

## **Young Indians' Views on the Appropriateness of the Death Penalty as a Function of Circumstances of Crime: A Preliminary Study**

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Fifty students from the Hindu community and 45 students from non-Hindu communities were presented with concrete scenarios depicting a situation in which a defendant has committed a specified crime, and the circumstances of this crime. They were asked to indicate the extent to which they thought that the death penalty would be an appropriate sentence in each concrete case. Four factors were varied in the scenarios: (a) the severity of the crime (robbery, rape, or homicide), (b) the level to which the culpability of the defendant had been established (fully vs. not fully), and whether the defendant whose culpability had been fully demonstrated had expressed remorse for the crime committed, (c) the defendant's antecedents (whether he had already committed crimes or not), and (d) the level of criminality in the area in which the crime has been committed (low vs. high). Overall, support for the death penalty was relatively high, and no significant difference was found between communities. Appropriateness judgments were higher (a) when the crime was rape or homicide than when it was robbery, (b) when the defendant's culpability was fully established, (c) when a guilty defendant did not express remorse for the crime committed, and (d) when the defendant was a recidivist. Female students judged the death penalty more appropriate in the case of rape than male students did.

The legal process by which a defendant is put to death by an official Court of justice is called the death penalty. It is estimated that more than sixty per cent of the world's population live in countries where the death penalty is part of the law and executions effectively take place, among them the citizens of China, India, Indonesia and the USA. The only very

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populated country in which the death penalty has never been applied is Brazil (Embassy of Brazil in London, 2013).

Several studies have examined lay people's views regarding the death penalty, and these studies have mostly been conducted in the USA. Most people in this country (up to 70%) tend to support the death penalty (Jones, 2003; Whitehead & Blankenship, 2000). In addition, men are more supportive than women (Jones, 2003; Miller & Heyward, 2008), White people are more supportive than Black people (Backer, Lambert, & Jenkins, 2005), and Republicans are more supportive than Democrats (Jones, 2003). Some studies have also been conducted in European countries (e.g., Helsing, de Keijser, & Elffers, 2003) but very few studies have been conducted in non-Western countries.

Among the few studies on people's views conducted in non-western countries, one must mention the extensive study conducted in India by Lambert, Pasupuleti, Jiang, Jaishankar, and Bhimarasetty (2008). As stated above, death penalty is part of Indian law. In 2013, it is estimated that about 500 persons have been sentenced to death in this country, among them 60 in the state of Karnataka, the state with the highest percentage of convicts on death row of the Union. The types of criminals that, according to the Supreme Court of India can be sentenced to death are (a) large scale drug traffickers who are recidivists, (b) armed rebels fighting against the Union, terrorists, and mutineers, (c) persons who have assisted non-autonomous persons to kill themselves, (d) rapists whose victims are left in a vegetative state, (e) gang robbers indirectly involved in killings, and (f) murderers (including people having committed an honor killing or policemen who have committed encounter killings). In fact, few death condemnations are really applied. Since 1995, four convicts have been hanged, one in 2013 (for involvement in the bloody 2001 attacks on the Indian Parliament), one in 2012 (for involvement in the bloody 2008 Mumbai attacks), one in 2004 (for the rape and murder of a young girl) and one in 1995 (for the murder of six young women) (BBC News India, 2012).

Lambert et al. (2008) used a questionnaire measuring overall support for the death penalty and the reasons to support or oppose it. Among the 394 students from the public university of Andhra Pradesh whose responses were usable, 27% opposed or strongly opposed the death penalty, 17% somewhat opposed it, 13% were uncertain, 14% somewhat favored the death penalty, and 29% favored or strongly favored it. Men were found to be more supportive than women, as in the USA. Fifty-four percent of the students agreed with the statement that they "become angry when a convicted murderer does not receive the death penalty", 56% agreed with

idea that “executions should be aired on TV”, 51% thought that “most convicted murderers would kill again if given the opportunity”, and 52% thought that “without the death penalty, violent crime would increase”. They, however, recognized that “innocent people are sometimes sentenced to death (80%)”. In other words, they tended to strongly express motives that were associated with the ideas of retribution, deterrence, incapacitation and instrumentality, whereas they were not blind to the danger of executing innocent defendants. Overall support was associated with retributive and instrumental motives more than with any other motive.

### **The Present Study**

The present study was aimed at complementing the study by Lambert et al. (2008). Instead of examining support for or opposition to the death penalty using generic items, we used concrete scenarios depicting a situation in which a defendant has committed a specified crime and the circumstances of the crime, and asked participants to indicate the extent to which they thought that the death penalty would be an appropriate sentence in this concrete case. This scenario-based technique was inspired from previous studies conducted on the moral algebra of harm (Hommers & Anderson, 1991, see also Hommers, Lewand, & Ehrmann, 2012).

The scenarios were composed by orthogonally varying the levels of four factors. The first factor was the severity of the crime, with three levels: robbery, rape and homicide. The retribution factor being the one that was most associated with support for the death penalty (Lambert et al., 2008), it was expected that the more severe the crime, the more appropriate the death penalty would be judged.

The second factor was the level to which the culpability of the defendant had been established (fully vs. not fully). As a huge majority of participants in the study by Lambert et al. (2008) were clearly aware that innocent person can sometimes be executed, it was expected that this factor would also play a role. In addition, a third level was added to this factor: whether the defendant whose culpability had been fully demonstrated had expressed remorse for the crime committed. As instrumental motives impacted on support in the study by Lambert et al. (2004), it was expected that remorseful defendant would be judged less harshly than non-remorseful defendants.

The third factor was about the defendant’s antecedents. As incapacitation motives somewhat impacted on support in the study by Lambert et al. (2004), it was expected that the death penalty would be considered as more appropriate in the case of recidivists than in the other

cases. Finally, the fourth factor was about the level of criminality in the area in which the crime has been committed. As deterrence was not a motive that was strongly associated with support, we expected to find only a moderate, although significant impact of this factor on judged appropriateness.

In addition to assessing the effect of these pieces of information on people's judgments, the present study also examined the way information was integrated (e.g., Was information about the level of the defendant's culpability and antecedents integrated in an additive way or in an interactive way)?

Finally, we considered the possible effect of demographic variables. Two subsamples of participants were gathered: one from the Hindu community, and one from non-Hindu communities. As no difference was found in the study by Lambert et al. (2008), we did not expect strong differences between them. However, as the perception exist among Indians that the administration of the death penalty depends on social status, it seemed important to check for possible differences in appropriateness judgments, and in information integration, between the majority community and the minority communities.

## METHOD

**Participants.** Ninety-five unpaid students (56 females and 39 males) participated in the present study. All of them were Indians: 50 were from the Hindu community and 45 were from non-Hindu communities (21 were Muslims, 13 were Christians, 11 were Jain, and one was undetermined). Their mean age was 22.42 years ( $SD = 1.35$ , range = 20-26 years). All participants were enrolled at Karnatak University.

**Material.** The material consisted of 36 cards showing a story of a few lines and a response scale. The main character in each story was always male. Each story has four critical items of information, in the following order: (a) the type of crime imputed to the defendant (robbery, rape or homicide), (b) whether his culpability has been fully demonstrated or not and whether the defendant showed signs of remorse (not fully demonstrated, fully demonstrated and signs of remorse, and fully demonstrated but no signs of remorse), (c) whether the defendant was a recidivist or not, and (d) the level of criminality in the area (low vs. high). The 36 stories were obtained by the orthogonal crossing of the four factors:  $3 \times 3 \times 2 \times 2 = 36$ .

The following question and the response scale were under each story: "To what extent do you consider that the death penalty would be an appropriate penalty in such a case?" The response scale was an 11 point scale with "Not at all" at the left extreme and "Completely" at the right extreme. The use of a continuous scale was consistent with views expressed by Unnever, Cullen and Roberts (2005) that most people in any country may have "weakly-held attitudes" about the death penalty. Each defendant was attributed a different (fictitious) name. Two examples are shown in Appendix A.

**Procedure.** Each participant was tested individually or in groups of three to four in a quiet place at the university. In the later case, participants had no mean to communicate the one with the other. Testing had two phases. In the familiarization phase the experimenter explained the participants what was expected from them, in other words, that they were about to read a number of stories describing a person who has (possibly) committed a crime. For each scenario they were expected to indicate the extent to which they thought that the defendant should be sentenced to death. Participants were then presented with 12 vignettes that were taken randomly from the complete set. After they had read the vignettes the experimenter reminded them the four items of information, and the participants made their ratings. Participants were allowed to go back to see their responses, compare them and make any changes.

In the experimental phase, the whole set of 36 vignettes were given to the participants, in random order. As in the previous session, participants made their ratings at their own pace but they were no longer allowed to go back, compare responses and make alterations. It took 35 to 45 minutes to complete the whole task.

## RESULTS

Each rating made by each participant in the experimental phase was converted into a numerical value expressing the distance between the point on the response scale and the left anchor serving as an origin. These numerical values were then subjected to graphical and statistical analyses. An ANOVA was conducted on the raw data with a mixed design of Group (Majority vs. Minority) x Type of Crime x Culpability and Remorse x Recidivism x Crime Statistics, 2 x 3 x 3 x 2 x 2.

The group effect was not significant, although participants from the minority group judged death penalty slightly more appropriate ( $M = 6.39$ )

than participants from the majority group ( $M = 6.01$ ). Further comparisons between Muslims ( $M = 6.35$ ), Jain ( $M = 7.25$ ) and Christians ( $M = 5.79$ ) showed no significant difference with the mean for Hindus.

For all the participants the level of appropriateness of the death penalty was judged higher in the case of rape ( $M = 7.13$ ) than in the case of homicide ( $M = 6.55$ ), and higher in the case of homicide than in the case of robbery ( $M = 4.91$ ),  $F(2,186) = 74.70$ ,  $p < .001$ . Post-hoc analyses using the Tukey honestly significant difference test showed that the mean values were significantly different the one from the other,  $p < .01$ . Death penalty was judged less appropriate when culpability was not fully demonstrated ( $M = 5.20$ ) than when it was fully demonstrated and the person demonstrated remorse ( $M = 5.87$ ), and it was judged the most appropriate when it was fully demonstrated and the person did not demonstrate remorse ( $M = 7.52$ ),  $F(2,186) = 82.75$ ,  $p < .001$ . Post-hoc analyses also showed that the three mean values were significantly different the one from the other,  $p < .05$ . Death penalty was judged more appropriate (c) when the person was a recidivist ( $M = 6.62$ ) than when the person was not ( $M = 5.78$ ),  $F(1,93) = 49.39$ ,  $p < .001$ , and (d) when crime statistics in the area were elevated ( $M = 6.31$ ) than when they were not ( $M=6.09$ ),  $F(1,93) = 8.76$ ,  $p < .01$ .

The Type of Crime x Culpability and Remorse interaction was significant,  $F(4,372) = 6.04$ ,  $p < .001$ . It is depicted in Figure 1. The slope corresponding “culpability has been fully demonstrated but the person has demonstrated remorse” is steeper than the other curves; that is, the effect of type of crime was stronger in this case ( $7.15 - 4.44 = 2.61$ ) than in the other cases (differences of 1.97 and 2.02, respectively). When the culpability-remorse level was deleted from the analysis, the Crime x Culpability interaction was not significant. When the not fully established culpability level was deleted from the analysis, the Crime x Remorse interaction was significant,  $p < .001$ .

The Recidivism x Culpability and Remorse interaction was significant,  $F(2,186) = 3.52$ ,  $p < .05$ . It is depicted in Figure 2. The curve corresponding to “culpability has not been fully demonstrated” was steeper than the curve corresponding to “culpability has been fully demonstrated”, that is, the effect of recidivism was stronger in the first case ( $5.71 - 4.57 = 1.14$ ) than in second case ( $7.78 - 7.25 = 0.53$ ). When the culpability-remorse level was deleted from the analysis, the Recidivism x Culpability interaction remained significant,  $p < .05$ . When the not fully established culpability level was deleted from the analysis, the Recidivism x Remorse interaction remained also significant,  $p < .01$ . Not other significant interaction has been found.

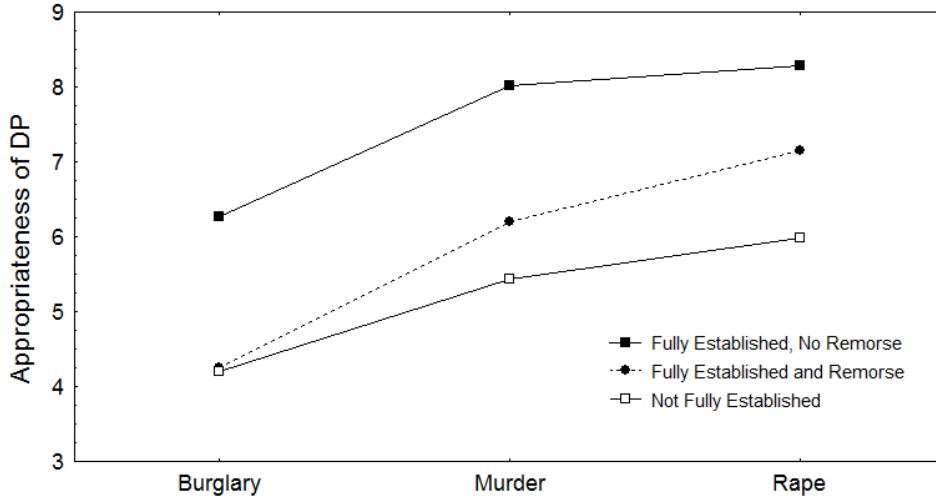


Figure 1. Patterns of results describing the Crime x Culpability-Remorse interaction. The mean appropriateness judgments are on the vertical axis, the three types of crime are on the horizontal axis, and the three curves correspond to the three levels of culpability-remorse.

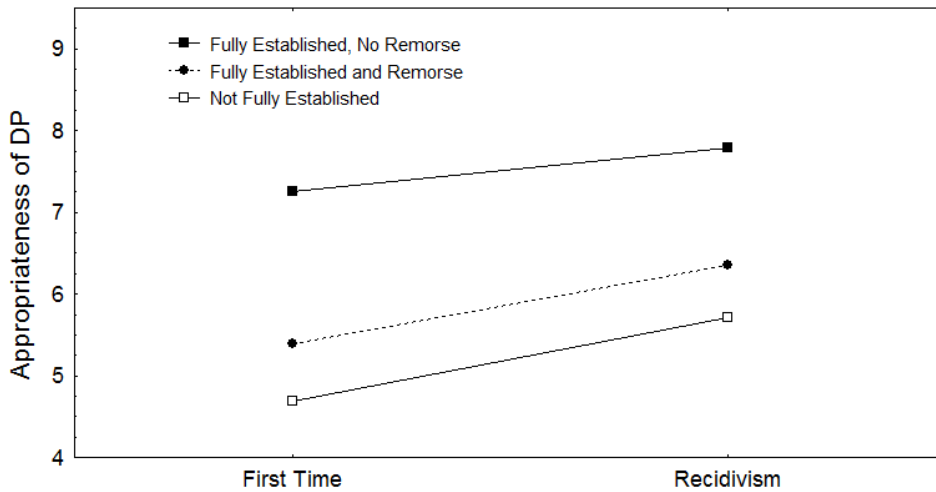
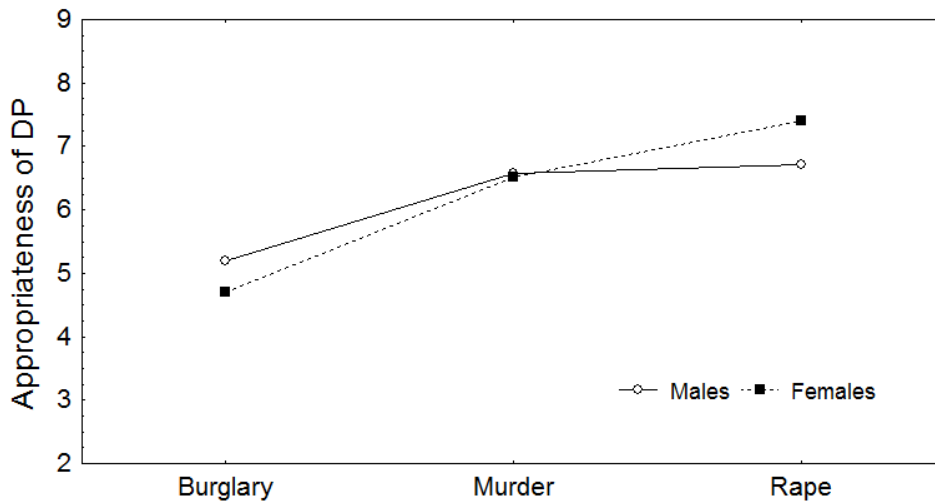


Figure 2. Patterns of results describing the Recidivism x Culpability-Remorse interaction. The mean appropriateness judgments are on the vertical axis, the two levels of recidivism are on the horizontal axis, and the three curves correspond to the three levels of culpability-remorse.

A second ANOVA was conducted with the same design but with Gender as the between-subject variable. The effect of gender was not significant but the Gender x Type of Crime was,  $F(2, 186) = 5.30, p < .01$ . This interaction is depicted in Figure 3.



**Figure 3. Patterns of results observed among male and female participants. The mean appropriateness judgments are on the vertical axis, the three types of crime are on the horizontal axis, and the two curves correspond to the two genders.**

## DISCUSSION

Overall, support for the death penalty was relatively high, which was consistent with the findings by Lambert et al. (2008). As hypothesized, appropriateness of death penalty depended on the moral informers presented in the stimulus design. Appropriateness judgments were higher (a) when the crime was rape or homicide than when it was robbery, (b) when the defendant's culpability was fully established than when it was not, (c) when a guilty defendant expressed remorse for the crime committed than when he expressed no remorse, (d) in case of recidivism, and (e) when the level of criminality in the area was high than when it was low. Overall, strong support (ratings of 7 and higher) for death penalty was observed in the cases of murder or rape, each time culpability was fully demonstrated, and when either no sign of remorse was present or in case of recidivism. This set of results was consistent with the findings by Lambert et al. (2004; see also



Lambert, Baker, & Tucker, 2006; Lambert, Clark, & Lambert, 2004). The fact that rape was judged more deserving of death penalty than murder, at least among female participants, run contrary to the Indian law. It may, however, be related to the spread of violence towards women that recently plagued the country (CBC News, 2013).

Information was not always integrated in an additive way. The impact of remorse depended on type of crime. When crime was burglary, remorse had more impact than when crime was rape. This interaction may be related to the Level of Damage x Recompense interaction already reported by Hommers and Anderson (1991). The impact of remorse depended also on recidivism. When crime was first-time crime, remorse had more impact than when crime was rape. Finally the impact of culpability depended of recidivism. In the case of recidivism, whether culpability had been fully or not fully established had lesser impact than in the other case. These deviations from additivity make perfect sense. Remorse is much less credible in case of major crime and in case of recidivism than in the opposite cases, and culpability is considered as more probable when the defendant has already been prosecuted than in the other case. Type of Crime and Culpability were, however, integrated additively, which was consistent with findings by Hommers and Anderson (1991).

As in the study by Lambert et al. (2008) no significant difference was found between appropriateness judgments from students from the majority community and from the minority communities, which means that, even if respondents from the minority communities may consider that the death penalty is not administrated in a fair way, this does not impact, in any case, on their support for the death penalty. Differences were, however, found between the different minorities. Owing to lack of statistical power, these differences were not significant but they should deserve more scrutiny in future studies. Finally, some differences were found as a function of gender but these differences cancelled each other. In particular female students judged the death penalty more appropriate in the case of rape than male students did. Future studies should explore the male-female difference in support for the death penalty in concrete cases as a function of the type of crime committed.

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## **APPENDIX A**

Condition: Robbery-Low Criminality Level-First Time-Culpability and  
Repentance

Santosh Kumar has been arrested for robbery by the police.

Robbery is a relatively infrequent offense in this state. The level of  
criminality is below the average.

It is the first time that Santosh Kumar is arrested for robbery.

Santosh Kumar's culpability has, however, been fully established.

During the trial, the defendant has expressed repentance.

He has begged for forgiveness to the victims.

Condition: Homicide-High Criminality Level-Recidivism-Culpability and  
No Repentance

Ravi Venkatappa has been arrested for homicide by the police.

Homicide is a relatively frequent offense in this state. The statistics are  
alarming.

It is the second time that Ravi Venkatappa is arrested for homicide.

He has already been incarcerated.

Ravi Venkatappa's culpability has, in this case, been fully established.

During the trial, the defendant did not express any form of repentance.