



The Death
Penalty Project

**PUBLIC OPINION
AND THE DEATH
PENALTY**

When faced with calls to join the majority of states worldwide that have now abolished capital punishment, a key justification, typically relied upon by retentionist states, is that their citizens are not yet ready for abolition, and that political leaders must represent ‘the will of the people.’

Such reasoning obscures the complexity of public opinion on this issue, not least that opinions can be difficult to accurately ascertain. Indeed, while public opinion on capital punishment should not be entirely ignored, research has found that it can be influenced by misconceptions about its administration and efficacy.

Research to challenge assumptions

Rigorous empirical research which meticulously interrogates public opinion can reveal the limits of retentionists’ claims of public support for the death penalty. By enquiring beyond the binary question of whether or not respondents support or oppose the death penalty, much more nuanced views emerge.

Claims of widespread public support for capital punishment can significantly overstate the extent of the public’s interest in the issue. One survey of 4,500 people

undertaken in China in 2007-08 found that only 3% of respondents were ‘very interested’ in the death penalty, and only a quarter were interested at all.

Research in Malaysia in 2012 found that only 8% of respondents were ‘very interested or concerned’, with 36% ‘not very’ interested or not at all concerned. Similarly, in a 2015 survey in Accra, Ghana, where the death penalty is mandatory for murder, only 9% of respondents were ‘very interested’ in the matter.

Introducing information on wrongful convictions

Where support for capital punishment is found, it appears to be contingent on the belief that its

administration is free from errors – a belief undermined by frequent findings of the execution of innocent persons and of those wrongfully convicted across all jurisdictions that retain

Contextualising responses

Limited interest and concern among the public in retentionist jurisdictions has been found to be accompanied by a significant lack of knowledge about the death penalty, not least, how often it is used and for which offences.

Research conducted in Indonesia in 2019-20 found that only 2% of public respondents considered themselves to be 'very well informed' about the matter.

When researchers in Taiwan in 2014 presented participants with four factual questions about the death penalty, only four out of over 2,000 people knew the answers to all four questions. Over half (55%), did not know the answers to any.

In Trinidad and Tobago, which has a very high rate of homicide, while public

respondents to a 2011 survey expressed a notably high level of interest in the death penalty, this was not based on a significant level of knowledge. Just 17% stated that they felt 'very well informed or knew a great deal', while nearly half (47%) knew 'little or nothing.'

These findings indicate that public opinion in retentionist states is not salient; it is not based on a high level of engagement with the issue, nor on extensive knowledge of the punishment and its administration.

capital punishment, including those with the most stringent due process protections.

When members of the public in China were asked if they would still support retention 'if it were proven to their satisfaction that innocent persons had sometimes been executed,' support for the death

penalty fell from an initial level of 58% to just 25%.

When the same question was posed elsewhere, specifically with regard to murder, support among respondents in Trinidad and Tobago fell from an initial nine out of 10 to just a third, while support among respondents in Singapore fell from nine out of 10 to four out of 10.

Introducing information on the inefficacy of deterrence

Another assumption which underpins support for the death penalty is the belief that death sentences and executions have a deterrent effect. Presenting retentionists with empirical research evidence that challenges their belief in deterrence, from all countries where research has been conducted, reduces support for the death penalty.

In Indonesia, 38% of those respondents who had initially expressed support for the death penalty stated that they would instead support abolition if it was proven that it was no better at deterring crime than long-term imprisonment.

In Singapore, where 92% of respondents had stated that they favoured retention, this figure fell sharply to 57% when respondents were asked for their position if it were proven that the punishment was no more an effective deterrent against murder than life imprisonment or long-term imprisonment.

Support for the death penalty exists in the abstract

Support for the death penalty in the abstract is not inevitably sustained when people are asked to consider specific realistic cases. Scenarios which provide context about an offender's mitigating circumstances,

for example, produce much lower rates of support for capital punishment.

In Taiwan, while 85% of respondents initially opposed abolition, when asked for their views on a scenario in which an unemployed young man was convicted of the murder of a homeowner during a burglary, only one-third of

Challenging support with alternative sentences

In-depth surveys can also assist in understanding respondents' views about the effectiveness of capital punishment when compared with alternative harsh penalties.

In China, the rate of those supporting the death penalty declined from 58% to 38% when respondents were asked to consider an alternative sentence of life imprisonment with early release. This fell further to 29% if the sentence was life imprisonment without parole.

Surveys across various jurisdictions have found that despite initial support for capital punishment, when asked about the most effective crime reduction measures, the public considers social justice policy solutions to be more effective. Almost all (92%) respondents in a 2017 survey in Zimbabwe thought social policies were more effective at reducing violent crime than 'more executions'.

respondents supported the imposition of a death sentence.

When presented with a scenario in which a woman had deliberately killed her husband following many years of abuse, support for the death penalty among respondents in Trinidad and Tobago fell from 89% in the abstract to just 10%, and from 91% in the abstract to just 14% among respondents in Malaysia.

Other questioning has examined support for the mandatory imposition of the death

penalty in the abstract and in practice in relation to realistic scenarios. In Malaysia, where 56% of respondents expressed support for mandatory sentencing, when presented with three typical scenarios, only 14% of respondents agreed with the imposition of the death penalty in all three cases.

The gap between respondents' initial views and those provided in response to typical cases highlights the critical importance of comprehensive questioning, which can produce significantly different results from reductive, abstract enquiries.

Evidencing an openness to abolition

Importantly, expressions of support for retention do not necessarily mean that members of the public are steadfastly against abolition. Research undertaken in Japan in 2014 found that among those who supported retention, 71% stated that they would accept abolition if it were to be adopted as government policy.

Research suggests a key driver of public support for the death penalty in retentionist states may be the socialisation process, with evidence that support falls markedly in the years following abolition as people grow up without it.

In West Germany, for example, at the time of abolition in 1949, 74% of the public favoured retention of the death penalty, whereas by 1980 this figure had fallen starkly to just 26%. It appears that new generations are likely to view the death penalty as a barbaric relic of the past, in the way that the world now rightly views slavery.

Political will and leadership

Where abolition has come about, it has usually been driven by political and judicial leaders, rather than arising from popular demand among the general public. It seems, though, that the public will follow their principled leaders.

The path to abolition, therefore, has not required waiting for organic shifts in public opinion, but has been charted by political leadership – even in the face of public opposition – with the public following and generally later shifting its position to one of endorsement of abolition.

When the Constitutional Court of South Africa abolished the death penalty in 1995, it did so while recognising that the majority

of South Africans still believed it should be retained in ‘extreme cases of murder.’ The Court emphasised the incompatibility of retention with a human rights culture which would:

“... protect the rights of minorities and others who cannot protect their rights adequately through the democratic process.”

From a human rights perspective, justifications for the retention of the death penalty founded on public support cannot be reconciled with the need to ensure the protection of the rights of all individuals. Such protection must not be contingent upon the sentiments of the majority.



The Death Penalty Project is a legal action NGO with special consultative status before the United Nations Economic and Social Council. We provide free representation to people facing the death penalty worldwide, with a focus on the Commonwealth. We use the law to protect prisoners facing execution and promote fair criminal justice systems, where the rights of all people are respected.

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