The professional ideology of criminologists, which is generally progressive (Cullen & Gendreau, 2001), includes opposition to the death penalty. This position is long-standing. By the early 1960s, Garland (2010, p. 211) observes, “Criminologists and penologists declared themselves against capital punishment, describing it as inimical to the reformative approach of modern penology.” Such views have persisted across time. Thus, a 2003 survey of criminologists found that about 7 in 10 (69%) favored suspending “the death penalty because innocent people are almost certainly on death row”; nearly 2 in 3 (63.7%) also stated that “Even if capital punishment was a deterrent, I would still oppose its use” (Cullen, Blevins, Pealer, Daigle, & Coleman, 2004, pp. 55–56). In support of this policy stance, scholars have been able to marshal substantial evidence questioning the utility of this sanction, in particular its deterrent effects and cost effectiveness (Fagan, 2016; Nagin & Pepper, 2012). A more stubborn challenge, however, has been posed by public opinion research that, since the late 1960s, has shown that a majority of Americans support capital punishment (Cullen, Fisher, & Applegate, 2000). If the democratic impulse—the “will of the people”—is to execute those convicted of murder, then calls to ban the death penalty risk charges of political correctness and academic elitism.

In her analysis of the origins and impact of surveys within the United States, Igo (2007) documents how opinion polls gained legitimacy in the 1900s. Notions of collecting social data were limited in the 1930s, with one historian noting that “it was commonplace that the United States had better statistics on pigs than on its unemployed people” (quoted in Igo, 2007, p. 3). A key feature of surveys was the implicit claim that America had become a mass society that could be studied as having a public opinion. Igo calls her book The Averaged American precisely because the project of pollsters was to capture, often in a single number, the attitudes of the typical citizen. The danger of this approach was that once publicized, survey results could be “influential . . . in bounding and enforcing perceptions of social reality” (2007, p. 22).

In this context, criminologists and other social scientists have sought to deconstruct how national opinions polls—most based on a single question—portray how the so-called American public views the death penalty. They would agree with Igo (2007, p. 22) that “We need to understand social scientific representations—of ‘typical communities,’ ‘majority opinion,’ and ‘normal Americans’—not as reflections of the body politic but as an index of political and epistemological power.” They can take some solace that Americans’ support for capital punishment has declined in recent years. That aside, their project over the past several decades has been to show that public opinion about the death penalty cannot be captured by a single question that yields a single percentage figure (e.g., 70% of the public supports executing those convicted of murder). Rather, they make the important point
that death penalty attitudes are complex and, in turn, that measuring this complexity requires a more sophisticated methodological approach.

Informed by this understanding, the current chapter starts by describing the level and trends in support for the death penalty in the United States based on the traditional one-question opinion poll. The second section then reviews the various ways in which research using more detailed survey methodology has challenged the finding that the American citizenry has unshakable support for executing offenders. In a related line of inquiry, the chapter then shows how any discussion of how “the” public views capital punishment is widely off the mark if race and the views of African Americans are not considered. As Igo (2007, p. 19) observes, surveys “placed new cultural emphasis on the center point, the scientifically derived mean and median.” Such aggregation swamps and thus hides minority opinion—a worrisome possibility when studying any criminal justice policy issue in the United States, let alone the state’s exercise of lethal force.

Declining Support for the Death Penalty

Support for the death penalty has not been stable over the past 80 years during which Gallup has polled the American public on this policy issue. According to Gallup, in 1937, 59% of the United States favored the death penalty for those convicted of murder (Death Penalty, 2017; see also Cullen et al., 2000, pp. 12–13). The percent of the population with favorable attitudes toward the death penalty rose to 68% by the time the next poll was conducted in 1953. However, favorability fell to 53% by 1956 and declined again—to 47%—the following year. Aside from a 6% uptick in support from 1957 to 1960, the percent of the public who favored capital punishment continued to drop over the early 1960s and reached its lowest point in the twentieth century—and to date—at 42% in 1966. This year also marks the only point in the past eight decades when more people opposed capital punishment (47%) than favored it.

In the late 1960s, however, support (as measured by the Gallup Poll) began to grow incrementally, reaching 57% of the American public by 1972 and continuing on an upward climb for two decades. However, after its peak at 80% in 1994, support for capital punishment has generally declined—with the exception of a period of slight increase from 2000 (66%) to 2003 (70%) (Death Penalty, 2017). For the past 13 years (from 2003 to 2016), public support for the death penalty has decreased each year. The most recent Gallup Poll (October 2016) places public favor for the death penalty at 60%, the lowest it has been since 1972.

The Gallup numbers are similar to those reported by other polls. Table 3.1 shows the trends in support for the death penalty for the Gallup Poll and the General Social Survey (GSS). The GSS also shows a period of overall increase in support for the death penalty for those convicted of murder from 1980 to 1994. According to the GSS, support peaked at 80% in 1994—the same peak year and level of support reported by Gallup. GSS data also show consistently shrinking support from 1994 to 2014. The most recent GSS (2014) places support at 65%—nearly the same as that of the Gallup Poll for 2014, which revealed support at 63%. Note that because the General Social Survey began in 1974, comparisons to the Gallup Poll data prior to this year are not possible.

Other national surveys are also relevant. Thus, the CBS News and New York Times poll also reports declining death penalty support from 1988 to 2014—from 78% to 60% (Backus, 2011). Similarly, the Pew Research Center shows a peak in support in 1994 (80%), followed by generally diminishing support for the next 20 years (Oliphant, 2016). In 2016, the Pew Research Center reported 49% support, the first time that this figure dipped below 50% since 1971 (Oliphant, 2016). These poll data reveal stability in death penalty attitudes over short periods of time; for example, in the Gallup Poll, the mean difference from one polling time to the next was approximately 3.6%. However, the data manifest larger changes over longer periods, such as the period of increase from the late 1960s to the early 1990s and the decline more recently. In other words, public opinion on capital punishment tends to shift gradually, not suddenly.
Table 3.1 Public Opinion About the Death Penalty and Punitiveness in Sentencing

<table>
<thead>
<tr>
<th>Year</th>
<th>Percent Supporting the Death Penalty—Gallup Poll</th>
<th>Percent Supporting the Death Penalty—General Social Survey</th>
<th>Percent Who Believe the Courts Are Not Harsh Enough—General Social Survey</th>
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(Continued)
Table 3.1 (Continued)

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<th>Year</th>
<th>Percent Supporting the Death Penalty—Gallup Poll</th>
<th>Percent Supporting the Death Penalty—General Social Survey</th>
<th>Percent Who Believe the Courts Are Not Harsh Enough—General Social Survey</th>
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Cullen et al. (2000) point out that from the 1960s through the 1990s, “the public ostensibly [grew] more punitive” and suggest that this could “reflect core, deeply rooted cultural values that make Americans a punitive people” (pp. 13–14). The idea that support for the death penalty is rooted in overall punitiveness can be evaluated by comparing trends in punitive attitudes other than death penalty opinion. One comparison in particular suggests that the American people may be becoming less punitive in their views toward crime control.

Thus, a measure of punitiveness often cited is the public’s response to this GSS question: “In general, do you think the courts in this area deal too harshly or not harshly enough with criminals?” Table 3.1 presents the trend in the percent of respondents stating that the courts are not harsh enough. Notably, our calculations reveal that the percent of the public who believe courts are “not harsh enough” is clearly correlated ($r = .656$) with the percent of the public who favor capital punishment for convicted murderers. In fact, the percent of those who believed courts are not harsh enough reached its highest level of the past three decades in 1994, the same year as the peak of capital punishment support. And since that time, the public’s endorsement of harsher courts and the death penalty has demonstrated a general pattern of decline. This finding suggests that the diminishing support for capital punishment in recent years reflects a downward trend in punitive attitudes in general.

How does the American public’s views of the death penalty compare to those held by citizens of other nations? A number of non-European nations report higher public support for capital punishment, such as Taiwan (83.27%), Pakistan (81.6%), and Thailand (78.63%) (Unnever, 2010, p. 473). Still, the lessening embrace of capital punishment in the United States is moving the nation closer to
views expressed in other advanced Western nations (see Garland, 2010), most of whom no longer permit the execution of offenders. Although dated, a useful comparison is possible from Unnever’s (2010) analysis of the Gallup International Association Voice of the People Millennium Survey (see Table 3.2).

In 2000, 67.96% of the U.S. population supported the death penalty. By contrast, support for capital punishment in other Western countries fell near or below the 50% mark. As seen in Table 3.2, support for capital punishment ranged from 50.29% in the United Kingdom to only 17.36% in Ireland (Unnever, 2010). Since that time, available polls suggest that support for the death penalty has remained stable or has decreased in these nations (International Polls and Studies, 2017). For example, the most recent British Social Attitudes survey shows that, for the first time, the citizenry’s support fell below the 50% mark, with 48% of the British public agreeing with the statement: “For some crimes, the death penalty is the most appropriate sentence.” (Support for the Death Penalty Falls Below 50% for First Time, 2015). One exception appears to be Canada, where the 2012 Angus Reid public opinion poll found that 63% of Canadians supported reinstating the death penalty (Three-in-Five Canadians Would Bring Back Death Penalty, 2013). Still, it remains the case that Canada abolished capital punishment and recently has moved, after a lengthy period of Conservative Party leadership, in a more progressive direction under the administration of Prime Minister Justin Trudeau.

### Beyond Global Attitudes

Even though approval for the death penalty has declined, national polls still show that more Americans support than oppose this sanction. In a democratic society, the claim of public support is a salient justification for pursuing a policy—in this case, the execution of convicted murderers. After all, there must be a compelling reason not to follow the “will of the people.” For elected officials, doing so carries the potential risk of being voted out of office.

Scholars, however, have challenged the assumption that national polls using a single question can accurately capture the full complexity of the public’s thinking about any issue, let alone the state’s use of lethal force versus offenders. This is not to say that these polls are irrelevant and do not assess some attitudinal domain. Usually, it is argued that a single item taps into a *global attitude*—that is, an overall view or knee-jerk response about the death penalty. Roberts and Stalans (1997, p. 229) argue that these public sentiments are often based on faulty information and on “emotion and symbolic attitudes” as
opposed to “rational reflection.” Still, global attitudes are not irrelevant because they may be precisely what citizens themselves define as their “position” on the death penalty—being for or against it.

The difficulty occurs when polling results are publicized in the media and then reified as defining the level of public support for capital punishment. Researchers have attempted to deconstruct this social reality by showing that citizens’ attitudes vary when given more information and asked to make decisions that are more policy focused. The resulting opinions are sometimes referred to as specific attitudes or as public judgment (see, e.g., Applegate, Cullen, Turner, & Sundt, 1996; Yanklovich, 1991). There is an implicit, if not explicit, assumption that specific attitudes are more accurate or represent a higher quality of opinion. This may or may not be the case (Yanklovich, 1991). What is clear, however, is that research in this tradition is capturing another side of public opinion that must be included when discussing whether, as is the case here, the public supports the death penalty.

In this context, scholars have explored the extent to which survey respondents favor the death penalty when asked to make more specific judgments. It is conceivable to develop ways to inflate such support, such as by asking whether citizens wish to execute an offender who sexually assaulted and strangled to death a young child. Still, the general finding of this research is that specific attitudes are less punitive than global attitudes, even at times to the point where support for capital punishment falls below 50%. Here, we illustrate four important areas of scholarship in which the research moved beyond the assessment of global attitudes: (1) support for the juvenile death penalty; (2) how support varies when the respondents can choose an alternative penalty, such as life in prison without parole; (3) the impact of more information about the death penalty on attitudes; and (4) how concerns about innocent people being executed affects death penalty support.

**Juvenile Death Penalty**

In 2005, with a 5–4 decision in *Roper v. Simmons*, the Supreme Court of the United States ruled the use of the death penalty on juveniles unconstitutional. Prior to this case, however, scholars engaged in research assessing public support for the execution of juveniles. One purpose of this line of inquiry was to demonstrate that global attitudes about capital punishment would not necessarily apply to wayward youths. When it came to the death penalty, age might matter and specify the claim that a majority of the American public favored the execution of offenders convicted of murder.

In fact, studies revealed that the public was less supportive of the use of the death penalty with juveniles as opposed to adults. Thus, in 2001, the General Social Survey found that 34% of Americans favored the death penalty for juveniles compared to 62% who favored the use of the death penalty with no offender age specification (Smith, 2001). Similarly, a 2002 national poll discovered that only 26% of Americans favored the death penalty for juveniles, whereas 70% favored the death penalty for a convicted murderer with no offender age specification (Jones, 2002).

This general finding, however, varied according to when and where polls were conducted. For example, in 1986, support for the death penalty for “juveniles over the age of fourteen convicted of murder,” was only 25% in Cincinnati, Ohio and 30% in Columbus, Ohio (Skovron, Scott, & Cullen, 1989, p. 551). Surveys conducted in the early 1990s estimated higher levels of support for the execution of juveniles, including 51.4% support in a 1991 Oklahoma City survey (Grasmick, Bursik, & Blackwell, 1993) and 60% support in the national 1994 Gallup Poll (Moore, 2004). Other statewide polls in conservative contexts reported similar levels of support, with support for executing youths reaching 41% in Indiana (Sandys & McGarrell, 1995), 42% in Kentucky (Vito & Keil, 1998), and 53.5% in Tennessee (Moon, Wright, Cullen, & Pealer, 2000).

Even with this variation, the statistics just cited reveal that support for the juvenile death penalty still fell well below support for the adult death penalty. As Jones (2002, para. 36) concludes, based on the Gallup Poll, “Historically, Americans have been far less supportive of the death penalty for those under 21 than for adults.” The gap between general death penalty support and juvenile death penalty
support was 33% in 1936 and 24% in 1965. Writing in 2002—not long before the U.S. Supreme Court’s decision—Jones noted that “the gap in support may be widening” (2002, para. 36). Indeed, by 2002, the cleavage in support for the death penalty for juveniles and for the death penalty in general had grown to 46% (Jones, 2002).

Given the consistently lower levels of support for capital punishment for youthful offenders relative to adult offenders, it is unsurprising that the public tends to favor other forms of punishment for juveniles over capital punishment. When presented as alternatives to the death penalty, Moon and colleagues (2000, p. 677) found that 64% of their sample “would prefer a sentence of life in prison without the possibility of parole” and that 80% “supported life in prison without parole, combined with work and restitution to the families of their victims.” Similarly, in a study using vignettes, Applegate and Davis (2006) reported that a majority of the respondents preferred alternative sentences to the death penalty for juveniles. This same pattern is found in research conducted on sanctioning preferences for adult offenders—an issue to which we now turn.

Giving More Sentencing Options

As Cullen et al. (2009, p. 81) explain, national polls on public support for the death penalty usually provide a “favor” response that “identifies precisely what sanction the murderer will receive (death)” and an “oppose” response that “leaves the nature of the subsequent penalty unspecified and open to speculation.” Herein lies an important problem with public opinion polls on the death penalty: The percentage of respondents who “favor” the death penalty may be influenced by the alternative sentences that the respondents believe lie within the “oppose” response. For example, if a death penalty is not imposed, the possibility exists that the offenders might receive a short sentence (“get off easily”) or, in the least, be paroled at some point in their lives. The issue, then, is not simply whether Americans support the death penalty but whether they support this sanction versus some other clearly stated sentencing option.

In response to this methodological blind spot, scholars designed surveys that asked the respondents to choose between the death penalty and other sentencing options. Most notably, many of these surveys explored whether the respondents preferred capital punishment or a life sentence without a possibility of parole—a sanction known by its acronym, “LWOP.” Others include various alternative sanctions that may be attractive to respondents. In either case, the alternative sentence options are typically those that would be considered less severe than the death penalty.

Importantly, this research discovered that the level of support for the death penalty is lower when alternative sentencing options are given than when only “favor” or “oppose” options are given. Thus, the National Crime Policy survey showed that, “Although 74.0 per cent of the sample favored the death penalty on the global question, support declined to just over half when the respondents could choose between the ‘death penalty’ (53.5 per cent) and [LWOP] (46.5 per cent)” (Cullen et al., 2009, p. 82). The Gallup Poll has found similar results. Moore (2004, para. 5) reports that, “Over the past 20 years, support for the death penalty instead of life imprisonment has fluctuated between a low of 49% and a high of 61%,” whereas the percent of the public who favor the death penalty (rather than oppose) fluctuated between 64% and 80% from 1984 to 2004.

Other researchers have demonstrated the significance of specificity in alternative sentences provided as poll responses. In addition to life imprisonment without the possibility for parole, some surveys include options for the addition of restitution as a sentence component. Notably, a now-classic 1989 survey of New York State residents found that 62% of respondents said they would accept a life sentence for a person convicted of murder in which there was “no possibility of parole ever” and the offender would “work in a prison industry where his earnings would go to the victim’s family” as an alternative to the death penalty (Bohm, Flanagan, & Harris, 1990, p. 830). Further, while “72% of the New York poll respondents favored the death penalty for people convicted of murder,” “only 32% would not support any alternative to the death penalty” (Bohm et al., 1990, p. 831).
Likewise, Bowers, Vandiver, and Dugan (1994) reported that, in general, “both eliminating parole and adding a restitution requirement increased public endorsement for a life sentence as an alternative to the death penalty” (p. 92). In this study, 56% and 57% of the respondents in New York and Nebraska, respectively, who “strongly favored” the death penalty chose life without parole plus restitution as an alternative (Bowers et al., 1994, p. 106). Other researchers have demonstrated similar results in terms of lower support for the death penalty when alternative sentences are provided relative to general attitudes (see Sandys & McGarrell, 1995; McGarrell & Sandys, 1996).

Taken together, these investigations revealed that the claim that a majority of Americans support capital punishment was a methodological artifact, not a definitive empirical fact. When survey respondents were asked to make a judgment between alternative sanctions, they tended to show a preference for nonlethal penalties. They seemed to see a life sentence without the possibility of parole providing an equivalent amount of justice and public safety. In particular, they preferred a sentence in which offenders engaged in restorative action, working to provide restitution to the victim’s family. This finding does not mean that crimes do not exist for which a majority of Americans might endorse an offender’s execution (see, e.g., Durham, Elrod, & Kinkade, 1996). But it does mean that public views on the death penalty are not rigidly fixed on a specific statistical figure. Instead, they tend to be flexible and shaped by the array of sentencing options that are included in the calculations that the respondents are permitted to make.

**Giving More Information**

Studies that present subjects with vignettes describing the crime and the victim, among other things, allow researchers to determine whether case-specific factors influence death penalty attitudes. For example, Applegate and Davis (2006, p. 60) showed that support for the death penalty for juvenile offenders varied across different “types” of murder, including “manslaughter, attempted murder, murder as an outcome of an argument,” robbery murder, and robbery murder with additional aggravating circumstances. Using logistic regression, the “odds of a preferred punishment greater than 3 years on probation” was “nearly 54 times higher when a youth had committed a murder during a robbery and brutalized the victim” than for a youth who committed manslaughter (Applegate & Davis, 2006, p. 66). The researchers also found that subjects were more likely to assign the harshest punishments (life in prison, life in prison without parole, or the death penalty) to youths with a serious prior criminal record. These findings suggest that perceptions regarding the harm caused by the crime or the dangerousness of the criminal may influence whether the respondent favors—or does not favor—the death penalty for a specific offender. Nearly half of the respondents preferred “3 years of probation or less” for manslaughter, yet only 2.4% of respondents chose this sentence option for those convicted of robbery murder with aggravating circumstances (Applegate & Davis, 2006, p. 63). This finding may indicate a tendency for individuals’ desire for the punishment to “fit” the seriousness of the crime.

The relationship between the severity of the crime and preference for the death penalty is also shown in research on attitudes toward the death penalty for those convicted of murder with no offender age specification. For example, Burgason and Pazzani (2014) surveyed respondents using 40 different homicide vignettes. They found that the respondents were more likely to choose the death penalty (instead of LWOP, a respondent-specified prison term, or another respondent-specified sentence) when “a rape was committed in conjunction with the murder” and when “a gun was used in the commission of the murder” (Burgason & Pazzani, 2014, p. 827). These two factors are both related to perceived harm done beyond the murder itself.

Additionally, characteristics of the victim, of the offender, and of the relationship between the two were also related to the respondents’ selection of the death penalty. The death penalty was chosen more frequently when “negative information about the offender was known” and when “the victim and offender were strangers” (Burgason & Pazzani, 2014, p. 827). Negative information about the
offender included “the offender being a male prostitute, having a number of previous convictions for
violent robberies, having an affair, being a drug addict, being a gang member, begging for money and
having large gambling debts” (Burgason & Pazzani, 2014, p. 824). The opposite effect, however, was
found when negative information about the victim was presented. Thus, the respondents were less
likely to select the death penalty when they were told that the victim was having an affair, was sleeping
with someone who was having an affair, or was a gang member (Burgason & Pazzani, 2014, p. 824).
This result implies that the sympathy-worthiness or blame-worthiness of the victim may influence the
dergee of punitiveness the respondent directs toward the offender. Again, support for capital punish-
ment is not rigid but flexible. Information can be used to inflate or depress support for this penalty.

Researchers have also examined the effect of knowledge about the death penalty itself on attitudes
toward the death penalty. These studies, sometimes referred to as tests of “the Marshall Hypotheses,”
often cite Thurgood Marshall’s written opinion in *Furman v. Georgia* (1972). In determining whether a
sentence is cruel and unusual and therefore unconstitutional under the Fourth Amendment, Marshall
wrote that “it is imperative for constitutional purposes to attempt to discern the probable opinion of an
informed electorate” (*Furman v. Georgia*, 1972). Thus, researchers have questioned whether the public is
“informed” on the subject of the death penalty and whether providing information influences attitudes.

Bohm, Clark, and Aveni (1991) tested whether the subjects were knowledgeable about various
facts concerning the death penalty, including whether the death penalty has “been abolished by a
majority of Western European Nations,” whether the death penalty has effectively reduced crime, the
frequency of executions, disproportionate death penalty sentencing, and the levels of support for the
dehth penalty. In this study, the respondents were “relatively uninformed about the death penalty” but
were informed on some facts (e.g., “men have been more likely to be executed than women,” “poor
people who commit murder are more likely to be sentenced to death than rich people”) (Bohm et al.,
1991, p. 370). The study tested whether “increasing knowledge about the death penalty” resulted in
greater opposition toward the death penalty (p. 370). The design compared an experimental group
of undergraduate students who participated in a semester-long course on the death penalty with a
control group of undergraduates who were “enrolled in other courses offered at the same time as the
depth penalty class” (p. 366). Bohm et al. (1991, p. 375) found that the death penalty class increased
knowledge about capital punishment and “the percentage of experimental group subjects opposed
to the death penalty following the [death penalty course] (56.3%) . . . was significantly greater than
the percentage of subjects opposed prior to it (34.7%).” Although these results varied depending on
the question used to measure support for the death penalty, the findings suggest that, on the aggregate
level, providing information can increase opposition to the death penalty.

Another study found that university students who participated in a death penalty course were
“much more knowledgeable or informed about the death penalty at the end of the semester” relative
to a control group of students who participated in an introductory criminal justice course (Wright,
Bohm, & Jamieson, 1995, p. 64). However, there was no significant change in support for the death
penalty from pretest to posttest for either the experimental or control group. Conversely, Bohm and
Vogel’s (2004, p. 307) panel study in which participants took a course on capital punishment found that
“support for the death penalty significantly diminished after exposure to the death penalty class.”
However, the change in opinion did not hold over time. Instead, it “rebounded to initial pretest levels
two or three years later,” and “after more than ten years, the data revealed small increases in support
of the death penalty from the first follow-up period” (Bohm & Vogel, 2004, p. 307). More recent
research has reported that providing information on the death penalty—specifically “information
on both deterrence and innocence”—resulted in lower support for the death penalty among the
respondents (Lambert, Camp, Clarke, & Jiang, 2011, p. 573). These mixed results suggest that Justice
Marshall’s hypothesis (expressed in *Furman v. Georgia*, 1972) may have been correct, but various factors
may influence the degree to which information changes attitudes toward the death penalty and how
long attitude changes last.
Considering Innocence

The 2002 Gallup Poll showed a majority of Americans supported the death penalty despite the fact that the majority of Americans also reported believing innocent people have been executed (Jones, 2002). Thus, Jones (2002, para. 26) noted that although “91% of Americans said they believed that an innocent person had been sentenced to the death penalty in the last twenty years,” 72% still favored the death penalty. Similarly, based on the 2009 Gallup Crime Survey, Newport (2009, para. 7) observes: “For many Americans, agreement with the assertion that innocent people have been put to death does not preclude simultaneous endorsement of the death penalty.” He goes on to note that 34% of Americans simultaneously “believe an innocent person has been executed” in the last five years and “support the death penalty in cases of murder” (2009, para. 7).

It is instructive, however, that the polls used by Jones (2002) and Newport (2009) were based on a question—“Are you in favor of the death penalty for a person convicted of murder?”—that did not include the option of LWOP. When this penalty alternative is available to the respondents, a preference for the death penalty declines. In their analysis of the 2003 Gallup Poll data, Unnever and Cullen (2005) found that “individuals who believed that innocent people have been executed were significantly less likely to support the death penalty” over life imprisonment without parole (p. 15). Moreover, the belief that innocent people have been executed was held by a majority (74.6%) of the respondents. These findings suggest that the more widespread the belief that innocent people have been executed becomes, the more Americans may support life imprisonment without the possibility of parole over the death penalty.

Other research involving innocence is similarly relevant. Thus, the 2001 National Crime Policy Survey found that 39% of the respondents said, “I would have to oppose the death penalty—if the death penalty means putting even one innocent person to death, we would be better off just giving all murderers life in prison” (Cullen et al., 2009, p. 86). In response to the same question, 19.2% of respondents said they “already oppose the death penalty,” presumably regardless of whether innocent people have been executed (p. 86). As Cullen and colleagues conclude, when those who would oppose the death penalty if it were proven innocent people were executed are combined with “those who already have rejected capital punishment,” 58.2% of the respondents would be “against future executions” (p. 85). An even larger majority of the respondents (69.1%) said that they would be in favor of suspending the death penalty “until we can make sure that only guilty people are executed” (Cullen et al., 2009, p. 86). This shows that the possibility of executing persons for crimes which they did not commit is an important consideration for a majority of Americans.

In summary, the widespread belief among Americans that innocent people have been executed highlights just one of the factors that shapes support for the death penalty. As seen, any claim that the “public supports capital punishment” based on the most highly publicized polls is problematic. Single-question polls that provide no sentencing options capture, at best, global attitudes about the execution of offenders. In reality, opinion about the death penalty is complex. Members of the public will shift their views when asked to make judgments in which they are directed to consider a range of policy-relevant factors. The U.S. Supreme Court decision barring juvenile executions was consistent with growing public sentiments opposing this practice. Perhaps most important, giving survey respondents the option to select LWOP shows that a meaningful portion of Americans are not wed to executing offenders if a suitable alternative exists. When the possibility of putting an innocent person to death must be confronted, the attractiveness of LWOP becomes even more salient. Still, it must be admitted that when asked to prescribe a penalty for an offender who has committed a heinous crime and has a long criminal past, Americans will consider imposing capital punishment. Flexibility means that attitudes can be inflated by some factors and depressed by others. One group in the United States, however, has manifested a more robust opposition to the death penalty. It is to this issue that we next turn.
The Salience of Race

The claim that “Americans” support the death penalty is based on a statistical average of the population as a whole. The very power of national polls is that they can seemingly capture “what the public thinks” in a single number (Igo, 2007). Headlines can be set forth with convincing certainty, such as “Two Thirds Continue to Support Death Penalty” (Newport, 2009). This kind of citation of polls can mask as much as it illuminates, especially if cleavages in public opinion are either ignored or buried in the details of an article that follows. With regard to capital punishment, this issue is consequential because overall statistics hide an important fact: A group historically oppressed by the criminal justice system—African Americans—have long supported the death penalty less than whites and now are clearly opposed to its use. The section below explores this salient issue in more detail.

The Racial Divide

Polls show that support for the death penalty differs across racial groups—particularly between blacks and whites. As of 2015, 39% of African Americans supported the death penalty compared to 68% of white Americans (Dugan, 2015). According to Unnever, Cullen, and Jonson (2008), this racial divide has persisted for decades (see also Unnever & Cullen, 2007a). From 1972 to 2006, the difference between the average percentage of whites (71.8%) and blacks (44.2%) who favor the death penalty was 27.6% (Unnever et al., 2008). A similar gap is found in the GSS data. Between 1974 and 2004, a 28.2% difference existed between the average percent of whites (77.5%) and blacks (49.3%) who support the death penalty (Unnever et al., 2008). Further, Unnever and Cullen (2005) note that the racial gap in death penalty support also exists when the survey design includes LWOP as an alternative sentencing option. Their analysis of the 2003 Gallup Poll data found that “the predicted odds of African Americans supporting the death penalty instead of life imprisonment without the possibility of parole were less than one-third of the predicted odds of whites” (p. 20). Researchers have offered several explanations for the racial divide in death penalty support including (1) the social convergence hypothesis, (2) the state threat hypothesis, and (3) the racial animus or social threat hypothesis.

The first explanation—the social convergence hypothesis—posits that the relationship between race and support for the death penalty is spurious and lies not in race but in the structural differences between racial groups. In The Declining Significance of Race, Wilson (1980) argued that the racial differences between blacks and whites have been shaped by structural forces, particularly the economy and labor market, and that economic oppression is becoming more salient than racial oppression in American society. Thus, as Davis (2005) explains, this thesis suggests “as the significance of race declines in society it is reasonable to expect that race as an influence on the formation of public opinion will also decline.” (p. 489). In his analysis of GSS data from 1976–1982 and 1993–1998, Davis (2005) concluded that “the magnitude of difference on most issues, other than those related to race, rarely constituted anything more than a gap in public opinion and not a gulf of chasm” (p. 487). This supports the social convergence hypothesis in terms of public opinion in general.

The extant empirical evidence, however, does not provide strong support for social convergence as it applies to support for the death penalty. Cochran and Chamlin (2006, p. 97) controlled for “differences in socioeconomic status achievements, subcultural orientations, political persuasion, religion, right-to-life views, attitudes support for social welfare, views on distributive justice, perceptions about criminal justice, fear of crime, victimization experience, media exposure, punitiveness, [and] attribution styles.” They found that none of these variables significantly accounted for racial differences in support for the death penalty (Cochran & Chamlin, 2006). Likewise, Unnever and Cullen (2007a) tested the social convergence theory—as it applies specifically to attitudes toward the death penalty—using GSS data from 1974–2002. They found little evidence to support the social convergence hypothesis. The racial divide persisted even when “class, confidence in government,
conservative politics, and religious fundamentalism” were controlled, therefore suggesting that “race remains a master status that defines views on capital punishment” (Unnever & Cullen, 2007a, p. 147). In other words, the relationship between race and support for the death penalty cannot be explained away by taking other social factors into account. Instead, Unnever and Cullen (2007a) argue that “the social convergence of African Americans,” in terms of attitudes toward sentencing, “may require a public atonement for the historical oppression of African Americans by the criminal justice system.” (p. 149). This conclusion leads us to the second explanation for the racial divide in death penalty support, the state threat hypothesis.

The state threat hypothesis argues that African Americans have different attitudes about the death penalty than whites because “the state is perceived by African Americans not as neutral but rather as an institution that has traditionally protected the interests of the majority group and undermined their interests” and “the death penalty takes on special significance . . . [as] the ultimate weapon of state criminal justice power” (Unnever et al., 2008, p. 82). This thesis is supported by Unnever and Cullen’s (2005, p. 20) finding that “over one-fourth (29%) of the racial divide in support for capital punishment can be attributed to differences in the degree to which African Americans and whites believe that innocent people have been executed and the death penalty is applied unfairly.”

This finding suggests that the racial divide in death penalty support is rooted more in differential attitudes about criminal justice than in structural differences between racial groups. This explanation of how African Americans think about the death penalty makes sense in light of the facts that African Americans are disproportionately incarcerated (Unnever & Cullen, 2007a) and disproportionately sentenced to the death penalty (Steiker & Steiker, 2015; Unnever et al., 2008). They are also more likely than white Americans to believe that the death penalty is imposed unfairly (Unnever et al., 2008). While the state threat thesis focuses on why African Americans do not support the death penalty, the third explanation for the racial divide—the racial-animus, or “social threat” hypothesis—questions what drives the high percent of support among white Americans.

The Impact of Racial Animus

In a factorial analysis of the effect of victim and offender race on support for the death penalty, the subjects were most likely to say they would “definitely vote for the death penalty” for vignettes that describe a black offender killing a white victim (Applegate, Wright, Dunaway, Cullen, & Wooldredge, 1994, pp. 105, 108). More recently, Unnever and Cullen (2012) concluded that whites who “embrace the negative stereotype that African Americans are more prone to violence than members of their own race are significantly more likely to support capital punishment while controlling for other covariates” (p. 531). Whites who embraced the same negative stereotype about Hispanics were also significantly more likely to support the death penalty (Unnever & Cullen, 2008). These findings, among others, support the claim that the racial animus white Americans hold toward black and Hispanic Americans explains the racial divide in support for the death penalty.

This idea is echoed in Chiricos, Welch, and Gertz’s (2004) research that identified beliefs about whether blacks commit disproportionately more crime as a “significant predictor of punitiveness, independent of the influence of racial prejudice, conservativism, crime salience, southern residence and other factors” (p. 359). Given that this research focuses on white Americans’ perceptions of criminality and violence among African Americans, it is sometimes referred to as the “social threat hypothesis” or “racial threat hypothesis” (Chiricos et al., 2004; Unnever & Cullen, 2007b, 2010a, 2010b, 2012).

In their analysis of the 2000 National Election Study (NES) data, Unnever and Cullen (2010a) test the racial-animus model against two other explanations for the source of death penalty support—the escalating crime-distrust model and the moral decline model. In this study, racial animus is measured using two scales: (1) a “Racial Resentment” scale that measured the degree to which respondents agreed to four statements related to attitudes about the work ethic of African Americans and whether
or not African Americans face barriers to upward class mobility, and (2) a “Racial Stereotype” scale that measured the degree to which the respondents believed that African Americans are lazy or hardworking, unintelligent or intelligent, and untrustworthy or trustworthy (Unnever & Cullen, 2010a, p. 111). Religiosity, political orientation, authoritarianism, and demographic variables including age, gender, race, education, residence in the South, and residence in an urban area were controlled (Unnever & Cullen, 2010a). The analysis involved the regression of punitive attitudes (including a general measure of punitiveness toward criminals and a measure of death penalty support) on the two scales of the racial-animus model, controlling for covariates and demographic variables. The results indicated “that the Racial Resentment scale is one of the most substantive and consistent predictors for both indicators of punitiveness” (Unnever & Cullen, 2010a, p. 117, emphasis in original). This finding supports the theory that support for the death penalty (and punitive attitudes toward criminals in general) are at least in part influenced by racial animus toward African Americans.

In another analysis of the 2000 NES data, Unnever and Cullen (2007b) test whether support for the death penalty significantly differs between racist and nonracist whites. Unnever and Cullen measured racism using three scales, a “Jim Crow” racism scale, a “symbolic racism” scale, and a “White racism scale.” With regard to the white racism scale, Unnever and Cullen argue that “the issue of white racism should be ‘seen’ from the perspective of African Americans” (2007b, p. 1285). Thus, the white racism measure “defines white racists as those whites who . . . viewed African Americans with more racial animosity than the average African American held for his or her own race,” as derived from the symbolic racism scale (Unnever & Cullen, 2007b, p. 1285). Controlling for demographic characteristics and other covariates of death penalty support, the analysis revealed that “the white racism measure was one of the most robust predictors of the degree to which Americans supported the death penalty” (Unnever & Cullen, 2007b, p. 1290). Furthermore, African American and nonracist whites did not significantly differ in level of support for the death penalty when other variables were controlled (Unnever & Cullen, 2007b). This result suggests that in addition to the racial divide between blacks and whites, there is also a within-racial-group divide between racist and nonracist whites in support for the death penalty.

The impact of racial animus on support for the death penalty may have implications for the expression of attitudes in European nations, where recent events suggest animus toward immigrants is high. For example, Unnever et al. (2008) provide an international perspective of the relationship between racial animus and support for the death penalty. Their findings indicate that in Britain, France, Spain, and Japan, those, “who harbor racial or ethnic resentments were significantly and robustly more likely to support capital punishment” (p. 81). Other research has pointed out that racial inequality in the criminal justice system exists beyond the United States, and racial animus persists among Western Europeans, particularly toward immigrants (Pettigrew, 1998; Tonry, 1997; Unnever & Cullen, 2010b). Given recent events such as “Brexit,” the rising popularity of white nationalist political parties, mass immigration due to the refugee crisis in the Middle East, and terrorist attacks in France, Germany, and other Western European countries, the salience of racial animus may be an important consideration for future research on international death penalty attitudes.

**Conclusion: Two Futures**

For much of the past half-century, one of the most powerful justifications for the continued use of lethal executions has been that the “American public supports capital punishment.” This claim is both true and false. At certain points in time, the embrace of the death penalty, seemingly nourished by broader punitive sentiments, has reached high levels. Even when the citizenry’s endorsement of this penalty has diminished—such as at the present time—it has often been the case that national single-question polls could be cited as showing that more Americans favored the death penalty than opposed it.
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Still, as we have taken pains to demonstrate, public opinion is complicated and can only be measured fully by employing surveys that are informed by standard social science methodology. Research in this vein reveals that support for capital punishment varies according to the rating task that the respondents are asked to undertake, including information about the offense (e.g., crime, criminal, victim), the nature of capital punishment as an institution (e.g., the inevitability of executing innocent people), and the sentencing options considered (e.g., LWOP). And, as just reviewed, the large racial divide in support for the death penalty, rooted in part in white animus toward African Americans, calls the very legitimacy of “majority” support for the death penalty into question.

What does the future hold? Current events suggest two possibilities—the first of which seemed unlikely until the 2016 presidential election. We will call this the “Trump Future.” Much of President Trump’s popularity has been derived from his creating enemies—“the other”—to attack. The supposed “fake news” of the news media has emerged as the leading target of his administration. Still, his attempt to ban refugees and visitors from Muslim nations, his animus toward immigrants, and his constant claim to be a “law-and-order” president who will stop the “carnage” in Chicago and the U.S.’s mythical record high murder rate, all send the message that White America is suffering racial/ethnic threat. The pushback against his rhetoric and policies and the affirmation of multiculturalism suggest that his efforts to inflame the electorate may not work. At the same time, his resilient support among his core base, especially in Red States, could foster a renewed trumpeting of the death penalty among that segment of the public.

The second option we will call “The Better Angels of Our Nature Future”—a label that borrows the title of Stephen Pinker’s (2011) classic work. Pinker has noted that the long-term trend in Western societies is away from violence, including the use of state violence to execute offenders. “Today,” he observes, “capital punishment is widely seen as a human rights violation” (2011, p. 150). Even in the United States, the trend is toward more states abolishing the penalty or using it sparingly (Garland, 2010; Pinker, 2011). Consistent with these developments, recent national polls report declining support for capital punishment in the American public. More sophisticated studies have, as noted, shown how even this level of support is often contingent and not firm. As Pinker (2011, p. 151) suggests, one other consideration might, in the long run, undermine support for the death penalty: that which actually occurs when capital punishment is abolished. Pinker points out that the “countries of Western Europe, none of which execute people, have the lowest homicide rates in the world” (2011, p. 153). Our “better Angels” might well be inspired by this empirical reality. “It may be one of the many cases in which institutionalized violence was once see as indispensable to the functioning of a society,” observes Pinker, “yet once it was abolished, the society managed to get along perfectly well without it” (p. 153).

References


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