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## **Why People Support Capital Punishment – Evidence from Poland and Scotland<sup>2</sup>**

### ABSTRACT

Conventional wisdom uses to link support for repression and punitivity to a high level or a sudden increase of crime statistics. According to this approach, citizens should support capital punishment as a reaction to more crime. However, this is not supported by social science research. The evidence from the case studies as well as from the public opinion surveys suggests a strong link between fear and repression, however fear can, but need not be connected to high crime rates. The paper presents an overview of the most recent literature on repression, punitivity and support for death penalty of two selected case studies, which are based on social surveys in Poland and Scotland. They show that authoritarian values and xenophobia contribute more to support for capital punishment than any other factor examined. The study then discusses some practical implications emanating from the lack of correlation between the actual crime rates on one hand, and punitive attitudes and threat perceptions on the other. It argues that authoritarian and xenophobic societies may increase support for capital punishment even in situations when crime rates decrease and the police becomes more efficient.

Key words: repression, crime, death penalty, punitivity.

### **Introduction**

Repressivity — or repression — is conceptualized as a societal tendency for more repression of deviant behavior. In order to avoid misunderstandings it should be mentioned here what repressivity does not include. The notion does not claim to describe the actual degree of coercion a group, state or an institution exercises

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on its subjects. “Repression” is often used as a notion that describes the harshness, brutality, depth of interference in every day life or the attempts of authoritarian and totalitarian regimes to regulate values and attitudes of its citizens. However, here, I will stick to the social science definition of “repression” or “repressivity”, which describes attitudes, not behavior. For the purpose of this paper, “repression“ is a societal tendency towards harsher sanctions for deviant behavior, which can, but not necessarily lead to more repressive behavior. The latter is then defined as “punitivity” — the tendency to introduce harsher punishment for illegal deeds. Respondents in social surveys may be more or less “repressive” and seek to convince others on the need to deter or punish perpetrators with higher sentences or changes in the criminal code of their country. This may or may not lead actually to more punishment, that is, to more severe criminal regulations. Punitivity, therefore, describes a tendency that seeks to impose higher criminal sanctions, whereas “repression” or “repressivity” is a larger notion, which includes also non-legal „social“ sanctions, like boycotts, public condemnation and social exclusion. A community that ousts foreign travellers, criticising them in public and forbidding them to enter the city centre, would be more repressive than another community, which refrains from such measures. It would only be punitive, if it also introduced higher sanctions for infringements of these rules.

Death penalty is a special element of both — repression and punitivity, and as such has often been an object of intense debate and research. In social surveys, it is possible to use questions about the admissibility of and support for capital punishment as an instrument, which allows measuring the degree of respondents’ repression. Together with questions about the appropriateness of actual criminal sanctions (“Do you think criminals are treated too liberal or too harsh in our country?”), questions about capital punishment are a good and popular measurement of repression. However, it should be kept in mind that a high degree of repression need not automatically correspond with a high degree of punitivity, since the latter depends not only on societal moods, but also on constitutional constraints and external actors like international obligations. A society may become more and more repressive over time, but this need not automatically lead to a more actual punishment or even penalisation. Also, the second can be true: A country may become more punitive, despite declining support for repression in opinion polls. The latter may happen, when punishment and crime are no salient issues in public debates.

### **Public controversies in the light of social research**

Public disputes tend to concentrate on normative aspects of punishment: For decades, if not centuries, they have focused on the moral aspects of punishment, especially capital punishment, and on the question whether and if

yes, how far, punishment reduces crime, deters from committing crimes and makes society safer by isolating criminals from it. The outcome of these disputes largely depends on the value system; a society (or an individual, arguing in favor or against punishment) adheres to.<sup>3</sup>

All these debates normally concentrate on death penalty, although the logic applied by supporters and rejectors of death penalties can be easily detected in less passionate debates about the reasons and consequences of harsher punishment. All these debates refer to a basic logic, which either claims or rejects the need for punishment: Does punishment lead to less crime (because punishment deters from crime and prevents imprisoned wrongdoers from recidivism) or does it increase crime statistics (by turning petty criminals into professionals behind bars)? This dichotomy in public discourses about punishment and crime has a strong imprint on popular wisdom about why people support (capital) punishment. Most commentators in the media, politicians and even experts tend to construe a link between more crime and more punishment. It may be disputable whether more crime leads to more punishment (or *vice versa*), but it is rarely disputed that people tend to support more punishment because there is more crime. This mechanism can always be observed when a major crime, which is strongly highlighted by the media, is discussed in public. The first reaction of politicians (and large parts of the media) is then to demand new and more severe laws, which, in their view, would deter from committing such crimes.<sup>4</sup>

However, constructing a connection between crime and punishment is quite contrary to the results in social sciences and criminology. Whenever opponents of (capital) punishment point to low crime rates in countries with death penalty, supporters see this as a proof for deterrence. When crime rates are high, supporters of capital punishment will argue that this requires the imposture of capital punishment.

In this paper, I do not claim to provide the ultimate argument for or against death penalty or harsher punishment for crimes. Instead, I will focus on the reasons why people support death penalty. “Reason” should not be confounded with “justification”: People tend to support or reject capital punishment by using arguments from the media and public discussions, which they deem compelling to others. These arguments may vary over time and

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<sup>3</sup> A rather unusual perspective on crime and punishment can be found in: Mark A. R. Kleiman, *When brute force fails. How to have less crime and less punishment*, Princeton, Oxford, PUP, 2009.

<sup>4</sup> On deterrent effects of capital punishment on murder rates in the US, see: Hashem Dezhbakhsh, Joanna M. Shepherd, *The Deterrent Effect of Capital Punishment: Evidence from a “Judicial Experiment”*, Emory University Economics Working Paper, July 2003. [http://www.economics.emory.edu/Working\\_Papers/wp/dezhbakhsh\\_03\\_14\\_paper.pdf](http://www.economics.emory.edu/Working_Papers/wp/dezhbakhsh_03_14_paper.pdf).

place and they do not answer the question which attitudes, social status, place of residence or level of education make support and opposition to capital punishment more or less likely. This is the focus of this paper. I concentrate on death penalty (instead of examining the whole issue of repressivity and punitivity) because questions about support and opposition to capital punishment are more often included in social surveys than questions about more or less punishment in general.

### Methodology

After a general overview of the existing literature on repressivity, punitivity and death penalty support, I provide some basic information about the development of punitive trends in Poland and support for death penalty over time. I confront the data concerning crime rates and support for death penalty.

In the second step, I proceed to the analysis of two case studies. I use the data files from two opinion surveys, which include questions about capital punishment and allow testing alternative hypotheses — one from the Polish General Social Survey 1992-2002 and another from the Scottish Social Attitudes Survey 2004.<sup>5</sup> Because the scope and methods from both surveys differ very much, I use the Polish survey to test some hypotheses retrieved from the literature and I refer to the Scottish poll in order to test some additional factors.<sup>6</sup> After assessing the strength for different factors, I discuss some practical implications from this study for practitioners. Since legal definitions are very different in Poland and Scotland, I do not compare crime rates in both countries. I chose these surveys because both are rather recent. They include questions about capital punishment and allow testing of different (and complementary) hypotheses about why people support capital punishment.<sup>7</sup>

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<sup>5</sup> The Scottish Social Attitudes Survey 2004 was conducted on behalf of the Scottish Centre for Social Research. It was based on face-to-face interviews with a sample representative for the Scottish Population 18+ and carried out in the second half of 2004. The Polish General Social Survey was conducted by the Institute for Social Studies of the University Of Warsaw and the Institute of Philosophy and Sociology of the Polish Academy of Sciences and carried out on a sample representative for the Polish population 18+, based on the face-to-face interviews. Codebooks and data files are accessible on [www.esds.ac.uk](http://www.esds.ac.uk) and [www.ads.org.pl](http://www.ads.org.pl). For the latter see also: Bogdan Cichomski (kierownik programu), Tomasz Jerzyński, i Marcin Zieliński. *Polskie Generalne Sondaze Spoleczne: skumulowany komputerowy zbior danych 1992-2008*, Instytut Studiow Spolecznych, Uniwersytet Warszawski, Warszawa, styczeń 2009.

<sup>6</sup> It should be kept in mind that the results from the Scottish survey should not be used for explaining the developments in Poland and vice versa. A factor that contributes to a certain attitude in Scotland can, but need not necessarily contribute to the same attitude in Poland (and should not be expected to contribute with the same strength).

In the general overview, I also refer to the research conducted in Poland and the US in order to formulate hypotheses, which then I test against the above mentioned polls. I do not use polls from the US, since specific factors — especially the race issue — which are absent in most of Europe, seem to have an important impact on attitudes towards death penalty. As the above mentioned has shown, the US is very specific and difficult to compare to Europe when it comes to the issues of social and legal values, religion, secularization, capital punishment and repression.

### **Research done so far**

In 2004, Jacobs and Carmichael tested several hypotheses concerning the link between ideologies, threat perceptions, the presence of (racial) minorities and death penalty enforcement.<sup>8</sup> They found that the political explanations for the likelihood of death penalty execution were sustained by the empirical findings. Larger numbers of death sentences were more probable in states with greater membership in conservative churches and in states with higher violent crime rates. The findings also indicated that political conservatism, a stronger Republican party, and racial threat (understood as perceived threat from a large racial minority presence) explain whether death sentences are carried out in a state. However, as both authors admitted, “these hypotheses do not account for the number of death sentences beyond one.” It must also be emphasized, that their research was based on several independent variables (crime rate, threat and conservatism), this also including a problematic dependent one (death penalty enforcement) and hence, claimed to measure the influence of social and political attitudes on institutional behavior — a claim, that lacks theoretical embedding. These variables may explain why a state (re-) introduces capital punishment or why judges tend to impose it more often than before or more often than in other states. Without further assumptions, it would be difficult to understand, why these attitudes would incline a governor to execute prisoners, instead of delaying executions or changing death sentences into lifelong imprisonment.

Other researchers found strong links between the presence of racial minorities and support for death penalty among the white population in the US: The higher the percentage of black people in the neighborhood, the more likely whites would support death penalty. This hypothesis does not make sense in a

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<sup>7</sup> Initially I planned to include more surveys in my study (Ukraine, Slovenia and Australia), but it quickly turned out that the data files either did not contain questions about death penalty (or inappropriate ones) or where coded in languages I was not able to understand.

<sup>8</sup> David Jacobs, Jason T. Carmichael, “Ideology, Social Threat and the Death Sentences across Time and Space”, *Social Forces*, vol. 83, No. 1 (Sept. 2004), pp. 249-78.

European context. It could be altered into one that examines the connection between the foreign (immigrant) population, xenophobic attitudes, the presence of traditional minorities and support for death penalty. Other research indicates a link between authoritarianism and support for death penalty and a negative correlation between trust in the government and institutions on one hand, and support for capital punishment on the other hand.<sup>9</sup>

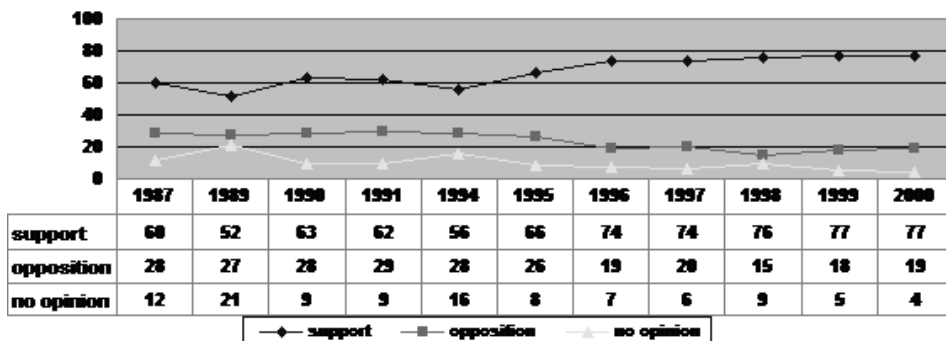
### 1. Poland

From a historical point of view, support for capital punishment has always been strong in Poland and has grown over time, no matter who has ruled the country. Support for death penalty rose during the communist time and continued to rise until 2006.<sup>10</sup> However, there were two points in time, when support for death penalty rose dramatically and at both times, this occurred when the country underwent sudden changes, whose impact interfered deeply with everyday life. The first case was between 1988 and 1992 and the second during the late nineties.

As the crime statistics shows, the link between support for death penalty and shifts in the number of murders (counted as murder 1 and 2, according to the Polish legal definitions) seems to be rather weak.<sup>11</sup>

The link between support for the death penalty and general feelings of insecurity, as measured by the question “Do you think Poland is a secure /

**Tab. 1: Support and opposition to death penalty in Poland 1987 - 2000**

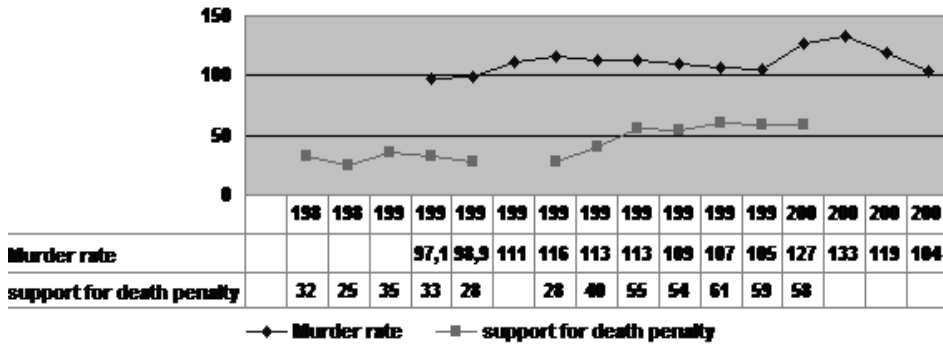


<sup>9</sup> Joe, Soss, Laura Langbein, Alan R. Metelko, “Why do White Americans support the Death Penalty?”, *The Journal of Politics*, vol 65, No. 2 (May 2003), pp. 397-421.

<sup>10</sup> Klaus Bachmann, “Tod dem Mörder. Zur repressiven Mentalität in Polen”. In: *Osteuropa* 59 – 9 – 2009, pp. 95-113.

<sup>11</sup> It should be mentioned, that the trends of tables 1 and 2 are retrieved and constructed from other polls than the ones, which are the basis for the Polish case study. The sources of both

**Tab. 2: Murder rate and support for death penalty in Poland**



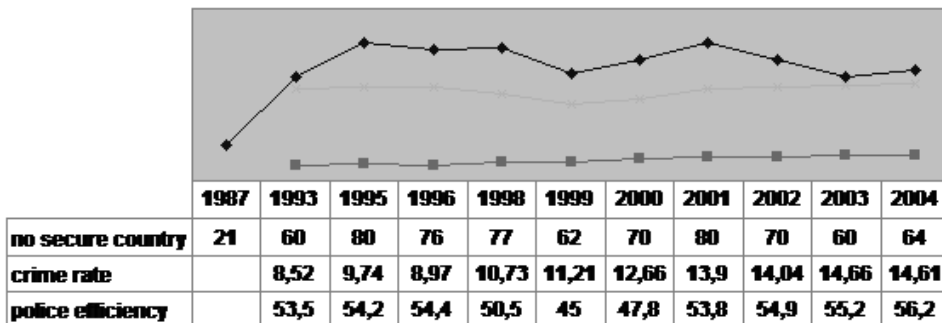
insecure country”, is much stronger than the correlation between the crime rate or murder rate and support for the death penalty.

Table 3 shows a sharp increase in feelings of insecurity (between 1988 and 1992) at a time, when there were no increases, either in crime rate, or in the efficiency of law enforcement (as measured by the rate of crimes, which led to indictments of suspects).

Table 3 seems to indicate a close link between the political reform and feelings of insecurity. This presumption is sustained by other poll analyses,

**Tab. 3: Crime rate, police efficiency and perceived insecurity**

◆ no secure country    ■ crime rate    ✕ police efficiency

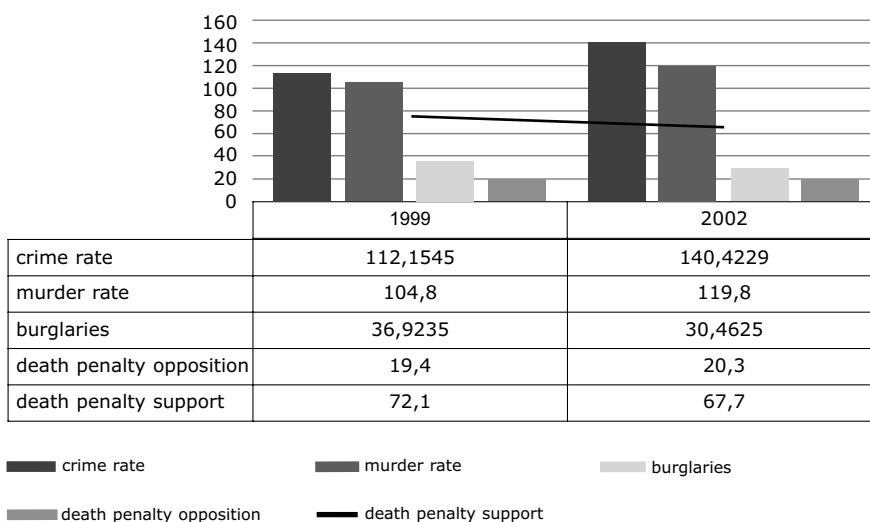


graphs are reports from the Polish Centre for Public Opinion (Centrum Badań Opinii Społecznej), which can be found on [www.cbos.pl](http://www.cbos.pl). It is worth mentioning, that the CBOS data show a decline in support for death penalty beginning with 2006, whereas the PGSS data show such a decline already in 2002 (see below in this article).

which show an increase in xenophobic attitudes and dissatisfaction with democracy at the same time.<sup>12</sup>

There is, however, absolutely no link between crime and support for death penalty in the Polish case. A comparison between the development of crime rates for murder and burglary (the latter often having the strongest impact on perceived insecurity) and the support rate for death penalty from the Polish General Social Survey, reveals even a weak negative correlation. The higher the number of burglaries and murders, the lower the percentage of death penalty supporters!

Tab. 4: *Crime rate and support for capital punishment in Poland 1999–2002*<sup>13</sup>



As the table reveals, in the same interval, when the crime rate and the number of murders rose rather strongly, the percentage of respondents, who opposed death penalty rose slightly and the percentage of supporters of death

<sup>12</sup> Klaus Bachmann, “Die List der Vernunft. Populismus und Modernisierung in Polen“, *Osteuropa 11-12 2006*, pp. 13-32.

<sup>13</sup> Crime statistics were retrieved from the Headquarter of the Polish Police (Komenda Główna Policji): [http://www.statystyka.policja.pl/portals/st/842/47682/Postepowania\\_wszczete\\_przestepstwa\\_stwierzone\\_i\\_wykrywalnosc\\_w\\_latach\\_19992009.html](http://www.statystyka.policja.pl/portals/st/842/47682/Postepowania_wszczete_przestepstwa_stwierzone_i_wykrywalnosc_w_latach_19992009.html).

The poll data come from the Polish General Social Survey 1992–2002 (data for crimes and poll data were congruent only for 1999 and 2002).



penalty fell. If there is any statistical link between support for capital punishment and crime, it may be hidden in the number of burglaries, which fell together with the number of death penalty supporters.

The Polish General Social Survey data for 1992–2002, which provides the data for death penalty support, allows testing of many additional hypotheses concerning the shifts in support for capital punishment.<sup>14</sup> On the basis of the above mentioned literature, I formulate the following expectations:

1. That respondents who attribute a high level of importance to religion and church are less likely to be in favor of capital punishment;
2. Respondents with a positive attitude towards communism (regarded as a system with authoritarian traits) are more likely to support capital punishment
3. Trust in the government decreases the likelihood of favoring death penalty.
4. Trust in the police decreases the likelihood of supporting capital punishment.
5. Xenophobic attitudes correlate strongly with support for the death penalty.

Unfortunately, the remaining hypotheses could not be tested for the lack of adequate variables. However, there was one factor, which could be excluded indirectly: The presence of traditional (ethnic and national) minorities in Poland does not increase support of respondents from minority areas. The Survey did not ask about the presence of minorities, but it split the respondents according to the voivodship they inhabited (with respect to the old, 49 voivodships and with respect to the new partition 16 bigger ones).<sup>15</sup> Support for death penalty varied slightly across regions, but voivodships with a high percentage of minorities (mainly the Warmia — Mazury Region with many Ukrainians, Germans, Belorussians and the Opole Region with the highest percentage of Germans and Silesians) did not show higher scores of support for death penalty than others. Warsaw — as the entity with most immigrants and other foreigners in Poland — was also no outlier in terms of support for death penalty. Czestochowa and Gorzow were the entities with the highest scores in favor of capital punishment — and the ones with barely any minorities, immigrants and other foreigners. This is, however, the only circumstantial evidence, since an analysis on a lower level (for example, in local communities) could reveal a link between both factors.

It is worth mentioning that the impact of traditional socio-demographical factors on attitudes towards death penalty is very low. Variance in age and place

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<sup>14</sup> The values used are the average for 10 years. Support for capital punishment varied only slightly over time, between 73 percent in 1995 (the highest score) and 67.7 percent in 2002 (the lowest score).

<sup>15</sup> To increase precision, I used the smaller entities of the 49 voivodships.

of residence does not explain much of the variance of the dependant variable. There is one example — the level of education. Support for capital punishment varies across different age cohorts with a difference in percentage points (measured as the distance between the cohort with the lowest and the cohort with the highest support) of 26.7. Opposition to death penalty varies across the same cohorts with  $d\% = 19.4$ .

In order to test the hypotheses above mentioned, I examined the strength of the relations between the different independent variables and support for death penalty by using Cramer's  $V$ , which allows comparisons between crosstables of different sizes. The outcome is presented in the table below:

Tab. 5: *The relation between several independent variables and support for death penalty*

Independent variable	Cramer's V	Rank order
Positive attitude towards communism	.119	2
Religion and church important for respondent	.063*	6
Personal fear	.082	5
Trust in the current government	.113*	3
Trust in police	.106	4
Xenophobic attitude	.149	1

\*) Here the influence is adverse: The more important religion and church, the less likely is support for death penalty; the higher trust in the current government, the less likely is support for capital punishment.

Among the hypotheses, the relationship between xenophobic attitudes and support for death penalty is the strongest, followed by positive attitudes towards communism and trust in the current government, which decreases the likelihood that respondents support death penalty. Religious and church influence go in the same direction, however, the impact is the weakest of all factors. Trust in the police does not have any positive or negative influence, since the variable does not differentiate respondents — about 60 percent of both supporters and opponents of death penalty declared “moderate trust” in the police. Also, the other categories (“trust very much” and “do not trust at all”) showed the same percentages of supporters and opponents to capital punishment.

The regression analysis shows the same picture. The opinion, according to which immigrants increase criminality, contributes most to support for death penalty, followed by perceived personal fear. Religiosity decreases support for capital punishment. All other factors, except education, are statistically not significant.

Tab. 6: Regression analysis for different variables affecting support for capital punishment

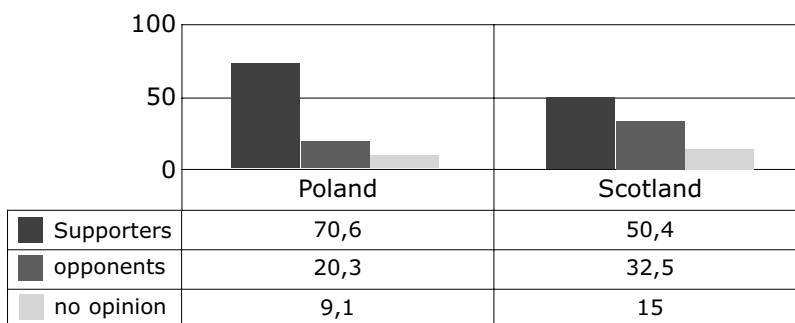
Independent variable	B	Beta	significance
Importance of religion and church	075	.068	011
Education level	045	.083	002
Xenophobia	129	.134	000
Perceived personal fear	113	.075	003

The picture is very clear: Nothing makes a respondent more likely to favor death penalty than xenophobia.

## 2. Scotland

At first glance, the level of support for capital punishment is much lower than in Poland — 20.8 percent of respondents agree strongly with the phrase “For some crimes, death penalty is the most appropriate sentence”, 29.6 percent agree with it, 21.3 percent disagree and 11.2 disagree strongly. In the case of Poland, the percentage of death penalty supporters was 70.6 percent, opponents constituted 20.3 percent and 9.1 percent of all respondents did not express any opinion.

Tab. 7: Support for capital punishment in Poland and Scotland<sup>16</sup>



<sup>16</sup> In the Scottish Poll, 21 percent of respondents did not answer the question. In the Scottish poll, answers like “agree” and “agree strongly” as well as “disagree” and “disagree strongly” were cumulated into the same dichotomy like in the Polish poll.

Age and sex are statistically insignificant in the Scottish poll, too. Some other variables, which could be measured in Scotland, are potentially misleading. I, therefore, refrained from including “trust in the Scottish government” and “trust in the Scottish government” in the analysis supposing that both questions are more apt to measure shifts in loyalties of respondents to either Britain or Scotland and should not be confounded with the trust question in Poland, which rather intends to measure trust in the (centralized) state in general.

Some other issues, which were absent in the Polish poll, are highly interesting. Being different from the Polish poll, the Scottish Survey allows testing for authoritarian values. They are measured through two statements. In both cases, respondents were asked to express their opinion based on Likert scale (agree strongly, agree, no opinion, disagree, and disagree strongly): “Schools should teach to obey authority” and “Law should always be obeyed, even if wrong.” It turned out that the first statement had the strongest impact on support for death penalty, the second was slightly weaker, but its impact was stronger than xenophobia in the Polish poll, anyway.<sup>17</sup>

Tab. 8: *How authoritarian values contribute to support for death penalty*

Independent variables	Cramer's V	significance
Schools should teach obey authority	.394	.000
Law always be obeyed	.380	.000

## Conclusion

Contrary to popular wisdom, support for death penalty is not explained by increases in crime. As the Polish data reveal, crime statistics may rise, the number of murders may increase and support for capital punishment may decline in the same period. There are other factors, which more strongly affect the likelihood of respondents to favor death penalty over other kinds of punishment. The level of a respondent's education affects the likelihood of support for capital punishment negatively — the better educated, the more likely is rejection of death penalty. The more respondents attribute importance to religion and church, the less likely they support death penalty. Perceived personal threat slightly increases the likelihood of support for capital punishment. However, nothing contributes more to punitive attitudes than authoritarian attitudes and xenophobia.

<sup>17</sup> Unfortunately, no question was asked about xenophobia, which makes it impossible to test whether authoritarian values have a stronger impact than xenophobia in Scotland.

The Polish example also shows that perceived threat need not correspond to the actual threat: Threat perceptions and feelings of insecurity may rise in times of sudden changes (in politics, the labor market and everyday life), although crime rates remain stable or even go down. For practitioners, this means that increases in police efficiency and decreases in crime statistics need not automatically contribute to higher trust in law enforcement agencies and stronger perceptions of security: People may feel insecure when crime decreases and they may mistrust the police, even when the latter is more efficient than ever.<sup>18</sup>

When it comes to punitivity and support for capital punishment, the latter should not be regarded as a result of increasing crime rates. Authoritarian and xenophobic societies are more likely to support death penalty even in times of decreasing crime statistics and higher police efficiency. There are several factors, which can contribute to upward shifts in punitivity that were not mentioned in this study, but are well-known from some other research:

People may become more punitive as a result of few, but strongly mediatized crimes. The Dutroux affair in Belgium and the kidnapping of the Lindberg baby in the US are famous examples. This indicates that the media play an important role in explaining shifts in punitivity, an issue that is beyond the scope of this investigation.

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<sup>18</sup> Siemaszko found that the factors that most increase fear of crime was not the crime itself, but the place of residence of respondents (townspeople felt more threatened than villagers) and the possession of a car (car owners felt more threatened by crime than people without cars). The latter factor may no longer be significant, since in the meantime, "car possession" does no longer differentiate Poles. Andrzej Siemaszko, *Kogo biją, komu kradną. Przestępczość nie rejestrowana w Polsce i na świecie*, Warsaw, Instytut Wymiaru Sprawiedliwości 2001, p. 149.

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