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## The influence of the United Nations Human Rights System in China's Death Penalty reforms

A influência do sistema de direitos humanos da ONU nas reformas da pena de morte na China

**Diogo Machado \***

\* University of Bremen & Constructor University, Germany; Email: diogo2000machado@gmail.com

### RESUMO

Desde 2007, a China efetuou várias reformas para restringir e controlar a aplicação da pena de morte. Isso é bastante intrigante se considerarmos o uso histórico da pena de morte pela China e o seu amplo apoio na opinião pública. Este artigo contribui para o debate sobre as causas dessas reformas, testando a relevância da hipótese de que o Sistema de Direitos Humanos das Nações Unidas socializou com sucesso a China numa conceção mais branda da pena de morte, o que, por sua vez, teria motivado essas reformas. Os resultados confirmam parcialmente esta hipótese. Há evidências fortes de que o Sistema de Direitos Humanos das Nações Unidas possa ter socializado a China num aspeto particular destas reformas — a retirada de alguns crimes económicos e não violentos —, mas não foi responsável pelo despole-

tar dessas reformas e falhou em socializar a China em relação a uma série de outras medidas específicas de reforma da pena de morte. Apesar de não ser responsável pela totalidade das reformas, este estudo afirmou a relevância da possibilidade de o UNHRS ter influenciado parte deles, o que levanta a necessidade de considerar esta hipótese na construção de um modelo explicativo abrangente.

**Palavras-chave:** China; pena de morte; direitos humanos; ONU

#### **ABSTRACT**

Since 2007, China has advanced several reforms to restrict and control the application of the death penalty. This is rather puzzling if we consider China's historical use of the capital punishment, as well as its widespread public support. This article contributes to the debate on the causes of these reforms by testing the relevance of the hypothesis that the United Nations Human Rights System (UNHRS) successfully socialised China into a more lenient understanding of the death penalty, which in turn would have prompted those reforms. The results partially confirm this hypothesis. There is strong evidence that the UNHRS might have socialised China into a particular aspect of these reforms — the cancellation of some economic and non-violent crimes —, but it was not responsible for triggering these reforms and it failed to socialise China into conducting a number of other specific death penalty reforms. Despite not being responsible for the totality of the reforms, this study affirmed the relevance of the possibility that the UNHRS influenced part of them, which raises the necessity of considering this factor to arrive at a comprehensive explanatory model.

**Keywords:** China; death penalty; human rights; United Nations

## **1. Introduction**

Despite progress in recent years, China is still the country with the most death sentences and executions (WCADP, 2022). The death penalty has been both a permanent and salient tool in the country's criminal justice system. China has used the capital punishment for thousands of years, which has been explained by a belief in its functions as deterrence, retribution, and castration (Jiang Shanhe, 2015). During the tenures of Mao and Deng, the death penalty was highly politicised and abused, especially in the context of campaigns informed by a revolutionary mentality like the 'Cultural Revolution' or the 'Strike Hard Campaigns' from the 1980s onwards (Jiang Su, 2014).

In addition, the capital punishment seems to enjoy widespread public support (see Jiang Shanhe, 2015 for a review of available surveys). The most representative (and recent) study so far showed that 68% of the 31,644 respondents supported the death penalty in 2014 (Liu, 2021). When asked about the possibility of abolishing the death penalty, a spokesperson of the Supreme People's

Court (SPC) deemed it very unlikely in the near future, arguing that “The concept that one must pay with his or her life for a murder is deep-rooted in the minds of many people in China” (China Daily, 2007).

It seems like the historical circumstances and the public opinion make China a hard case for the alleviation of the death penalty, let alone abolition. Nonetheless, China has advanced significant reforms to its death penalty system, which is extremely puzzling in this adverse context. In 2007, the SPC reclaimed the power of reviewing and ratifying every death sentence issued by provincial courts, causing a sharp decline in executions (Xinhua, 2006, 2008). In addition, the SPC has encouraged the use of the suspended death sentence, which usually does not result in executions (Trevaskes, 2013). In 2011, 13 non-violent offenses were removed from the list of capital offenses and people over 75 were exempted from the death penalty with minor exceptions; in 2015, another 9 non-violent offenses were cancelled (Zhou, 2018).

All these reforms contributed to a significant drop in executions – the best available estimates indicate that the number of annual executions fell from about 7000 (2006) to 2000 (2018) (The Dui Hua Foundation, 2022). It is true that China remains the world’s top executioner and that the death penalty is far from being abolished, but the size and pace of reform is nevertheless impressive in such an unfavourable domestic context.

Why did China advance these reforms? What caused China to restrict and control its death penalty despite counter-attitudinal societal beliefs? Scott (2010) argues that this is a result of five factors, both international and domestic: i) pressure from foreign human rights organisations; ii) pressure from domestic media; iii) improvement in judicial capabilities and declining crime rates; iv) compassion; and v) strengthening central power. Trevaskes (2012) focuses on the domestic arena, arguing that reform-minded senior political legal players were able to embed their more lenient stance into death penalty discourse, resulting in a shift from ‘strike hard’ (or ‘killing many’) to ‘balancing leniency and severity’ (or ‘killing few’), where the capital punishment is reserved for said ‘extremely serious crimes’. Jiang (2014) agrees with the latter explanation, but argues that these reforms are also the result of international pressure from UN institutions.

It seems like the debate is still inconclusive and unresolved about the causes of these reforms. Scott (2010) does not engage in systematic empirical analysis to test her hypothesis, and some of them, especially compassion, are remarkably hard to measure. Trevaskes’ (2012) remarkable work does display persuasive evidence for her explanation, but leaves the possibility open that these domestic actors might have been influenced by international agents, and does not

test other hypotheses. Jiang (2014) also fails to conduct systematic empirical analysis, but the article does not aim for a causal explanation anyway. However, it does bring up a new independent variable that is worthy to take a look at.

To contribute to this debate, I empirically test whether the United Nations (UN) Human Rights System (UNHRS) successfully socialised China's politico-legal elites into a more lenient understanding of the death penalty, which in turn would have led to the aforementioned reforms. I do not claim to advance a new argument here, but rather to submit one of the proposed causes to isolated empirical test. My analysis cannot infer causality, but can confidently adjudicate the relevance of this hypothesis; therefore, its confirmation or rejection will be consequential for a future explanatory model of this phenomenon.

The article is structured as follows. The first section outlines the theory of socialisation, i.e., the causal mechanisms in place. The second section displays the data and methods employed, assessing at the same time how prone to socialisation the UNHRS is. The third section contains the empirical analysis and the discussion of findings. A concluding section will follow, restating the argument and pointing to future research avenues.

## **2. Theorising socialisation**

Socialisation refers to “the process by which new members of a group are assisted by more experienced others to adopt the values, standards, and behaviors of that group” (Grusec, Chaparro, Johnston, & Sherman, 2014, p. 113). It is a central process for constructivist theory since it is the causal mechanism behind social structures orienting actors' behaviour and/or constituting their identities and interests. In the latter case, we are not merely talking about actors tactically changing behaviours to deflect international criticism, but in a fundamental value change where the actor subjectively believes in the legitimacy of the norms (Risse & Sikkink, 1999; Wendt, 1999). For example, Risse, Ropp and Sikkink's (1999) seminal volume explains how several authoritarian states were socialised into human rights practices due to the international pressure and criticism from transnational human rights networks.

Why would this happen? States are social beings who care about their reputation and status. This means that social rewards (like praise and belonging) and social sanctions (like opprobrium and exclusion) are part of their cost-benefit calculations when choosing how to act (Johnston, 2001). Thus, social environments like the international society generate strong incentives to behave according to a logic of appropriateness, thereby corresponding to social expectations and complying with group norms (March & Olsen, 1998). Sometimes these international norms are so legitimate and/or so fiercely advocated that

actors are persuaded of their appropriateness/validity and change their value systems, becoming staunch believers in these norms — here, they are said to have constituted their identities and interests (Risse & Sikkink, 1999).

Unfortunately, constructivist theoretical work on socialisation and its micro-processes has been scarce, and it usually sees internalisation as the inevitable end of the 'norm life cycle' (see Finnemore & Sikkink, 1998). In reality, the outcomes of socialisation are varied (Johnston, 2008). The goal of the socialiser in this process is to elicit consistent and durable pro-social behaviour, and that is best achieved at the highest degree of socialisation — internalisation (Ryan & Deci, 2000). Here, social norms, values or practices are not seen as external constraints, but instead they are incorporated in the actor's conscience and taken as their own in a way that pro-social behaviour does not stem from anticipated external consequences, but from intrinsic factors, namely the belief in the appropriateness or righteousness of that behaviour (Berger & Luckmann, 1991; Grusec & Goodnow, 1994).

However, internalisation does not follow from every instance of socialisation. Socialisation may utterly fail, leading to the socialisee's rejection of the group norms and the pursuit of anti-social behaviour or even norm contestation. Socialisation may lead to pro-social behaviour motivated by a logic of consequences — here the socialisee weighs social rewards and sanctions in their behavioural calculations and follows group norms as long as the benefits of doing so outweigh the costs (Checkel, 2005; Johnston, 2001; Wendt, 1999). Finally, it may lead to internalisation, where the norms are subjectively incorporated and 'taken-for-granted' — pro-social behaviour stems from a logic of appropriateness. Simply put, these could be the three ideal-typical outcomes of socialisation in a continuum where others that blend elements of them are possible. While we move away from rejection and closer to internalisation, pro-social behaviour will be increasingly complete, consistent and durable.

I should clarify that these socialisation degrees are not stages in a theological process, but possible outcomes that vary from case to case in light of its conditions and characteristics. This means that some factors propel successful socialisation. Unfortunately, there has been scarce theorising in International Relations on this topic, so I will look at available insights and combine them with others from psychology and social psychology, who have looked at socialisation processes much more thoroughly. These are the main causal mechanisms established in the literature:

- Reasoning: Hoffman (1977) demonstrated that coercion is usually ineffective, as opposed to persuading the socialisee to change behaviour with arguments, though a small amount of power as-

sertion may be important in addition to reasoning to draw the socialisee's attention. Some IR works also stress the role of argumentation, debate and persuasion of the merits of the norm as the major mechanism in place (Checkel, 2005; Risse & Sikkink, 1999);

- Clarity and consistency of the message: the socialiser's message should be clear, consistent and adjusted to the socialisee's characteristics, and they should be exposed to it repeatedly over time (Grusec & Goodnow, 1994; Johnston, 2008; Kochanska, Murray, Jacques, Koenig, & Vandegest, 1996);
- Congruence with previously ingrained beliefs: The message is more likely to be found persuasive, to affect behaviour and to be internalised when it is linked to previously internalized attitudes and schema (Acharya, 2004; Johnston, 2008). When this is the case, norm localisation may occur, i.e., the socialisee actively selects the norms they incorporate, adapting them to existing beliefs (Acharya, 2004);
- Positive relationship with the socialiser: socialisation is most likely when the socialiser holds the socialisee in high regards or sees them as an authoritative member of the group (Bandura, 1965; Johnston, 2008). A positive or affective relationship with the socialiser may have the same effect (E. E. Maccoby & Martin, 1983; Eleanor E. Maccoby, 1992);
- Perception of autonomy: socialisation is more likely to succeed when they feel that the norms are self-generated and not externally imposed (Ryan & Deci, 2000). Excessive curtailment of autonomy or coercion may also undermine the socialisee's openness to the message (Grusec & Davidov, 2021).

We do not know which factors are necessary and sufficient for socialisation yet, but a causal account of a socialisation process must operationalise these factors and establish that there were favourable conditions for socialisation to occur on the socialiser's side (Checkel, 2005; Johnston, 2008). Second, one must demonstrate that there was a significant behavioural change towards compliance with group norms. This requires the establishment of congruence between the socialiser's message and the socialisee's actions (Johnston, 2008). In addition, the socialiser's activity must temporally precede the socialisee's behavioural change, so that this change is shown to occur after exposure to the socialiser's message (Checkel, 2005; Johnston, 2008). Third, one has to show that

there were no material side payments that could have been responsible for the decision to change behaviour to converge with group norms (Johnston, 2008). These steps guide my operationalisation, but I will qualify their potential for causal inferences in the next section to delimit the potentiality of my findings.

I will try to go over these steps and establish these elements throughout the next sections. Reframing my hypothesis more precisely, I am testing if the UNHRS made China internalise more lenient death penalty understandings.

### **3. Data and methods**

The choice for the UNHRS as the socialisation venue stemmed from the literature, but also from its potential to be a favourable environment for socialisation (see Johnston, 2008 for a more detailed account on how international institutions' are particularly apt for internalisation). The system is too wide and complex to be fully analysed, so I chose the mechanisms which directly handle the issue of the Death Penalty — those who do not cannot be responsible for this outcome. They are the Human Rights Council (HRC), the preceding Commission on Human Rights (CHR), the Committee Against Torture (CAT), the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (SRT). Due to lack of time and the high regularity of meetings, I will only look at the HRC's Universal Periodic Review (UPR) process and not its ordinary meetings. I will analyse the 2000-2014 period: 2014 is chosen for being the last year before the last major death penalty reform in China, therefore it meets the time criterion I mentioned before; 2000 is 7 years before the first reform, which should be enough time to observe an effect. Ideally, I could go further back if I had more time and resources.

The CHR was the main human rights mechanism until its termination in 2006. It held annual meetings with 53 member-states to draft human rights Treaties, resolutions and norms, having also some state-monitoring capabilities. However, they were heavily curtailed because the CHR was deeply politicised — the presence of states with poor human rights records effectively blocked it from criticising them in many occasions (Donnelly & Whelan, 2017; Kozma, 2014). This was the case of China, who managed to defeat all the twelve resolutions critical of its human rights record between 1990 and 2005 from even being voted with no-action motions (Inboden, 2021; Piccone, 2018). Nonetheless, they were seen by the CHR members, exposing China's human rights practices, and only their drafting was a reason for concern and embarrassment (Inboden, 2021), so they deserve to be analysed. I will look at the 3 resolutions presented in the period of analysis, all of them drafted by the United States (US) (2000, 2001, 2004). In any case, the CHR does not seem to be

a very favourable environment for socialisation due to its very limited space for reasoning and deliberation about individual state behaviour.

Its successor HRC changed in some important aspects, while preserving the same key functions. Its membership shrank, meetings are held more often during the year, but the great novelty is the UPR. The UPR reviews every UN member state human rights record every four years regardless how powerful it is (Kozma, 2014). The process is long and highly participated: there's a state report, a compilation of data by the Commissioner and by stakeholders (like NGOs), sessions for all the HRC members to discuss with the state and present recommendations, who can then reply to the comments and accept or reject the recommendations. In the end, the recommendations are voluntary and non-binding; nevertheless, it is a rare forum for direct, public and constructive dialogue with individual states about their human rights records. Thus, it is a favourable venue for socialisation because it opens room for reasoning and relies on the state's autonomy to enhance its human rights practices.

Much like other human rights mechanisms, it lacks any enforcement powers in the sense that the implementation of the recommendations is up to the state; the goal is instead to persuade and encourage states to change their practices through dialogue and reporting, which stem reflection and negatively sanction malpractices with international shaming and criticism (Donnelly, 2014). This is what (successful) socialisation is all about. I will look at the Reports by the Working Group of both UPRs that fall under the period of analysis (HRC, 2009, 2013). These documents contain all the recommendations made during the process by HRC members, highlighting which ones China accepted and rejected.

The Committee against Torture is the treaty body of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Much like the UPR, it undertakes individual state reviews every four years including a state report, a list of issues, a phase of direct dialogue with the CAT members, concluding observations (positive aspects, reasons for concern and recommendations) and a state-prepared follow-up report. Its socialisation potential is slightly less than the UPR's because the CAT members are independent experts, not peer states (the shaming effect is reduced); nonetheless, it is a favourable environment for socialisation because it fosters reasoning, dialogue and state autonomy. China further curbed this treaty body capabilities by rejecting all the voluntary articles of the Convention, which impedes interstate and individual complaints and the ability of CAT to initiate a confidential inquiry in response to reports of systemic use of torture (Inboden, 2021). I will analyse CAT's concluding observations for the reviews that fall under the



period of analysis (2000, 2008) because they compile the recommendations presented to China in the whole review process.

Finally, the HRC special procedures “are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective” (OHCHR, n.d.). Special Rapporteurs basically investigate how countries fare regarding human rights standards and publish (non-binding) public reports with recommendations. Though less powerful than the mechanisms above, it has the virtues of generating shaming, criticism and dialogue with the host state, and of stressing state autonomy. The SRT is the one handling the issue of Death Penalty more directly, so I will analyse all their 4 reports that are directly about China: two reports that encompass all states (Rodley, 2000, 2001), the one on the SRT’s visit to China (Nowak, 2006), and the follow-up report of that same visit (Nowak, 2009).

Moreover, all these mechanisms consistently repeat their messages over the years (with the exception of the SRT because China did not allow more visits), present clear-cut recommendations and come from an authoritative socialiser (the UN), who China strongly supports and praises (Zhang, 2016). Adding this to the support of state autonomy and some instances for dialogue and reasoning, it seems like the UNHRS is a favourable environment for socialisation. However, the lack of any coercion whatsoever and the application of the same human rights standards to all the countries regardless of differing human rights beliefs are notable shortcomings of the UNHRS.

Methodologically speaking, I will list all the specific recommendations laid out in all the documents I mentioned and then check if the reforms addressed them. In other words, I will see to what extent China complied with those recommendations. The congruence between the socialiser’s message and the socialisee’s behavioural change will be key to assess socialisation. One may wonder if the UNHRS could have influenced aspects of reforms that are not comprehended in the recommendations, but that would be very unlikely: how can one be socialised by someone into doing something that that someone does not talk about?

To strengthen the argument, I will check whether the concerns voiced by the UNHRS’s mechanisms integrated the Chinese thinking and discourse on this issue. This is something expected if in fact the UNHRS changed China’s conception of the Death Penalty. I will look at the justifications of high-ranking Chinese officials for each reform. For the 2007 reform, I will analyse Xiao Yang’s — then President of the Supreme People’s Court (SPC) — annual work report to the National People’s Congress (NPC) (China Daily, 2007). For 2011, I will analyse Li Shishi’s — then Director of the Legal Affairs Committee of the

Standing Committee of the NPC — ‘Explanation on the “Amendment to the Criminal Law of the People’s Republic of China (VIII)”’(Li, 2011). For 2015, I will look and Lang Sheng’s — then Deputy Head of the Law Committee of the NPC Standing Committee — answer to a journalist question about the reform at a Press Conference after the meeting where the 9<sup>th</sup> Amendment to the Criminal Law was approved (NPC, 2015).

However, congruence alone hardly establishes causality (George & Bennet, 2005). The measurement of socialisation as proposed by literature (and employed here) provides merely a ‘hoop test’ to the hypothesis: a failure to confirm it would eliminate it, where as a confirmation only somewhat strengthens it vis-à-vis other hypotheses (Collier, 2011). Decisive causal inference can only be a result of careful process tracing, which would have to consider, test and compare all the relevant hypotheses for the outcome of interest. As I said, this study looks at this cause in isolation, so it can only say something about its relevance and possible causality. Refining my hypothesis once again, I am testing the relevance of the possibility that the UNHRS made China internalise more lenient death penalty understandings. I will interpret my findings accordingly in the next section, dedicated to the operationalisation and subsequent analysis of the results.

#### **4. Results and discussion**

Analysing the aforementioned documents, there are essentially 6 recommendations on which the UNHRS has insisted:

- a) Death row prisoners should not be subjected to additional punishment;
- b) Publish national statistics on the application of the death penalty;
- c) The scope of the death penalty should be reduced by abolishing further economic and non-violent crimes;
- d) Strictly control and apply the death penalty;
- e) Abolish the death penalty;
- f) Apply Moratorium on death penalty.

The following table shows which of the 11 analysed documents contain which recommendations:

**TABLE 1**

Distribution of the recommendations in the UNHRS documents under analysis

	a)	b)	c)	d)	e)	f)
CAT, 2000						
CAT, 2008	X	X	X			
Rodley, 2000						
Rodley, 2001						
Nowak, 2006	X	X	X			
Nowak, 2009	X	X	X			
US, 2000						
US, 2001						
US, 2004						
HRC, 2009		X	X	X	X	X
HRC, 2013		X	X	X	X	X

Source: Own analysis and elaboration. The analysed documents are cited in the Table.

Recommendations c) and f) were followed by China, but are still a work in progress. As we saw before, Amendments VIII (2011) and IX (2015) to Criminal Law reduced capital offenses from 68 to 46, cancelling some economic and non-violent crimes. China has also increasingly used the suspended death sentence of 2 years for crimes in which immediate execution ‘is not necessary’ and only a small percentage of those are actually executed in the end (The Rights Practice, 2020; Trevaskes, 2013).

However, China still refuses to publish national statistics on the death penalty (WCADP, 2022), meaning that recommendation b) hasn’t been followed yet. Prisoners sentenced to death are still shackled, suspicions persist that their organs are sourced, and they face severe conditions at detention centres (The Rights Practice, 2020); therefore, internalisation of a) is yet to occur. There is still a lot of arbitrariness in the death penalty system, which prompts wrongful convictions; besides, some death sentences do not need the SPC review — all this undermines the fulfilment of recommendation d), despite the centralisation of reviews in the SPC and the growing use of the moratorium.

China seems to have internalised recommendation c). At the time of the 2007 reform, SPC leader Xiao Jiang said that the death penalty will be used “more cautiously for only a small number of extremely serious offenders with

hard evidence” (China Daily, 2007). Li Shishi (2011) justified the 2011 reform by a willingness to follow the central government’s intent to “appropriately reduce the number of crimes involving the death penalty”. Similarly, Lang Sheng claimed in 2015 that “strictly controlling the death penalty and gradually reducing the death penalty is the direction of my country’s criminal law” (NPC, 2015). The idea that death penalty’s scope should be increasingly reduced and that it should apply only to ‘extremely serious crimes’ seems to be ingrained in Chinese elites.

The same seems to have happened for recommendation f). The suspended death sentence has been widely used by the SPC, along with directives for local courts on how to use it. This has been a discreet and procedural way for the SPC to reduce executions in practice without *de jure* cancelling or alleviating death penalty sentences, which could provoke a backlash in public opinion (Trevaskes, 2013). Due to this covert nature, there is no surprise that references to moratoriums in official discourse are rare.

Can we say that the UNHRS was responsible for this internalisation? As for recommendation f), it does not seem to be the case. Both instances of its referral (HRC, 2009, 2013) occurred after the SPC started to use the suspended death sentence more regularly. As for recommendation c), there is evidence for socialisation. There are 4 references of this recommendation (CAT, 2008; HRC, 2009; Nowak, 2006, 2009) before China retrieved some economic and non-violent crimes from the scope of the death penalty for the first time (2011). There is even another instance where this recommendation was put forward (HRC, 2013) before the year when China cancelled further crimes (2015). The effect of socialisation would be further confirmed due to the absence of material side payments. The analysed UN institutions do not pay states to fulfil their human rights obligations, and there is no record of any state or organisation paying China to undertake this particular reform.

The empirical results show strong evidence for the possibility that the UNHRS socialised China into reducing the scope of the death penalty by cancelling numerous economic and non-violent crimes. As I said before, I am not claiming causality, but rather affirming the relevance of this hypothesis. But they also reveal that China failed to internalise or even comply with most of its other recommendations, and that the UNHRS does not seem to be responsible for China’s increasing utilisation of the suspended death sentence or moratorium.

This means that my hypothesis is partially confirmed. The UNHRS was probably important in socialising China into one particular aspect of its death penalty reforms, but the country initiated its death penalty reforms before

the gross volume of recommendations of the UNHRS (there is only one death penalty recommendation before 2007). The UNHRS was not responsible for sparking such reforms; rather, it seems to have socialised China into pushing a specific, but important, measure in the context of broader reforms. At the same time, it failed to socialise China into other possible reform paths like the publishing of national statistics on the capital punishment or not subjecting death row prisoners to additional punishment. The relatively early timing of these reforms along with the absence or weakness of the UNHRS' international pressure suggest that the sources of the overarching reform came from domestic politics, therefore confirming Trevaske's (2012) explanatory account to a great extent. However, the UNHRS likely played a role in influencing a particular aspect of these reforms, which suggests that there might be a collaboration of socialisers or norm-changing instances. A complete explanatory model should test and accordingly include these complementary sources of influence and clarify the role or relative importance of each.

My findings also strengthen the conception of socialisation as 'assistance' vis-à-vis the idea of socialisation as 'teaching', present in a lot of conventional IR literature. The actor's willingness is necessary for successful internalisation, and they have an active role in selecting and shaping the norms they incorporate — this resonates with theoretical works that stress the need for autonomy (Grusec & Goodnow, 1994; Johnston, 2008; Ryan & Deci, 2000) and processes of 'norm localisation' or adaptation to previously ingrained beliefs (Acharya, 2004; Johnston, 2008). This study also supports the idea that favourable socialisation venues like the UNHRS are those who rely on persuasion, argumentation, autonomy and some moderate shaming as opposed to coercion and imposition.

However, this study points out to a limitation on the capability of the socialisation paradigm to generate causal inferences. Socialisation, as a factor, cannot be looked in isolation because congruence with the socialiser's message cannot prove causality alone. Scholars looking to test socialisation as a causal factor need to address and dismiss other possible causes (not only material side payments), which is something I would have done had I the time and resources.

## 5. Conclusion

This article sought to contribute to the debate on the causes of the death penalty reforms in China, which restricted and controlled its application in spite of its dismal death penalty record and widespread public support for this measure. I submitted one of the causes raised by the literature to a standalone empirical test: the idea that the UNHRS socialised China into more lenient death penalty understandings. The results partially confirm this hypothesis.

There is evidence that UNHRS could have socialised China into a particular aspect of these reforms — the cancellation of some economic and non-violent crimes —, but it was not responsible for triggering these reforms and it failed to socialise China into conducting a number of other specific death penalty reforms. These findings suggest that other factors caused the initiation of these reforms, shaping their main directions, and that China has a lot of agency into selecting and adapting the norms it incorporates into its criminal justice system.

Despite not being responsible for the totality of the reforms, this study affirmed the relevance of the possibility that the UNHRS influenced part of them, which raises the necessity of considering this cause. There needs to be a comprehensive process tracing effort, which ponders this and other hypotheses to arrive at a comprehensive explanatory model capable of decisive causal inferences about the death penalty reforms in China. This study contributed to this by affirming the relevance of one of the hypotheses to consider.

Before such effort, future research should first look deeper for other causes or socialisers and their combinations to arrive at a complete explanatory model for China's death penalty reforms. The survey I mentioned in the Introduction reveals a change in public attitudes in the sense that they support the death penalty, but also would agree that suspended sentences should not end in executions (Liu, 2021). Maybe public opinion played a role in driving some of these changes. In a similar fashion, the role of transnational human rights advocacy networks pertaining to the abolitionist movement is yet to be systematically and empirically analysed. Also, it is known that some domestic reformers were decisive for these changes, but more work can be conducted on where these innovative mind-sets originated.

Leaving aside causality considerations, this study has shown that China has in deed internalised more lenient death penalty understandings, though not fully. Although China still rejects a considerable number of death penalty standards, reforms have advanced throughout the years. Besides showing the power of socialisation and international norms, this leaves room for a future deepening of death penalty reforms and, who knows, maybe to abolition one day.

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### **Sobre o autor**

DIOGO MACHADO é atualmente estudante no MA International Relations: Global Governance and Social Theory, oferecido conjuntamente pelas Universidade de Bremen e Universidade Constructor. É licenciado em Ciência Política e Relações Internacionais pela Universidade NOVA de Lisboa. É também Assistente no projeto de investigação 'Cooperation of European firms with Chinese universities: Forms and Effects'. Os seus interesses de investigação relacionam-se com as Relações Externas da China, Teoria Social, Ordem Mundial e Governação Global.

[ORCID ID: <https://orcid.org/0000-0001-5944-2637>]

### **About the author**

DIOGO MACHADO is currently a MA student of International Relations: Global Governance and Social Theory at the University of Bremen and Constructor University. He received his BA in Political Science and International Relations from the NOVA University of Lisbon. He is also a Student Assistant in the research project 'Cooperation of European firms with Chinese universities: Forms and Effects'. He is interested in Chinese Foreign Relations, Social Theory, World Order and Global Governance.

[ORCID ID: <https://orcid.org/0000-0001-5944-2637>]