Hung Up on Hanging
An Exploration of Ethnic Bias within Capital Punishment Sentences in Singapore

Abstract.

Capital punishment remains a punitive measure in the judicial system of Singapore. Despite the international trend towards abolishment, Singapore remains retentionist in its stance towards the mandatory death penalty. Whilst there exists a relatively well-defined set of offences that warrants the death penalty, it is interesting to note that all cases within the time frame of 1980 - 2015 fall into three main categories: drug trafficking, murder, and firearm related offences, with drug trafficking accounting for 71.6% of cases. Despite the availability of simple statistics on the capitally executed of Singapore through official platforms, many details remain inaccessible to the public. Furthermore, there is a lack of ethnic focus in local literature regarding capital punishment. Study 1 is a relative risk-analysis of minority groups within Singapore's official demographic breakdown with regards to capital punishment. Study 2 explores the changes in public perceptions of capital punishment when presented with possible racial bias in the sentencing process. Findings suggest that Malays are generally of higher risk than other minority groups in receiving capital punishment. Qualitative findings suggest that although some would adjust their views on capital punishment given racial bias, many would retain their retentionist stance on the basis that capital punishment serves as a deterrent for crime.

Key words: Death Penalty, Capital Punishment, Race, Crime, Singapore

IDIS100 Group Report

Is there an ethnic bias in cases of capital punishment in Singapore?

Introduction.

I. Falling through the Cracks

Despite despite an international trend towards an abolitionist stance on capital punishment since 1990, either in whole or in part, as noted by Nuemayer, (2007, p.241) and Hood and Hoyle (2015, p.16), Singapore remains firmly retentionist in its stance on the issue. More interestingly, despite the availability of some statistics concerning capital punishment, more detailed data, such as demographic breakdown, education levels and employment status remains unavailable to the general public. This lack of availability is also reflected in the yearly prison publications provided by the Singapore Prison Service (SPS), which reports statistics of the incarcerated as well as the numbers of the capitally executed, but excludes ethnic compositions in all its reported statistics. (SPS, 2012, 2013, 2014, 2015) Furthermore, there is much interest in discussing the morality and effectiveness of capital punishment, (Chan, 2015, Zimring et al, 2009, Schabas, 2002, Oehlers and Tarulevicz, 2005) but little focus on any exploration of racial prejudice and the implications of it in Singapore. Preliminary research suggests that: (a) there are inherent institutional constraints due to the controversial and sensitive nature of the topic given the delicate multicultural backdrop of Singapore, and that (b) there is little ethnic focus in the discussion of capital punishment in Singapore for this very reason. This makes the nature of this research, which focuses on possible ethnic bias in capital punishment sentences in Singapore particularly interesting as it addresses a gap in currently available literature. Unfortunately, it also presents unique challenges towards the effective completion of this research project. These challenges will be addressed in the methodology of this study. Additionally, in discussing capital punishment sentences in Singapore it is necessary to understand the historical context in which this issue exists.

II. Hung up on Hanging

Introduced to the port town of *Singapura* through its colonial heritage, capital punishment was a component of the new system of Law brought about by the advent of colonialization, through the British East India Company. Thus, from its 'colonial founding' by Stamford Raffles in 1819 to its formal independence in 1965, Singapore's legal development has been intricately intertwined with English jurisprudence. (Tan and Chan, 2015) In its 50 years of independence, the country has moved towards an autochthonous judicial system. The current system has evolved away from a carbon copy of the English

system, with the abolishment of the jury system being one such example. Certain elements, however, have been retained, most notably the death penalty. Capital punishment remains a punitive instrument in Singapore's legal system, whereby its delivery remains consistent with that which was meted out in the English Judiciary system prior to its abolition, through the long-drop hanging method.

There are at present 25 criminal offences in Singapore which warrants the death penalty, although Chan (2015, p.182) notes that this punitive instrument is usually meted out for three main offences; "drug trafficking accounted for 71.6%, murder accounted for 26.4% and firearms offences accounted for 2.0%" (Ibid) of all executions carried out in the period of 1991 - 2014. He further notes that "[t]he average number of executions per year over the entire 34-year period from 1981 to 2014 was 14.1." (Chan, 2015 p.181) More alarmingly, perhaps, are the averages broken down in decades: "[t]he average number of executions per year in the 1980s, 1990s and 2000s was 2.0, 32.2 and 13.3, respectively". (Ibid) Interestingly enough, no executions were carried out in 2012 and 2013, due to a moratorium that was in effect as of July 2011 due to the revision of the use of capital punishment. (Teo, 2012)

Additional literature suggests that the racial minorities in Singapore are subjected to institutionalised disadvantages, most notably in education and the employment market. (Barr and Skrbis, 2008, p.260) These disadvantages often manifest themselves in lower performance in these sectors, resulting in the lower socioeconomic status of Malays in Singapore comparative to the Chinese majority. In a case study conducted by Senin and Ng (2012), it was found that "Malay youths have lower educational aspirations than youths from other ethnicities with similar economic backgrounds". Additionally, over representation within penitentiary establishments such as Prisons and Drug Rehabilitation Centres (SPS 2012, 2013, 2014, 2015) is also observed within the ethnically Malay and Indian populations of Singapore. Whilst the racial biases within Singapore may not seem overtly explicit relative to that faced in the United States of America, the US serves an effective point of comparison due to their partially retentionist stance and the wealth of literature surrounding racial biases in its justice system. This paper posits that there is indeed a racial bias in capital punishment sentences dispensed in Singapore.

Methodology.

I. Study 1 (Quantitative; Content Analysis)

A. Method

The primary data utilised in this report was collected through the content analysis of *The Straits Times,* a local newspaper, for its reported cases of capital punishment within a time frame of 25 years; from 1990 - 2015. This time frame proved manageable due to two factors: (1) the reported average of capitally executed per year between 1990 and 2000 being 32.2, (Chan, 2015 p.181) which will provide sufficient cases to analyse, as well as (2) the more pragmatic reason of *The Straits Times* archives up till 1990 being more readily accessible.

A codex[1] was created in order for the collected data to be transmuted and quantified. As this project concerns itself with issues of possible ethnic bias, the codex developed primarily focuses on the frequency of ethnic representation in all cases within the stipulated time frame. Four racial categories have been set under the header *Race:* Chinese, Malay, Indian and Other, mirroring the official categories in Singapore. An additional factor, *Nationality* is included to further filter data, as the percentage of foreign nationals executed in Singapore is believed to be very high (Amnesty International, 2004).

As the literature suggests that there is minority overrepresentation in prisons, (Pope et al, 1995, Hartney and Vuong, 2009) with Singapore being no exception, (Hanif, 2008, Narayanan, 2012), and that minorities are normally of lower socioeconomic status, (SES) (House and Williams, 2000) there were initially additional factors included in the codex that take into consideration other determinants of SES in relation to the cases within the stipulated timeframe. These factors include: *Education Level, Income Bracket* and *Marital Status.* However, there has been found to be a lack of data with regards to the aforementioned factors within the scanned articles. Instead, *Employment Status* was included in order to assess if the determinant of employment affected capital punishment and will function as a proxy to the aforementioned factors determining SES. Other factors such as *Offence Nature* has been included to offer a more holistic account of the cases reported in the newspapers, and has been divided into binary factors of drug or non-drug offences. This simplification is due to the statistical majority   71.6% of all capital punishment in Singapore is due to drug offences (Chan, 2016). *Gender* is another factor taken into consideration, as males are the large majority of the prison population in

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1 Refer to Annex A, Section (ii).

Singapore (Singapore Prison Service, 2015) but there is a lack of data if that translated to the prisoners on death row.

B. Results

Figure 1 is a comparison of sample and population demographic percentages. Note that the Malay and Indian minority groups are over represented when compared with population percentages.
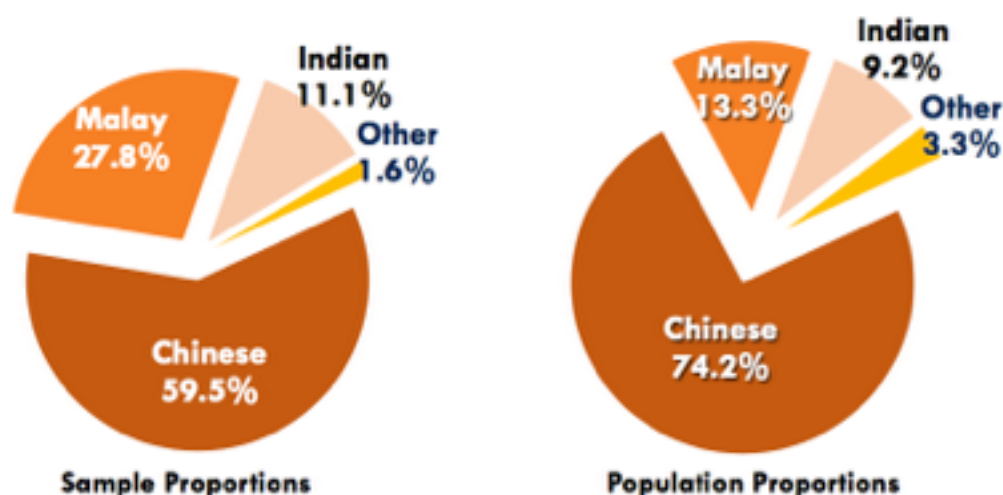

Figure 1; Detailing sample and population demographic proportions in percentages.

Tables 1, 2, 3 and 4 shows the breakdown of percentages for the variables of Gender, Race, Employment and Offence Nature. The following values have been calculated according to relative risk in the form of risk ratios. Total population estimates were based on the total number of adults in the workforce, excluding individuals below the age of 18 and above the age of 65. Short-term migrant workers are also excluded form total workforce. For race, estimates were calculated further by multiplying overall population estimate by percentage of demographic. A Chi square test has been performed for each variable to test for significance. These tabulations are presented in table 5.

Header	Total Executed (n=190)	%	Total Executed Singaporeans (n= 126)	%	Total Executed Foreigners (n=64)	%
Male	182	95.79	124	98.41	58	90.63
Female	8	4.21	2	1.59	6	9.37

Table 1, showing percentage breakdown for gender.

Header	Total Executed (n=190)	%	Total Executed Singaporeans (n= 126)	%	Total Executed Foreigners (n=64)	%
Chinese	104	54.74	75	59.52	29	45.31
Malay	47	24.74	35	27.78	12	18.75
Indian	21	11.05	14	11.11	7	10.94
Others	18	9.47	2	1.59	16	25

Table 2, showing percentage breakdown for race.

Header	Total Executed (n=190)	%	Total Executed Singaporeans (n= 126)	%	Total Executed Foreigners (n=64)	%
Employed	89	46.84	51	40.48	38	59.37
Unemployed	44	23.16	37	29.36	7	10.94
N.A.	57	30	38	30.16	19	29.69

Table 3, showing percentage breakdown for employment status.

Header	Total Executed (n=190)	%	Total Executed Singaporeans (n= 126)	%	Total Executed Foreigners (n=64)	%
Drug	115	60.53	79	62.7	36	56.25
Non-Drug	75	39.47	47	37.3	28	43.75

Table 4, showing percentage breakdown for offence nature.

Table 5 illustrates the relative risk ratios that factor in race, employment status and offence nature. Statistically significant results have been highlighted in bold. Malays consistently exhibit higher risk relative to the Chinese majority when compared to overall populations (2.6 x), offence natures (1.7x in Drug related cases, 5.6 x in Non Drug related cases) and differing employment statuses (2.7 x for unemployed Malays and 3.7 for employed Malays). One plausible explanation for the low multiplier with regards to drug related executions in the Malay sample is that abuse is not punishable by capital punishment. This explains why ethnic Malay overrepresentation in DRCs is not translated into higher risk ratios pertaining to capital punishment as a result of drug offences. However, despite the significance of the higher risk the Malay population is subjected to, results for other minority groups in Singapore do not report the same level of significance, excluding the higher risk the Indian population faces in relation to non-drug related offences.

Group at Risk	Control Group	Risk Ratio	p-value	95% confidence interval
Malay Singaporean	**Chinese Singaporean**	**2.6**	**< 0.0001**	**1.7 < x< 3.9**
Indian Singaporean	Chinese Singaporean	1.5	> 0.05	0.9 < x < 2.7
Others Singaporean	Chinese Singaporean	0.6	> 0.05	0.1 < x < 2.4
Unemployed Singaporean	**Employed Singaporean**	**33**	**< 0.05**	**22.1 < x < 51.6**
Unemployed Malays	**Unemployed Chinese**	**2.7**	**< 0.005**	**1.3 < x < 5.5**
Unemployed Indians	Unemployed Chinese	1.1	> 0.05	0.3 < x < 3.5
Unemployed Others	Unemployed Chinese	na		
Employed Malays	**Employed Chinese**	**3.7**	**< 0.0001**	**2.0 < x < 6.8**
Employed Indians	Employed Chinese	1.2	> 0.05	0.4 < x <3.4
Employed Others	Employed Chinese	1.7	> 0.05	0.4 < x < 7.0
Unemployed, Drug	**Employed, Drug**	**17.4**	**< 0.05**	**11.3 < x < 26.9**
Unemployed, Non Drug	**Employed, Non Drug**	**4.1**	**< 0.05**	**2.1 < x < 8.1**
Malays, Drug Offence	**Chinese, Drug Offence**	**1.7**	**< 0.04**	**1.0 < x < 2.9**
Indian s, Drug Offence	Chinese, Drug Offence	0.3	> 0.05	0.07 < x < 1.1
Others, Drug Offence	Chinese, Drug Offence	0.4	> 0.05	0.05 < x < 2.8
Malays, Non Drug Offence	**Chinese, Non Drug Ofence**	**5.6**	**< 0.04**	**1.0 < x < 2.9**
Indians, Non Drug Offence	**Chinese, Non Drug Ofence**	**5.7**	**< 0.0001**	**2.7 < x < 11.9**
Others, Non Drug Offence	Chinese, Non Drug Ofence	1.3	> 0.05	0.05 < x < 2.8

Comparatively, employment status seems to function as a more powerful determinant in establishing risk. This is illustrated in the consistent significance in tests done with employment status as a variable, excluding tests comparing it to race, and the non-significant results observed in tests done with other minority populations. Testing for correlation between employment and offence nature yields a correlation coefficient of 0.2, with a p-value of 0.04. Whilst significant, note that the correlation coefficient of 0.2 only illustrates a small but positive linear relationship between the two variables. Unfortunately, due to a lack of data for other variables, a multiple regression test could not be carried out to assess which factor could most explain the risk ratios. Thus, whilst our hypothesis may hold true for the ethnically Malay population of Singapore, there is insufficient evidence to conclude that race alone is a determinant in explaining the over-representation of minority races in capital executions in Singapore.

II. Study 2 (Qualitative; Interview)

A. Method

To ensure a more holistic view of the subject at hand, a qualitative study was employed alongside the quantitative study. Study 2[2] explores the changes in public perceptions of capital punishment when individuals are presented with possible racial bias in the sentencing process. The interviewer begins by establishing the subject's stance on the issue, and through a series of questions will assess how firmly he or she believes in this position. Following which, subjects will be presented possible biases in capital punishment sentences through first utilising the US as a proxy example, followed by Singapore. The questions will analyse whether there is a difference between the respondents' support of the death penalty in Singapore before and after they are told that there is a possible racial bias in the capital punishment system. These questions will help us further understand the public opinion of capital punishment and help to supplement our newspaper scan.

Although the ideal target audience should be large and diverse enough to match the population demographic, the time constraints in this study only allowed for subjects to consist of undergraduate students from the Singapore Management University. Interviews were done at a common walkway, and an attempt at keeping racial proportions similar to population demographic was carried out. All subjects were given a copy of the informed consent form attached in Annex A, section (iii) of this report.

B. Results

Out of the 27 interviews conducted, the majority are in favor of the Death penalty, with the shared sentiment that the greater good is achieved in society. Most believe that there is no racial bias in Singapore. But even if there were, it would not change their stance. However, some are against the Death Penalty, as they feel that it violates the right to live and the court should not be given the power to make that decision. They believe that there is no crime severe enough to warrant death. The responses of the interview subjects can be thematically categorised into four broad themes. These themes are as below:

1. For the Death Penalty

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[2] Refer to Annex A, Section (iii) for a sample of interview questions.

The majority of those interviewed support the death penalty. The most common reasons are that the Death Penalty, has a deterrent effect, that it is a form of retribution and that the degree of the crime should be reflected in the degree of the punishment.

"I support the Death Penalty despite its infringements on human rights, it does not outweigh the benefits for the greater societal good."

"Singapore has a pretty low crime rate, which may be attributed to capital punishment, so don't fix what's not broken."

2. Death Penalty for Severe Crimes

Most believe that murder is a severe crime that deserves the death sentence. There is a strong belief that the Death Penalty is in place to prevent societal harm. Therefore, in the case of drug offences, only some believe that death penalty is an apt punishment. Few agree that the Death Penalty used for firearm offences unless it harms another person.

"In our society, it is accepted that an offence is punishable. And the degree of punishment should suit the crime. Thus for the most severe of crimes, the most severe the punishment has to be."

"For drug offences and murder, there should be the death penalty. But for firearms, just because you have weapons it does not equate to causing harm."

3. No racial bias in Singapore

Almost all believe that Singapore does not have any racial bias as we are a multiracial society and that the law is followed objectively and fairly.

"Singapore will not have this problem because it is proportionate to the population."

"In Singapore we treat all races equally."

4. **If there is a racial or class bias, more than a third of those in favor of DP would be against.**

   Assuming that there is no bias in the Death Penalty, 78% of the responses for in favor of the Death penalty. But, if it is assumed that there is a racial or class bias in Singapore, 52% were in favor of the Death Penalty.

   The most common argument is that the flaw does not lie in the law or punishment but in the process that is carried out. However, most still believe that the process is fair and equal.

5. **To the extent that people think there a bias is acceptable, they say:**

   "More Malay people are incarcerated but it it's not because of racism. It's by chance. Chinese people are sneakier and know how to get away with things."

   "No, because I am of the superior race. Okay, that sounds bad. Majority race."

   "It's quite fucked up. I guess that they are more likely to commit the offence. I really depends if the data is reliable cause if it's true, then too bad. The standing perception of Malay's is that they are lazy anyway."

6. **Most people's understanding of the actual biases are not in line with what the quantitative evidence suggests**

   Many feel that the minority races are more inclined to commit crimes, especially drug related crimes. This is because most believe that the racial bias is mainly due to socio-economic factors rather than blatant discrimination.

   "Minority groups and people from lower socioeconomic classes are more likely to get incarcerated".

   "It is not the judiciary system's fault that a certain minority group is over represented because every case was treated equally. There might be other external reasons why that minority group ends up being convicted for those crimes but the law should be impartial."

This is contradictory to the evidence which shows that employed Malays are 3.7 times as likely to get the death penalty as an employed Chinese but unemployed Malays are 2.7 times as likely to get the death penalty as an unemployed Chinese.

Limitations.

Reported cases of capital punishment in newspapers can be highly selective, with reports only focusing on controversial or high-profile cases. Cases reported may not effectively represent all executions done in the corresponding year, as a vast majority of capitally executed can go publicly unreported. This can be seen from Amnesty International (2004) reported that there were 76 people being sentenced to death in 1994, but our content analysis only yielded 11 names. Furthermore, it doesn't reflect and accurately assess public perception on ethnic bias. We conducted interviews in order to supplement our findings in the content analysis. Also, due to time constraints, we were unable to explore more variables that may be relevant, such as education level and presence of past offences, which we could have tested for correlation.

Additionally, due to time constraints, our interviewees were limited to SMU students, and were chosen by convenience sampling. As convenience sampling was used, the people that we interviewed are more likely to be well-educated, with a university level education. That may lend biases to our interview, and would mean that our sample is not necessarily representative of the general Singapore population as well.

Conclusions.

This paper utilises two different studies to support its arguments. The studies conducted aim to first establish an understanding of the perception of the death penalty in Singapore, in order to assess the validity of our sub hypothesis which posits that a majority of Singaporeans support the death penalty; and second, to analyse the content of newspaper scans of reported cases of the death penalty in Singapore through a surname analysis, in order to establish our primary hypothesis that there is the presence of racial bias, identified through the frequency of individuals belonging to minority groups appearing in the reports.

Our findings suggests that although there is a higher risk factor for the minority Malay population, other minorities do not report the same statistical significance in these risks. Thus, there is a lack of concrete evidence to illustrate that there is indeed an outright bias in sentencing when it comes to all minority groups in Singapore. Instead, we found that

there is a small but significant positive correlation between unemployment and drug offences. This suggests that the influence of other factors besides race accounts for the disproportionality seen in our data. Therefore, our findings do not strictly support our hypothesis of the presence of racial bias in the death penalty in Singapore. Whilst it is apparent that the Malay population is at risk in our findings, it is not sufficient to conclude that this is due to the factor of race alone. One possible explanation is that all capital executions have been mandatory up till 2012, removing the element of race and prejudice in the judicial system itself. This shows that death penalty is warranted to the ones committing the crime, regardless of their races. Thus, it is necessary to look to other socioeconomic factors that can explain the higher incident of crime in these minority populations.

We hope that future research will address the gap in the current literature, in providing more socioeconomic factors for analysis.

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1. Brief overview of datasets

The compilation of the dataset

The newspaper scan was conducted through the database, Factiva, focusing on the newspaper, The Straits Times. Researchers gathered data on the reported cases of inmates who have been hanged from the time period of 1 January 1991 to 31 December 2015.

Dataset: Death Penalty, as excel file.

File format: Excel 2013 file: xlsx

File name: Raw Data_RM_DP as excel file.xlsx

Data structure:

* 191x 7 matrix

* 191 rows (persons executed)

* 5 cols (variables)

2. Descriptive statistics for attribute variables

Variable name	Type	Min	Max	Non-zero cells
v1 Gender	BIN	0	1	190
v2 Race	CAT	0	3	190
v3 Offence	BIN	0	1	190
v4 Nationality	BIN	0	1	180
v5 Employment	BIN	0	1	133

3. Long description for attribute variables

1. Gender

   < v1 Gender>

   This is a binary variable that is equal to 1 if the person executed is a female and equal to 0 if the inmate is a male.

2. Race

   < v2 Race>

   This is a categorical variable and equal to 0 if Chinese, equal to 1 if Malay, equal to 2 if Indian and equal to 3 if others.

3. Offence

   < v3 Offence>

   This is a binary variable that is equal to 1 if the nature of the offence is non-drug related and equal to 0 if the nature of the offence is drug related.

4. Nationality

   < v4 Nationality>

   This is a binary variable that is equal to 1 if the person executed is a foreigner and equal to 0 if the person executed is a Singaporean.

5. Employment

   < v5 Employment>

   This is a binary variable that is equal to 1 if the person executed was employed at the time of sentencing and equal to 0 if the person executed was unemployed at the time of sentencing.

4. Sources

1. Death Penalty Raw Data Coded
2. Death Penalty Newspaper Scan Results
3. Death Penalty Report

iii. Qualitative Interview Questions

1. Do you have a position on the death penalty?
    a. What is this position?
    b. Why do you believe this?
2. In Singapore, most death penalty sentences are for drug penalty, murder, and firearm offences. Do you support/oppose the death penalty for all these crimes, or does your opinion about the death penalty vary by crime? If it does vary, how? Which crimes deserve death and which don't?
3. One of the most common arguments for/against DP is (insert common argument in opposition of individual's viewpoint). What do you think about it, and does that change your opinion on the death penalty?
4. In the US, it has been found that black people, and people of lower socioeconomic status are more likely to be prosecuted with death penalty. Does this information change your position on the death penalty in the US? Why? What do you think the US should do? Should it still have the DP?
5. In Singapore, do you think there is a similar problem? Yes/no and Why?
6. If Singapore did have race/class bias, would you change your position on the death penalty?
7. According to our research, Malays in Singapore are more likely to get the death penalty. Does this affect your position on the death penalty in Singapore?