

Death Penalty: The Political Foundations of the Global Trend Towards Abolition

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Abstract The death penalty is like no other punishment. Its continued existence in many countries of the world creates political tensions within these countries and between governments of retentionist and abolitionist countries. After the Second World War, more and more countries have abolished the death penalty. This article argues that the major determinants of this global trend towards abolition are political, a claim which receives support in a quantitative cross-national analysis from 1950 to 2002. Democracy, democratisation, international political pressure on retentionist countries and peer group effects in relatively abolitionist regions all raise the likelihood of abolition. There is also a partisan effect, as abolition becomes more likely if the chief executive's party is left wing-oriented. Cultural, social and economic determinants receive only limited support. The global trend towards abolition will go on if democracy continues to spread around the world and abolitionist countries stand by their commitment to press for abolition all over the world.

Until rather recently, almost all countries applied the death penalty as a punishment for criminals, traitors, political prisoners and other people, sometimes entirely innocent of the charges against them. In the late nineteenth and early twentieth century, a few countries abolished the death penalty, but most of the countries that have revoked capital punishment have done so after the Second World War (Schabas 1997; Hood 2001). Since then, there has been an increasing trend towards the abolition of the death penalty – a trend, which gained particular momentum in the 1990s. But can we expect this global abolitionist trend to continue or is it likely to

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stop soon? Schabas (1997) and Fijalkowski (2001) are optimistic, but Radzinowicz (1999: 293) does 'not expect any substantial further decrease in the appointment and use of capital punishment in the near future' since 'most of the countries likely to embrace the abolitionist cause have by now done so' (similarly Dunér and Geurtsen 2002: 19). This article argues that the global trend towards abolition is mainly politically determined rather than by cultural, social and economic factors. More specifically, it argues that the continuation of the abolitionist trend is contingent on a further spread of democracy around the world, on political pressure imposed on retentionist countries, on regional peer group effects and on the political balance between conservative and left-wing parties within countries.

The death penalty is like no other punishment. It is the ultimate, most consequential and totally irreversible penalty. Not surprisingly, it is also the politically most controversial form of punishment. Its continued existence in many countries of the world is contested by human rights groups, criminologists, some political parties and others sometimes within and often outside the country applying the death penalty. The execution of foreigners who are citizens of abolitionist countries commonly creates political tensions between governments. Members of the European Union (EU), but also other countries routinely intervene if one of their nationals is facing the threat of death penalty in another country. Abolitionist countries from Western Europe and other regions typically do not extradite prisoners, own citizens or not, to countries like the United States (US), unless it is guaranteed that they will not be executed. This is true even if the prisoners are suspected or convicted terrorists (EU 2002). Political conflict is particularly severe where nations otherwise share similar cultural and political values. Zimring (2003, p. 181) argues that the US and European countries 'are now farther divided on the question of capital punishment than on any other morally significant question of government policy'. This was of course written before the Iraq war, but it points towards how capital punishment divides countries that are otherwise close allies.

The continued existence of the death penalty in many countries is therefore an immensely political and controversial issue. It is surprising to note that scholars and political scientists in particular have not paid much attention to explaining the determinants of death penalty abolition across the world. Like Jacobs and Carmichael (2002) we find the dearth of systematic research into the determinants of death penalty abolition most astonishing. It stands in contrast to the importance attached to the justification for punishment (Matravers 1999) and the political controversies generated by the existence of capital punishment. It also stands in stark contrast to the many empirical studies, which have demonstrated how racial and social discrimination influences the imposition of the death sentence particularly in the US, and the many studies addressing the alleged deterrent effect of capital punishment (see, for example, Keil and Vito (1989), Peterson and Bailey (1991), Bailey (1998) and the many studies reviewed in Hood (1998; 2002)). At the cross-national level, there exist only very few analyses by criminologists (Killias 1986; Wiechman et al. 1990) and sociologists (Neapolitan 2001; Greenberg and West 2003). None of these studies employs multivariate regression analysis with the exception of Greenberg and West (2003) and even this study is purely cross-sectional. It thus cannot analyse the determinants of death penalty abolition since it does not use information on the explanatory variables at the time of abolition. At the sub-national level, Jacobs and

Carmichael (2002), two sociologists, examine the determinants of whether the death penalty is legally existent in the 50 states of the United States (US) in the years 1971, 1981 and 1991, whilst Jacobs and Carmichael (2004) additionally address the number of executions from around the same time period.

In the next section, we demonstrate the global trend towards the abolition of the death penalty. We then analyse the political foundations behind this trend. To demonstrate empirically the relevance of these foundations, we need to control for other determinants of death penalty abolition and therefore discuss cultural, social and economic factors. A description of the research design is followed by the presentation of results, which are then subjected to sensitivity analysis. The concluding section answers the question whether the worldwide trend towards abolition can be expected to continue with a cautious yes.

The Global Trend Towards the Abolition of the Death Penalty

Complete abolition of the death penalty is not a consistent country practice (Short 1999). The majority of countries have not abolished the penalty for all crimes. Some more have abolished it for ordinary crimes only. The latter typically exclude crimes of treason and other crimes committed during wartime. A few might be considered as *de facto* abolitionist since they have not executed anyone for some time, whilst many remain retentionist.

Venezuela in 1863 was the first country in the world to abolish the death penalty for all crimes (Hood 2001). Several South American and Western European countries were similarly frontrunners in abolishing the death penalty, at least for ordinary crimes. Once the death penalty becomes abolished by law or constitutional change, it is unlikely to come back. Italy is one of the few exceptions where the death penalty became abolished early on in 1889, honoring Cesare Beccaria's (1995 [1764]) path-breaking call for death penalty abolition, but was re-instated under Mussolini rule in 1926 and became applicable again for ordinary crimes in 1930. Some states of the US have also abolished capital punishment for some time, only to re-introduce it later.

Tables 1 and 2 show in chronological order, which countries abandoned in which period the death penalty for all crimes and for ordinary crimes. One might think that the distinction between the two types of abolition does not make much difference in reality. However, Schabas (1997: 300) warns against such complacency in stating that 'it is in time of war when the greatest abuse of the death penalty occurs, criteria of expediency and State terror stampeding panicked governments towards inhumane excesses unthinkable in time of peace'. Similarly, the risk of judicial error and therefore of killing innocent people is much higher in times of war (Marchesi 1996). Given the declaration of a "war on terror" after 9/11, there is also the possibility that capital punishment might be increasingly applied on politically motivated offenders in countries that have abolished the death penalty for ordinary, but not for all crimes.

The tables show that abolition has been mainly a phenomenon of the second half of the last century with an increasing trend towards the end of it. The 1990s in particular have been a truly abolitionist decade with a diverse range of countries

Table 1 Abolition of death penalty for all crimes

Before 1900 (9.5%)	1900–1919 (16.3%)	1920–1939 (13.8%)	1940–1949 (13.3%)	1950–1959 (12.4%)	1960–1969 (10.5%)	1970–1979 (15.4%)	1980–1989 (23.6%)	1990–1999 (38.5%)	2000 onwards (40.9%)
Costa Rica San Marino	Colombia Ecuador	Iceland	Germany (West)	Honduras	Austria Dominican Republic Monaco Vatican State	Denmark Finland	Australia Cambodia	Andorra Angola	Bosnia-Herzegovina Bhutan
Venezuela	Panama ^a Uruguay					Kiribati Luxembourg Nicaragua Norway Portugal Solomon Islands Sweden Tuvalu	Cape Verde France Germany (East) Haiti Liechtenstein Marshall Islands Micronesia Netherlands New Zealand Romania Slovenia Vanuatu	Azerbaijan Belgium Bolivia Bulgaria Canada Croatia Czech Republic Djibouti East Timor Estonia Georgia Greece Guinea-Bissau Hungary Ireland	Cote d'Ivoire Cyprus Liberia Malta Mexico Philippines Samoa Yugoslavia

Italy^b
Lithuania
Macedonia
Mauritius
Moldova
Mozambique
Namibia
Nepal
Palau
Paraguay
Poland
Sao Tome and Principe
Seychelles
Slovak Republic
South Africa
Spain
Switzerland
Turkmenistan
Ukraine
United Kingdom

Number in parenthesis below time period represents the percentage of state members of the interstate system that have abolished the death penalty during that period or before.
Sources: Amnesty International (2006) and Hood (2001).

^a Last known execution in 1903.

^b Italy was abolitionist for all crimes between 1889 and 1926 (UN-ECOSOC 1998).

Table 2 Abolition of death penalty for ordinary crimes

	Before 1900 (16.7%)	1900–1919 (20.4%)	1920–1939 (21.5%)	1940–1949 (24%)	1950–1959 (23.6%)	1960–1969 (19.5%)	1970–1979 (23.1%)	1980–1989 (31.7%)	1990–1999 (44%)	2000 onwards (47.2%)
Costa Rica		Colombia	Denmark	Finland	Austria	Dominican Republic	Brazil ^a	Argentina	Andorra	Albania
Netherlands		Ecuador	Iceland	Germany	Honduras	Monaco	Canada	Australia	Angola	Armenia
Norway		Panama ^b	Mexico	(West)	Israel	New Zealand	Fiji	Cambodia	Azerbaijan	Bhutan
Portugal		Uruguay	Sweden	Italy ^c		Solomon Islands	Kiribati	Cape Verde	Belgium	Chile
San Marino				Switzerland		United Kingdom	Luxembourg	Cyprus	Bolivia	Cote d'Ivoire
Venezuela						Vatican State	Malta	El Salvador	Bosnia-Herzegovina	Liberia
							Nicaragua	France	Bulgaria	Philippines
							Peru	Germany	Croatia	Samoa
							Spain	(East)	Czech Republic	Turkey
							Tuvalu	Haiti	Djibouti	Yugoslavia
							United Kingdom (Northern Ireland)	Liechtenstein	East Timor	
								Marshall Islands	Estonia	
								Georgia		
								Micronesia		
								Romania		
								Slovenia	Guinea-Bissau	
								Vanuatu	Hungary	
									Ireland	
									Latvia	

Lithuania
 Macedonia
 Mauritius
 Moldova
 Mozambique
 Namibia
 Nepal
 Palau
 Paraguay
 Poland
 Sao Tome and Principe
 Seychelles
 Slovak Republic
 South Africa
 Turkmenistan
 Ukraine

Number in parenthesis below time period represents the percentage of state members of the interstate system that have abolished the death penalty during that period or before. Sources: Amnesty International (2006) and Hood (2001).

^a Brazil was abolitionist for ordinary crimes since 1882, but re-instated the death penalty for political crimes from 1969 to 1979 under the military dictatorship (UN-ECOSOC 1998).

^b Last known execution in 1903.

^c Italy was abolitionist for ordinary crimes between 1889 and 1930 (UN-ECOSOC 1998).

from all over the world revoking capital punishment. Of course, the increase is partly due to the increasing number of sovereign countries. The tables therefore also show the percentage of state members of the interstate system, as listed in Singer (2003), that have abolished the death penalty. The 1960s was a decade in which the retentionist countries could increase their relative share despite some countries joining the abolitionist camp. This is because many countries became independent without simultaneous abolition of the death penalty. After that, however, an increasing trend towards abolition is clearly discernible also in relative terms. Another interesting fact is that even though many countries have totally abolished the death penalty for all crimes in one go, quite a few countries have been much more hesitant to abolish the death penalty for all crimes than for ordinary crimes only. For example, Portugal and The Netherlands abolished the death penalty for ordinary crimes in 1867 and 1870, but for all crimes only in 1976 and 1982, respectively.

The most problematic and vague category is that of countries considered to have abolished the death penalty *de facto* rather than *de jure*. This means that whilst capital punishment is still contained within the country's legal system, no person has been executed for some period of time. However, because no explicit and legally binding end has been set to capital punishment, some of these countries revert again to applying the death penalty. Hood (2001: 335) reports that after 1994 eight countries previously considered *de facto* abolitionist resumed executing people. Table 3 provides a list of countries considered by Amnesty International (2006) to be *de facto* abolitionist in September 2006. The criterion employed by Amnesty International (2006) is that a country has 'not executed anyone during the past 10 years' and is believed to 'have a policy or established practice of not carrying out executions'.

The remaining countries are called retentionist. Table 3 also provides a list of countries thus considered by Amnesty International (2006) in September 2006. There are large differences in the application and administration of the death penalty among retentionist countries (UN-ECOSOC 2001). In some countries, people can

Table 3 De facto abolitionist and retentionist countries (September 2006)

De facto abolitionist	Brunei Darussalam, Burkina Faso, Central African Republic, Congo (Republic), Gambia, Grenada, Madagascar, Maldives, Mali, Nauru, Niger, Papua New Guinea, Russian Federation, Senegal, Sri Lanka, Suriname, Togo, Tonga
Retentionist	Afghanistan, Algeria, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Botswana, Burundi, Cameroon, Chad, China, Comoros, Congo (Democratic Republic), Cuba, Dominica, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Ghana, Guatemala, Guinea, Guyana, India, Indonesia, Iran, Iraq, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Korea (Democratic Republic), Korea (Republic), Kuwait, Kyrgyzstan, Laos, Lebanon, Lesotho, Libya, Malawi, Malaysia, Mauritania, Mongolia, Morocco, Myanmar, Nigeria, Oman, Pakistan, Palestinian Authority, Qatar, Rwanda, St. Christopher and Nevis, St. Lucia, St. Vincent and the Grenadines, Saudi Arabia, Sierra Leone, Singapore, Somalia, Sudan, Swaziland, Syria, Taiwan, Tajikistan, Tanzania, Thailand, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United States, Uzbekistan, Vietnam, Yemen, Zambia, Zimbabwe

Source: Amnesty International (2006)

only be sentenced to death for the most serious crimes, typically murder, whereas in other countries, drug producers and traffickers and those committing sexual and even economic crimes can be sentenced to death. Some countries go as far as using the death penalty as a threat against what the law regards socially or religiously undesirable behaviour. For example, in Iran, adultery, sodomy, homosexuality and sexual relations between a Muslim woman and a non-Muslim man could lead to capital punishment (Hood 2002). In some countries, the convicted can be juveniles or insane, the death penalty can be mandatory for various types of crimes and the legal safeguards can differ dramatically across countries (*ibid.*).

A few countries execute a great many people, whereas most retentionist countries execute only few. According to cases known to Amnesty International (2006), during 2005 by far the greatest number of executions took place in China together with Iran, Saudi Arabia and the United States; the four countries accounted for 94% of all known executions in that year. In per capita terms, however, Turkmenistan, Singapore, Saudi Arabia and Belarus have been the major executing countries in the period 1994 to 1998 (Hood 2001: 336).¹ During 2005, at least 2,148 people were executed in 22 countries and at least 5,186 people were sentenced to death in 53 countries (Amnesty International 2006). This shows another typical feature of retentionist countries: many more people are sentenced to death than are executed. In the United States, for example, the number of prisoners on death row has increased from 691 in 1980 to 3,373 in 2005 (Death Penalty Information Center 2006). Hood (1998) estimates that about three times more people would have to be executed than actually are to prevent the number of prisoners on death row growing further.²

The Political Foundations of Death Penalty Abolition

What drives the global trend towards death penalty abolition? This section will discuss its political foundations. These cover democracy, democratisation, the political balance within countries between left-wing and right-wing parties, historical experience of armed conflict and the political pressure imposed by abolitionist on retentionist countries as well as regional peer group effects.

Many abolitionists argue that the institution of the death penalty violates fundamental human rights. For example, the EU regards the death penalty as a ‘denial of human dignity’ and holds ‘that the abolition of the death penalty contributes to (...) the progressive development of human rights’ (EU 2000a). From this perspective, abolition of the death penalty is the logical result of a process of humanizing the penal system – either in its benign version forming part of a process of civilisation and modernisation analysed by Elias (1982) or in its less benign Foucaultian version (Foucault 1977) contributing to the sophistication of power and control as the penal system moves from violent punishment in the open to penitentiary correction behind closed prison doors.

¹ Since then, however, Turkmenistan has abolished the death penalty for all crimes in 1999.

² Sixty people were executed in the United States in 2005 (Amnesty International 2006).

If the severity of punishment is a human rights issue and the death penalty really is a barbaric punishment and the ‘archetypal form of State-authorised premeditated homicide’, as Schabas (1997: 295) argues, then democracies can also be expected to be more willing to abolish the death penalty than autocracies. This is because democracies, almost by definition, are more willing to accept constitutional limits on governmental power and one would at least expect them to respect better the human rights of their citizens. Along the same line of reasoning, it is not surprising that, with the exception of the United States, the countries making the most vigorous use of the death penalty are dictatorships. Burt (1994: 90) provides a different argument on the link between democracy and abolition when he maintains that the ‘democratic principle, properly understood, is inherently inconsistent with the practice’ of capital punishment since the death penalty rejects the democratic principle of equal citizenship and the (theoretical) possibility of reconciliation among adversaries. Brettschneider (2002) similarly argues that the death penalty violates human dignity derived from free and equal citizenship in a democratic regime. Another reason why democracy might have a positive impact upon abolition is that the alleged deterrent effect of the death penalty is arguably strongest if the penalty is mandatory and applied without exception for certain types of crimes. Hood (1998: 763) argues that this ‘is not an option for democratic states bound by the rule of law and concern for humanity and respect for human rights’. Sarat (2001) pushes this argument further in expressing his concern that the practice of capital punishment undermines the legal values and the institutions constituent of democracy (see also Garland 2002).

As a corollary, democratisation, that is a regime change towards democracy, is often an important factor advancing the abolition of the death penalty. Germany, for example, took this step when it became democratic again in 1949. Some Eastern European countries such as Romania and the Czech and Slovak Republics abolished the death penalty soon after their democratic transition in the late 1980s. South Africa abolished the death penalty during its transition from the Apartheid to a democratic regime in the 1990s despite a high and rising rate of violent crime. In such regime transitions, abolition of the death penalty often serves as a conscious act of distancing the new democracy from the old regime. Human rights assume a focal point in such transitions, which provides an ideal environment for abolition. A positive effect of democracy and democratisation on the abolition of the death penalty would fit well into the hypothesis of a domestic democratic peace, i.e. the proposition that democracies are more respectful of human rights than non-democracies. Evidence suggests that democracy has a negative impact on the repression of human rights to personal integrity (Poe et al. 2004), if perhaps only after a certain threshold of democracy has been reached (Davenport and Armstrong 2004).

A caveat to keep in mind concerning the positive effect of democracy on abolition is that leadership by the political elite is important since in many countries abolition has been achieved against the majority opinion of the people (Zimring and Hawkins 1986; Hood 2001; Dunér and Geurtsen 2002). This also suggests that any positive link between democracy and abolition is not caused by the fact that democracies are more accountable to the will of the people. Rather, what matters is that in most (full) democracies, the political elite is willing to grant inviolable rights to all individuals, even if they are criminals, and to ignore public opinion, which might at times remain in favour of the death penalty (Marshall 2000). The EU (2000b) contends that even

the worst criminal offenders ‘also enjoy an inherent and inalienable dignity’ that is violated if they are put to death. American politicians are no less accountable to their voters than their European counterparts. The unique character of state-determined criminal law and substantial laymen participation and influence on the extent of punitiveness of the criminal sanction system might provide hints why many states in the US maintain the death penalty and execute a great number of people (Zimring et al. 2001). And yet, if we follow Foucault (1977) and take the employed penal technology itself seriously, then the trend towards more “humane”, “civilised” and physically painless executions in the US and other retentionist democracies might signal that in these countries even advocates of the death penalty somehow understand that there is a fundamental conflict between capital punishment and the human rights and dignity typically afforded to citizens in democracies.

Countries governed by right-wing governments can be expected to be less pro-abolitionist than countries governed by left-wing governments (conservative versus liberal in the American usage of terms). This is because right-wing politicians and right-wing oriented voters are more likely to believe in the social usefulness of harsh punishment, regarding offenders as individuals fully responsible for their crimes (Lakoff 1996; Garland 2001). Pennington (2000) argues that left-wing political parties in English-speaking countries outside the US have often established a moratorium on the death penalty and have afterwards obstructed attempts by right-wing parties to bring the death penalty back in use. Another indication of the importance of partisanship on penal policy is that Sutton (2000) found that right-wing political party strength is positively associated with growth of imprisonment in five common law democracies over the period 1955 to 1985. The same is true within the United States for Republican party strength, as shown by Jacobs and Helms (1997) and Jacobs and Carmichael (2001). Indeed, for this sub-national level, Jacobs and Carmichael (2002) demonstrate a positive link between Republican party strength and the legal existence of the death penalty.

A further political dimension is suggested by the fact pointed out in the last section that many countries maintain, for some time at least, the death penalty for offences committed during wartime even if they have abolished the death penalty for ordinary crimes. Countries, which have experienced a longer history of warfare, are likely to be more reluctant to abolish the death penalty for all crimes (Dunér and Geurtsen 2002). Conversely, in countries, which have a long history of peace and are not likely to face war in the future, it makes less sense to retain the death penalty for treason and similar offences.³

In addition to these domestic political determinants, retentionist countries came under increasing international pressure from the late 1970s onwards when abolitionist countries started to argue more vigorously than before that the death penalty amounts to a violation of fundamental and universally accepted human rights and should therefore be abandoned all over the world. Non-state actors and transnational advocacy groups like *Amnesty International* or *Human Rights Watch* have

³ Note, however, that in some cases, the excessive application of the death penalty during wartime can prompt a country to abolish totally the death penalty after a regime transition. This is what happened to Germany after the Second World War when abolition formed an integral part of the new democratic constitution.

played a very important role not only in the development of the international human rights regime in general (Risse et al. 1999), but more specifically also in defining the death penalty as a human rights issue and in lobbying for its abolition worldwide. Once the death penalty is established as a violation of universal human rights, truly committed abolitionist countries will no longer be content with abolition in their own country only. The EU (2000a), for example, declares that it is 'opposed to the death penalty in all cases and accordingly aims at its universal abolition'. Its 1998 *Guidelines to EU Policy Towards Third Countries on the Death Penalty* explicitly states that it 'has now moved beyond' abolition within its own political jurisdiction and 'espouses abolition for itself and others' (EU 1998). This represents the final stage of a development that took EU countries over time from purely domestic abolition in the beginning to increasingly more active and universalist abolitionist policies in the 1990s.

Before the 1970s, retentionist countries were more successful in their claim that the death penalty had nothing at all to do with universally accepted human rights and was entirely an internal domestic affair of penal policy.⁴ In 1977, a United Nations General Assembly resolution called for a restriction of the number of offences that could lead to capital punishment 'with a view to the desirability of abolishing the punishment' (quoted in Hood 1998: 743) confirming a similar earlier resolution passed in 1971 (Wyman 1997: 548).⁵ Since then, important milestones for the international abolitionist movement have been the Second Optional Protocol to the International Covenant on Civil and Political Rights, adopted by the United Nations General Assembly in 1989; the Protocol to the American Convention on Human Rights, adopted by the General Assembly of the Organization of American States in 1990 and the Protocols No. 6 and No. 13 to the European Convention on Human Rights, adopted by the Council of Europe in 1982 and 2002, respectively. Of these international treaties, the Protocol No. 13 to the European Convention on Human Rights is the only one that demands the abolition of the death penalty for all crimes, whereas the others allow parties to retain the penalty in time of war. The totally abolitionist countries have typically accepted the latter to induce more countries to join these treaties with the hope that all treaty members would eventually abolish the death penalty for all crimes as well.

Accession to these international treaties is voluntary, but abolitionist countries try to persuade others to join. Western European countries used political pressure more than persuasion to bring retentionist Eastern European countries in the 1990s over into the abolitionist camp. The leverage Western European countries used to promote their political goal of advancing the abolition of the death penalty was the desire of Eastern European country governments to join, for both economic and political reasons, the Council of Europe. For many, accession to the Council of Europe was also seen as boosting their chances for eventual EU membership or accession to the North Atlantic Treaty Organization (NATO) (Bantekas and Hodgkinson 2000; Fawn

⁴ Still today, as Wyman (1997) and Dunér and Geurtsen (2002) point out, cultural relativists and with them many non-Western governments like to argue that the abolition of the death penalty is a Western concept alien to other cultures.

⁵ Similar points are regularly raised in reports and resolutions of the UN Commission on Human Rights.

2001; Fijalkowski 2001). From the early 1990s onwards, the Council stated that abolition of the death penalty is, in the words of its then President Daniel Tarschys, one of the ‘top priorities’ of the organisation (cited in Fawn 2001: 69). In 1996, the Council of Europe proclaimed formally that a death penalty moratorium is an essential condition for accession to the Council of Europe with complete abolition to be followed within 3 years (*ibid.*).

More generally, countries are likely to be influenced by the decisions of their regional peers with respect to death penalty abolition. If many countries within a region have abolished the death penalty, pressure mounts on the remaining retentionist ones. Conversely, if few countries within a region have abolished the penalty, opponents of abolition will find it easier to defend their position and to reject criticism from domestic and foreign abolitionists. Such regional policy contagion dynamics working via communication, learning, imitation and altered reputational payoffs are well established in the literature on the diffusion of economic policies (Simmons and Elkins 2004). They are likely to exist for other policies as well, including penal ones, which will be tested in this study. Within regions, there is also greater cross-border temporary and permanent migration, which raises the pressure on remaining retentionist countries to abolish the death penalty to avoid potential political conflicts between the governments of regional neighbours over such sensitive issues as the execution of one’s national citizens abroad or the extradition of foreigners threatened with the death penalty in the country requesting extradition.

Other Determinants of Death Penalty Abolition

Of course, political factors are not the only determinants of death penalty abolition. Some stress the cultural character of punishment in general and of the death penalty in particular (Garland 1990; Sarat and Boulanger 2005). Culture is a rather vague concept, but certain legal and religious traditions can influence whether the death penalty is considered a culturally accepted part of the penal system. The United Kingdom and other countries, whose legal system is based on English common law, have been late in abolishing the death penalty or still remain retentionist. This is not merely coincidental. In the nineteenth century, the death penalty was a common form of punishment in England with an execution rate well above that of other European countries (Bailey 2000). With the spread of the Empire, English common law and with it the death penalty also spread to other countries. Radzinowicz (1999: 284) points out that English liberals of the nineteenth century, including John Stuart Mill, have been much more reluctant to support abolition or even restrictions on the use of the death penalty than their continental European counterparts. Abolitionists during that time denounced England as ‘the most merciless of Christian countries’ claiming that ‘in no other country in the civilized world were the laws relating to capital punishment so backward and so unsatisfactory as our own’ (cited in Radzinowicz and Hood 1986: 672). In common law, ‘the customs of the people provide the original source of law’ (Newman 1999: 67) rather than the decisions of rulers and legislators. This, together with the popularity of the death penalty among the general

populace, might partly explain why the death penalty remains an accepted form of punishment in many common law countries.

Whether Islamic law represents a distinct category of legal system is contested (see Newman 1999), but undoubtedly religion has an enormous influence on the penal law in predominantly Islamic societies, even in those who do not strictly apply Sharia. The rulers in some Islamic countries are outspoken in their conviction that the death penalty is in accordance with their country's cultural tradition and religion. The Sudanese representative to the UN in 1994 is quoted by Hood (1996: 26) as stating: 'Capital punishment is a divine right of some religions. It is embodied in Islam and these views must be respected'. Similarly, the Omani representative is quoted by Dunér and Geurtsen (2002: 14) as maintaining that the abolition of the death penalty is 'inconsistent with the legal system of the Islamic countries'. We would therefore expect that predominantly Islamic societies are not very likely to have abolished the death penalty. No other religion than Islam has a similarly clear message on capital punishment or a comparably strong influence on politics and the penal system in many countries of the world (Greenberg and West 2003).⁶ For this reason, we only include a variable for Islamic strength in the estimations below.

Besides cultural factors, sociologists have long since argued that social divisions can also be expected to affect the penal system. Some argue that punishment is mainly about social control by the elites over the lower classes (Chambliss and Seidman 1971; Garland 1990). The death penalty is the ultimate demonstration of the state's claim to the power over the life of its citizens (Wyman 1997; Sarat 2001: 154). Where the social elites feel under threat from the lower social classes, the death penalty can be a powerful instrument within a broader policy of social control and exploitation (Chambliss 1999). Early socialists and Marxist scholars regarded the death penalty as an instrument of the ruling bourgeoisie to suppress the proletariat (Rusche and Kirchheimer 1939; Radzinowicz 1999: 286). The same reasoning can be extended to the relationship between an ethnic majority and minorities. The death penalty might therefore be more likely to exist in economically more unequal and ethnically, racially or culturally more diverse countries (Linebaugh 1995; Ruddell and Urbana 2004). A tough stance on combating crime with the ultimate punishment available can be used to divert attention from these social and ethnic divisions (Garland 2001). Ruddell and Urbana (2004) provide some tentative evidence suggesting that more diverse countries have higher incarceration rates and are less likely to have abolished the death penalty.

In a similar vein, where violent crime and homicide rates are very high, the perceived threat might be more likely to be answered by the ultimate punishment (Otterbein 1986). This might be for reasons of either retribution or deterrence, which are the two major justifications employed by defenders of the death penalty besides expressing moral indignation about the punishable offence (Ehrlich 1977; Hood 1998; Wynarczyk 1999; Galliher and Galliher 2002). The latter, i.e. punishment understood as society's collective moral expression of condemnation, can be traced back to Durkheim (1947 [1893]). In economically or ethnically divided societies, the

⁶ Religious arguments have of course been employed in favour of the death penalty by representatives of other denominations as well.

lack of social trust might provide particularly fertile ground for public calls for severe punishment of criminals (Whitman 2003).

Economic theory would predict that economic development renders death penalty abolition more likely if one assumes that abolition is what is called a normal good, that is, a good for which demand increases with rising income. Palmer and Henderson (1998: 242) find it 'plausible that as both individuals and societies on average become wealthier, they are unwilling explicitly to impose some of the more cruel and unusual forms of punishment on criminals' to which the death penalty might belong. However, studies of the determinants of support for the death penalty in the US generally show that individuals with higher income are more likely to support capital punishment (Soss et al. 2003). The impact of economic development as measured by an increase in average income levels is therefore ambiguous.

Research Design

The Dependent Variables

We analyse the determinants of death penalty abolition. In principle, one could also analyse the number of executions and other aspects of the application of the death penalty, but data limitations mean that this can hardly be done in practice for a global sample. For the same reason, our analysis cannot distinguish among retentionist countries even though, as mentioned above, there are substantial differences in the extent of which and in the way in which the death penalty is applied in actual reality. We analyse the determinants of death penalty abolition, not the determinants of variation in death penalty application among retentionist countries.

It is not entirely clear how the United States should be coded. This is because it is only partly retentionist since states are by and large free in their decision to adopt the death penalty or not, and there is no death penalty in 13 states (Death Penalty Information Center 2006). To my knowledge, no other country in the world is in a similar situation. I decided to code the US as retentionist given that the vast majority of states are retentionist. Dropping the US from the sample instead hardly affects the results reported below, which is not surprising given that the US is of course only one out of a great many countries in the world.

The period of study starts in 1950 and ends in 2002 as most explanatory variables are not available before or after. We distinguish between abolition of the death penalty for all crimes and for ordinary crimes only. We do not analyse *de facto* abolition for two reasons. First, as mentioned above, it is a somewhat vague category and it is unclear from when onwards exactly a country can be called *de facto* abolitionist. Second, whilst we have information on countries that are currently considered *de facto* abolitionist, we have no complete information on which countries were temporarily regarded *de facto* abolitionist during our period of study.

Our dependent variables measure the duration of time elapsed from 1950 or, if later, the year the country became independent to the year abolition occurs, if it occurs at all. Time is measured in discrete rather than continuous form since the explanatory variables are only available annually. The data are taken from Amnesty International (2006) and complemented by information provided by Hood (2001). Note that a

country that has abolished the death penalty for all crimes is also counted as having abolished the death penalty for ordinary crimes since one encompasses the other.

The Explanatory Variables

Democracy and democratisation have been suggested as major political factors driving death penalty abolition. Data from the Polity IV project are taken as our measure of *democracy* (Marshall et al. 2003). This index is based on expert judgment on aspects of institutionalised democracy and autocracy within a country, both measured on an additive 0 to 10 scale. The autocracy score is deducted from the democracy score to create a variable that runs from -10 to 10 . The same source also provides an indicator of *democratic transition* for the entire period of transition, which can be longer than 1 year. This indicator ranges from 3 (a major democratic transition) to -2 (adverse regime transition towards autocracy).

To see whether left-wing political orientation has a positive effect on abolition, a dummy variable was set to one if the chief executive's party was considered left-wing by the World Banks' (2002) Database of Political Institutions (mainly communist, socialist and social democratic parties). Unfortunately, data for this variable called *left-wing executive* is only available between 1975 and 2000. To measure the impact of historical experience with armed political conflict on death penalty abolition for all crimes, we used data from the Uppsala Project (Gleditsch et al. 2002). Our variable measures the number of years that have passed since the last incident of an armed political conflict with at least 25 casualties (*peace years*). The longer a country has enjoyed peace, the more likely we expect it to be willing to abolish the death penalty for all crimes.

To test the impact that Western European pressure might have had on the abolition of the death penalty in Eastern European countries, a dummy variable is set to one for the years in which these countries have been members of the *Council of Europe* (data taken from Council of Europe 2003).⁷ The share of abolitionist countries within the region divided by the share of abolitionist countries worldwide is our measure of regional peer group effects (*regional abolition*). The reason for dividing (normalizing) by the share of abolitionist countries worldwide is to ensure that this variable does not spuriously pick up any time trend following the general global trend towards abolition. The variable thus measures how committed to abolition a region is relative to the world total. Countries are grouped into regions following the World Bank classification: Western Europe, Eastern Europe and Central Asia, Northern Africa and the Middle East, Sub-Saharan Africa, South Asia, East Asia and the Pacific, Northern America, Central America and the Caribbean and South America.

To ensure that any effect these political factors have on death penalty abolition are not merely spurious, we need to control for other factors suggested above. A dummy was set to one if a country's legal system is based on English *common law* with data taken from La Porta et al. (1999). To test for the influence of *Islam*, our variable measures the percentage of Muslims among the total population, as provided by

⁷ No other regional or supra-national institution has taken a similarly firm view on abolition or has been willing to exert its political leverage to a similar extent.

Parker (1997). To control for the lack of social cohesion and the perceived threat from violence, we use a measure of ethnic fractionalisation, a measure of income inequality and the lagged homicide rate as an indicator of the extent of violent crime. Vanhanen (1999) bases his measurement of *ethnic fractionalisation* on three types of ethnic groups, namely, groups based on, first, racial differences; second, linguistic, national or tribal differences and third, religious differences. Vanhanen takes 100 minus the percentage of the largest group in each type of ethnic group as a proxy for fractionalisation in each group and then sums the resulting percentages across all three groups to arrive at the aggregate measure of fractionalisation. Note that this variable is time-invariant and refers to information from the 1990s. Unfortunately, no time-series information is available, but this variable is unlikely to change much over time.⁸ The availability of data on income inequality is generally poor and their validity in cross-country and cross-time comparison is contested (Atkinson and Brandolini 2001). We use the *Gini* coefficient measuring the concentration of incomes between the extremes of zero (absolute equality) and one (maximum inequality). Data are taken from Galbraith and Kum (2003) and UN-WIDER (2000). To increase availability before 1963, when data is especially patchy, we take 3-year averages of the annual data in that period.

Extremely poor is the availability of homicide data taken from the International Crime Statistics of the International Criminal Police Organization (Interpol) from various years. The data were converted into *homicide rates* per million people with population data from World Bank (2003). To increase availability, we take 3-year averages of the annual data. Of all the explanatory variables, the homicide rate is the one most clearly susceptible to potential endogeneity bias even if a deterrent effect of the existence of the death penalty on violent crime is far from proven (Hood 1998; 2002). The homicide rate is therefore lagged by 5 years to mitigate any such potential problems. The results reported below are hardly affected if it is not lagged. Following Neapolitan's (1997) judgment that Interpol homicide data are extremely unreliable before the 1970s, this variable is included in estimations only together with *left-wing executive*, which is only available from 1975 onwards. This restricts the sample to the period 1975 onwards, such that no homicide data from before 1970 are used.

The level of economic development is measured by the natural log of a country's average per capita income (*GDP p.c.*). We use data in real prices of 1996 and purchasing power parity from Heston et al. (2002) and extend it from 1998 to 2001 with growth rates data from World Bank (2003). It is common practice to use per capita income in logged form in regression analysis, but our results reported further below are practically identical if the income variable is not logged.

Table 4 reports descriptive statistics of the variables included in the regressions.

Estimation Technique

One possible estimation technique for our dependent variables is the popular Cox (1972) proportional hazards model. It assumes that there is a time-variant underlying

⁸ Krain (1997) has calculated a measure of ethnic fractionalization over time, albeit for only 70 countries. The measures at 10-year intervals between 1948 and 1978 are all correlated at 0.98 or higher, which demonstrates that this variable hardly changes over time.

Table 4 Descriptive statistics of variables included in regressions

Variable	<i>N</i>	Mean	SD	Min.	Max.
Abolition (all crimes)	5,458	0.01	0.10	0	1
Abolition (ordinary crimes)	5,458	0.12	0.33	0	1
Democracy	5,458	-1.33	7.30	-10	10
Democratic transition	5,458	0.05	0.57	-2	3
Left-wing executive	3,002	0.33	0.47	0	1
Peace years	5,458	9.45	11.18	0	52
Council of Europe	5,458	0.01	0.10	0	1
Regional abolition	5,458	0.87	1.16	0	6.07
Common law	5,458	0.32	0.47	0	1
Islam	5,458	27.73	37.73	0	99.80
Ethnic fractionalisation	5,458	47.08	34.33	0	149
lnGDP p.c.	4,162	8.01	0.99	5.64	10.41
Gini	3,507	41.16	8.08	21.79	65.66
Homicide rate	1,321	46.89	75.05	0.36	710.71

base hazard of abolition at any point of time that depends, possibly in a complex way, on unobserved variables (such as, for example, the influence of trans-national human rights advocacy networks). One of the great advantages of the Cox model is that this baseline hazard does not need to be estimated. The hazard rate in a given year is the probability of abolition of the death penalty in that year, contingent on the country not having abolished in the previous year. Observed control variables increase or lower this base hazard by a constant proportional amount. More formally, let $\rho(t)$ be the probability of abolition at time t ; this is the *hazard* of abolition. Denoting $\rho_0(t)$ the exogenous *baseline hazard*, which reflects those time-dependent factors affecting $\rho(t)$ that are common to all countries, the Cox proportional hazard model assumes that:

$$\rho(t) = \rho_0(t) \exp(\beta^T \mathbf{x}(t)), \quad (1)$$

where $\mathbf{x}(t)$ is a vector of covariates shifting the baseline hazard and β^T is a vector of parameters to be estimated. Maximum likelihood estimation is carried out where the likelihood function is constructed using the observation that the probability that country i achieves abolition at time t_i equals:

$$\hat{\rho}_i(t_i) = \frac{\rho_i(t_i)}{\sum_{j|t_j \geq t_i} \rho_j(t_i)} = \frac{\exp(\beta^T \mathbf{x}_i(t_i))}{\sum_{j|t_j \geq t_i} \exp(\beta^T \mathbf{x}_j(t_i))}. \quad (2)$$

The likelihood function to be maximised with respect to the vector β^T is then simply $\prod_i \hat{\rho}_i(t_i)$.

Countries become “at risk” of abolition at the start of our period or the year of their national independence, if later. As a semi-parametric model, the Cox proportional hazards model depends on less restrictive assumptions than the fully parametric competing exponential, Weibull, Gamma, Gompertz or other models, which lead to more precise estimates only if the underlying probability distribution assumes a particular corresponding form (Collett 1999). The Cox model encounters problems if many countries abolish the death penalty at the same time (Box-Steffensmeier and

Jones 1997). Fortunately, in our data set, there are not a great many ties in any year. Another potential problem is that the underlying proportionality assumption might not hold for the data at hand (Box-Steffensmeier and Zorn 2001). For that reason, we test the proportionality assumption and, fortunately, fail to reject it.

Robust variance estimations are used and observations are assumed to be clustered, that is, are assumed to be independent only across countries, but are allowed to be correlated within countries over time, which leads to less efficient, but more robust estimation. Since the same set of countries appear repeatedly over time in the sample and are therefore not likely to be independent, a failure to take clustering into account can under-estimate standard errors. Results reported below are practically identical if we control for potential dependence of observations with the help of a shared frailty model instead, which is the event history analysis equivalent of a random-effects panel data model.

Results

Table 5 reports the estimation results for the abolition of the death penalty for all crimes. The reported coefficients are hazard ratios where a number above one means that the variable raises the hazard of abolition, whereas the opposite is the case for a number below one. Tests for the underlying proportional hazards assumption based on Schoenfeld residuals fail to reject the assumption at the 0.05 level for all regressions and at the 0.1 level in all regressions but model 3 of Table 5. This suggests that the Cox estimator is appropriate to use for the data at hand. Model 1 reports results from a regression in which democracy, regime transition, peace years, the dummy for membership in the Council of Europe, the regional abolition share relative to the world mean, the common law dummy, the Muslim population share and the measure of ethnic fractionalisation are included. This model has the largest sample size since all other variables have lower availability and are therefore added to this model only in further regressions. With the exception of *peace years* and *Islam*, which are statistically insignificant, all other variables are significant and in line with expectation. A greater extent of democracy, a regime transition towards democracy, membership in the Council of Europe and a higher share of abolitionist countries within the region relative to the world average all increase the likelihood of abolition, whereas the opposite is true for a legal system based on English common law and a higher extent of ethnic fractionalisation.

In model 2, we add the (logged) per capita income level to the model. It is far from significant, however, and therefore not included in further model estimations. Despite the reduction in sample size, the other variables are hardly affected. The Muslim population share almost becomes significant (p value of 0.106). In model 3, we further add income inequality. Note that due to the poor availability of this variable the sample size drops substantially. We find that higher income inequality has the expected negative effect on the likelihood of death penalty abolition, leaving all other variables mainly unaffected, with the exception of ethnic diversity, which becomes insignificant. Finally, in model 4, we add the homicide rate and the political orientation of governments. Note that the period of study now becomes restricted to after 1975, resulting in a further substantial loss of observations. Democracy is no

Table 5 Abolition of death penalty for all crimes

Independent variable	Model 1	Model 2	Model 3	Model 4
Democracy	1.079 (3.09)***	1.066 (2.32)**	1.072 (2.20)**	1.062 (0.65)
Democratic transition	1.682 (3.45)***	1.661 (3.06)***	1.542 (2.40)**	1.861 (2.07)**
Left-wing executive				7.415 (4.24)***
Peace years	0.991 (0.86)	0.995 (0.45)	0.994 (0.56)	0.994 (0.38)
Council of Europe	2.744 (2.55)**	2.767 (2.56)**	2.516 (1.80)*	7.420 (2.86)***
Regional abolition	1.885 (5.02)***	1.708 (4.26)***	1.753 (3.87)***	1.811 (2.10)**
Common law	0.468 (2.32)**	0.452 (2.15)**	0.466 (2.17)**	0.703 (0.51)
Islam	0.992 (1.23)	0.984 (1.61)	0.992 (0.97)	1.012 (0.95)
Ethnic fractionalisation	0.988 (2.11)**	0.987 (2.01)**	0.987 (1.51)	0.982 (1.06)
GDP p.c.		1.061 (0.26)		
Gini			0.957 (1.98)**	0.985 (0.26)
Homicide rate				0.976 (2.40)**
Observations	5458	4162	3507	768
Period covered	1950–2002	1950–2002	1950–2002	1975–2000
# of countries	151	137	135	62
# of abolitions in period	52	46	40	24
Log-likelihood	−193.2	−161.8	−132.6	−53.4
Wald χ^2 (<i>p</i> value)	93.0 (0.0000)	73.8 (0.0000)	73.8 (0.0000)	78.0 (0.0000)
Global χ^2 of proportional hazard assumption (<i>p</i> value)	11.34 (0.1831)	14.11 (0.1185)	16.07 (0.0655)	9.09 (0.6138)

Analysis is by Cox proportional hazard estimation. Observations are assumed to be independent across, but not necessarily within countries (clustering). Absolute *z* values in parentheses. ***, ** and * indicate significance at the 0.01, 0.05 and 0.10 levels, respectively.

longer significant, but a regime transition towards democracy still raises the likelihood of death penalty abolition, as does membership in the Council of Europe and a higher share of abolitionist countries within the region. A left-wing orientation of the chief executive's party raises, whereas a higher homicide rate lowers the likelihood of abolition. None of the other variables is statistically significant.

Table 6 reports the estimation results for abolition of the death penalty for ordinary crimes. The results are rather similar to those reported in Table 5 for the abolition of the death penalty for all crimes. The major differences are twofold. First, greater ethnic fractionalisation no longer lowers the likelihood of death penalty abolition. Second, the lagged homicide rate and the Gini measure of income inequality are statistically insignificant. Otherwise, the determinants of abolition are similar. Specifically, democracy, a regime transition towards democracy, membership in the Council of Europe, a higher share of abolitionist countries within the

Table 6 Abolition of death penalty for ordinary crimes only

Independent variable	Model 1	Model 2	Model 3	Model 4
Democracy	1.080 (3.01)***	1.069 (2.36)**	1.085 (2.59)***	1.102 (1.32)
Democratic transition	1.769 (4.34)***	1.794 (4.35)***	1.751 (3.82)***	2.098 (2.21)**
Left-wing executive				5.664 (2.74)***
Council of Europe	3.919 (3.95)***	3.464 (3.34)***	4.622 (3.27)***	6.301 (2.37)**
Regional abolition	1.702 (3.98)***	1.428 (2.55)**	1.815 (3.66)***	2.786 (2.96)***
Common law	0.451 (2.53)**	0.427 (2.56)**	0.676 (1.05)	0.565 (0.82)
Islam	0.990 (1.73)*	0.984 (2.16)**	0.987 (1.46)	1.015 (1.21)
Ethnic fractionalisation	0.997 (0.69)	0.997 (0.68)	1.000 (0.09)	0.991 (0.74)
GDP p.c.		1.126 (0.57)		
Gini			1.004 (0.18)	0.989 (0.20)
Homicide rate				0.999 (0.28)
Observations	4837	3547	3015	543
Period covered	1950–2002	1950–2002	1950–2002	1975–2000
# of countries	150	135	129	50
# of abolitions in period	62	56	44	19
Log-likelihood	−218.4	−184.8	−131.2	−38.9
Wald χ^2 (<i>p</i> value)	145.2 (0.0000)	120.4 (0.0000)	90.72 (0.0000)	43.16 (0.0000)
Global χ^2 of proportional hazard assumption (<i>p</i> value)	9.39 (0.2259)	9.73 (0.2845)	8.83 (0.3571)	10.24 (0.4193)

Analysis is by Cox proportional hazard estimation. Observations are assumed to be independent across, but not necessarily within countries (clustering). Absolute *z* values in parentheses. ***, ** and * indicate significance at the 0.01, 0.05 and 0.10 levels, respectively.

region and the left-wing orientation of the chief executive's party all raise the likelihood of abolition. A legal system built on English common law and a predominantly Muslim population have the opposite effect in some regressions with relatively large sample sizes.

Many talk about American exceptionalism (e.g. Zimring and Hawkins 1986; Pennington 2000; Zimring 2003) since with Japan it is the only democratic and developed country still holding on to the death penalty. Discussing possible reasons for this exceptionalism is beyond the scope of this paper (see Steiker (2004) for an excellent overview). Unfortunately, for statistical reasons, it is not possible to include a dummy variable for the US into the estimations to see whether the retentionist status of the US can be explained sufficiently by the explanatory variables in which case the dummy variable would be insignificant or whether there is something truly exceptional about the US in which case the dummy variable would be statistically significant. Loosely speaking, this is because with the US being retentionist over the

Table 7 Substantive effects

	Model 1	Model 2	Model 3	Model 4
Abolition of death penalty for all crimes				
Democracy	74.16	59.55	66.70	n.s.
Democratic transition	34.50	33.58	27.99	42.47
Left-wing executive				156.48
Peace years	n.s.	n.s.	n.s.	n.s.
Council of Europe	174.29	176.77	151.68	641.87
Regional abolition	108.64	86.00	91.92	99.18
Common law	-54.80	-54.75	-54.75	n.s.
Islam	n.s.	n.s.	n.s.	n.s.
Ethnic fractionalisation	-33.76	-36.00	n.s.	n.s.
GDP p.c.		n.s.		
Gini			-29.92	n.s.
Homicide rate				-83.49
Abolition of death penalty for ordinary crimes only				
Democracy	75.44	61.90	80.63	n.s.
Democratic transition	38.39	39.50	37.60	52.56
Left-wing executive				125.91
Council of Europe	291.96	246.25	362.28	530.28
Regional abolition	85.36	51.13	99.64	228.38
Common law	-54.89	-57.30	n.s.	n.s.
Islam	-31.43	-47.35	n.s.	n.s.
Ethnic fractionalisation	n.s.	n.s.	n.s.	n.s.
GDP p.c.		n.s.		
Gini			n.s.	n.s.
Homicide rate				n.s.

Results show the percentage change in hazard of death penalty abolition after a one standard deviation increase in continuous explanatory variable and a change from zero to one for dummy variables.

entire period, such a dummy variable would predict failure to abolish perfectly and therefore be dropped from the model. If we exclude the US or the US and Japan together from the estimations, then results are not much affected. This is not very surprising given that these represent just two out of a great many countries. If we include dummy variables for the regions of Western Europe and South America to account for the fact that countries from these regions were often frontrunners of abolition, then again, our results are hardly affected. It is not simple regionalism that drives abolition.

In other sensitivity analysis, we tried replacing the peace year variable with variables measuring the intensity of armed conflict. However, there was still hardly any evidence that actual experience of armed conflict matters for the abolition of the death penalty for all crimes. We replaced Vanhanen's (1999) measure of ethnic fractionalisation with two competing ones created by Alesina et al. (2003) and Fearon (2003) to see whether there is a more consistent effect apparent also on abolition of the death penalty for ordinary crimes. However, quite the opposite since these alternative measures never assume statistical significance in any of the estimations. One could argue that the monopoly state-ruling parties in a communist country are not really left wing in the traditional Western sense. If we restrict the *left-wing executive* variable to non-communist countries, then not surprisingly, its coefficient size increases and its standard error decreases.

How strong are the substantive effects of the explanatory variables on the hazard of death penalty abolition? Since variables are held in different units, it is not particularly enlightening to compare the estimated hazard ratios directly. Table 7 reports the percentage changes in the hazard for those explanatory variables that are statistically significant at least at the 10% level. For the continuous variables, the changes are due to a one standard deviation increase in the variable, whereas for the dummy variables, the changes are due to a move from zero to one.

From Table 7, it is clear that the major political explanatory variables are not only statistically significant, but also substantially strong predictors of the hazard of death penalty abolition. The left-wing orientation of the chief political executive and the Council of Europe dummy proxy variable for Western European pressure on Eastern European countries have particularly strong substantive effects for abolition of both all and ordinary crimes only. The percentage change in hazards following one standard deviation increases in democracy, democratic transition and the share of abolitionists in the region are not quite so dramatic, but still large. Strikingly, political factors are much more important substantively than social or cultural factors with the economic factor (per capita income) never even being statistically significant. The only exception is perhaps the homicide rate for which the estimated reduction in the hazard of death penalty abolition for all crimes following a one standard deviation increase is quite strong.

Conclusion

This article has demonstrated that political factors are major drivers of the apparent global trend towards abolition of the death penalty. Democracy and the transition to democracy are important. This suggests that in democracies, in general, and in newly established democracies, in particular, there is a growing acceptance to regard the death penalty as a violation of human rights, which renders abolition more likely. This result, which derives from the estimation of the process of death penalty abolition over the time period 1950 to 2001, is in accordance with the results from the purely cross-sectional discriminant analysis of Neapolitan (2001) and the regression analysis of Greenberg and West (2003). In addition to democracy and democratisation, political pressure on retentionist countries has a positive impact on the likelihood of abolition. Another result is particularly interesting: Even after controlling for domestic determinants, a higher share of abolitionist countries within the region raises the likelihood of abolition in remaining retentionist countries suggesting that regional contagion dynamics play a role. This suggests that the global trend towards abolition might partly feed itself as an increasing share of countries become abolitionist. We also find evidence for a partisan effect with abolition being more likely if the chief executive's party is left wing-oriented. This confirms studies of the existence and application of the death penalty in US states, which also demonstrate partisan effects together with the important role of public ideologies (Jacobs and Carmichael 2002, 2004). In comparison, no evidence is found that historical experience of armed conflicts has an effect on the abolition of the death penalty for all crimes. This result is in line with Dunér and Geurtsen's (2002) qualitative observation that war experience has not prevented countries from

joining international treaties outlawing the death penalty. They fear, however, that war experience might still be relevant and might represent an obstacle to the global abolition of the death penalty. Our multivariate quantitative analysis suggests that such experience is not likely to impose a barrier on abolition.

In terms of future research, it would be worthwhile studying in more detail why countries sometimes choose to abolish the death penalty for ordinary crimes, but not for all crimes. Our results suggest that the major determinants are rather similar across the two types of death penalty abolition. However, more research is needed to explain why a greater extent of ethnic fractionalisation lowers the likelihood of abolition for all crimes, but not for ordinary crimes. Similarly, it is rather surprising that a higher lagged homicide rate lowers the likelihood of abolition for all crimes, but not for ordinary crimes, given that homicide is an ordinary crime. We would like to tackle these and related questions in the future. This article has explored new ground, but much still needs to be studied in more detail. Our quantitative cross-national time-series study can also not explain why the United States and Japan remain the only retentionist developed country democracies. Only a detailed analysis of the social and political histories of both countries can provide such an explanation, which would be beyond the scope of this article, however. More generally, only qualitative studies can explore in detail the processes and mechanisms leading to abolition and their relative importance in different country contexts.

Can the worldwide trend towards the abolition of the death penalty be expected to continue? Our results suggest that if democracy spreads further around the world then indeed the trend can continue. Democratisation thus represents one of the greatest promises to the abolitionist camp. If the spread of democracy around the world becomes stalled, then the trend towards death penalty abolition is likely to slow down or even become itself stalled as well. Furthermore, abolitionist countries can exert pressure on retentionist countries to change camps if they have something interesting and valuable to offer in return. This follows from the effect that membership in the Council of Europe exerts on death penalty abolition. Western European countries might have applied the pressure on prospective Eastern European members to comply with the requirement of abolition rather unevenly, as Fawn (2001) argues. Also, the application and accession to the Council of Europe went hand in hand with the democratisation of Eastern European countries. But the incentive to join the Council of Europe, often regarded as a first step towards eventual membership of the European Union, seems to have been an additional and important determinant for the abolition of the death penalty. This follows from the fact that our dummy variable for Council of Europe membership, admittedly a crude measure for the political pressure exerted by Western European countries, is significant throughout even though democracy and democratic transition are also controlled for. It remains to be seen whether Europe can exert similar pressure on Sub-Saharan African or Asian countries with aid or trade incentives. It is highly unlikely that it will manage to pressure the US into abolition, but personal links between the political, economic and social elites on both sides of the Atlantic might have a greater effect (Zimring 2003). One thing is clear: Many retentionists around the world point towards the US in defending their position against human rights campaigners and the US retains strong influence on many countries. If the most

powerful Western country converted into the abolitionist camp, this would put a whole new momentum into the global abolitionist campaign.

Noteworthy, no evidence is found that the level of economic development impacts upon death penalty abolition. Controlling for the variables in our model, death penalty abolition does not seem to be a normal good. This confirms more casual evidence that the death penalty is also present in rich countries such as the US, Japan, Singapore and some of the Gulf countries and is absent in many poor countries. Abolitionists can therefore not hope that as per capita incomes grow the death penalty will go. On the other hand, a country's poverty clearly is no obstacle to death penalty abolition.

Some other factors could impose some barrier towards the eventual abolition of the death penalty in all countries since they are not likely to change much over time. Common law countries are less likely to abolish the death penalty in some regressions. The same is true in a few regressions for ethnically more fractionalised and countries with a high degree of inequality and a high rate of violent crime in the case of abolition for all crimes (results again consistent with some of the evidence reported by Jacobs and Carmichael (2002, 2004) on the use and application of the death penalty in US states). The same applies to countries with a predominantly Muslim population in the case of abolition for ordinary crimes only. Overall, however, whether or not the trend towards global abolition of the death penalty will continue is mainly determined by political factors that can be influenced. A good case in point is that whilst the vast majority of Muslim countries are retentionist, the Islam variable is rarely significant in our regressions conditional on the other variables included. What this suggests is that the lack of democracy, the lack of political incentives and the fact that most Muslim countries are located in regions with very few abolitionist countries are more important explanations than Islam itself. It is interesting to note that Turkey, one of the few Muslim countries to have abolished the death penalty, did so to boost its chances for EU membership and during a period of more general democratisation. Abolitionists must therefore encourage democratisation, political pressure on retentionist countries, cross-country spillover effects rendering entire regions increasingly abolitionist as well as political leadership by governments, of which those with a left wing orientation seem to be more inclined towards achieving abolition. They must not be discouraged by seemingly unchangeable cultural and social factors. These do play a role, but abolition is foremost determined by political factors.

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