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THE STATUS OF CAPITAL PUNISHMENT: A WORLD PERSPECTIVE

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The author has been professor of sociology at Wake Forest College since 1947. Earlier he was professor of sociology at Shorter College and Meredith College. He received the A.B. degree from Wake Forest College and the Ph.D. degree from Duke University. He is the author of *Alcohol, Culture, and Society*, and of articles in the fields of criminology and race relations. From 1953-1956 he was chairman of the North Carolina Board of Paroles. He has been a member of the North Carolina Probation Commission since 1957 and is presently Chairman of the Commission.

The death penalty is one of the most ancient of all methods of punishments. It has been employed at some time by virtually all countries, excepting a few of those established in relatively recent years. Attacks and counterattacks have been made over the propriety of this sanction or form of punishment for the past two centuries, especially since the publication of Cesare Beccaria's essay *On Crime and Punishments* in 1764. Since that date the continuing dialogue on the death penalty has resulted in a considerable amount of literature on the subject, the bulk of which is of a pro or con nature. At the same time the subject has elicited the attention and study of numerous behavioral scientists and of specialists in the fields of law, criminology and penology. Recently it has been examined and evaluated by several national and international commissions and councils, including the United Kingdom's Commission on Capital Punishment, the Joint Committee of the Senate and House of Commons of Canada, and the Economic and Social Council of the United Nations.¹

The writer's purpose in this investigation has been to gather certain data on the current status of the death penalty in the various countries of the world, to observe the differences in its use from country to country, and to determine whether possibly some hypotheses might be advanced and

tested which would explain some of those differences.² The objective has not been that of establishing a case for or against capital punishment.

A study of this nature is confronted with several limitations. Some of the inevitable problems are these: difficulties of language and terminological difficulties, the lack of availability or even of existence of records in certain countries on some of the pertinent data, the unwillingness of governmental officials to release some requested information, and the difficulty of comparing statistical and various other data on an international level.

Data were obtained on 128 of 146 countries (largely the most populous ones) selected for this study. A one-page questionnaire was used to collect the desired information. The questionnaires were first mailed to the ambassadors to the United States of 100 countries and to the United States ambassadors to those same countries. From the responses received to those questionnaires data were obtained on 94 of the 100 countries as follows: 55 through dual responses and 39 through single responses (13 through ambassadors to the United States and 26 through the United States ambassadors).³ Questionnaires were then mailed to the ministries of justice of the six countries from which no reply had been received to the first 100 requests and to 46 additional countries. To those 52 questionnaires 27 responses with some or all of the requested data were received. The writer then

¹ See *Royal Commission on Capital Punishment 1949-1953 Report* (London: Her Majesty's Stationery Office, 1953); *Reports of the Joint Committee of the Senate and House of Commons on Capital Punishment, Corporal Punishment, Lotteries* (Ottawa: Queens Printer and Controller of Stationery, 1956); and *Capital Punishment* (New York: Department of Economic and Social Affairs, United Nations, 1962).

² The term "country" in this study refers to territories, protectorates, etc., as well as to independent jurisdictions.

³ The variations in the data in the dual responses on particular countries were negligible.

TABLE I
WORLD DATA ON CAPITAL PUNISHMENT (1963)

Country	Does Country Have Death Penalty? ¹	If Not Now, Has It Ever Been Abolished?	Capital Offences A = arson; B = burglary; E = espionage; K = kidnapping; M = murder, homicide; Ra = rape; Ro = robbery; T = treason. The numbers identify other capital offenses listed in Table II	Average Number of Executions Per Year (1958-1962)	Method of Execution ^a	Legal Minimum Age of Persons Executed	Are Executions Open or Closed to The Public?	Are There Any Trends Toward Abolition or Reinstatement?
Afghanistan	Yes	No	E, M, Ra, Ro, T	2	{ Hanging Shooting	15	Both	Yes
Argentina	Limited ² [1921]	No	53	None	Shooting	No data	Closed	No
Australia	Yes	No ³	A, M, Ra, T, 85	.4	Hanging	18 (Where specified)	Closed	Yes
Austria	Limited ² [1950]	No	53	None	Hanging	20	No data	No
Basutoland	Yes	No	M, Ra, T	3	Hanging	18	Closed	No
Bechuanaland	Yes	No	M, Ra, T	.2	Hanging	18	Closed	Yes
Belgium	Yes	No	E, M, T, 28, 30, 43, 54, 82, 88	None	{ Beheading Shooting	18	Closed	No
Bolivia	No							No
Brazil	Limited ⁴ [1891]	No	E, T	None	No data	No data	Closed	No data
British Guiana	Yes	No	M, T, 85	2	Hanging	18	Closed	No
Brunei	Yes	No	M, 12, 24, 54, 84	2	Hanging	18	Closed	No
Bulgaria	Yes	No	M, T, (incomplete)	No data	Shooting	18	Closed	No
Burma	Yes	No	M, T	No data	Hanging	18	Closed	No
Cambodia	Yes	No	A, B, E, K, M, Ro, T, 13, 29, 30, 39, 40, 65, 89, 90, 107	None	Shooting	18	Open	No
Cameroun	Yes	No	A, E, M, Ro, T, 82, 88, 91	5	Shooting	18	Open	No
Canada	Yes	No	M, T, 86	2.4	Hanging	18	Closed	Yes
Central African Republic	Yes	No	E, M, T	None	Shooting	16	Open	No
Ceylon	Yes	Yes [1956]	M, T, 12, 62, 98	.6	Hanging	16	Closed	No
Chad	Yes	No	M	.2	Shooting	18	Closed	No
Chile	Yes	No	B, E, M, T, 32, 76, 96	None	Shooting	21	Closed	Yes

China, Peoples Republic of	Yes	No	A, B, E, M, 37, 67, 69, 87, 95, 97, 98, Ra, Ro, T, 100, 101, 109	No data	Shooting	18	No data	No
China, Republic of	Yes	No	E, M, T, 68	2	Shooting	Not specified	Closed	No
Colombia	No [1910]	No	B, E, M, T, Ro, 16, 33	None	Shooting	Not specified	Closed	No
Congo (Brazzaville)	Yes	No	E, T, M, 103	1.4	Hanging	18	Closed ^b	No
Congo (Leopoldville)	No	No	M, T	.6	Hanging	16	Closed	No
Costa Rica	Yes [1870]	No	E, M, T, 15, 16, 17, 53, 64	No data	{Shooting Hanging	18	Closed	No
Cyprus	Yes	No data	E, M, T, 38, 54, 62, 64, 84, 88, 97, 108, 82	None	Behanding	Not specified	Closed	No
Czechoslovakia	Yes	No data	M, T, 38, 53, 54, 62, 77, 97, 105	None	Shooting	21	Closed	No
Dahomey	Limited ⁵	No	A, E, M, T	No data	{Hanging Shooting	21	Both	No
Denmark	No [1924]	No	M, T	1	Hanging	18	Closed	No
Dominican Republic	No [1907]	No	E, M, T, 38, 54, 62, 84, 88, 97, 108	None	No data	15	No data	No
Ecuador	Yes	No	A, E, M, T	No data	{Behanding Shooting	18	Closed	Yes
Ethiopia	Yes	No	A, E, M, Ra, T	None	Shooting	21	Closed	No
Fiji	Limited ⁶	No						No
Finland	Yes [1826]	No						No
France	Yes	No						Yes
Gabon	Yes	No						No
Germany, Federal Republic of	No [1949]	No						No

^a Where shooting is one of two methods it is usually for military cases.

^b May be open in military cases.

¹ Date abolished or limited is shown in brackets.

² Under code of military justice only.

³ Except Queensland that has had abolition since 1922.

⁴ For espionage and treason only.

⁵ During occupation and wartime only.

⁶ Under martial law during times of war only.

TABLE I—Continued

Country	Does Country Have Death Penalty? ¹	If Not Now, Has it Ever Been Abolished?	Capital Offenses A = arson; B = burglary; E = Espionage; K = kidnapping; M = murder, homicide; Ra = rape; Ro = robbery; T = treason. The numbers identify other capital offenses listed in Table II	Average Number of Executions Per Year (1958-1962)	Method of Execution ⁵	Legal Minimum Age of Persons Executed	Are Executions Open or Closed to The Public?	Are There Any Trends Toward Abolition or Reinstatement?
Ghana	Yes	No	M, T, 56	6	Hanging	17	Closed	Yes
Great Britain	Yes	No	M, T, 18, 86	5	Hanging	18	Closed	Yes
Greece	Yes	No	E, M, Ro, T	4.5	Shooting	21	Closed	No
Greenland	No							
Guatemala	[1954] Yes	No	E, M, T	None	Shooting	18	Both	Yes
Guinea, Republic of	Yes	No	E, M, T	1 (less than)	Shooting	18	Closed	No
Haiti	Yes	No data	M, T, 30, 60, 62, 82	No data	Shooting	14	Open	No
Honduras	No							No
Hong Kong	[1957] Yes	No	M, T, 85	5	Hanging	18	Closed	No
Hungary	Yes	No data	E, M, T, 20, 27, 30, 45, 71, 72, 87	No data	Shooting	21	Closed	No
Iceland	No							No
India	Yes	No	M, 11, 12, 25, 40, 62, 84	No data	Hanging	7	Closed	Yes
Indonesia	Limited ⁷	No	E, T, 30, 62, 97	None	{ Hanging Shooting	Not specified	Closed	Yes
Iran	Yes	No	E, M, T	No data	Hanging	18	Open	No data
Iraq	Yes	No	A, E, M, T	10	{ Hanging Shooting	18	Closed	No
Ireland	Yes	No	M, T, 53, 86	None	Hanging	17	Closed	Yes
Israel	Limited ⁸ [1954]	No	E, T, 51, 78	.2	Hanging	No data	Closed	No
Italy	No							No
Ivory Coast	[1944] Yes	No	A, E, M, Ro, T, 54	None	Beheading	Not specified	Closed	No
Jamaica	Yes	No	M, T, 86	5	Hanging	18	Closed	No
Japan	Yes	Yes	A, E, M, T, 54, 57, 62, 79, 81, 88, 94, 63	20	Hanging	18	Closed	Yes
Jordan	Yes	No	E, M, Ra, T, 75	1	Hanging	18	Both	No

Kenya	No	M, T, 61, 86	22	Hanging	18	Closed	No
Korea, North	No	A, B, E, M, Ro, T, 109	No data	No data	18	No data	No data
Korea, Republic of	Yes	A, E, M, Ra, T, 44, 57	68	{ Hanging Shooting	17	Closed	No
Kuwait	Yes	E, M, T, 30, 58, 86	None	{ Hanging Shooting	18	Closed	No
Laos	Yes	E, M, Ro, T, 108	None	{ Shooting Beheading	16	Open	Yes
Lebanon	Yes	M, T, 34, 54, 60, 62, 82, 97	16	{ Hanging Shooting	21	Both	No
Liberia	Yes	M, T, 12, 54	None	{ Hanging Hanging	12	Open	No
Libya	Yes	E, M, T	2	{ Hanging Shooting	18	Closed	No
Liechtenstein	Yes	A, M, T	None	{ Hanging Hanging	20	Closed	No
Luxembourg	Yes	E, M, T, 30, 34, 38, 60, 82, 84, 88	None	{ Shooting Shooting	18	Closed	No
Malagasy Republic	Yes	A, E, M, Ra, Ro, T, 98	None	{ Shooting Shooting	Not specified	Closed	No
Malaya	Yes	E, M, K, T, 54, 64	5	{ Hanging Hanging	17	Closed	No
Mali	Yes	A, B, E, M, Ro, T, 54, 60, 82, 88	No data	{ Shooting ^e Hanging	18	Both	No
Mauritius	Yes	M, 19, 54, 60, 82	.4	{ Hanging Shooting	18	Closed	Yes
Mexico	Limited ⁹ [1917]	A, K, M, Ro, T, 53, 54, 82, 85	No data	{ Shooting Shooting	No data	No data	Yes
Monaco	No						No
Mongolia, People's Republic of	Yes	A, E, M, Ra, T, 109 (Incomplete)	No data	Shooting	No data	No data	No data
Morocco	Yes	A, E, M, T, (Incomplete)	5	Shooting	18	Closed	No
Mozambique	No		None	No provision			No
Nepal	Limited ¹⁰ [1950]	29, 30, 75	None		16	Closed	No

^a Where shooting is one of two methods it is usually for military cases.

^e Not exclusive; other methods could be employed.

¹ Date abolished or limited is shown in brackets.

⁷ Limited to espionage, treason, and crimes involving attacks on the life of the head of the government.

⁸ Limited to espionage, treason, Nazi crimes and genocide.

⁹ Abolished by the Federal Government and 25 of 29 states.

¹⁰ Only for personal injury or murder of the King and members of his family.

TABLE I—Continued

Country	Does Country Have Death Penalty? ¹	If Not Now, Has it Ever Been Abolished?	Capital Offenses A = arson; B = burglary; E = espionage; K = kidnapping; M = murder, homicide; Ra = rape; Ro = robbery; T = treason. The numbers identify other capital offenses listed in Table II.	Average Number of Executions Per Year (1938-1962)	Method of Execution ^a	Legal Minimum Age of Persons Executed	Are Executions Open or Closed to The Public?	Are There Any Trends Toward Abolition or Retention? ²
Netherlands	Limited ²¹	No	53	None	Shooting	No data	Closed	Yes
New Guinea, Territory of	[1870] Yes		M, T	None	Hanging	7	Closed	No
New Zealand	Limited ²²		T	None	Hanging	18	Closed	Yes
Nicaragua	[1961] Yes	No	M, T, 54, 82	No data	Shooting	18	Open	No
Niger	Yes	No	B, E, M, Ra, T, 62	None	Shooting	18	Closed	Yes
Nigeria	Yes	No	M, T, 61	51	Hanging	17	Closed	No
Northern Rhodesia	Yes	No	M, Ra, T, 61	6.5	Hanging	18	Closed	No
Norway	Limited ²³		E, T, 15, 34, 97	None	Shooting	18	Closed	No data
Nysaland (now Malawi)	[1905] Yes	No	A, B, M, Ra, Ro, T, 61	2	Hanging	18	Both	No
Pakistan	Yes	No	M, T, 11, 12, 25, 54, 84	No data	Hanging	16	Closed	No
Panama	No	Never had the penalty						No
Paraguay	Yes	No	T, 54, 70, 83, M	None	Shooting	22	Open	No
Peru	Yes	No	M, T, 54, 82	.2	Shooting	21	Closed	No
Philippines, Republic of	Yes	No	K, M, T, 54, 82, 85	2	Electrocution	18	Closed	No
Poland	Yes	No	E, M, T, 36, 62, 87, 97, 98, 99, 38	No data	{Hanging Shooting}	18	Closed	Yes
Portugal	No							No
Puerto Rico	[1867] No							No
Rumania	[1929] Yes	No	A, E, M, Ro, T, 33, 62, 72, 79, 104, 107	No data	Shooting	18	Closed	No
Ryukyu Islands	Yes	No	A, E, M, T, 54, 57, 63	None	Hanging	18	Closed	No
Salvador, El	Yes	No	E, M, T, 54	None	Shooting	18	Closed	No
San Marino	[1865] No							No

	Yes	No	A, E, M, Ra, Ro, T, 14	2	{ Beheading Shooting ^d	Not specified	Both	No
Saudi Arabia	Yes	No	A, E, M, Ra, Ro, T, 14	2	{ Beheading Shooting ^d	Not specified	Both	No
Scotland	Yes	No	M, T, 18, 54, 86	.4	Hanging	18	Closed	Yes
Senegal	Yes	No	E, M, Ra, T, 54	None	Shooting	18	Closed	No
Sierra Leone	Yes	No	M, Ra, T	No data	Hanging	18	Closed	No
Somali, Republic of	Yes	Yes	M	2	Shooting	Not specified	Closed	No
South Africa, Republic of	Yes	No	B, M, Ra, Ro, T, 97	100	Hanging	18	Closed	No
Spain	Yes	Yes	E, M, T, 27, 41, 50, 54, 58, 62, 74, 85, 100	4.5	Strangulation	18	Closed	No
Sudan	Yes	No	E, M, T	No data	{ Hanging Shooting	21	Closed	Yes
Swaziland	Yes	No	M, T	.2	{ Shooting Hanging	18	Closed	No
Sweden	Limited ¹⁴ [1921]	No	38	None	No data	No data	Closed	No
Switzerland	Limited ¹⁶ [1879]	No	E, T, 53	None	Shooting	20	Closed	No
Tanganyika (now a state of Tanzania)	Yes	No	M, T	25.4	Hanging	18	Closed	No
Thailand	Yes	No	M, T	5	Shooting	18	Closed	No
Togo	Yes	No	A, B, E, M, T, 108	None	{ Beheading Shooting	18	Closed	No
Trinidad and Tobago	Yes	No	M	4.8	Hanging	18	Closed	No
Tunisia	Yes	No	E, M, T, 30, 54, 79, 102	2.2	{ Hanging Shooting	18	Both	No
Turkey	Yes	No	E, M, Ra, T, 59, 84	11	Hanging	18	Closed	No
Uganda	Yes	No	E, M, T	29	Hanging	18	Closed	No data
Union of Soviet Socialist Republics	Yes	Yes	E, M, Ra, Ro, T, 31, 36, 71, 87, 26, 40, 92, 93, 97, 99, 106	No data	Shooting	17	Closed	No

^a Where shooting is one of two methods it is usually for military cases.

^d Stoning may be the method in the case of a woman guilty of adultery.

¹ Date abolished or limited is shown in brackets.

¹¹ In times of war only.

¹² Except for treason.

¹³ Only under military code.

¹⁴ Time of war only.

¹⁵ Military offenses under martial law in wartime.

TABLE I—Continued

Country	Does Country Have Death Penalty?	If Not Now, Has it Ever Been Abolished?	Capital Offenses A = arson; B = burglary; E = espionage; K = kidnapping; M = murder, homicide; Ra = rape; Ro = robbery; T = treason. The numbers identify other capital offenses listed in table II	Average Number of Executions Per Year [1958-1962]	Methods of Execution ^a	Legal Minimum Age of Persons Executed	Are Executions Open or Closed to The Public?	Are There Any Trends Toward Abolition or Reinstatement?
United Arab Republic	Yes	No	A, E, M, T, 47, 55, 57, 59, 80, 84	23	{ Hanging Shooting	17	Closed	No
United States of America	Yes ¹⁶	See footnote ¹⁷	A, B, E, K, M, Ra, Ro, T, 9, 10, 21, 22, 23, 31, 32, 42, 48, 49, 52, 53, 54, 66, 81, 84, 97, 98, 46, 73	48.6	See footnote ^c	7-18 ^f	Closed	Yes
Upper Volta	Yes	No data	A, E, M, T, 38, 60, 62, 64, 82, 84, 88, 97	None	Beheading	18	Closed	No data
Uruguay	No [1905]							No
Venezuela	No [1864]							No
Viet-Nam, Republic of	Yes	No	A, E, M, T, 35, 99	No data	{ Shooting Beheading	21	Closed	No
Yugoslavia	Yes	No	A, B, E, M, Ro, 80, 87, 97, 98	3	Shooting	18	Closed	Yes
Zanzibar (now a state of Tanzania)	Yes	No	M, T, 61	.4	Hanging	18	Closed	No

^a Where shooting is one of two methods it is usually for military cases.

^c 42 states with death penalty: electrocution 23; asphyxiation 11; hanging 7; hanging or shooting 1 (Utah), with option of the condemned. (But see p. 411, note 12.)

^f Varies with the states. A legal minimum age of 7 is based on common law. No one under 14 is actually ever executed.

¹ Data abolished or limited is shown in brackets.

¹⁶ Presently abolished in six states (Alaska, Hawaii, Maine, Michigan, Minnesota, Wisconsin), and limited in two states (North Dakota, Rhode Island). (But see p. 411, note 12.)

¹⁷ In addition to the states listed in f.n. 16, the following states have abolished and then restored the death penalty: Arizona, Colorado, Tennessee and Washington

secured information on four non-responding countries by visits to their embassies in Washington, D.C., and on three countries by information obtained through the Library of Congress. A summary of the data on capital punishment gathered from the 128 countries is shown in Tables I and II.

COUNTRIES WITH AND COUNTRIES WITHOUT THE DEATH PENALTY

It is virtually impossible to divide all the countries of the world into two groups—those having the death penalty and those not having the death penalty. A number of problems are encountered in attempting to assign many countries to one or the other category. For example, the question must be approached from the viewpoint of both the provisions found in the law and the actual practice of the various jurisdictions. There are countries that are abolitionist *de jure* while on the other hand there are countries that are abolitionist *de facto*. Tabulating those that are known to be completely abolitionist *de jure* presents no difficulties. In 1962, as shown in Table III, there were eighteen such countries as well as the Federal Government and twenty-five of twenty-nine states of Mexico, one state (Queensland) in Australia, and five states (Alaska, Hawaii, Maine, Minnesota, and Wisconsin) of the United States.⁴

Although having the provision for capital punishment the small country of Liechtenstein has not had an execution since 1798. Thus there is no doubt that some countries may be categorized as having abolished the death penalty *de facto*. However, establishing criteria for determining which countries should be listed as having abolished capital punishment *de facto* involves a number of significant questions. Some of the questions that must be considered are the following: What about countries that occasionally sentence persons to death and then subsequently commute their sentences? Is it possible that they reason that retaining the legal provision and passing the sentence of death without intending to execute it may have some salutary effect? In such situations are some of the significant elements of the capital punishment complex retained? If such is not the case then why have the death penalty laws not been repealed where no one is actually executed? It is hardly conceivable that such important and dramatic statutes could have been overlooked. Or, may it be reasoned that some countries retain the

provision for the death sentence with the idea of possibly using it should some most heinous crime be perpetrated? Also, how much time without an execution must elapse before a country may appropriately be designated as having abolition *de facto*? Except for what Sellin calls one "accident" after World War II, Belgium has not had an execution since 1867.⁵ However, occasional death sentences are pronounced in Belgium, but they are customarily commuted to life sentences. Thirty-six of eighty-nine countries with capital punishment reported they had no executions for the five-year period 1958-1962. Also during that period there were no executions in the United States by the Federal Government, the District of Columbia and nine states. May all, any, or none of these countries and jurisdictions be regarded as having abolition *de facto*? Because of the problems involved in definition the author has not attempted to list those countries that have abolished the death penalty in practice.

As shown in Table IV, there are thirteen countries and two states of the United States that have legally limited the use of the death penalty. They provide the penalty only for unusual crimes such as treason, espionage, and murder of the chief of state, or crimes committed under unusual circumstances such as wartime. Most of these countries have frequently been designated as not having capital punishment. The author of this study does not list any country as having abolition if it has any provision for the death sentence.

CRIME PUNISHABLE BY DEATH

In striking contrast to earlier times, only a small number of crimes may now carry the death penalty in the various countries of the world. At some periods in the past the number of capital crimes was virtually limitless, but at present the average number is about six in countries having the death penalty. In about fifty percent of the countries four or fewer crimes are so defined. For example, in Great Britain today, only four crimes (murder, treason, piracy with violence, and arson in H. M. dockyards and ships) are punishable by death, as compared with over 200 in the eighteenth century. Also, although the aggregate of capital crimes in all countries of the modern world is large it does not compare with the number that obtained in single countries in the past. As shown in Table II, there are 109 crimes that may carry

⁴ Michigan became completely abolitionist in 1963.

⁵ SELLIN, THE DEATH PENALTY 20 (1959).

TABLE II
CAPITAL OFFENSES (1963)

1. (A) Arson	43. Deserting the army during war
2. (B) Burglary	44. Destruction of military facilities
3. (E) Espionage	45. Destruction of public property aimed at weakening the state and causing grave public danger
4. (K) Kidnapping	46. Dynamiting causing death or danger of death
5. (M) Murder, homicide	47. Exposing means of communication resulting in death
6. (Ra) Rape	48. Forcibly freeing a prisoner convicted of a capital crime
7. (Ro) Robbery (aggravated or armed)	49. Forcing a woman to marry against her will
8. (T) Treason	50. Forcing a Chief of State to act against his will
9. Abetment by a relative involving a minor or spouse in a capital crime	51. Genocide
10. Abandoning a person to die of smallpox	52. Giving, furnishing, or selling narcotics to minors
11. Abetment of mutiny	53. Grave military offenses
12. Abetment of suicide usually involving a child, insane or intoxicated person	54. Homicide accompanied by or resulting from another serious crime
13. Acts of torture on people	55. Illegal command of a troop or division of the army
14. Adultery by women and other offenses prescribed by the Quran	56. Illegal possession of arms
15. Any serious crime committed during a state of national emergency or war	57. Illegal use of explosives
16. Arson during riots or national emergencies	58. Illegally changing the form of government
17. Arson if repeated on a large scale	59. Illicit trade in narcotics
18. Arson in H.M. dockyards and ships	60. Infanticide
19. Arson of Crown property	61. Instigating an invasion
20. Arson with violence	62. Insurrection or rebellion
21. Assault (aggravated)	63. Inundation with water of an occupied house
22. Assault by a life prisoner	64. Looting during war or national emergency
23. Attempted kidnapping	65. Looting of evacuated houses following war
24. Attempted murder by a convict serving a sentence of 15 years imprisonment, if hurt is caused	66. Lynching
25. Attempted murder by a person under a sentence of transportation	67. Maintaining linkage with imperialists
26. Attempted murder of a policeman	68. Malfeasance in office
27. Attempt on the life of a Minister of the Government resulting in death or serious injury	69. Malversation to a grave degree in partnership or by a recidivist
28. Attempt on the life of an heir apparent to the royal throne	70. Matricide
29. Attempt on the life of members of the royal family	71. Membership in an anti-soviet organization
30. Attempt on the life of the Chief of State	72. Military usurpation
31. Bribery	73. Murder by a life prisoner serving a life sentence
32. Castration	74. Murder of a foreign chief of state
33. Causing disorder (riots, etc.)	75. Murder of the head of the Government
34. Collaboration (assisting the enemy, quisling)	76. Mutilation or damage causing serious mental or physical injury
35. Corruption	77. Mutiny
36. Counterfeiting currency	78. Nazi crimes (aggravated)
37. Counterfeiting government or military documents	79. Offenses against the security of the state
38. Crimes against the country's integrity (independence)	80. Organization of gangs or armed groups for purposes of terrorism, sabotage, etc.
39. Criminal attempt on the life of an authorized religious practitioner	81. Overturning trains, vessels, etc.
40. Dacoity (gang robbery)	82. Parricide
41. Depriving the Chief of State of his personal freedom	83. Patricide
42. Desecration of a grave with intent to rob or molest the human remains	84. Perjury that leads or might lead to conviction and execution in a capital case
	85. Piracy
	86. Piracy with violence
	87. Plunder or theft of social or government property
	88. Poisoning

TABLE II—Continued

89. Poisoning an ascendent or ascendent of one's spouse	99. Speculation (economic)
90. Poisoning a teacher or tutor even if death does not occur	100. Seriously injuring the Chief of State
91. Political assassination	101. Spreading microbes or poisonous gases
92. Rape by a group	102. Subversion
93. Repeaters terrorizing inmates of a prison camp	103. Superstitious practices resulting in death
94. Ring leader of an insurrection	104. Terrorism to a grave degree
95. Ring leader of a riot having grave consequences	105. Torture in order to help the enemy
96. Robbery with violence	106. Undermining the national economy
97. Sabotage	107. Violence exercised on the body of an ascendent or ascendent of one's spouse
98. Sedition	108. Wrongful detention with torture
	109. Other crimes by analogy

the death sentence in the 106 countries which reported having provisions for capital punishment. Because of some difficulties of gathering that type of data on a world-wide scale the list is probably not completely exhaustive, although nearly so. Some of the problems encountered in collecting such data are as follows: terminological difficulties, as mentioned earlier; the fact that criminal laws of many countries and states have not been codified completely, if at all; some countries operating under both written and unwritten laws or customs; and the fact that a few countries may prescribe the death sentence by analogy.⁶ It seems that a complete list of capital crimes embracing all the fifty states of the United States has not been compiled.⁷

It may be noted that several of the 109 capital crimes listed in Table II are similar and differ only with respect to some characteristics or conditions related to the offender, the offended, or the circumstances under which the offense occurred. For example, murder may be broadly defined as a capital crime in some countries and thus include numerous types of homicides, whereas in other countries it may be narrowly defined so as to require that the act be premeditated or attended by certain aggravated circumstances. Murder or

attempted murder constitutes a capital offense in Nepal only when committed against the King or a member of the royal family.

Murder and treason are the offenses most frequently defined as capital crimes in the world today. Each is so defined in 97 of the 106 reporting countries having the death penalty. As may be observed in Table V, the next in frequency of definition as capital crimes are espionage, arson, homicide accompanied by another serious crime, rape, robbery, insurrection or rebellion, parricide, and sabotage.

It is also significant to note that over fifty percent of the 109 capital offenses listed are applicable to only one of the various countries. Several reasons seem to account for that fact. Some of the listed capital crimes may be no more than anachronisms that have been overlooked in the revision of criminal statutes in some countries, some are actually capital crimes in other countries but covered by more broadly defined offenses, and others are occasionally found probably because the acts are regarded as being exceptionally odious due to peculiar national customs, attitudes and values. An example of the latter may be observed in the state of Georgia in the United States, which prescribes the death penalty for the desecration of a grave with intent to rob or molest the human remains, and in Saudi Arabia, where adultery by women is a capital crime.

AVERAGE NUMBER OF EXECUTIONS ANNUALLY, 1958-1962

At the present time considerably over fifty percent of the countries of the world have no executions for capital crimes during the course of a year. Equally significant, as may be seen in Table

⁶ Communist China, North Korea, and Mongolia have all incorporated the principle of crime by analogy in their criminal enactments. The provisions containing the principle are similar for the three countries. Article 9 of the Criminal Code enacted in 1950 in North Korea reads: "If a criminal offense is not directly provided for in this Code, the basis and limit of punishment therefore shall be determined in accordance with the articles of the Code that provides for the offenses most comparable to it in its importance and kind." (Information supplied by Law Division, Asian Area, Library of Congress, Washington, D.C.)

⁷Reifsnnyder, *Capital Crimes in the States*, 45 J. CRIM. L., C. & P. S. 690 (1955); Savitz, *Capital Crimes as Defined in American Statutory Criminal Law*, 46 *Ibid* 355.

TABLE III
COUNTRIES WITHOUT THE DEATH PENALTY,
De Jure (1962)

Country	Date of Abolition
Bolivia.....	1962
Colombia.....	1910
Costa Rica.....	1870
Dominican Republic.....	1924
Ecuador.....	1907
Germany, Federal Republic of.....	1949
Greenland.....	1954
Honduras.....	1957
Iceland.....	1928
Italy.....	1944
Monaco.....	1962
Mozambique.....	1867
Panama.....	Never provided
Portugal.....	1867
Puerto Rico.....	1929
San Marino.....	1865
Uruguay.....	1905
Venezuela.....	1848
Australia, one state: Queensland.....	1922
Mexico: The Federal Government and 25 of 29 states.....	1931
United States of America:*	
Alaska.....	1957
Hawaii.....	1957
Maine.....	1887
Minnesota.....	1911
Wisconsin.....	1853

* The death penalty was completely abolished in Michigan in 1963.

VI, is the fact that 54 (51 percent) of the 107 countries for which data were obtained on the question reported that they had not had an execution in five years. Eighteen of those countries had no provision for the death penalty. However, 36 (40 percent) of the reporting countries having provisions for the death penalty had no executions during the five-year period. In thirteen of the countries which had executions during that period the average for each was less than one per year.

The average of the combined number of executions annually (1958-1962) in the 89 countries with capital punishment that reported on the question was 535.3. Although that number may appear large, it represents a phenomenal decline when compared with the number of executions

TABLE IV
COUNTRIES WITH THE DEATH PENALTY LIMITED TO
UNUSUAL CRIMES OR CRIMES COMMITTED
UNDER UNUSUAL CIRCUMSTANCES (1962)

Country	Crimes or Circumstances
Argentina.....	Under Military Code only
Austria.....	By Court Martial only
Brazil.....	For Treason and Espionage only
Denmark.....	During Occupation and Wartime only
Finland.....	Under Martial Law only
Indonesia.....	Treason, Espionage, and Attack on the life of the head of the Government
Israel.....	Treason, Espionage, Nazi Crimes, Genocide
Nepal.....	Murder or Attempted Murder of Chief of State or Member of the Royal Family
Netherlands.....	In Time of War only
New Zealand.....	Treason
Norway.....	Under Military Code only
Sweden.....	In Time of War only
Switzerland.....	For Military Offenses in Time of War only
United States of America (Three states):	
Michigan*.....	Treason
North Dakota.....	Treason and Murder in 1st Degree by a Prisoner already serving a life sentence for 1st Degree Murder
Rhode Island.....	Murder by a Prisoner under a Sentence of Life in prison

* Michigan abolished the death penalty for treason in 1963 and thus became completely abolitionist.

in earlier years. Actually the yearly total of executions in the world today appears to be less than the number which took place in some single countries at an earlier time. For example in England during the reign of the Tudors criminal law was administered with extreme severity. It has been estimated that the number of executions in London and Middlesex county alone was an average of 560 yearly during the reign of Edward VI.⁸ Also, as seen in Table VII, during the last thirty years the average number of executions per year in the

⁸ 1 RADZINOWICZ, A HISTORY OF ENGLISH CRIMINAL LAW AND ITS ADMINISTRATION FROM 1750 (1943) 142, cited from MARKS, TYBURN TREE: ITS HISTORY AND ANNALS 77.

TABLE IV
TEN OFFENSES MOST FREQUENTLY DEFINED
AS CAPITAL CRIMES (1962)
(Based on Reports from 107 Countries with
the Death Penalty)

Crime	Number of Countries in which the Crime carries the Death Penalty
1. Murder (Aggravated or 1st degree)	97
2. Treason	97
3. Espionage	59
4. Arson	28
5. Homicide accompanied by another serious crime	25
6. Rape	20
7. Robbery (usually armed)	19
8. Insurrection or Rebellion	15
9. Parricide	13
10. Sabotage	13

TABLE VI
AVERAGE NUMBER OF EXECUTIONS ANNUALLY
OF 89 COUNTRIES WITH CAPITAL
PUNISHMENT (1958-63)

Number of Countries	Average Number of Executions Per Year
36	0.0
13	0.1 to 1.0
24	1.1 to 5.0
3	5.1 to 10.0
5	10.1 to 25.0
2	25.1 to 50.1
6	50.1 to 100.0
Total: 89.....	535.3

United States had decreased from over 150 to less than 50.

METHODS OF EXECUTION

With few exceptions, most countries of the present day have reduced the act of execution in capital cases to the deprivation of life only, having eliminated intended torture and prolonged suffering.⁹ This is in contrast to earlier years when a limitless variety of drawn out and painful methods of execution were employed. Nowadays in virtually all countries the immediate objective in the

⁹ It is still possible for executions to be accompanied by torture in Mali and a few other countries.

TABLE VII
AVERAGE NUMBER OF EXECUTIONS PER
YEAR IN THE UNITED STATES,
1930-1962*

Five-Year Period	Average Number of Executions Per Year
1958-62	48.6
1950-54	82.6
1945-49	127.8
1940-44	129.0
1935-39	178.0
1930-34	155.2

* Source: *National Prisoner Statistics*, "Executions", No. 32, April, 1962, United States Department of Justice, Bureau of Prisons, Washington, D.C.

TABLE VIII
METHODS OF EXECUTION USED IN 109
REPORTING COUNTRIES (1962)

Method of Execution	Number of Countries
Hanging.....	54
Shooting.....	35
Beheading.....	8
Electrocution.....	1 and 23 states of the United States
Asphyxiation.....	11 states of the United States
Strangulation....	1
Stoning.....	1
No data.....	8

act of execution is to induce death by what seems to be the quickest, most painless, and most practical method.¹⁰ There is, however, a considerable amount of speculation and difference of opinion from country to country as to which of several methods of execution is the most satisfactory on the basis of those criteria.

Six methods of execution, as shown in Table VIII, are in use in the world today. In no single country are all six methods employed. Many countries have two methods for carrying out the death sentence, one for cases having been tried in ordinary courts and the other for cases having been heard in military courts (violations of military codes, treason during war time, etc.).

Hanging is the most widespread method of execution. It is used in 57 (56 percent) of the re-

¹⁰ In the Philippines a condemned person may, if he desires, be anesthetized immediately before electrocution.

porting countries where the death penalty obtains. Traditionally hanging has been the method of execution in the United Kingdom, generally throughout the Commonwealth and in most of the territories and possessions that were formerly British. It has also long been the method used in many non-British countries. Shooting is the second most widespread method of execution in use today. It is the principal or only method used in 33 (34 percent) of the reporting countries.

Four other methods of execution are used to a lesser extent. Beheading is used in carrying out the death sentence in eight countries. This is the method France has used for ordinary crimes since the Revolution of 1789. Decapitation, however, has not been limited to France or French influenced countries. Electrocuting is the method used in the Philippines and twenty-four states of the United States. Executions in Spain are carried out by strangulation (*garrote vil*). Although beheading is the principal method used in Saudi Arabia, it may be replaced by stoning to death in the case of a woman guilty of adultery or other offenses forbidden by the Quran.

MINIMUM AGE AT WHICH PERSONS MAY BE EXECUTED

The vast majority of countries provide by statute a minimum age (age at the time the crime was committed) below which no sentence of death may be passed (see Table IX). The offender must be at least eighteen years of age in 81 percent of the 91 countries which reported a specified minimum age in capital cases. In five of the reporting countries the legal minimum age in death cases is below sixteen years, ranging from seven to fifteen years of age. However, it again must be recognized that what is possible by law may be highly improbable by custom or practice.¹¹ It also may be noted that eight countries reported they had no minimum age relative to the death sentence. More information is needed before any conclusion may be reached regarding their actual practice on the question.

From a world view the provisions and practices with respect to minimum age in capital cases is again in sharp contrast to those of former times. In the eighteenth century and later it was not uncommon for children, some as young as eight

¹¹ The minimum age of 7 years is largely based on English Common Law. No one that age or immediately above would probably be sentenced to death in any jurisdiction in the modern world.

TABLE IX
MINIMUM AGE AT WHICH PERSONS MAY BE EXECUTED IN 117 COUNTRIES (1962)

Minimum Age	Number of Countries
7*	2
12	1
14	1
15	1
16	5
17	7
18	60
20	2
21	10
22	1
7-18* (varies with the states)	1 (United States)
Age not specified	8
No data	8

* A legal minimum age of 7 is based on English Common Law. Probably no one under 14 is ever executed.

TABLE X
EXECUTIONS: OPEN AND CLOSED TO THE PUBLIC IN 110 COUNTRIES (1962)

Open or Closed?	Number of Countries
Closed.....	81
Open.....	9
Both.....	9
No data.....	11

or nine years of age, to be executed, oftentimes for crimes which now would be defined as relatively minor offenses.

EXECUTIONS OPEN AND CLOSED TO THE PUBLIC

Public attendance at executions for capital crimes is legally forbidden in the vast majority of countries today. As shown in Table X, executions are closed to the public in 81 or about 81 percent of the 99 countries which reported on the subject. This situation represents a vast change from the time when hangings and administrations of the death sentence by other methods were public spectacles. Until relatively recent years in numerous countries it was not uncommon for large crowds, often numbering several thousand men, women, and children, to attend public executions. A general assumption during those times was that observing an offender pay with his life for his

crime would have a deterrent effect on potential criminals among the observers and in the public at large.

The practice of having public executions continues to exist in a few countries. In nine of the countries reporting on the question, executions are open to the public, and in nine other countries they may be open to the public under certain circumstances or if so ordered by the proper authorities. The following are countries that have open executions: Cambodia, Cameroun, Central African Republic, Ethiopia, Haiti, Iran, Laos, Nicaragua, and Paraguay.

TRENDS TOWARD ABOLITION OR REINSTATEMENT OF THE DEATH PENALTY

At the present time there seems to be no world-wide trend toward complete abolition of the death penalty. During the past twenty-five years about as many countries have reinstated capital punishment as have abolished it. The countries that recently (date in brackets) have abolished the death sentence are Bolivia [1962], Federal Republic of Germany [1949], Greenland [1954], Honduras [1957], Italy [1954], and Monaco [1962]. Those that have reinstated the death penalty are Ceylon [1959], the state of Delaware of the United States [1961], Union of Soviet Socialist Republics [1950], Somali [1960], and several European countries which reinstated it on a limited basis during and after World War II.

In the questionnaire used in this study the question was asked of each country "Are there any trends toward abolition or reinstatement of the death penalty?" Admittedly the question involved, at least to some degree, a subjective answer on the part of the respondent. Needless to say, his answer probably had to depend on what he thought were the trends as reflected by public discussion or proposed legislation. From countries having capital punishment seventy-two respondents stated there were no trends toward abolition and twenty stated there were some abolitionist trends.

From the eighteen countries where capital punishment does not legally exist all respondents reported there were no trends toward reinstatement.

CONCLUSION

There are some wide differences among the various countries of the world with respect to their attitudes and practices regarding capital punishment. A majority favors the retention of the death penalty while a minority favors its abolition. The countries vary significantly with respect to the number of offenses defined as capital crimes, the number of executions annually, and the methods of execution. These variations, one might think, could be explained by some differentiating characteristics among the countries. With a few possible exceptions as noted below, such does not appear to be the case. Many of the countries that differ considerably in attitudes and practices with reference to capital punishment seem to have the same level of cultural development, the same type of religion, the same kind of population, the same form of government, and the same type of geographical setting. Also, there are those that differ in these respects that have similar attitudes and practices regarding the death penalty.

A few exceptions to the above observations may be noted. It appears that the totalitarian countries with an economic ethos tend to have more economic and political crimes which carry the death penalty than do other countries. Also, because of the conditions arising out of World War II several European countries provide for capital punishment on a limited scale for such crimes as treason and espionage.

Although there is no world-wide trend toward abolishing the death sentence, there is a significant trend toward decreasing its use.¹²

¹² Since this paper was submitted for publication, five additional states of the United States—Oregon, Iowa, West Virginia, Vermont, and New York in that order—have abolished or limited the death penalty.