

**Determinants of the Death Penalty: An International Approach**

By

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Determinants of the Death Penalty: An International Approach

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**Abstract**

The literature on the globalization of capital punishment has been sparse. By taking an international approach, this thesis seeks to determine the factors influencing a country's decision to utilize the death penalty. The data for this project come from various sources, including: the CIA World Factbook, Death Penalty Worldwide, the Pew Research Center, and the World Health Organization. A total of 86 countries were examined (N=86). This thesis suggests the following hypotheses: an economically developed country is less likely to utilize the death penalty than a less economically developed country; the higher the literacy rate in a country, the less inclined the country will be to utilize the death penalty; and a country consisting of a high religious composition of Muslims will be more likely to utilize the death penalty. The Muslim faith, total population, median age, and moratorium status of a country were all found to be significant factors related to a country's death penalty status. These findings are important in understanding what factors are influential to retentionist countries. Further research should involve exploring the life course of death penalty usage in countries, as well as other factors that define a developed country in order to better determine what influences nations to implement capital punishment.

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## DEDICATION

In loving memory of my Grandfather,  
Paul Pisarcik.

There is not a day that goes by that I don't wish you were here.  
My only hope is that I would have made you proud.

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# DETERMINANTS OF THE DEATH PENALTY

## **Chapter 1 Introduction**

According to Acker, Bohm, and Lanier (2003), murder has been traditionally viewed as the “most grave of crimes” and deserves to receive the harshest punishment (p. 235). The first detailed and significant criticism of capital punishment came in 1764 from Cesare Beccaria’s *On Crimes and Punishments* (Beccaria, 1764). He believed a nation creates warfare against its citizens when implementing capital punishment and called for its abolition. International standards and safeguards have been applied throughout the years as an attempt to limit the use of the death penalty around the world (Shetty, 2014).

### ***Human Rights and International Law: Philosophy on the Death Penalty***

The Universal Declaration of Human Rights declared for the first time on the international level the right to life as their aphorism and core belief (Mortensen, 2008). A system of international treaties and other norms have developed over the past fifty years that focus on ending the death penalty (Acker et. al, 2003). Beginning in the 1980s, members of the United Nations prepared a draft protocol on the abolition of the death penalty to the International Covenant on Civil and Political Rights (ICCPR) (Schabas, 2000). The ICCPR and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), as well as the International Covenant on Economic, Social, and Cultural Rights (ICESCR), affirm that the rights of both human dignity and the freedom from torture or other cruel treatment or punishment are applicable and crucial to correctional ethics (Trestman, 2014). International human rights treaties are responsible for “provid[ing] a common human rights language, reinforce[ing] the universality of human rights, signal[ing] a consensus of the international community,

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creat[ing] stigma for offenders, and provid[ing] support to human rights campaigners and the like” (Neumayer, 2008, p. 10).

The progressive abolition of the death penalty is linked to the evolution of human rights (Nicolau, 2013). Amnesty International, a nongovernmental organization, claims that the death penalty is “the ultimate denial of human rights. It is the premeditated and cold-blooded killing of a human being by the state. This cruel, inhuman, and degrading punishment is done in the name of justice” (Mathias, 2013, p. 1247). Human rights are defined as “basic, ethical, and legitimate treatment of all individuals” (Mathias, 2013, p. 1247). The Universal Declaration of Human Rights characterizes the most basic right as being the right to life. The death penalty is intrinsically opposed to this; therefore, the punishment is described as a miscarriage of justice and a denial of human rights (Mathias, 2013). In honor of the 2007 World Day against the Death Penalty, President Kim of South Korea stated, “To end a person’s life even in the name of the law clearly runs counter to the basic principle of human rights” (Bae, 2011, p. 51).

If society continues to look at the severity of punishment as a human rights issue, then one can assume that a democratic, as opposed to an autocratic, nation will be more likely to abolish the death penalty because democracies are more willing to accept constitutional limits that exist within the government (Neumayer, 2008). There is also evidence suggesting democratic nations better respect their citizens’ human rights than autocracies (Neumayer, 2008). Abolitionists regularly assert that since the death penalty is considered to be a human rights violation, it should be regulated by international law (Mortensen, 2008).

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The case of *Soering v. United Kingdom* (1989) involved a man who fled from the United States after murdering his girlfriend's parents in Virginia (Sadoff, 2008). In *Soering*, the European Court of Human Rights was concerned that Jens Soering would be subjected to inhuman or degrading treatment if he were to be extradited to the United States for a capital murder charge, claiming that Soering would be exposed to the death row phenomenon (Acker et. al, 2003). The term 'death row phenomenon' does not have a widely established definition and can oftentimes be confused with other death row concepts, such as 'death row syndrome' (Sadoff, 2008). Phenomenon describes the conditions of death row, such as duration or isolation, and syndrome is associated with the mental effects one sustains, such as suicidal thoughts or mental illness (Sadoff, 2008). When describing phenomenon and syndrome, the terminology regarding offenders on death row tends to be similar. The treatment or punishments of offenders is either referred to as 'cruel and unusual' or 'cruel, inhuman, or degrading' (Sadoff, 2008, p. 80).

The Court in *Soering* received assurances from Virginia that Soering would not be subjected to the death penalty before extraditing him, meaning he would not be subjected to the cruel and unusual, or cruel, inhuman or degrading punishment, that was believed would accompany a death sentence (*Soering v. United Kingdom*, 1989). *Soering* highlighted both domestic and international case law which acknowledge the death row phenomenon (Sadoff, 2008). While other countries appear to have a death row enigma, a country like Singapore for example, does not because their execution process is extremely swift and efficient (Hor, 2004). Singapore is an example of one nation that believes there is nothing within international law that forbids executions; the country believes that executions are a necessity to preserve law and order (Hor, 2004).



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International law and practice is overwhelmingly moving towards abolition (Acker, et. al, 2003; Wilson, 2003). According to Koh (2004), international law has taken on the persona of transnational law; rather than simply being confined to a small number of treaties and business agreements, like transnational law, international law has begun to regulate events which rise above national frontiers. Several international treaties prohibit the death penalty. Protocol (also known as an article) No. 6 is responsible for banning the peacetime use of capital punishment (Acker et. al, 2003). Protocol No. 13 is the most recent international treaty, but it is more symbolic than anything else; its sole purpose is to codify the European Convention on Human Rights' existing practices and legal interpretations (Schabas, 2004). Protocol No. 13 further extends the banishment of the death penalty in all circumstances, including crimes committed in times of imminent danger or war, meaning that the death penalty is not to be implemented at all (Acker, et. al, 2003).

There are approximately seventy nations that are bound by ratified treaties and international law not to utilize the death penalty (Schabas, 2004). The ICCPR sets three substantial standards on the death penalty which must be followed (Caixia, 2011). First, the ICCPR states which types of crimes carry a death sentence, labeling them as “the most serious crime” and providing a scope of which offenses would fall into that category (Caixia, 2011, p. 430). The second standard states that individuals under age eighteen, as well as pregnant women, cannot be subjected to the death penalty; safeguards within the ICCPR further provide that new mothers or insane persons cannot receive a death sentence (Caixia, 2011). The final standard set forth by the ICCPR lists the criteria defined by the law for a death sentence, stating that if the law allows for a lighter

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punishment, the offender should receive that sentence rather than be subjected to capital punishment (Caixia, 2011).

In 2010, advances towards global abolition of the death penalty were recorded in all regions of the world (Sangiorgio, 2011). The majority of the nations that currently utilize the death penalty violate international human rights law and standards by imposing and implementing capital punishment (Sangiorgio, 2011). Various offenses were committed in 2010 which procured the death sentences for offenders that did not meet the criteria for a most serious offense; these crimes included apostasy (the renunciation of one's religious or political beliefs), economic crimes, sorcery (the use of magic), and sexual relations between consenting adults (Sangiorgio, 2011). The UN Convention on the "Rights of the Child" states that the death penalty shall not be imposed on individuals below the age of eighteen (Sangiorgio, 2011). Nevertheless, nations continue to violate this article. Iran, Pakistan, Saudi Arabia, Sudan, United Arab Emirates, and Yemen have imposed death sentences on persons who were below the age of eighteen at the time of the offense (Sangiorgio, 2011). Countries that currently implement capital punishment continuously attempt to justify their actions by claiming the death penalty is allowed in accordance with Article 6 of the ICCPR, because it specifies that the death penalty may be imposed for the most serious crimes. Whether or not countries choose to implement capital punishment, its use continues to affect society on an international and domestic level, either directly or indirectly.

Chapter 2 of this thesis gives an overview of the history of capital punishment throughout different parts of the world and seeks to give an explanation of how various socioeconomic and demographic factors can be related to the death penalty.

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Furthermore, chapter 2 highlights why these factors are pertinent to the current study.

Chapter 3 discusses the methodology by outlining the data history and collection, the research question and hypotheses, and the strategies used within the study. Lastly,

Chapter 4 examines the results from the statistical analyses and chapter 5 summarizes the findings and discusses contributions to the field, areas of limitation, and makes suggestions for future research.

## Chapter 2

### Literature Review

Countries around the world vary in their practice of the death penalty; some countries allow it, but simply choose not to facilitate its use. This thesis explores different countries around the globe and examines influences of death penalty implementation as well as countries' death penalty history. To give the reader an international representation of the death penalty, the following countries were selected: China, Benin, Russia, Guatemala, and the United States. These countries provide a convenient sample in order to review death penalty history and philosophy from countries that vary in their death penalty status, method of execution, moratorium status, religion, life expectancy, literacy rate, population size, health care expenditure, and age.

#### *Death Penalty History and Philosophy*

##### *China*

China is known for its executions being a state secret, but it is estimated that the country annually executes thousands of offenders (Lewis, 2011). It is believed that the total number of individuals executed in the rest of the world is less than the number of people China executes per annum (Ma, 2014). While China continues to persecute thousands of offenders yearly by subjecting them to the death penalty, the number of those individuals may appear to be small when compared to their total population which is estimated at 1.4 billion (World Health Organization, 2016). The median age of the country is 37.4 years old with a life expectancy of 75 years for males (World Health Organization, 2016). The total expenditure on health as a percentage of Gross Domestic Product (GDP) is 5.5 percent (World Health Organization, 2016). Within the cultural tradition of China, education has continuously played a significant role (Yeoh & Chu,

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2012). China's literacy rate is 96.4 percent, reflecting an extremely well educated society (Central Intelligence Agency, 2016). The majority of China's population is unaffiliated with any religion, only having a small portion (1.8 percent) of the nation Muslim (Pew Research Center, 2016).

Throughout the Qing Dynasty, which lasted from 1644 to 1912, China utilized the most cruel execution method, known as linchi, or "death by a thousand cuts" (Lewis, 2011, p. 310). Mao Zedong finally recognized the certitude of capital punishment, but continued to implement it with less horrific forms throughout the Republican Era (Lewis, 2011). In order to strengthen China's legal system, the Criminal Law and Criminal Procedural Law were passed in 1978 in order to introduce the structure of the criminal justice system; these laws offer rules, regulations and interpretations which govern the criminal process (Lewis, 2011). The number of crimes punishable by death increased from 28 in 1979 to 68 in 1997 (Lewis, 2011). The provincial high courts held the power to conduct the final review of all death penalty cases from 1983 until 2007 when the Supreme People's Court reclaimed power after amendments were made in a series of documents (Lewis, 2011). Chinese critics often claim, "Human life and death is a matter that concerns the heavens," believing that the matter of human life should be treated most carefully (Lewis, 2011, p. 314).

New reforms were brought forth in 2011 when the Eighth Amendment to the Criminal Law decreased the crimes punishable by death from 68 to 55 (Lewis, 2011). Unfortunately, this amendment still allotted many non-violent offenses to be considered death eligible crimes, such as fraud and embezzlement (Lewis, 2011). There are only two crimes that authorize a mandatory death sentence in China: hijacking an aircraft and

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kidnapping (in which both crimes cause death of another) (Ma, 2014). An offense that does not require a mandatory death sentence can involve punishments ranging from more than ten years in prison to life imprisonment (Ma, 2014). China often uses crime control as a justification for utilizing the death penalty (Ma, 2014). One Chinese proverb assumes that the death penalty is seen as an effective deterrent, stating “killing one to warn a hundred” (Ma, 2014, p. 3). Other justifications include soothing the anger of the public and incapacitating individuals who cannot be helped (Ma, 2014).

Executions by lethal injection were legalized in 1996, but as of August 2000, China announced it planned to utilize lethal injection nationwide because it was “simpler, cheaper, more humane, and less traumatic than gun-shot executions” (Ahmad, 2000, p. 1012). China has signed Protocol No. 6 of the International Covenant on Civil and Political Rights (ICCPR), which would ban peacetime executions, but has yet to ratify it (Ma, 2014).

### ***Benin***

Benin, formerly of Nigeria, belongs to the African continent. Benin has an estimated population of 10,880,000 (World Health Organization, 2016). Benin is a younger country, having a population median age of 18.4 years and a life expectancy of 59 years for males (World Health Organization, 2016). The nation currently spends an estimated 4.6 percent of GDP on health expenditures (World Health Organization, 2016). The majority (53 percent) of Benin’s population is Christian, but 23.8 percent of the population is Muslim (Pew Research Center, 2016). According to the Central Intelligence Agency (2016), 38.4 percent of Benin’s population is literate, meaning that only 38.4 percent of individuals age 15 and older can read and write.

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Since Benin gained its independence in 1960, only three prisoners have been executed (Sculier, 2010). In Article 12 of Benin's Penal Code, beheading is an acceptable method of execution, but shooting by firing squad is more commonly practiced (Death Penalty Worldwide, 2016). Alongside Benin, three other countries authorize beheading as an execution method: Iran, Saudi Arabia, and Yemen (Death Penalty Worldwide, 2016). While recent death sentences have been awarded, the nation has had a moratorium on executions since 1993 (Death Penalty Worldwide, 2016; Sculier, 2010). The country decided to keep capital punishment on the books as a deterrent in order to keep Benin from "becoming a refuge for crooks and criminals—whether home grown or from abroad" (Sculier, 2010, p. 10).

At the end of 2014, there were thirteen individuals currently on death row, but no new death sentences have been issued since 2010 (Death Penalty Worldwide, 2016). According to Sculier (2010), Benin voted and co-sponsored a universal moratorium in both United Nations Resolutions, but the country has not made significant movements toward abolition. Refuting that statement, Amnesty International (2016) claims that Benin has indeed taken important steps towards death penalty abolition when their National Assembly voted in favor of the ratification of an international treaty that would ban capital punishment.

### ***Russia***

Russia, bordering both Europe and Asia, has a total population estimated at 143,457,000 (World Health Organization, 2016). The median age for a Russian citizen is 38.3 years with a life expectancy of 65 years for males (World Health Organization, 2016). Russia spends 7.1 percent of GDP on health expenditures (World Health

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Organization, 2016). The religious composition is mostly Christian (73.3 percent); Muslims only account for 10.0 percent of the population (Pew Research Center, 2016). Almost the entire nation (99.7 percent) is literate in Russia, meaning there is a shockingly high literacy rate of individuals ages 15 and older (World Health Organization, 2016).

The death penalty originated in 5<sup>th</sup> century Russia as a “trial vengeance” for committing murder, but later was prohibited and became a state privilege where it was continuously used in the 11<sup>th</sup> and 12<sup>th</sup> centuries specifically for political oppression (Semukhina & Galliher, 2009, p. 132). During the 17<sup>th</sup> and 18<sup>th</sup> centuries, capital offenses increased and barbaric styles of execution were implemented in order to create fear in society (Semukhina & Galliher, 2009). In the 19<sup>th</sup> century, Russia attempted to restrict death penalty use through the use of pardons and offered limitations in their legislation that banned the elderly, juveniles, and female offenders from receiving a death sentence (Semukhina & Galliher, 2009). Death penalty legislation was frequently changing after the revolution of 1917 where it was continuously abolished and then reinstated (Semukhina & Galliher, 2009). Upon reinstatement of the death penalty in the 1950’s, Russia was known to have one of the highest execution rates in the world (Ritter, 2000). There were a reported 53 executions that were carried out in 1996 and in that year, judicial errors occurred in 30 percent of the death penalty cases (Bowring, 1997).

Russia was granted membership to the Council of Europe in February 1996, meaning that it would have to abide by the Council’s rules in regards to the death penalty (Ritter, 2000). A moratorium on executions was instituted in 1996 and Russia continues to have an abolitionist de facto status (Death Penalty Worldwide, 2016). Russia signed Protocol No. 6 in 1997, but has yet to ratify it and fully abolish the death penalty



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(Schabas, 1998; Schabas, 2004). There is currently no one under the sentence of death in Russia; all death sentences were commuted in 1999 (Death Penalty Worldwide, 2016). The Constitutional Court issued a ruling, which is currently still in effect, that temporarily eliminates the possibility of death sentences and executions (Death Penalty Worldwide, 2016). Preexisting execution methods involved a pistol shot to the back of the offender's head (Death Penalty Worldwide, 2016).

### *Guatemala*

Guatemala, located in Central America, is comprised of approximately 16,343,000 people (World Health Organization, 2016). Like Benin, Guatemala is a relatively young country with a population median age of 19.4 years and a life expectancy of 68 years for males (World Health Organization, 2016). The nation spends 6.2 percent of GDP on health expenditures and has a literacy rate of 81.5 percent (World Health Organization, 2016). The vast majority (95.2 percent) of the nation is Christian; less than 0.1 percent is Muslim (Pew Research Center, 2016).

Guatemala experienced a period where the country was considered abolitionist *de facto* from 1983 until 1996, but began performing executions again from 1996 until 2000 (Talamas, Delanoe-Daoud, Daoud, 2005). The death penalty is mandatory for the following situations in Guatemala: rape that results in death with a victim less than ten years old; and kidnapping that results in death, serious bodily injury, or permanent damage to the psyche with a victim under 12 or above 60 years of age ("The Return of the Death Penalty," 1997). The application of the death penalty in Guatemala was publicized; executions by firing squad were repeatedly broadcasted on television in 1996 (Talamas et. al, 2005). The backlash the nation received from the international

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community was so strong that it caused Guatemala to change their method of execution from shooting to lethal injection, but the country still continued to broadcast the executions even after announcing they would not (Talamas et. al, 2005). The last death sentence was handed out on June 29, 2000 when two men were executed on public television by the use of lethal injection for kidnapping and murdering a woman (Death Penalty Worldwide, 2016).

Not only is Guatemala known for their unorthodox ways of executing criminals, but there are cases known to the State regarding individuals on death row who have been subjected to torture. For example, while Tiro Roman Valenzuela Avila was on death row he had his testicles burnt by cigarettes and his wrists pierced with an iron rod (Talamas et. al, 2005). As of 2014 there are currently no individuals on death row; the Supreme Court of Justice commuted 54 death sentences between 2005 and 2012 (Death Penalty Worldwide, 2016). The legal system in Guatemala complies with the international treaties ratified by the country that prohibit using the death penalty for: political crimes, ordinary crimes which are linked to political crimes, for persons under 18 and over 70 years of age, women who are pregnant or have recently given birth, and individuals who do not have a proper mental capacity (Talamas, et. al, 2005).

### ***United States***

The United States is home to approximately 321,774,000 individuals (World Health Organization, 2016). The median age is 37.4 with a life expectancy of 77 years for males (World Health Organization, 2016). The United States spends more on health expenditures than each of the aforementioned countries (17.1 percent) (World Health Organization, 2016). The United States is comprised of only 0.9 percent Muslims, while

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the majority of the population is Christian (78.3 percent) (Pew Research Center, 2016). The only available data for literacy rate in the United States dates back to 2003 and was 99 percent (Central Intelligence Agency, 2016). Given the limitations of this data, it was not included in the statistical analysis.

The first documented execution in the United States took place in Jamestown, Virginia in the year 1608 when Captain George Kendall was killed for committing the crime of theft (Costanzo, 1997; “The Death Penalty in America,” 2004). As with the majority of the criminal justice system practices in America, early laws regarding capital punishment came from British law where there were more than 50 crimes considered to be capital offenses, such as treason and witchcraft (Costanzo & White, 1994). During this time period, public executions were the norm and carried the preferred method of hanging (“The Death Penalty in America,” 2004). Lynching was a prevalent, widespread unofficial form of execution in the early years of America (Costanzo, 1997).

Pennsylvania was the first state to limit the use of the death penalty to first-degree murder in 1794 and later became the first state to prohibit all public executions in 1834. Rhode Island and Wisconsin even went further and became the first two states to eliminate the death penalty for all crimes in 1852 and 1853, respectively (Costanzo & White, 1994). All mandatory death sentences had been put to an end by the 1860’s (“The Death Penalty in America,” 2004). The majority of states which tinkered with death penalty abolition later reinstated capital punishment (Costanzo & White, 1994).

The decade which holds the highest number of executions in the United States is the 1930’s (Costanzo and White, 1994). The number of executions in the United States falls extremely short of the number of murders throughout the country’s history.

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According to Costanzo and White (1994), less than 10% of all capital homicides result in executions. This may be explained by the fact that a jury must find one aggravating factor in order for a defendant to become eligible for the death penalty (Reinhart, 2000). When a jury is considering sentencing a defendant to death, both aggravating and mitigating circumstances are taken into account (Reinhart, 2000). This means that the jury is required to look at factors that may increase the severity or culpability of the crime (aggravating circumstances) as well as factors which may not excuse the offense, but may lessen the sentence (mitigating circumstances) (Cornell University Law School, 2016). Aggravating factors include, but are not limited to: death that occurs during the commission of another crime, a grave risk of death posed to additional individuals, a previous conviction of a violent felony which involved a firearm, and the killing or attempted killing of multiple individuals (Cornell University Law School, 2016).

During the 1930's there was an average of 167 executions per year. Most executions at that time were performed by use of the electric chair ("The Death Penalty in America," 2004). Following the 1930's, there was a steady decline until capital punishment met a standstill from June 3, 1967 to January 17, 1977 when the United States Supreme Court assessed the constitutionality of the death penalty (Costanzo & White, 1994; *Furman v. Georgia*, 1972; *Gregg v. Georgia*, 1976). The United States Supreme Court in *Furman v. Georgia* (1972) claimed that capital punishment was "freakishly" imposed and ruled that the imposition of the death penalty was found to be cruel and unusual and violated constitutional rights (*Furman v. Georgia*, 1972). As a result of the case, a four-year moratorium on the death penalty was established between the years 1972 and 1976. Thirty-five states responded to *Furman* by passing new capital

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statutes that would lead the Court to acknowledge the public's outrage (Steiker & Steiker, 2014). Following this short lived abolitionary period, the Supreme Court in *Gregg v. Georgia* (1976) acknowledged that the death penalty was not unconstitutional in all circumstances and that it can serve as a deterrent and provide retribution for victims and their family (Murphy, 1993). *Gregg's* ruling reaffirmed the Supreme Court's original acceptance of the imposition of the death penalty in the United States and reinstated capital punishment across the nation in 1976. The moratorium on executions officially ended when Gary Gilmore, a convicted murderer, demanded to be executed in 1977 by a firing squad in Utah (Costanzo, 1997).

Further provisions in the application of capital punishment occurred in the years immediately following *Gregg*, reversing and vacating the death sentences imposed in fourteen capital cases (Murphy, 1993). One of those cases included *Coker v. Georgia* (1977) where it was stated that a rape victim's life is not terminated as a result of the crime. Consequently, rape itself should not hold the same punishment as murder (*Coker v. Georgia*, 1977). Throughout the 1970s and 1980s, the Supreme Court referred to international norms in regards to death penalty cases in order to interpret the Eighth Amendment. In *Coker*, "the Court found that international practice regarding the death penalty for rape was relevant to the Eighth Amendment's interpretation through 'evolving standards' of 'dignity, civilized standards, humanity, and decency'" (Acker, Bohm, & Lanier, 2003, p. 149).

Similarly in *Kennedy v. Louisiana* (2008), there was a state statute that permitted capital punishment for the rape of a child under the age of twelve. Consistent with *Coker*, the Court ruled that the Eighth Amendment again prohibits the infliction of the

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death penalty for a rape (in this case a child), when the crime was not intended to, and did not result, in the victim's death. Therefore, states may not impose capital punishment for a crime against an individual where that individual's life was not taken.

As time has gone by and society has evolved, so too has death penalty jurisprudence. *Atkins v. Virginia* (2002) overturned *Penry v. Lynaugh* (1989) which had previously permitted executing intellectually disabled individuals. *Atkins* ruled that executing intellectually disabled defendants was a violation of the Eighth Amendment's ban on cruel and unusual punishment. This decision came about because the U.S. Supreme Court believed that state legislatures' judgements had become more lenient regarding the punishment of intellectually disabled individuals since *Penry* in 1989 (*Atkins v. Virginia*, 2002). The Supreme Court's majority opinion heavily relied on international perspectives in *Atkins*. Justice Stevens noted that the practice of capital punishment for the intellectually disabled "has become truly unusual, and it is fair to say that a national consensus has developed against it" (Acker, Bohm, & Lanier, 2003, p.147). The justices in *Atkins* stated that international practice is considered when deciding cases involving Eighth Amendment issues (*Atkins*, 2002). According to Acker, Bohm, and Lanier (2003), the United States originally did not have a law of its own in 1776, but looked to international law, known as the 'Law of Nations' at the time, in order to apply law to the courts of the colonies. The Constitution of the United States acknowledges the legitimacy of international law, specifically in Article VI, clause 2, where international treaties are recognized as being a central role in governing the United States (Acker, Bohm, & Lanier, 2003).

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Moving forward to a more humane system of capital punishment in the United States, the Supreme Court in *Roper v. Simmons* (2005) acknowledged the overpowering international opinion against the death penalty for juveniles and recognized that the “instability and emotional imbalance of young people may often be a factor in crime.” The decision in *Roper* overturned a ruling made in *Stanford v. Kentucky* (1989) which permitted death sentences for offenders at age sixteen or seventeen. The Court in *Roper* held that the Eighth and Fourteenth Amendments prohibit imposing the death penalty on offenders under the age of 18 at the time their crimes were committed (*Roper v. Simmons*, 2005).

### ***Manner of Execution in the United States***

Since the moratorium on the death penalty was lifted after *Gregg* in 1976, executions have taken place in the United States by electrocution, lethal injection, lethal gas, hanging, and/or firing squad (Zimmerman, 2006). *Baze v. Rees* (2008) affirmed that Kentucky’s death penalty procedure is consistent with the Eighth Amendment and that the lethal injection protocol is constitutional. Table 1 illustrates the methods of executions offered in states with death penalty laws (Zimmerman, 2006, pp. 912-915).

There are currently eighteen states that have lethal injection as their single method of execution. There are four states that permit electrocution as an option and two states that authorize it as their sole method of execution. Four states have permitted executions by lethal gas, three states have allowed execution by firing squad, and three other states have authorized hanging during 1976-2002 (Zimmerman, 2006). Florida, Georgia, Louisiana, Texas, and Virginia carry out 75 percent of all executions in the United States (Costanzo, 1997).

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Table 1  
*Methods of Execution of Death Penalty by State*

<b>State</b>	<b>Method(s)</b>
Alabama	Electrocution
Arizona	Lethal Injection, Lethal Gas
Arkansas	Lethal Injection, Electrocution
California	Lethal Injection, Lethal Gas
Colorado	Lethal Injection
Connecticut	Lethal Injection
Delaware	Lethal Injection, Hanging
Florida	Lethal Injection, Electrocution
Georgia	Lethal Injection, Electrocution
Idaho	Lethal Injection, Firing Squad
Illinois	Lethal Injection, Electrocution
Indiana	Lethal Injection
Kansas	Lethal Injection
Kentucky	Lethal Injection, Electrocution
Louisiana	Lethal Injection
Maryland	Lethal Injection, Lethal Gas
Mississippi	Lethal Injection
Missouri	Lethal Injection, Lethal Gas
Montana	Lethal Injection
Nebraska	Electrocution
Nevada	Lethal Injection
New Hampshire	Lethal Injection, Hanging
New Jersey	Lethal Injection
New Mexico	Lethal Injection
New York	Lethal Injection
North Carolina	Lethal Injection
Ohio	Lethal Injection, Electrocution
Oklahoma	Lethal Injection, Electrocution, Firing Squad
Oregon	Lethal Injection
Pennsylvania	Lethal Injection
South Carolina	Lethal Injection, Electrocution
South Dakota	Lethal Injection
Tennessee	Lethal Injection, Electrocution
Texas	Lethal Injection
Utah	Lethal Injection, Firing Squad
Virginia	Lethal Injection, Electrocution
Washington	Lethal Injection, Hanging
Wyoming	Lethal Injection, Lethal Gas

*Source:* The Deterrent Effect of Alternative Execution Methods (1976-2002)



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Traditionally, lethal injection protocol has involved the administration of three drugs: sodium thiopental, pancuronium bromide, and potassium chloride (Howard, 2016). Both Europe and the United Kingdom have prevented the United States from being able to procure these lethal injection drugs as of 2011 (Howard, 2016). Due to the inability to access these drugs, the United States has turned to alternative means, such as midazolam, a drug typically used in small doses to induce anesthesia (Howard, 2016). Florida has indicated that midazolam will be administered in large 500 milligram doses for executions. There are claims that there is a risk of death row inmates having a painful execution because they are not being adequately anesthetized (Howard, 2016). The United States Supreme Court in *Glossip v. Gross* (2015) ruled that the use of the drug midazolam does not constitute cruel and unusual punishment. Three Oklahoma death row inmates failed to produce sufficient evidence that midazolam created “a substantial risk of severe pain” when being used as the first drug in the lethal injection procedure (Denno, 2016, p. 749).

### ***Death Penalty Utilization in the United States***

The United States is unique with respect to death penalty utilization; the nation has no prohibition regarding capital punishment legislation, but only certain states choose to implement it. Table 2 illustrates states that would be considered retentionists as having utilized the death penalty in the last ten years and states that would be considered abolitionist de facto, where there has not been an execution in the past ten years (Death Penalty Worldwide, 2016; Pew Research Center, 2016).

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Table 2

*Death Penalty Status of States in the United States*

<b>Retentionist</b>	<b>Abolitionist de facto</b>
Alabama	Alaska
Arizona	Arkansas
California	Colorado
Delaware	Connecticut
Florida	Hawaii
Georgia	Illinois
Idaho	Iowa
Indiana	Kansas
Kentucky	Maine
Louisiana	Maryland
Mississippi	Massachusetts
Missouri	Michigan
Montana	Minnesota
North Carolina	Nebraska
Nevada	New Hampshire
Ohio	New Jersey
Oklahoma	New Mexico
South Carolina	New York
South Dakota	North Dakota
Tennessee	Oregon
Texas	Pennsylvania
Utah	Rhode Island
Virginia	Vermont
Washington	West Virginia
	Wisconsin
	Wyoming

*Source:* Death Penalty Worldwide; Pew Research Center, Number of Executions in Each State

(1977-2015)

There is a tendency to compare the United States to other industrialized countries when evaluating a nation on a number of factors, except when it comes to the death penalty. These countries that share the United States' cultural traditions have abolished the death penalty, or simply reserve its use for treason or war crime offenses (Costanzo, 1997). According to Costanzo (1997), the United States "has not experienced executions

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as an overt means of state oppression” and that is why execution chambers still exist in the country today (p. 154).

The abolition of the death penalty has been resilient in Western Europe. The last execution in that region took place in 1977 in France (Anckar, 2014). Eastern European countries utilized the death penalty until the Soviet Union collapsed in 1991. It has become a requirement in Western European countries that the death penalty must be abolished in order to join various organizations such as the European Union. All countries in the European Union have omitted the use of capital punishment except Belarus and Russia (Anckar, 2014). External pressure has been the most influential factor in regards to the explanation of death penalty movements, exhibited by the fact that numerous countries, such as Poland, Lithuania, and Georgia, abolished the death penalty against the will of its citizens. North and South America seem to be untouched by the abolitionist movement with death sentences continuing to be carried out in numerous countries (Anckar, 2014).

There has been a dramatic decrease in countries that utilize the death penalty within the last three decades (Anckar, 2014). Society is ever-changing and it is essential to review all factors, economic and demographic, that may affect public policies, such as the death penalty. Various factors that may potentially affect the retention of capital punishment in a country could include: population size, socioeconomic development, and religion. Anckar (2014) studied these factors by utilizing Amnesty International’s classification system, which gathers information from United Nations Surveys and organizes countries into four different categories concerning their use of capital punishment. These categories are: abolitionist for all crimes, abolitionist for ordinary

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crimes only (crimes defined in criminal statutes, such as aggravated murder or rape), abolitionist de facto, and retentionist (Anckar, 2014; Death Penalty Worldwide, 2016). Anckar (2014) suggests that the use of the death penalty varies by region. The death penalty exists in 90 percent of the countries in the Middle East and North Africa with only one country having abolished the death penalty within the last 30 years (Anckar, 2014). While death penalty utilization dominates in the Middle East and North Africa, these areas have also been affected by the trend of abolition sweeping across the globe; the active use of capital punishment in these regions has decreased by nearly 16 percent since 2000 (Anckar 2014).

### ***Religion***

Many arguments have been brought forward discussing the international abolitionist debate: the most prominent being religion, specifically the Christian and Islamic faith. Religion constantly influences the daily lives of men and women in various ways (Young, 1992). Anckar (2014) discusses religion with respect to the death penalty, noting that the abolitionist movement rapidly spread to nations where Christianity had a stronghold within the first two time periods discussed in his study. Overall, the number of Christian countries that use the death penalty has slightly dropped between 1985 and 2014 (Anckar, 2014).

Greenberg and West's (2008) study found that significant presence of Christianity in a country greatly reduces the plausibility of that country using the death penalty, and Islam does not have a significant effect on a nation's death penalty status. Contrastingly, Mortensen's (2008) study states the relationship between religion and punishment tends to be stronger within Muslim populations because their culture has not supported a

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separation between church and state. The Islamic faith recognizes that every individual has the right to life, however, the Koran allows for one exception: killing is allowed when a court of law demands it (Schabas, 2000). The Koran reads: “Do not kill a Soul which Allah has made sacred except through the due process of law” (Schabas, 2000, p. 230). Conclusively, there is higher support for religious laws within Islamic countries. It is believed that a country with a higher population of Muslims will be less likely to be an abolitionist state with respect to the death penalty (Mortensen, 2008). Furthermore, results from Mortensen’s (2008) study shows that there was a *correlation* between Islamic religion and death penalty status, although, it was not sufficient enough to suggest that there is a *causal* relationship that exists between the Muslim faith and the practice of the death penalty.

According to Zimring and Johnson (2008), nations in Asia and the Middle East that have large Islamic populations are in the retentionist category, although, there is not a high concentration of Muslims in Asian nations with the highest levels of execution. Therefore, there are other factors that may explain why Islamic countries are retentionists, such as a lower level of democracy or a lack of pressure from surrounding countries to become an abolitionist state (Mortensen, 2008). While arguments exist over how religious affiliations influence a country’s death penalty status, Greenberg and West (2008) claim there is no one single contributing characteristic or factor that distinguishes an abolitionist state from a retentionist state. It is believed that countries which utilize the death penalty will not be identical, nor will those that have abolished the practice (Greenberg & West, 2008).

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Not only can the death penalty status of a country be impacted by political factors and religious faith, but it is also vital to look at economic and human development when determining what influences a nation to utilize capital punishment. It is with greater knowledge through education that individuals will rely less on religion and tradition and be able to adopt sensible, pragmatic thinking (Mortensen, 2008).

### *Literacy Rate*

A specific characteristic of a developed nation would be a high literacy rate because it is presumed that educated individuals are better at creating and implementing new technologies which generates growth (Benhabib & Spiegel, 1994). Traditionally, literacy has been illustrated as a major role in the development of a nation (Yeoh & Chu, 2012). Literacy is responsible for spreading awareness to individuals regarding their rights (Yeoh & Chu, 2012). Therefore, high education levels suggests that individuals will be more knowledgeable regarding legal policies and procedures and will be more likely to see capital punishment as cruel and unusual (Anckar, 2014). Anckar (2014) makes the assumption that economic development should foster higher levels of education, and therefore, if society has a high literacy rate, there will be a higher tendency to believe that the death penalty is unfit for modern societies. Accordingly, those countries will be less inclined to use the death penalty. Greenberg and West (2008) infer that a greater level of literacy in a country is associated with having more political rights; thus, one could assume that the higher citizens' educational level, the less likely the country will possess the death penalty.

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### *Life Expectancy at Birth*

Life expectancy is considered to be a measure of a country's health and well-being (Greenberg & West, 2008). The lower strata of society tend to have the shortest life expectancy (Greenberg & West, 2008). One variable that tends to be associated with health status includes whether or not a country is democratic (Franco, Alvarez-Dardet, & Ruiz, 2005). According to Franco et. al (2005), there is a positive association between democracy and the health of a nation. There is a more significant association with democracy and life expectancy than other health indicators, such as total government expenditure or income inequality (Franco et. al 2005). In order to test the theory that economic development leads to society believing that the death penalty is not appropriate for modern societies, Anckar (2014) measured the GDP per capita alongside infant mortality. The results suggested that abolitionist countries tend to be wealthier than countries which utilize the death penalty. Countries with higher levels of infant mortality tend to be those that actively use the death penalty, supporting Anckar's (2014) conjecture that there is a negative link between socioeconomic development and the application of the death penalty.

### *Health Care Expenditure and Gross Domestic Product (GDP)*

Expenditure on health care as a percentage of GDP has been slightly more accelerated in the United States than in most developed countries because there is a reimbursement system which encourages extensive dispersion of both old and new technology; there are incentives offered for more intensive care (Chandra & Skinner, 2012; Fuchs, 2011). According to Fuchs (2011), between 1970 and 2006 the rate of change in health care expenditure in the United States was 2.17 percent per annum (p.

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16). While there is little contrast in growth rates between the United States and other similar countries, the level of spending largely differs. The expenditures for the United States in 2005 were 16 percent of GDP while the median expenditure for Western Europe, Canada, and Australia was 10.0 percent (Fuchs, 2011). According to Chandra and Skinner (2012), aging populations, as well as rising income levels, are considered factors that cause rapid growth in health care expenditure. Expenditures on capital proceedings are often in competition with health care (Cook, 2009). One could assume that if a country has a higher health care expenditure, that country may be unable to afford to carry out death sentences and will therefore not utilize the death penalty.

Yeoh and Chu (2012) suggest that there is a positive correlation that exists between higher levels of education and the GDP development of a nation. A literate adult will be inclined to seek a better job and contribute to the economy, therefore increasing production, which in turn will lead to an increase of GDP in a country (Yeoh & Chu, 2012). Prior research suggests there is some contradictory evidence to the hypotheses suggested in this thesis, most notably that of Greenberg and West (2008). Results from Greenberg and West's (2008) study state that developed countries which retain a high GDP per person are just as likely to practice the death penalty as less developed countries, suggesting economic inequality is not a significant prediction of a country's death penalty status.

### ***Total Population***

China has the largest population among the developing countries in the world (Yeoh & Chu, 2012). Population size is much larger in retentionist, rather than abolitionist, countries; this is heavily influenced by nations like China and India who



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belong in the retentionist category (Anckar, 2014). While India does have a large population, the number of death sentences is low in relation to population size (Hood & Hoyle, 2015). India has a population of 1.1 billion and has been averaging less than 10 executions per year (Zimring & Johnson, 2008 p. 105). Furthermore, China has a population of 1.4 billion and has carried out at least 2000, possibly exceeding 10,000, executions per year (World Health Organization, 2016; Zimring & Johnson, 2008, p. 105). Singapore is considered one of the most vocal supporters of the death penalty. In the 1990's Singapore had a population of about 3.5 million and had the highest per capita execution rate in the world (Hood & Hoyle, 2015). Table 3 shows the number of executions recorded or estimated from 2009 to 2013 for the countries that had executed at least 100 persons during that time period and were considered to be retentionists as of April 2014 (Hood & Hoyle, 2015, p. 173). It is important to look at execution rates in regards to a nation's population; therefore, Table 3 illustrates the annual average number of executions per million populations. Iran by far had the highest execution rates, followed by Iraq, Saudi Arabia, China, North Korea, Yemen, and lastly the United States (Hood & Hoyle, 2015).

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Table 3  
*Number of Executions for Retentionist Countries Exceeding 100 Executions 2009-2013*

<b>Country</b>	<b>Total known or estimated executions</b>	<b>Annual average number per million populations</b>
China	15,000	2.22
Iran	2,981	7.35
Iraq	503	2.99
North Korea	189+	1.54
Saudi Arabia	336	2.34
United States	219	0.14
Yemen	165	1.29

*Source:* The Death Penalty: A Worldwide Perspective

Power is typically defined by population size and per capita income (Neumayer, 2008). Research suggests that more populous countries often “negotiate, sign, and ratify more international treaties” (Neumayer, 2008, p. 6). Therefore, countries with a greater population characteristically influence less powerful countries to have the same perceived interests in mind (Neumayer, 2008). Consequently, countries with greater populations could then influence those with lesser populations to have the same attitude towards capital punishment utilization. Neumayer (2008) suggests within his study that more populous countries are less likely to ratify the Second Protocol, which calls for death penalty abolition. Therefore, one can assume that a country with a small population is less likely to utilize capital punishment.

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### *Methods of Execution*

An ongoing trend in the application of the death penalty involves replacing one execution technology with another that is seemingly more humane in order to reduce the cruelty involved in capital punishment procedures (Costanzo & White, 1994). The history of execution method transitions in the United States involves comprehensive explanations at the correctional, judicial, and legislative levels detailing why each new method failed in its attempt to be more humane than the previous method (Denno, 2016). Initially, hanging, lethal gas, and electrocution were the first methods utilized in the United States, only to be later scrutinized following years of multiple technical failures and botched executions (Denno, 2016). Lethal injection is the current method used in the United States, almost exclusively, signifying the failure of the previous methods (Denno, 2016).

The aforementioned methods, such as electrocution, are seen as a more “brutal” method of execution while lethal injection is considered to be less severe (Zimmerman, 2006). According to the Human Rights Committee, the use of the gas chamber in California contradicts Article 7 of the International Covenant because it involves “excessive and gratuitous suffering” (Schabas, 1998, p. 811). The Committee then determined that lethal injection was not a cruel and inhuman form of execution (Schabas, 1998). While the United States views humaneness in one way, other countries, specifically those in the Middle East, may have differing opinions. For example, in order for executions to be meaningful as a general deterrent, Islamic law states that it should be performed publicly (Schabas, 2000). Saudi Arabia and Sudan punish adulterers with

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execution through lapidation, also known as stoning (Gravelle, 1998). While this punishment may seem barbaric to Americans, it is acceptable in these Islamic states.

### *Moratorium*

In 1980 the United Nations Congress on Crime Prevention and Control called for restriction and eventual death penalty abolition by adding a provision that suggested states that had not abolished the death penalty should “consider establishing a moratorium in its application, or creat[e] other conditions under which capital punishment is not imposed or is not executed, so as to permit those states to study the effects of abolition on a provisional basis” (Schabas, 1998, p. 819). This contingency was controversial and ultimately withdrawn after facing opposition and insufficient time to complete the regulation (Schabas, 1998). While this may appear as a setback, it did not stop other organizations from pursuing abolition. In order for nations to become a member of the Council of Europe, the Council made it a requirement for nations to employ an immediate moratorium on executions, and then sign and ratify Protocol No. 6, which allows countries to utilize the death penalty in time of, or imminent threat, of war, before becoming a member state (Mortensen, 2008). Increasingly over the years, states which maintain capital punishment have voted in favor of a moratorium (Shetty, 2014).

Some countries today have previously implemented a moratorium, but have since reinstated the death penalty. Japan, for example, had a 40-month moratorium from November 1989 to March 1993 where four consecutive Ministers of Justice refused to sign death sentences (Zimring & Johnson, 2008). Other countries have made significant steps toward abolition by implementing and keeping official moratoriums. The UN General Assembly (UNGA) called for a moratorium on executions in 2007 which elicited

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a response from Morocco in recent years where the nation has continuously made steps towards abolition through organizations, such as the Moroccan Coalition Against the Death Penalty (Shetty, 2014). The UNGA's call for a moratorium also influenced the Supreme Court of India when the Court commuted the death sentences of 15 prisoners (Shetty, 2014).

**Chapter 3**  
**Methodology**

***Data History and Collection***

The data gathered for this study come from various organizations and are available by means of their respective official public websites: the CIA World Factbook, Death Penalty Worldwide, the Pew Research Center, and the World Health Organization. There are 197 countries that make up the world's population (Bae, 2011). This research was approved by the Youngstown State University Institutional Review Board (see Appendix A). The sample for this analysis includes 86 countries identified as having death penalty statutes (Death Penalty Worldwide, 2016). The countries in this study were chosen in order to compare the current state of death penalty utilization under existing laws. The goal of this thesis was to bring about an accurate representation of today's issues influencing death penalty usage. Following the descriptions of the data sources below, the design, sample, sampling procedure, and analysis are discussed.

Originally known as the National Basic Intelligence Factbook, the CIA World Factbook published its first classified edition in August 1962 and its first unclassified edition in June 1971 (Central Intelligence Agency, 2016). It was not until 1975 that the Factbook was made available to the public and 1982 when it was renamed The World Factbook (Central Intelligence Agency, 2016). The CIA World Factbook offers information on 267 nations/territories and it provides only national-level information on the entities it lists regarding: the economy, geography, government, history, military, and transnational issues (Central Intelligence Agency, 2016). For the purpose of this study, the CIA World Factbook was responsible for providing the information on literacy rate (Central Intelligence Agency, 2016).

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Death Penalty Worldwide was founded in 2011 and is in partnership with the World Coalition Against the Death Penalty (Death Penalty Worldwide, 2016). It offers wide-ranging data regarding death penalty laws and practices in numerous countries that retain capital punishment (Death Penalty Worldwide, 2016). The database authorizes its users to examine a total of 65 different variables regarding the application of the death penalty in nations that currently have it on the books. On its website, Death Penalty Worldwide (2016) labels countries as ‘retentionist’ or ‘abolitionist de facto,’ depending upon the utilization of the death penalty within the past ten years. If an execution has been carried out in the last ten years, a country is referred to as ‘retentionist’ (Death Penalty Worldwide, 2016). If the country has capital punishment on the books, but has not performed an execution within the last ten years, it is referred to as ‘abolitionist de facto’ (Death Penalty Worldwide, 2016). Death Penalty Worldwide (2016) provided the countries and their specific death penalty statistics including their use, moratorium status and execution method for the current analysis.

The Pew Research Center is a nonpartisan organization originally based on research entitled the “Times Mirror Center for the People and the Press,” where it was responsible for conducting polls on politics and policy (Rosentiel, 2010). It was renamed in 1996 as the Pew Research Center for the People and the Press (Rosentiel, 2010). The Pew Research Center more specifically addresses: United States politics and policy by conducting polls and measuring trends in political values and public policies; journalism and media where the consumption of news is examined, ranging from *who* reports it, to *how* technology transmits pertinent information to the public; research and innovations occurring in science; religious practices, beliefs, and affiliations on a national, as well as

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international level; Hispanic trends and the United States Latino population's impact on the nation, including public opinion, voting, and immigration trends; global attitudes and trends, especially democracy and governance, globalization, terrorism, how America is perceived in the world, and the rise of China; and social and demographic trends that look at the aging of society, education, race, ethnicity, and economics (Pew Research Center, 2016). The Pew Research Center (2016) contributed to this study by producing the religious composition of countries.

The World Health Organization was created on April 7, 1948 (World Health Organization, 2016). Within the United Nations' system, the World Health Organization's (2016) fundamental role involves directing and coordinating international health. The World Health Organization (2016) sets norms and standards for United Nations' member states and promotes and monitors the implementation of those standards. Additionally, the organization provides leadership to those member states on building a better and healthier future for all individuals by ensuring safety of the air, food, water, medicine, and vaccines consumed by all people (World Health Organization, 2016). Statistics are distributed to the organization by the member states in its Constitution which are responsible for monitoring and assessing health trends (World Health Organization, 2016). The World Health Organization (2016) provided the demographic information needed for this study, such as life expectancy at birth for males, total population, expenditure on health as a percentage of Gross Domestic Product (GDP), and population median age.



## DETERMINANTS OF THE DEATH PENALTY

### *Research Question and Hypotheses*

According to Bae (2011), there are 58 countries (29 percent) that retain the death penalty and 139 others (71 percent) which claim to be fully abolitionist in law or practice. As international treaties regarding death penalty abolition began to be drafted in the 1980s, countries started removing the death penalty from their penal systems (Anckar, 2014). There has been little movement in regards to studying the determinants of death penalty abolition (Mortensen, 2008). Countries vary on their death penalty use. Such variation may include substantive laws and the administration of the death penalty as well as social and economic factors (Greenberg & West, 2008).

Internationally, the death penalty is perceived as a significant human rights violation by several nations (Bae, 2011; Mathias, 2013; Mortensen, 2008; Sangiorgio, 2011; Schabas, 1998). This study will examine factors that are believed to influence a country's decision whether or not to implement capital punishment. As studied in prior literature, an economically developed country decreases the likelihood that a country will utilize the death penalty, thus leading to the original hypothesis in this thesis (Anckar, 2014). More specifically, three hypotheses were tested in this study:

H1: An economically developed country is less likely to utilize the death penalty than a less economically developed country.

H2: The higher the literacy rate in a country, the less inclined the country is to utilize the death penalty.

H3: A country consisting of a high religious composition of Muslims will be more likely to utilize the death penalty.

As pointed out in chapter 2, higher levels of human development in a country, specifically literacy rates, could be a reason for death penalty abolition (Anckar, 2014;

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Greenberg & West). Finally, religion is also seen as a predominant factor related to a country's death penalty status. Anckar (2014) claims that Christian countries have been highly subjected to and impacted by the abolitionist movement. According to Schabas (2000), the Islamic faith fails to differentiate between religion and state. Challenging one hypothesis in this thesis, there are studies that believe Islamic states will in fact be more inclined to be abolitionist death penalty countries (Mortensen, 2008). This thesis aims to determine what influences a country's decision to implement the death penalty.

### *Variables for Analysis*

Within this study, the dependent variable is a country's death penalty usage. If a country has utilized the death penalty within the last ten years, it will be noted as a retentionist and coded as 1 (Death Penalty Worldwide, 2016). A country which has not performed an execution within the last ten years will be noted as abolitionist de facto and coded as 0 (Death Penalty Worldwide). Two of the independent variables are moratorium status and method of execution. Countries which have an official moratorium are coded as 1 and countries without an official moratorium are coded as 0. The United Nations' Human Rights Committee views lethal injection as a humane method of execution (Schabas, 1998). Therefore, countries with a humane method of execution (lethal injection) will be coded as 1 and those that do not have a humane execution method (nonlethal injection) will be coded as 0.

The concept of an economically developed country will be operationalized through the following variables: population median age and life expectancy at birth for males, which will be coded numerically as ages, and expenditure on health which will be coded as a percentage of a nation's GDP (World Health Organization, 2016). The final

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independent variables will include: religion, literacy rate, and total population. Religion will be reported as the total percentage of a population that is of the Islamic faith (Pew Research Center, 2016). Literacy rate is defined as a percentage of individuals age 15 and older than can read and write (Central Intelligence Agency, 2016). Total population will be depicted as a numeric value illustrating the total number of persons in a country (World Health Organization, 2016).

### ***Research Design***

This thesis enveloped a content analysis on existing public data. A content analysis is the systematic study of recorded communications (Maxfield & Babbie, 2011). In order to perform this analysis, the data are originally entered via a Microsoft Excel file. From there, data cleaning is performed and appropriate recoding occurs in order to make them dichotomous. Next, the data are then uploaded into the computer program Statistical Package for the Social Sciences (SPSS) version 20.

### ***Analytic Strategy***

The analysis was conducted in three stages. To begin, descriptive statistics on the dependent and independent variables were examined. Results provided information regarding which variables had missing data. Also provided was the range of data, looking at minimum and maximum values as well as statistical averages (mean and median). The second stage involved examining Pearson's  $r$  correlation coefficients between the dependent variable and corresponding independent variables. Upon determining which independent variables were most correlated with the dependent variable, literacy rate, life expectancy at birth for males, total expenditure on health as a percentage of GDP, and execution method were not included in further analysis because

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they had the weakest correlations with death penalty use. The third and final stage involved running Ordinary Least Squares (OLS) Regression. OLS Regression is a linear regression model which examines multiple simultaneous predictors of the dependent variable. During this stage, each of the four remaining independent variables are tested against the dependent variable while controlling for the influence of the other variables.

The aforementioned statistical techniques provide useful information on the death penalty status of a country and the potential factors which could influence its usage. Descriptive statistics are useful in providing a profile of the countries analyzed in this study and their economic, socioeconomic, and demographic factors. In order to determine if any of the predictors are associated with death penalty use, a series of eight correlations are tested. Finally, while controlling for the influence of other variables, OLS Regression determines the possible significance of the four independent variables, which had the greatest correlation with the dependent variable in phase 2, by predicting the likelihood they will influence a country's decision to utilize the death penalty.

## Chapter 4 Results

### *Descriptive Statistics*

For the purpose of this study, information was gathered from multiple databases in order to better understand the factors that determine a country's decision to utilize the death penalty. The CIA World Factbook, Death Penalty Worldwide, the Pew Research Center, and the World Health Organization provided data on a country's death penalty usage, religion, literacy rate, population make-up, life expectancy, expenditure on health, the moratorium status of a country, and the methods of execution utilized.

Table 4 provides descriptive statistics on these variables and illustrates the composition of the countries involved in this study. For example, 49 of the countries (57 percent) are considered to be abolitionist de facto, which means the countries have not executed an individual in the past ten years, and 37 countries are retentionists (43 percent), meaning the countries have indeed performed an execution within the last ten years. While the total number of countries in this study is 86, there are variables that have missing data; therefore, the sample size (N) is a smaller number for some variables: percent Muslim (n=83), literacy rate (n=74), population median age (n=79), life expectancy at birth for males (n=79), total expenditure on health as a percentage of GDP (n=80), and moratorium status (n=81). Total population and execution method are the only two variables other than death penalty use that do not have missing data. It is also noted in Table 4 the number of countries that currently have an official moratorium (n=7) and the number of countries which do not (n=74). The type of execution method is also explicitly explained in Table 4 showing the number of cases that have a humane method of execution (n=6) and the number of countries which do not (n=80).

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Table 4

*Sample Profile Reflecting all Variables in the Analysis  
(n = 86)*

Variables	Valid N	Min	Max	Mean/Median
<b>Death Penalty Use</b>		0	1	.43
0=Abolitionist de facto	49			
1=Retentionist	37			
<b>Percent Muslim (%)</b>	83	0	100	41.5/15.8
<b>Literacy Rate (%)</b>	74	19	100	77.6/81.7
<b>Total Population</b>	86	56 000	14 00 000 000	64 235 930.2/ 11 797 000
<b>Population Median Age</b>	79	15	46	24.9/23
<b>Life Expectancy at Birth (Male)</b>	79	49	89	66.3/66
<b>Total Expenditure on Health as % of GDP</b>	80	2	19	6.1/5.5
<b>Moratorium Status</b>		0	1	.09
0=No Official Moratorium	74			
1=Official Moratorium	7			
<b>Execution Method</b>		0	1	.07
0=Not Humane	80			
1=Humane	6			

The following are the values of the mean (m) and median (md) for the overall predicting factors of death penalty utilization. The median Muslim population in a nation is 15.8 percent (m=41.5 percent). The average literacy rate of a nation is 77.6 percent (md=81.65 percent). A nation's total population ranges from a minimum of 56,000 people to a maximum of 1.4 billion people with the median equal to 11,797,000 (m=64,235, 930). The average population median age of a country is 24.9 years (md=23

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years). A country's life expectancy at birth for males averages at 66.3 years (md=66 years). The average total expenditure on health as a percentage of GDP in a country is 6.1 percent (md=5.5 percent). Health care expenditures for a nation include the total public and private health care expenditure and "covers the provision of health services, family planning activities, nutrition activities, and emergency aid designated for health, but does not include provision of water and sanitation" (The World Bank, 2016). This number is an accumulation of the total amount of a nation's GDP. GDP is "the sum of all gross value added by all resident producers in the economy plus any product taxes and minus any subsidies not included in the value of the products" (The World Bank, 2016). On average, 9 percent of the countries had an official moratorium which precluded the implementation of the death penalty. It should be noted that only 7 percent of the countries had what is considered to be a human method of execution (lethal injection) while 93 percent of the countries used inhumane methods (nonlethal injection). (Table 4)

### ***Correlations***

The second phase of the content analysis involved testing the independent variables against the dependent variable. Pearson's r correlation coefficient indicates the relationship of two or more variables, specifically examining the magnitude and direction, and determines whether a statistically significant relationship exists. The closer Pearson's r is to positive or negative 1, the stronger the correlation. There were eight total correlations examined in order to determine if there was any relationship between the predictors and a country's decision to utilize the death penalty. The initial hypothesis states an economically developed country will be less likely to utilize the death penalty than a less economically developed country. The variables used to

## DETERMINANTS OF THE DEATH PENALTY

encompass 'economically developed' include population median age, life expectancy at birth for males, and total expenditure on health as a percentage of GDP.

Table 5 depicts all variables as having a weak relationship to the dependent variable (death penalty use) because Pearson's  $r$  is closer to 0 than positive or negative 1 in all cases. For the purpose of this study, a correlation's strength can be considered weak if it falls between negative or positive .01 and .29. While these relationships may be weak, percent Muslim is significant at the .01 level; total population, as well as moratorium status, is significant at the .05 level. According to Table 5, countries that have a high total population and a high percentage of Muslim individuals are more likely to utilize the death penalty. Table 5 shows moratorium status as having a negative relationship, meaning that those countries which currently do not have an official moratorium are more likely to utilize the death penalty. Population median age, life expectancy, and expenditure on health as a percentage of GDP are not significant, but appear to have a weak correlation (.211, .171, -.142, respectively). Because literacy rate, life expectancy at birth for males, total expenditure on health as a percentage of GDP, and execution method have the weakest correlations, they will not be considered in the regression phase of the analysis.



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Table 5

*Correlations between Predictors and Death Penalty Use (1=Retentionist), (N=86)*

Variable	Pearson's r	Sig. (2-tailed)
<b>Percent Muslim</b>	.290***	.008
<b>Moratorium Status</b> (1=Official Moratorium)	-.282**	.011
<b>Total Population</b>	.267**	.013
<b>Population Median Age</b>	.211*	.062
<b>Life Expectancy at Birth (Male)</b>	.171	.132
<b>Total Expenditure on Health as % of GDP</b>	-.142	.208
<b>Execution Method</b> (1=Humane)	.131	.230
<b>Literacy Rate</b>	.111	.348

Note: \* =  $p < 0.10$ , \*\* =  $p < 0.05$ , and \*\*\* =  $p < 0.01$

### *OLS Regression*

The third phase of this analysis involves Ordinary Least Squares (OLS) Regression. OLS Regression is responsible for estimating parameters in a linear regression model. The dependent variable, not mentioned in Table 6, is the death penalty status of a nation: abolitionist de facto (0) or retentionist (1). Table 6 summarizes the predictor variables used and their relationship to the dependent variable. Those variables in the model, also known as independent variables, included the following: the percent of the population that is Muslim, the total population of the country, the population median age, and moratorium status of a country which tells whether or not there is an official

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moratorium in place. Only four variables were included in OLS Regression because in order for the outcome to be accurate, there must be a ratio of 20 countries per variable.

According to the OLS Regression model, 36.1 percent of variability of death penalty use can be accounted for by percent Muslim of a nation, moratorium status, total population, and population median age. Within Table 6, the reader can see the variables which show levels of statistical significance, ranging from the .05 level to the .001 level: percent Muslim (B=.436,  $p<0.001$ ), moratorium status (B=-.354,  $p<0.01$ ), population median age (B=.242,  $p<0.05$ ), and total population (B=.258,  $p<0.05$ ). The aforementioned variables influence countries to become more likely to utilize the death penalty when controlling for the other variables. It should be noted that percent Muslim has a significance of  $p<0.001$  which shows it has the most reliable statistical significance; therefore, one can assume that the Muslim religion will be the most likely to influence a country to use the death penalty.

Table 6

*Linear Regression Predicting the Relationship to Death Penalty Use (1=Retentionist)*  
(N=86)

Variable	Standardized Beta	Significance
<b>Percent Muslim</b>	.436	$p<0.001$ ***
<b>Moratorium Status</b> (1=Official Moratorium)	-.354	.001**
<b>Population Median Age</b>	.242	.019*
<b>Total Population</b>	.258	.013*

Note: \* =  $p<0.05$ , \*\* =  $p<0.01$ , and \*\*\* =  $p<0.001$

**Chapter 5**  
**Conclusion and Discussion**

***Summary of Major Findings***

This exploratory study was undertaken to evaluate the determinants of the death penalty in countries which currently have statutes allowing capital punishment. The data were gleaned from the CIA World Factbook, Death Penalty Worldwide, the Pew Research Center, and the World Health Organization. This study sought to discover the relationship that existed between a country's death penalty use and eight other factors: religion (percent Muslim), literacy rate, total population, population median age, life expectancy at birth (male), total expenditure on health as a percentage of Gross Domestic Product (GDP), moratorium status, and execution method. Three hypotheses were tested in this study:

H1: An economically developed country is less likely to utilize the death penalty than a less economically developed country.

H2: The higher the literacy rate in a country, the less inclined the country is to utilize the death penalty.

H3: A country consisting of a high religious composition of Muslims will be more likely to utilize the death penalty.

The first hypothesis was not supported; the second hypothesis was not supported; and the third hypothesis was supported. There was no significant correlation between the variables depicting a developed country and death penalty use. Upon completing the OLS regression, it was found that population median age was significant at the .05 level; therefore, the first hypothesis was not supported. The results show that as the average age of the population increases, the more likely that country will retain the death penalty. This may be explained by the relationship between age and perceived goals of

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punishment. A nation with a larger population of older people will have more support for capital punishment because they may have a more conservative ideology. The other two variables depicting a developed nation, life expectancy and health care expenditure, were not included in the regression model due to their weak correlations in phase 2. In order for this hypothesis to be supported, all three of the proxies for economically developed must be found significant. Therefore, the hypothesis that an economically developed country will be less likely to utilize the death penalty than a less economically developed country is not supported and would need future proxies in order to determine the influence economic development has on the death penalty.

There was no significant correlation between literacy rate and death penalty use. In fact, literacy rate had the weakest correlation to death penalty use and was therefore omitted from the OLS Regression. Consequently, the hypothesis that a country with a higher literacy rate would be less inclined to utilize the death penalty was not supported. Considering the Central Intelligence Agency (2016) defines literacy as individuals age 15 and older that can read and write, it does not necessarily mean that those individuals will be knowledgeable in policies and procedures in their nations, namely the death penalty. Therefore, those individuals may not vocalize opinions or attempt to change legislation.

There was a significant correlation at the .01 level between a country's Muslim population and death penalty use; there was also a statistical significance at the .001 level of percent Muslim in the OLS Regression; therefore, the hypothesis that a country consisting of a higher religious composition of Muslims will be more likely to utilize the death penalty was supported. Islamic states tend to intertwine religion and state policies including the use of the death penalty (Schabas, 2000). Consequently, it comes as no

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surprise that this hypothesis was supported when considering the Koran's influence on Islamic state policies.

### ***Contributions***

This thesis contains at least three benefits to research on the death penalty. First, it seeks to unveil an area of capital punishment that has failed to have been extensively researched over the course of its implementation in various countries. The majority of studies regarding the death penalty mainly focus on the role of executions being a deterrent to criminals contemplating serious crimes. Furthermore, studies that are not fixated on the deterrent effect of the death penalty are more than likely concentrating on the demographic factors surrounding the accused individuals who are being subjected to the capital punishment process.

Second, this research is an extension of Anckar (2014)'s *Why Countries Choose the Death Penalty*. Anckar (2014) focuses on death penalty use in relation to form of government, population, colonial heritage, dominant religion, socioeconomic development, and ethnic fragmentation. The purpose of this thesis is to explore explanations regarding the determinants of the death penalty in a country. This study seeks to reveal aspects of an entire nation rather than scrutinize individualized characteristics of those on death row. While drawing from Anckar's (2014) study, other variables utilized within this research include life expectancy for males, literacy rate, health expenditure as a percentage of GDP, median age, moratorium status, and execution method. The goal is to comb through these variables in pursuance of determining what factors of a nation could be the agents that propel a society to actively utilize the death penalty.

## DETERMINANTS OF THE DEATH PENALTY

Third, this study helps to facilitate a global perspective concerning capital punishment. It is able to compare and contrast the utilization of the ultimate criminal sanction among numerous countries that vary in their economic status as well as literacy rate and religion. The definitive goal of this study is to benefit research related to the death penalty by examining empirical data to discover what determines a country's death penalty status.

### *Limitations to the Study*

There are at least six limitations that exist within this study. First, there is a lack of prior research regarding the specific topic chosen for this thesis. Most studies regarding the death penalty do not focus on global perspectives on the utilization of the death penalty regarding a nation's development, making it difficult to base this thesis on literature explicitly related to the subject. To illustrate further limitations, this study had restrictions on the number of countries utilized as well as data that was unavailable. Only 86 countries were analyzed. One case (Palestinian Authority) was left out from the original data source because unlike the other cases in the sample, it is not identified as a country by the United Nations. The number of countries used in this study represents nearly 44 percent of the world's countries. Additionally, certain countries are missing data in this study, such as population median age, literacy rate, or moratorium status.

Third, while the data retrieved for this study come from several organizations, there are issues that exist within these sources. For example, Death Penalty Worldwide operates in conjunction with the World Coalition Against the Death Penalty; therefore, this database could be seen as being biased. The World Coalition Against the Death Penalty is seen as an anti-death penalty organization and since Death Penalty Worldwide associates itself with that organization, it is possible that it may discriminate when

## DETERMINANTS OF THE DEATH PENALTY

collecting data. Additionally, the World Health Organization offers information on the population median age and the total population, supplying data from different years: 2013 and 2015, respectively. This may cause complications within the study because the years are not concurrent, meaning that the study is comparing population median age and total population for two separate years and the numbers for population median age may be completely altered for the year 2015. Furthermore, a fourth limitation includes variables that were omitted from the final phase of the study. Four variables were chosen to be left out of the third phase, OLS Regression, due to their statistically insignificant correlations. Had literacy rate, life expectancy for males, health expenditure as a percentage of GDP, and execution method been included in the third phase, the outcome may have been different.

In addition to the preceding limitations, this thesis was a cross-sectional study, meaning that it only focuses on one period of time. This limits the reader to only understanding the current obstacles posed by death penalty utilization. Finally, the sixth limitation includes inconsistencies concerning the definition of an economically developed country. Considering the hypothesis of this study states an economically developed country will be less likely to utilize the death penalty than a less economically developed country, it is important to properly interpret definitional statements regarding what it means to be a developed nation. One major problem identified in this research included a lack of a universal definition of what it means to be a developed nation. For example, English Oxford Living Dictionaries (2016) defines a developed country as being “technologically and economically advanced,” but Merriam-Webster (2016) defines it as “having many industries and relatively few poor people who are unable to

## DETERMINANTS OF THE DEATH PENALTY

buy the things they need.” In this thesis, economic development was represented by three proxies: population median age of a country, life expectancy at birth for males, and total expenditure on health as a percentage of GDP. These may or may not be most appropriate representations for defining a country as economically developed.

### *Recommendations for Future Research*

In the spirit of understanding a universal definition of a developed country, one could include more factors which may further define a developed country, such as system of government and gross national income. While this may appear to be redundant in some aspects, it is essential to have more factors that provide sustenance as to whether a hypothesis is supported or not supported.

As the Muslim religion was a significant finding within this study, future research should test this further by continuing to delve deeper into the phenomenon of why this religion is related to death penalty utilization. Furthermore, more variables including other religions could be added for consideration, specifically Christianity since it is believed to have a different view towards the death penalty than Islam, and areas with a high concentration of Christians will be more apt to be an abolitionist state (Anckar, 2014).

As mentioned previously, this thesis was a cross-sectional study. The research focuses on current trends and factors related to death penalty use as opposed to understanding how the death penalty status of a nation developed over time. Further research should involve completing a longitudinal study involving the evolution of capital punishment around the world in order to properly understand how certain factors have influenced retention and abolition over the years.



## DETERMINANTS OF THE DEATH PENALTY

As Anckar (2014) studied in his work *Why Countries Choose the Death Penalty*, further research should include looking at the death penalty regionally across the globe. It would be beneficial for researchers to study the differences in death penalty use geographically and also compare the religion, culture, and other factors discussed throughout this study. It also may be favorable to specifically pursue authors from other countries, as well as publications of international literature, in an attempt to gather those countries' views on capital punishment proceedings in that precise region.

Finally, it is important for researchers to broaden their inquiries and begin to focus their attention on determinants of the death penalty in countries rather than what types of individuals are being subjected to it or whether or not it is seen as a deterrent. At one point, all countries utilized capital punishment, though varied in their application (Greenberg & West, 2008). As previously stated in this study, the international attitude towards capital punishment has become progressively critical, meaning that abolition of the death penalty has increasingly been advocated by international lawyers, non-governmental organizations, and national governments (Anckar, 2014). The goal of performing a new generation of research related to this study is to simply give readers the ability to learn the facts regarding countries' death penalty usage and form their own opinions on the matter.

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Appendix

**Youngstown**  
STATE UNIVERSITY

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330.941.2377  
www.yzu.edu

October 16, 2016

Dr. Christopher Bellas, Principal Investigator  
Ms. Kate Lynn Pisarcik, Co-investigator  
Department of Criminal Justice & Forensic Sciences  
UNIVERSITY

RE: HSRC Protocol Number: 035-2017  
Title: A Developed Nation and its Impact on the Death Penalty

Dear Dr. Bellas and Ms. Pisarcik:

The Institutional Review Board has reviewed the abovementioned protocol and determined that it is exempt from full committee review based on a DHHS Category 4 exemption.

Any changes in your research activity should be promptly reported to the Institutional Review Board and may not be initiated without IRB approval except where necessary to eliminate hazard to human subjects. Any unanticipated problems involving risks to subjects should also be promptly reported to the IRB.

The IRB would like to extend its best wishes to you in the conduct of this study.

Sincerely,

Mr. Michael Hripko  
Associate Vice President for Research  
Authorized Institutional Official

MAH:cc

c: Attorney Patricia Wagner, Chair  
Department of Criminal Justice & Forensic Sciences

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