.4	33.3	0.3	1,33	<i>ns</i>			
Scientists and technicians per 1000, 1990-1996	2.1	2.7	0.8	1,39	<i>ns</i>	.33	1.40	<i>ns</i>
Public expenditure on education, as % of GNP, 1996	3.9	5.1	4.7	1,46	.05	-.07	-.42	<i>ns</i>
Democracy								
Voter turnout latest election, %	61.8	70.8	3.9	1,44	.05	.01	.02	<i>ns</i>
Number of political parties represented in lower or single house	5.3	7.1	4.7	1,45	.05	-.27	-1.85	<i>ns</i>
Crime								
Prisoners per 100,000 population, 1994	173.9	267.0	0.7	1,36	<i>ns</i>			
Juvenile prisoners per 100,000 population, 1994	6.0	4.4	0.2	1,16	<i>ns</i>			
Intentional homicides per 100,000 population, 1994	5.9	9.1	0.4	1,38	<i>ns</i>			
Drug crimes per 100,000 population, 1994	31.9	106.7	1.8	1,35	<i>ns</i>	-.01	-.06	<i>ns</i>
Recorded rapes, in 1000s, 1994	13.2	2.8	2.7	1,36	<i>ns</i>			
Constant						1.31		<i>ns</i>
R^2						.50		

^aBulgaria, Cameroon, Japan, Kazakhstan, Korea, Former Yugoslav Republic of Macedonia, Malaysia, Pakistan, Philippines, Singapore, Taiwan, Thailand, United States.

^bArgentina, Armenia, Belarus, Belgium, Canada, Chile, Colombia, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Ghana, Hong Kong, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Mexico, Netherlands, Nigeria, Norway, Peru, Poland, Romania, Russian Federation, Slovakia, Spain, Sweden, Switzerland, Ukraine, United Kingdom, Uruguay.

^cOnly variables are included in regression analysis that were significant at a univariate level in either or both of Tables 5 and 6.

^dNot included in analysis because of redundancy with "favor" variable.

Table 6

Correlations With Percentage of Population Favoring the Death Penalty in Each Country

	Univariate analysis			Regression analysis ^a		
	<i>N</i>	<i>r</i>	<i>p</i> <	β	<i>t</i>	<i>p</i> <
Human development index	50	.36	.05	.32	1.15	<i>ns</i>
Education						
Adult literacy rate, %, 1997	27	-.24	<i>ns</i>			
Enrollment rate primary education, % of relevant age group, 1997	40	-.01	<i>ns</i>			
Enrollment rate secondary education, % of relevant age group, 1997	39	-.23	<i>ns</i>	.47	1.67	<i>ns</i>
Enrollment rate tertiary and science education, % of relevant age group, 1995	35	.08	<i>ns</i>			
Scientists and technicians per 1000, 1990-1996	41	-.36	.05	-.20	-.94	<i>ns</i>
Public expenditure on education, as % of GNP, 1996	48	-.27	<i>ns</i>	-.14	-.84	<i>ns</i>
Democracy						
Voter turnout latest election, %	46	-.39	.01	-.40	-2.67	.05
Number of political parties represented in lower or single house	47	-.15	<i>ns</i>	-.16	-1.52	<i>ns</i>
Crime						
Prisoners per 100,000 population, 1994	38	.28	<i>ns</i>			
Juvenile prisoners per 100,000 population, 1994	18	.37	<i>ns</i>			
Intentional homicides per 100,000 population, 1994	40	.01	<i>ns</i>			
Drug crimes per 100,000 population, 1994	37	-.50	.001	-.32	-1.93	<i>ns</i>
Recorded rapes, in 1000s, 1994	38	.20	<i>ns</i>			
Constant					2.81	.01
<i>R</i> ²					.46	

Note. See Table 5 for a list of countries in the analysis.

^aOnly variables are included in regression analysis that were significant at a univariate level in either or both of Tables 5 and 6.

CONCLUSION

The United States and Europe, of which we took the Netherlands as an example, differ in the percentage of people who usually support the death penalty. We have argued that a majority of Americans force the political elite to support the death penalty. Because in European countries the supporters of the death penalty usually form a minority, politicians are not persuaded to put the death penalty on the political agenda, and the political elite take the lead in forming the political agenda. In Europe that agenda, with few exceptions, reflects the point of view that the death penalty should remain abolished, whereas in the United States retention of the death penalty fits into the predominant political support for a tough-on-crime policy. It may be that the most important factor in keeping the death penalty out of Europe and keeping it in the United States is the lead that the political elite take, supported by public sentiments on the death penalty.

By using Thurgood Marshall's hypotheses—that the population are not well informed on the death penalty, that if they were well informed a large majority would oppose the death penalty, and that, insofar as support for the death penalty is based on retribution or revenge, more information does not increase opposition to the death penalty—we have attempted to explain why capital punishment is abolished in some countries and not in others and why there is much more public support for the death penalty in some countries than in others. Comparing some relevant characteristics of countries worldwide showed that in retentionist countries the death penalty is more widely supported than in countries where the death penalty has been abolished. Inasmuch as we did not find any variables that give a solid explanation for differences in public support in different countries, such differences may very well be caused by a status quo effect—"why else would we have it?" versus "why else would we have abolished it?"

Politicians can play a major role in leading public attitudes on the death penalty. The remarkable difference in this respect between the Netherlands, where no political party has any inclination to support reintroduction of capital punishment, and the United States, where denunciation of capital punishment is politically risky, may be related to differences in the political structure of the two countries. In a two-party system, politicians seem to be forced to take stronger positions than in countries with multiple parties. This is further supported by the worldwide data, where abolitionist countries are shown to have more political parties represented in the lower house of parliament than retentionist countries.

By way of a hypothesis, we would like to add an observation, which may additionally explain the differences in support for the death penalty in Europe and the United States. Let us put this difference under a catchword and say that in the United States a punitive-retributive philosophy is applied. From the European perspective, justice in the United States appears to be much more extreme and much tougher than what is practiced on the Continent (van Koppen & Penrod, in press).

The American system seems to be much tougher on perpetrators, if one considers the three-strikes laws (Skolnick, 1995), the use of sentencing guidelines and mandatory minimum sentences (von Hirsch, 1989), and/or the quality of U.S. prisons (Vaughn & Smith, 1999). It also involves secondary victimization for victims and other witnesses, where, for example, children testify in open court (Goodman & Bottoms, 1993), a practice that is anathema in the Netherlands. In such a punitive–retributive culture of criminal justice, the death penalty fits in much better than in the more lenient criminal legal culture of Europe. Under this view, the death penalty in the United States mirrors the “penal harm” version of punishment established here.

REFERENCES

- Amsterdam, A. (1982). Capital punishment. In H. A. Bedau (Ed.), *The death penalty in America* (pp. 346–358). New York: Oxford University Press.
- Atkins v. Virginia, 122 S. Ct. 2242 (2002).
- Bailey, W. C. (1998). Deterrence, brutalization, and the death penalty: Another examination of Oklahoma’s return to capital punishment. *Criminology*, 36, 711–733.
- Bailey, W. C., & Peterson, R. D. (1994). Murder, capital punishment, and deterrence: A review of the evidence and an examination of police killings. *Journal of Social Issues*, 50, 53–74.
- Baird, R. M., & Rosenbaum, S. E. (Eds.). (1995). *Punishment and the death penalty*. Buffalo: Prometheus.
- Baldus, D. C., Woodworth, G., & Pulaski, C. A. (1990). *Equal justice and the death penalty: A legal and empirical analysis*. Boston: Northeastern University Press.
- Beccaria, C. (1963). *On crime and punishment (1764)* (H. Paolucci, Trans.). Indianapolis: Bobbs-Merrill. (Original work published 1764)
- Beckett, K. (1997). *Making crime pay: Law and order in contemporary American politics*. New York: Oxford University Press.
- Beckett, K., & Sasson, T. (2000). *The politics of injustice: Crime and punishment in America*. Thousand Oaks, CA: Pine Forge.
- Bedau, H. A. (Ed.). (1982). *The death penalty in America* (3rd ed.). New York: Oxford University Press.
- Bedau, H. A., & Radelet, M. L. (1987). Miscarriages of justice in potential capital cases. *Stanford Law Review*, 40, 21–179.
- Bohm, R. M., Clark, L. J., & Aveni, A. F. (1991). Knowledge and death penalty opinion: A test of the Marshall hypothesis. *Journal of Research in Crime and Delinquency*, 28, 360–387.
- Bohm, R. M., Vogel, R. E., & Maisto, A. A. (1993). Knowledge and death penalty opinion: A panel study. *Journal of Criminal Justice*, 21, 29–45.
- Bowers, W. J. (1984). *Legal homicide: Death as punishment in America, 1864–1982*. Boston: Northeastern University Press.
- Bowers, W. J. (1988). The effect of executions is brutalization, not deterrence. In K. C. Haas & J. A. Inciardi (Eds.), *Challenging capital punishment: Legal and social science approaches* (pp. 49–90). Newbury Park, CA: Sage.
- Bowers, W. J., & Pierce, G. (1980). Deterrence or brutalization: What is the effect of executions? *Crime and Delinquency*, 26, 453–484.
- Chambliss, W. J. (1999). *Power, politics, and crime*. Boulder, CO: Westview.
- Cochran, J. K., & Chamlin, M. B. (2000). Deterrence and brutalization: The dual effects of executions. *Justice Quarterly*, 17, 685–706.
- Cochran, J. K., Chamlin, M. B., & Seth, M. (1994). Deterrence or brutalization? An impact assessment of Oklahoma’s return to capital punishment. *Criminology*, 32, 107–134.
- Dyer, J. (2000). *The perpetual prison machine: How America profits from crime*. Boulder, CO: Westview.
- Ehrlich, I. (1975). The deterrent effect of capital punishment: A question of life and death. *American Economic Review*, 65, 397–417.

- Ehrlich, I. (1977). Capital punishment and deterrence. *Journal of Political Economy*, 85, 741–788.
- Ellsworth, P. C. (1993). Some steps between attitudes and verdicts. In R. Hastie (Ed.), *Inside the jury: The psychology of juror decision making* (pp. 42–64). Cambridge, MA: Cambridge University Press.
- Ellsworth, P. C., & Gross, S. R. (1994). Hardening of the attitudes: Americans' views on the death penalty. *Journal of Social Issues*, 50, 19–52.
- Ellsworth, P. C., & Ross, L. (1983). Public opinion and capital punishment: A close examination of the views of abolitionists and retentionists. *Crime and Delinquency*, 29, 116–169.
- Europe's view of the death penalty. (2001, May 13). *New York Times*, sec. 4, p. 12.
- Furman v. Georgia, 408 U.S. 238 (1972).
- Gallup Organization. (2000). *The Gallup poll*. Retrieved July 20, 2000, from <http://www.gallup.com/poll/indicators/indcrime.asp>.
- Gallup Organization. (2001). *The Gallup poll*. Retrieved June 25, 2001, from http://www.gallup.com/poll/indicators/inddeath_pen.asp.
- Goodman, G. S., & Bottoms, B. L. (Eds.). (1993). *Child victims, child witnesses: Understanding and improving testimony*. New York: Guilford.
- Gross, S. R. (1996). The risks of death: Why erroneous convictions are common in capital cases. *Buffalo Law Review*, 44, 469–500.
- Gross, S. R., & Mauro, R. (1989). *Death and discrimination: Racial disparity in capital sentencing*. Boston: Northeastern University Press.
- Haney, C. (1984). On the selection of capital juries: The biasing effects of the death-qualification process. *Law and Human Behavior*, 8, 121–132.
- Hart, H. L. A. (1968). *Punishment and responsibility*. Oxford, NY: Clarendon.
- Hood, R. (1996). *The death penalty: A world-wide perspective* (2nd ed.). Oxford, NY: Clarendon.
- Hood, R. (2001). Capital punishment: A global perspective. *Punishment and Society*, 3, 331–354.
- Human Development Report Office. (1999). *Globalization with a human face*. New York: United Nations (United Nations Development Programme, Human Development Report Office).
- King, D. R. (1978). The brutalization effect: Execution publicity and the incidence of homicide in South Carolina. *Social Forces*, 57, 683–687.
- Kohut, A. (2001, May 10). The declining support for executions. *New York Times*, p. 29A.
- Maguire, K., & Pastore, A. L. (1994). *Bureau of Justice Statistics sourcebook of criminal justice statistics 1993*. Washington, DC: U.S. Department of Justice.
- Midgley, J. (1974). Public opinion and the death penalty in South Africa. *British Journal of Criminology*, 14, 345–358.
- Peterson, R. D., & Bailey, W. C. (1991). Felony murder and capital punishment: An examination of the deterrence question. *Criminology*, 29, 367–395.
- Phillips, D. D. (1980). The deterrent effect of capital punishment: Evidence on an old controversy. *American Journal of Sociology*, 86, 139–148.
- Prejean, H. (1994). *Dead man walking*. New York: Vintage.
- Radelet, M. L., Bedau, H. A., & Putnam, C. E. (1992). *In spite of innocence: Erroneous convictions in capital cases*. Boston: Northeastern University Press.
- Radelet, M. L., & Borg, M. J. (2000). The changing nature of death penalty debates. *Annual Review of Sociology*, 26, 43–61.
- Radelet, M. L., Lofquist, W. S., & Bedau, H. A. (1996). Prisoners released from death rows since 1970 because of doubts about their guilt. *Thomas M. Cooley Law Review*, 13, 907–966.
- Sarat, A., & Vidmar, N. (1976). Public opinion, the death penalty, and the Eighth Amendment: Testing the Marshall hypothesis. *Wisconsin Law Review*, 1, 171–206.
- Skolnick, J. H. (1995). What not to do about crime: The American Society of Criminology 1994 Presidential Address. *Criminology*, 33, 1–15.
- Sociaal Cultureel Planbureau. (1994). *Sociaal en cultureel rapport 1994*. Rijswijk, The Netherlands: Sociaal Cultureel Planbureau.
- Spangenberg, R. L., & Walsh, E. R. (1989). Capital punishment or life imprisonment. *Loyola of Los Angeles Law Review*, 23, 45–58.
- Thompson, W. C., Cowan, C. L., Ellsworth, P. C., & Harrington, J. C. (1984). Death penalty attitudes and conviction proneness: The translation of attitudes into verdicts. *Law and Human Behavior*, 8, 133–151.

- van Koppen, P. J. (1997). De doodstraf. In K. Wittebrood, J. A. Michon, & M. J. ter Voert (Eds.), *Nederlanders over criminaliteit en rechtshandhaving* (pp. 67–74). Deventer, The Netherlands: Gouda Quint.
- van Koppen, P. J., & Penrod, S. D. (in press). The John Wayne and Judge Dee versions of justice. In P. J. van Koppen & S. D. Penrod (Eds.), *Adversarial versus inquisitorial justice: Psychological perspectives on criminal justice systems*. New York, NY: Plenum.
- Vaughn, M. S., & Smith, L. G. (1999). Practicing penal harm medicine in the United States: Prisoners' voices from jail. *Justice Quarterly*, 16, 175–231.
- Vidmar, N., & Dittenhoﬀer, T. (1981). Informed public opinion and death penalty attitudes. *Canadian Journal of Criminology*, 23, 43–56.
- von Hirsch, A. (1989). Federal Sentencing Guidelines: Do they provide principled guidance? *American Criminal Law Review*, 27, 367–390.
- Waldo, G. (1981). The death penalty and deterrence: A review of recent research. In I. L. Barak-Glantz & C. R. Huff (Eds.), *The mad, the bad, and the different: Essays in honor of Simon Dinitz* (pp. 169–178). Lexington, MA: Heath.
- Willems, C. (1994). Verzet tegen de doodstraf: Een historisch en rechtsvergelijkend overzicht. *Tijdschrift voor Sociale Wetenschappen*, 39, 276–302.