A Case Study of Chinese Netizens' Opinions on Capital Punishment: Diversity, Rationale, and Interaction

Jianhong Liu[1] and Bin Liang[2]

Abstract

Empirical studies of Chinese public opinion on capital punishment are very rare. Almost all past studies suffered from questionable survey designs and/or nonrepresentative/nonrandom sampling (e.g., student samples). In this study, to examine the breadth and the depth of public opinion on capital punishment, we turn to Chinese netizens' opinions online on a particular capital case, the Lin Senhao poisoning case. Though our netizen sample has its own limitations, it is innovative and encompasses a broader group of representations than in past studies. Specifically, we address three questions: the diversity of netizens' opinions, the rationales for netizens' support for Lin's death sentence, and netizens' interactions. This study is the first to examine Chinese netizens' opinions in a capital case in detail and to uncover potential complexities and nuances of such opinions.

Keywords

netizens' opinions on capital punishment, Lin Senhao case, diversity of public opinion, rationales for capital punishment, netizens' interactions

[1]University of Macau, Macau, China
[2]Oklahoma State University–Tulsa, Tulsa, OK, USA

Corresponding Author:
Bin Liang, Department of Sociology, Oklahoma State University–Tulsa, 700 North Greenwood Avenue, Main Hall, 2223, Tulsa, OK 74106, USA.
Email: bin.liang@okstate.edu

As the world's largest user of capital punishment, China often claims overwhelming support among its citizens for the death penalty, though it has never conducted a national public opinion poll to test this contention. Data on China's use of capital punishment are still viewed as a "state secret" and are not publicized. In recent years, with the growing use of the internet, more and more Chinese netizens (i.e., active internet users) have gained a new freedom of speech and begun expressing their opinions online. In this article, to empirically and systematically study the breadth and the depth of public opinion on capital punishment, we turn to Chinese netizens' opinions online on a particular capital case, the Lin Senhao poisoning case. Specifically, we examine three questions: the diversity of netizens' opinions, the rationales for netizens' support for Lin's death sentence, and netizens' interactions. This study is the first to examine Chinese netizens' opinions in a capital case in detail.

Past Studies of Public Opinion on Capital Punishment

There have been extensive studies on public opinion on the death penalty in Western nations (especially in the United States, a major user of capital punishment). Based on survey and poll data, these studies have covered a wide range of topics such as the extent of public support (Harris, 1986), the rationales for people's support (Bohm, 1987, 1992; Warr and Stafford, 1984), potential factors that influence people's support (Britt, 1998; Tyler and Weber, 1982), whether people's attitudes may change given new knowledge or information (e.g., the famous Marshall hypothesis) (Bohm, Clark, and Aveni, 1990; Bohm, Vogel, and Maistro, 1993; Lambert and Clarke, 2001), and the potential impact of public opinion on death penalty practice (Brace and Boyea, 2008).

Over time, scholars have come to a consensus that the oversimplified abstract question used in polls (e.g., "Do you favor or oppose the death penalty for persons convicted of murder?") is problematic and misleading and therefore fails to uncover the complexities of public opinion (Ellsworth and Ross, 1983; Jones, 1994; Murray, 2003). For instance, when presented with other alternatives, such as life imprisonment without possibility of parole, support for the death penalty declines significantly (Bowers, Vandiver, and Dugan, 1994). In recent years, scholars have turned to the use of vignettes (sometimes based on real cases) and more qualitative studies (e.g., focus groups) to explore how respondents may favor punishment other than the death penalty given different factual scenarios (Burgason and Pazzani, 2014; Durham, Elrod, and Kinkade, 1996; Falco and Frieburger, 2011; Mills and Zamble, 1998).

Compared with the Western literature, empirical research on this subject is extremely limited in non-Western nations, particularly among Asian nations where governments often cite "overwhelming public support" as a major justification for their retention and use of the death penalty. As the largest user of the death penalty, China leads the world in both numbers of death sentences and executions (Liang and Lu, 2016). Though China has never conducted a national poll on citizens' opinions on the death penalty (not to mention a referendum) (Lu, 2005), it often claims "overwhelming public support" to buttress its use. In recent years, Chinese scholars have paid increasing attention to the role of public opinion (*minyi* 民意), and they have pointed out that the majority of Chinese citizens support China's death penalty, and minyi has become a major obstacle to China's further restriction and potential abolition of the death penalty (Li, 2007; Liu, Yi, and Zhang, 2013). Empirical studies of Chinese public opinion on the death penalty, however, are rare (see summaries by Jiang, 2016; Zeng, 2015; Zhao Jun, 2015), and almost all of them suffer from questionable survey designs (similar to issues faced in the Western literature) and/or nonrepresentative/nonrandom sampling. For instance, Shanhe Jiang (2016) examined thirteen studies derived from ten surveys, only one of which used a random sample (which only covered Hubei, Guangdong, and Beijing), while most turned to convenient college student samples. These survey studies confirmed majority support for the death penalty in China, and such support covered a variety of capital crimes, including nonviolent and nonlethal crimes (e.g., drug offenses, corruption). Consistent with Western research, these studies have shown that major conceptual justifications of punishment such as deterrence, retribution, and incapacitation (i.e., specific deterrence against the offender) are all embraced by Chinese respondents; several correlates, such as one's victimization experience and one's belief in punitive penal ideology, were also found related to Chinese people's support for capital punishment. In a few comparative studies (Cao and Cullen, 2001; Jiang et al., 2010; Qi and Oberwittler, 2009; Wu, Sun, and Wu, 2011), Chinese respondents reported higher levels of support for capital punishment than their counterparts in other countries.

Looking beyond the statistical and abstract form of minyi, some scholars have paid more attention to another form of minyi: an often-spontaneous reaction to controversial cases (Lu, 2005; Wang, 2015; Xiao, 2009; Zhang, 2010). Hualing Fu (2016), for instance, called this "penal populism," and contrasted Chinese penal populism with that of the United States. As Fu argued, Chinese penal populism often targets individual cases and tries to influence judicial sentencing instead of legislation and/or governmental policies. Facing pressure from this form of minyi, Chinese courts find themselves in the difficult position of trying to uphold the law, responding to minyi, and

maintaining a "harmonious society" all at the same time (Miao, 2013). Moreover, the impact of this kind of minyi on cases is very unpredictable, as it is influenced by factors such as the media, judicial rulings, and actions by administrations (Tang and Wang, 2007; Zuo, 2009). Most recently, Ira Belkin (2017) has paid special attention to judicial policies that have pressured Chinese judges to consider "people's feelings" as exemplified by online minyi with the growing use of the internet. Belkin discusses a number of well-known cases in recent decades (especially after the new century) and shows how judicial decisions have been swayed by the demands of fervent netizens. Belkin expresses serious concerns about such "judicial populism" and believes that such a practice will fail to regain public trust and enhance social stability, and could weaken, instead of strengthen, the legitimacy of the Chinese judiciary.

In sum, empirical studies of Chinese public opinion on capital punishment are very rare. Given their limitations of samples and sampling, none of the past studies was able to reach the general population to examine public opinion. Moreover, past studies failed to uncover the complexities and nuances of such opinions. In this study, we aim to fill this gap by turning to Chinese netizens and examining their opinions on a famous capital case, the Lin Senhao poisoning case.

A Review of Lin's Case

Lin Senhao and Huang Yang both entered the medical school of Fudan University in 2010 as master's students. They shared the same dorm room beginning in 2011, but they did not get along. On March 31, 2013, Lin poisoned the water in the drinking water dispenser of their dorm with N-nitrosodimethylamine (NDMA). On April 1, Huang drank the poisoned water, became ill, and was hospitalized. On April 12, the police detained Lin as a primary suspect. On the sixteenth, Huang died in the hospital. The results of forensic analysis indicated that the NDMA poison led to a liver malfunction, which, in turn, resulted in the failure of other organs and Huang's eventual death.

On April 19, the police officially arrested Lin for Huang's death. On February 18, 2014, the Shanghai Second Intermediate People's Court (the court of the first instance in capital cases) convicted Lin of murder and sentenced him to death. The trial court found that Lin as a master's student knew NDMA was deadly and had studied the effect of the poison in animal research. He purposely poisoned the drinking water, which led to Huang's illness and eventual death. During Huang's hospitalization, Lin did not surrender to the police and failed to disclose the source of poison.

After the trial, 177 Fudan University students sent a petition letter to the Shanghai High Court (the court of the second instance) requesting a second chance for Lin. On January 8, 2015, the Shanghai High Court affirmed Lin's death sentence, and sent the case to the national Supreme People's Court (SPC) for the final review and approval. During the SPC's review, Lin's father tried to change Lin's two defense lawyers (Si Weijiang and Tang Zhijian, hired for the appeals), but Lin rejected the new attorney (Xie Tongxiang). An SPC panel of judges in charge of Lin's case held hearings with Lin's defense attorneys and even met Lin's father (an unusual move) to listen to his opinion. Lin's defense questioned the forensic evidence of the case and petitioned for Lin's life. On December 9, 2015, the SPC approved Lin's death sentence, and Lin was promptly executed on the eleventh.

Lin's case generated a number of academic studies in China, which can be grouped into four types. First, some studies focused on the legal issues involved in Lin's case, such as expert witness testimony in criminal trials (Wu, 2015), and the interaction and potential conflict between online minyi and judicial decision making (Chi and Ding, 2016; Xu and Wan, 2015). Second, a number of studies turned to Lin's mens rea, and discussed psychological issues from either an individual or a social perspective (Wang and Ni, 2016; Zhao Xin, 2015). These studies argued that Lin's psychological defects (or lack of proper education) led to the tragedy, and proposed measures to avoid similar mistakes. Third, some studies cited Lin's case as an example of problems with the existing educational system, and called for curriculum improvement (Huang, 2015; Gao and Liu, 2015). Lastly, a few studies analyzed Lin's case from the perspective of criminology and paid particular attention to "crimes committed by people with high IQs" 高智商犯罪 (Wang and Qian, 2015; Li, 2015). Merely citing Lin's case as an example, none of these studies examined the nature of netizens' opinions in detail.

Methodology

The data utilized in this study are part of a larger project to explore and examine Chinese netizens' opinions on the death penalty. Given the impracticability of conducting a national representative survey in China and other weaknesses associated with survey studies, we turned to an online comment forum from which we collected netizens' comments on news about China's death sentences. Specifically, data were collected in spring 2016 in two steps. First, we conducted an extensive news search via the search engine of Sina.com.cn 新浪网 (one of the largest and most popular commercial websites in China). All stories that reported death penalty cases in 2015 (from January 1 to December 31) were included in our sample. In cases with multiple defendants, as long as

one of them was sentenced to death, the case was included. Second, once we identified all such cases, we collected all case reports and netizens' comments that followed the reports and stored them separately as documents for analysis. Sina.com.cn creates a special zone for netizens' comments for each piece of news, which serves exactly our purpose. Given our focus on netizens' comments, we removed cases with fewer than three comments. A total of 64 cases with 121 defendants were collected. The crimes involved covered fourteen different offenses, led by homicide, drug trafficking, rape, and kidnapping (leading to human death). Given the impracticability of summarizing all cases in one research project, we focus on Lin's case in this study. Among all the cases, Lin's generated the most comments ($n = 17,611$). Specifically, Lin's case was reported in January, May, August, and December, and generated 30 reports. Table 1 lists the total numbers of netizens' comments and reply comments, and the starting and ending time of each round of commenting and summarizes the content of the reports by month.

Our methodology is innovative and unique in several respects. First, unlike quantitative survey research, our approach is largely qualitative in nature (i.e., content analysis of netizens' comments), which allows us to examine Chinese netizens' opinions in depth. As cases reported online are all real, concern about artificial manipulation in vignettes used in past studies is no longer an issue.

Second, though not a national representative sample, Chinese netizens serve as a better representation than samples in previous studies. The China Internet Network Information Center (2017) reported that the total number of Chinese internet users (defined as "Chinese citizens who used the internet in the past six months" in the survey) had reached 751 million (54.3% of China's total population) by June 2017, and 96.3% of them (i.e., 724 million) access the internet via their mobile phones. This high level of internet usage enabled us to use the opinions of interested netizens in our study. While geographical restrictions were often a major limitation in past studies, data in the Lin case covered all 31 provincial-level administrative units in mainland China and Taiwan, Hong Kong, and Macau, led by Beijing and Shandong with 1,165 and 1,131 comments, respectively. Unlike survey respondents who might not have a real interest in death penalty issues, netizens in this study shared their opinions voluntarily, therefore reducing potential problems of some methodological issues such as social desirability bias.

Third, online discussion (i.e., exchanges of netizens' comments) to some extent resembles the *public deliberation* discussed by Mai Sato (2014) in her study of Japanese people's opinions on capital punishment. Such self-initiated interactions, missing from survey studies, allow us to examine the content, form, and effect of such interactions.

Table I. Summary Statistics of Netizens' Comments and Content of Reports by Month.

Month	Number of comments	Number of reply comments	Date/time of the first comment	Date/time of the last comment	Content of report(s)
January (one report)	300	128	2015-1-8; 15:33	2015-1-8; 22:09	• On Jan. 8, the Shanghai High Court affirmed Lin's conviction and death sentence
May (three reports)	8,570	3,551	2015-5-27; 03:08	2015-8-3; 15:25	• On May 26, an SPC (Supreme People's Court) panel (of three judges) held a hearing with Lin's defense attorneys, who questioned (1) the lethal amount of the poison, (2) the likelihood that Huang died due to other reasons, (3) Lin's mens rea, and (4) procedural issues with regard to Lin's trial • Victim's father claimed that he never received financial compensation or an apology from the Lins, and insisted on Lin's death
August (four reports)	2,425	773	2015-8-3; 04:36	2015-8-12; 17:46	• On July 21, the media reported two letters from Lin's attorneys written by Lin, in one of which Lin admitted his poisoning • Lin's father insisted on changing Lin's defense attorneys • Lin's father shared that Lin's mother had not been told about Lin's death sentence • On July 28, an SPC judge met Lin's father to listen to his opinions, an unprecedented move (as it is not required by law) • On July 31, Lin's father and attorneys submitted legal documents to SPC judges, which questioned evidentiary problems

(continued)

Table 1. (continued)

Month	Number of comments	Number of reply comments	Date/time of the first comment	Date/time of the last comment	Content of report(s)
December (22 reports)	6,316	1,231	2015-12-10; 07:55	2016-1-9; 13:35	• Lin was interviewed on Dec. 7 and mentioned "death means payback to the victim's family" • Lin's father was notified on Dec. 8 that Lin's death sentence was approved, and was told to go to Shanghai and meet Lin on Dec. 11 • Lin's father and attorney arrived in Beijing on Dec. 9 to lodge more petitions with both the SPC and SPP (Supreme People's Procuratorate); their protest petition to the SPP was rejected as they did not have the SPC's official death sentence approval judgment (which did not arrive in time) • Lin's attorney tried to approach the victim's family but failed on the ninth • Lin was executed on Dec. 11 • A meeting with Lin's father was arranged before Lin's execution, which lasted 10 minutes; Lin's father decided not to donate Lin's body, contrary to Lin's wishes • Victim's father mentioned that he would consult with his attorney about a potential civil compensation lawsuit • An SPC judge briefed the media on key issues, including fact findings of the case, reasons for death sentence approval, and reasons for rejections of defense arguments
Total	17,611	5,683			

Granted, our design is not perfect. Apart from selection bias, a lack of individual and personal background information on netizens due to the nature of our data source is a major problem. Nevertheless, scholars have recognized the importance of studying minyi online and its impact on China's legal reforms (Liang, 2014), and the use of the death penalty in particular (Xiao, 2009; Yang, 2011).

Research Questions

We address three research questions in this study. First, what kinds of comments were made by Chinese netizens (diversity)? Second, what justifications were expressed by netizens for Lin's death sentence (rationales)? Third, what was the nature of netizens' interactions (interactions)?

Diversity of Comments

To systematically code and analyze netizens' comments, we relied on a popular qualitative technique, thematic analysis (e.g., Boyatzis, 1998). With the exception of netizens' interactions (as a particular theme, see the analysis below), we categorized netizens' comments into different themes based on the specific content of each comment. While trying to keep different themes separate to reflect their complexities and nuances, we also combined some related themes into broader thematic categories for the purpose of parsimony. When one comment reflected multiple themes, it was counted separately for each theme. The diversity of netizens' comments is impressive. In Table 2 we have ranked the top ten themes (sometimes with ties) based on the counts of netizens' comments in each month. In addition to these top themes, many others appeared in netizens' comments (in fact, too many to report!).

A close examination of these top themes reveals a few patterns, though there is significant variation month by month. First, some themes were consistently ranked the highest in each month. For instance, netizen interactions (i.e., direct exchanges among netizens) and punishment justifications (i.e., rationales for punishment) always ranked either first or second. Another theme, comments directed at Lin (either opposing or supporting him), was also consistently ranked high. Second, some top themes apparently reflected the progress of the legal proceedings and the impact of news reporting in their ranking. For instance, when Lin's death sentence was affirmed by the Shanghai High Court in January 2015, a common theme (ranked fourth) was comments made by netizens that either showed sympathy for Lin or explicitly rejected such sympathy. Nevertheless, this theme was not dominant in May and August when the SPC was reviewing Lin's death sentence, but it

Table 2. Top Themes by Month.

Theme rankings	January (counts)	May (counts)	August (counts)	December (counts)
1	Netizen interactions (57)	Netizen interactions (2,202)	Netizen interactions (520)	Punishment justifications (1,508)
2	Punishment justifications (54)	Punishment justifications (1,519)	Punishment justifications (471)	Netizen interactions (1,153)
3	Opposing/supporting Lin (31)	Opposing/supporting Lin (1,344)	On Lin's family (246)	Sympathy/no sympathy (948)
4	Sympathy/no sympathy (20)	Support for death (851)	Support for death (244)	Opposing/supporting Lin (590)
5	Support for death (17)	Questioning/supporting defense (736)	Opposing/supporting Lin (220)	On victim/victim's family (491)
6	Causes of crime (14) and Leniency/no leniency (14)	Questioning verdict/death sentence (455)	On victim/victim's family (182)	Questioning verdict/death sentence (488)
7	Questioning verdict/death sentence (10) and On victim/victim's family (10)	Leniency/no leniency (402)	Questioning verdict/death sentence (152)	Causes of crime (416)
8	Lessons and wishes (7) and On Lin's family (7)	On victim/victim's family (374)	Questioning/supporting defense (148)	Lessons and wishes (338)
9	Analysis of comments (5)	On Lin's family (296)	Delay and waste (114)	On Lin's family (324)
10	Questioning/supporting defense (3)	Delay and waste (210) and Analysis of comments (209)	Causes of crime (104)	Delay and waste (250) and Leniency/no leniency (249)

loomed again as a dominant theme (ranked third) in December when the SPC approved Lin's death sentence and Lin was executed. Another interesting example is netizens' comments that questioned the delay and waste in Lin's legal proceedings: it was not an issue in January (*n* = 0) but became a major concern in the three months leading to his execution. To many, as the legal proceedings dragged on, the appellate reviews turned into unnecessary delays and a waste of resources. Two other themes showed the impact of the "finale of the case." Netizens' explicit support for Lin's death sentence was ranked fifth in January and fourth in both May and August, but did not break into the top ten ranking in December, mainly because the issue was fully settled by the SPC's approval of Lin's death sentence.[1] Similarly, netizens' comments on Lin's defense (either questioning or supporting the defense) were ranked tenth, fifth, and eighth, respectively, in the first three months, but were no longer dominant in December since the issue had become irrelevant.

Third, a number of themes were consistently ranked in the mid-tier across all four months, including comments questioning Lin's verdict/death sentence and comments directed at both Lin's family and the victim/victim's family. Despite the steady ranking of these themes, specific issues discussed under these themes varied at different phases of the legal proceedings. For instance, one issue involved potential civil compensation for the victim's family. In December, after Lin's execution, Huang's father was exploring the possibility of a lawsuit for civil compensation. Netizens weighed in on this issue with 120 comments. Unlike the majority support for Lin's death sentence, the majority indeed opposed the idea of civil compensation (85 out of 120). Netizens who supported the idea argued that seeking civil compensation was "a legal right" of the Huang family, and "Lin's death was the payback for Huang's death, but there has been no payback for the harm to the Huang family." In contrast, many more argued that "Lin's family owed nothing to the Huangs, and Lin, who had a debt to the Huangs, is already dead." They pointed out that "it is the Huang family that demanded Lin's life instead of compensation, and it would offend the public's feelings if the Huangs were to press for more after Lin's death," arguing that it would be "dropping a stone on the man who has fallen into a well" 落井下石.

Rationales

Past studies have consistently shown that retribution and deterrence are the two most dominant rationales for capital punishment. As intuitive as it appears, scholars have not agreed on a definition of retribution (see the summary by Bohm, 2017: 415–17). In our analysis, we limited retribution to a specific Chinese term, *sharen changming* 杀人偿命 (a life for a life) and

Table 3. Punishment Justifications by Month.

Justifications	January (counts)	May (counts)	August (counts)	December (counts)	Total counts
Retribution (vs. retribution being questioned)	17 (vs. 2)	472 (vs. 28)	129 (vs. 6)	615 (vs. 27)	1,233 (vs. 63)
Deterrence (vs. deterrence being questioned)	8 (vs. 1)	385 (vs. 12)	81 (vs. 1)	233 (vs. 11)	707 (vs. 25)
Justice/Law required	6	193	162	143	504
Just deserts	6	91	10	222	329
Payback/Responsibility	10	106	22	157	295
Social impact/Indignation (vs. indignation being questioned)	2	156 (vs. 8)	45	47	249 (vs. 8)
Public order/Safety	2	55	12	21	90
Respect lives and others	0	13	3	32	48

classified other terms into other groups to document the nuances. As a result, we ended up with eight groups, as presented in Table 3.

First, the notion of sharen changming is deeply rooted in Chinese culture, and the number of comments that explicitly embraced this idea significantly surpassed those of other rationales. As one netizen put it, "we learned sharen changming from our ancestors. No one is above it, and you [Lin] need to think about it." Another declared, "No matter what nonsense Lin's father and his attorneys mouth, nothing can change the fact that Lin poisoned [Huang]. Sharen changming is a fair sentence in any society." To many, sharen changming, as a golden, ageless principle, results in fair and just punishment for everyone. It prevents injustice in Chinese society and denies potential privileges that might be enjoyed by some. For instance, a netizen commented, "Sharen changming! Hope it works against the second generation of governmental officials and the wealthy 官二代, 富二代." Another wrote, "I don't believe in laws; I only believe in *sharen changming, qianzhai huanqian* 欠债换钱" (pay the debt if you owe the money).

Despite the dominance of this rationale, a very small but not insignificant number of netizens (about 5%) openly questioned the utility of sharen changming. One netizen said, "sharen changming was taken for granted in ancient laws. In today's society, [it is] difficult to judge if it reflects the spirit of contemporary law." Another lamented that "sharen changming only hurts those who are alive now." Sometimes netizens outright rejected this principle. For instance, one commented, "That's what Huang's father demands. He's going to mourn for the rest of his life. They only demand sharen changming. How sinister humans are." Another mentioned "taking another life cannot save one's soul. It is just another killing."

The justification of capital punishment as a deterrent ranked second among all rationales, showing that Chinese netizens still strongly believe that harsh punishment 重刑, particularly capital punishment, deters people from committing crimes (general deterrence). The idea of "killing one to deter a hundred" 杀一儆百 is prominent in Chinese culture. As a netizen put it, "The meaning of capital punishment is not to execute one individual, but to deter. It drives others to obey the law." Some netizens explicitly expressed the concern that more crimes would be committed if Lin's life were spared. As one said, "If there is no death sentence, there will be a Li Senhao, a Zhang Senhao, a Zhao Senhao." Another wrote, "The influence of examples is powerful. If no death sentence is meted out for poisoning on campus today, [the death sentence will also] not be imposed in the future. Do you have children going to school? Aren't you afraid?" Again, some expressed the concern that leniency for Lin might open the door to more crimes by members of the privileged classes. As one put it, "If [Lin's death sentence] is changed, it will lay a foundation for a second generation of governmental officials and the wealthy who kill. Using various excuses as a defense, they would receive a suspended death sentence, then life imprisonment and [then] a reduced term. It won't take long before they are released." Some netizens believed the prolonged legal proceedings weakened the deterrence effect and even suggested ways to beef up deterrence. For instance, one commented, "[The verdict has been] delayed too long! The deterrence effect on people has been weakened. Lin should have been executed much sooner." Another suggested, "Harsh punishment! Publicly announce the verdict! Execution immediately! Public trial! Execution in public! Deter people! Crimes committed by educated people with high IQs are more and more severe!" Some even threatened to take action if there is no deterrence by law, such as "Lin must die. If he's sentenced leniently, I'll go right out and kill people with rat poison. [A lenient sentence means] we Chinese can all ignore the law and poison your enemies."

Another line of the argument targeted Lin himself, and suggested that he would commit more crimes if he were released (specific deterrence). For instance, a netizen argued, "This type of person cannot be released. Once released, they will harm society. If you allow him [Lin] to become a physician, who knows how many will die at his hands? Someone suggests that 'he can repay society with what he has learned.' What a joke." Another concurred: "[If you] let him walk, is he going to stop killing in the future? Next time, he's going to be more careful [to cover up] and more calculating. Who knows who is going to be the next unlucky victim?"

Again, a very tiny group of netizens (about 3.5%) questioned the notion of deterrence. One said, for instance, "If we replace the death penalty with life imprisonment in murder cases, how many would commit murder because there are no longer death sentences? Normal people wouldn't. From the

perspective of crime prevention, the [deterrence] effect of the death penalty is debatable. This is also the reason why [courts] are very cautious about imposing the death sentence." As there is a lack of empirical studies that have tested the effect of deterrence in China, netizens turned to other nations in order to draw comparisons. For instance, one countered, "I'd like to ask those who argue that no death sentence would lead to more poisoning: are there more killers in Western nations that have abolished capital punishment?" Another also cast doubt on the effect of executions: "If executions can solve all problems, the world would have been at peace already. Look at our country [China]: how many executions are there every year? What's the effect [of these executions]? Ask yourself." Some pointed out the fact that "not all murder cases in China end up with death sentences," rejected the concept of sharen changming in practice, and argued that "punishment such as a suspended death sentence and life imprisonment carries sufficient deterrence." Nevertheless, such arguments were often countered by others who emphasized China's uniqueness (e.g., its huge population, its economic problems, its generally low level of education, and the "quality" of its citizens) and/or turned to examples (sometimes factually incorrect) in which deterrence worked in other nations.

The next three rationales (see Table 3)—justice/law required punishment, just deserts, and payback/responsibility—were frequently referred to by netizens but never questioned. In our tally, common phrases for the notion that justice/law required punishment include "heavenly justice won't tolerate it" 天理难容 and "the law allows no sympathy" 法不容情. The concept of just deserts is associated with expressions such as "crimes must be punished" 罪有应得, "death is too good [for the perpetrator]" 死有余辜, and "karma" 报应. The concept of payback/responsibility is reflected in such terms as "repayment" 偿还, "price" 代价, and "bearing responsibility" 承担. These terms are closely associated with the concept of sharen changming. Nevertheless, we counted them separately to reflect the nuances of netizens' rationales.

For many netizens, the death sentence is the only fair/just punishment for murder, it is "heaven's law," and the law makes no room for sympathy, and as a result, Lin "deserves to die." For instance, some commented that "the law allows for no sympathy. [The death sentence is] just and fair 公平公证" and "Everyone is equal before the law. All criminal behavior deserves to be punished."

With Huang and his family in mind, some believed that Lin's death was the only proper punishment. For instance, one netizen commented, "Sharen changming; committing a sin deserves death. Lin poisoned Huang; there can be no forgiveness for his crime. For the sake of Huang and his family, Lin deserves to die."

The concept of payback/responsibility was also popular, as many justified Lin's death as the "price" to be paid for his crime and argued that Lin must "bear responsibility" for his crime. For instance, as one netizen put it, "When you [Lin] committed the crime, you should have thought about the price you will pay. When one brings calamities upon oneself, one cannot avoid death 自作孽不可活." Another concurred: "The key is that he [Lin] killed someone. If not, he would not face the death penalty no matter what he did, right? But he did, and he has to bear the responsibility for someone's death." Another spoke directly to Lin's father: "One needs to pay the price for one's mistakes. Your son's life is the price [to pay] because he deprived another of his life without any consideration." Granted, many felt sympathetic to Lin, but still insisted that he deserved the death sentence because he had committed an unforgiveable crime. For instance, one said, "Lin is not a bad person without any hope. But he committed an irreversible mistake. The law allows no sympathy. In tears 挥泪."

Many netizens justified their support for Lin's death sentence because of its potential "social impact" 影响, referring in particular to the "public indignation (*minfen* 民愤)" generated by Lin's crime. Two issues were of particular interest regarding social impact. First, many considered Lin's means of committing his crime reprehensible. As pointed out earlier, Lin, as a master's student, knew the nature of NDMA, and even conducted experiments to test its effects. During Huang's hospitalization, Lin had numerous opportunities to surrender and disclose that Huang had been poisoned by NDMA (which might have saved Huang's life), but he chose not to. During Lin's appellate reviews, Lin's defense argued that Lin did not intend to murder Huang but instead meant to "teach Huang a lesson" as a prank on April Fools' Day. Nevertheless, this "April Fools' joke" argument generated even more anger among netizens. Many argued that Lin's failure to "rescue" Huang during Huang's hospitalization revealed his intent to commit murder. Lin chose not to surrender simply because he hoped to get away with it. Committed by a highly educated individual with a high IQ, Lin's crime was unforgiveable, and netizens believed he deserved no leniency. For instance, one said, "Lin must die. Poison others if you don't like them. The impact is immense. Where is the bottom line of ethics?" Another commented, "Sharen changming. Lin chose to poison after planning to avoid detection. Highly educated people with high IQs don't need to follow the principle of sharen changming?"

A second concern regarding social impact was the potential use of vigilante justice 私刑. For instance, a netizen said, "If [Lin's death sentence] is changed, the victim's parents can only seek justice via vigilante justice." Others concurred: "The meaning of a death sentence to the victim's family cannot be replaced by other types of punishment. If the victim's family members see the

murderer still alive and know that he might be paroled someday, they won't accept it psychologically. People will lose their trust in the government's crime control, which will lead to the overuse of vigilante justice," and "Mercy for the poisoner means no mercy for the victim and his parents. . . . This will force them to climb Mount Liang.[2] No wonder some don't report crimes to the police but take things into their own hands."

Many netizens who were truly angry with Lin (and his defense) argued that Lin's crime and defense generated public indignation, and urged the courts to take this into consideration. To express their outrage, some netizens left comments close to hate words against Lin. For instance, some simply called Lin a "skunk" 人渣 and barked "Kill! Kill! Kill!" Others claimed that "[Lin] deserves to die ten thousand times!!!!" and "Nothing [can] assuage the public's indignation except [Lin's] death" 不杀不足以平民愤. Netizens' indignation extended to Lin's family (particularly his father, who apparently did everything he could during the appellate reviews to save Lin's life) and Lin's defense team. For instance, one netizen criticized Lin's father: "Shameless, Lin's animal 畜生 father! Your son's life is a life, but Huang's is not? Homicide, the evidence [is] clear. If there is no death sentence for this maniac 变态 [referring to Lin], where is heaven's justice?" Some attacked Lin's lawyers: for example, "Dog fart lawyers, if there is no death sentence, I'm going to go and kill soon" and "If there is no execution [by shooting], the next to die will be family members of the defense lawyers."

Again, a very small group of netizens (about 3.2%) expressed their opposition to these irrational emotional charges using the excuse of minfen. Rather, they were concerned with judicial independence in China and did not want judges to be influenced by this type of minfen. For instance, one netizen contended, "The argument for minfen is wrong. . . . Public opinion cannot determine courts' rulings. The use of the death penalty is not to assuage minfen. Both the Hu'ge and Yao Jiaxin cases are tragedies.[3] In some major cases, Western nations such as Great Britain often forbid media reporting before the court reaches a ruling to avoid the influence of the media." Another lamented the influence of minfen in Lin's case: "This case apparently generated minfen. It's impossible to save Lin's life. This is obviously wrong. We don't need indignant 'red guards' [referring to the Red Guards of the Cultural Revolution period]. We need law, pure law."

Public order and safety is another justification netizens used to support Lin's death sentence. Though it was often tied to deterrence, the emphasis here was on public order and security. For instance, a netizen argued, "Nothing deters criminals except a death sentence. [It thus helps] maintain societal stability and harmony." Many netizens held the view that harsh punishment is the key to dealing with China's growing disorder, chaos, and crime. As one put it, "I think

Table 4. Netizens' Interactions by Month.

Interactions	January (counts)	May (counts)	August (counts)	December (counts)	Total counts
Counter netizens	35	1,095	272	885	2,287
Attack netizens	8	593	109	369	1,079
Concur with netizens	5	181	39	120	345
Question netizens' motives	3	96	42	26	167
"Put yourself in others' shoes"	6	211	85	152	454
Call for rationality	0	13	0	1	14

that we need harsh punishment in this society full of disorder and chaos. Only when the costs are more than the benefits does deterrence work. . . . If leniency is granted to murders, [criminals] will get away with all kinds of excuses and society will be in chaos."

Lastly, a small group of people used "respect others' lives" 尊重生命 in their justifications for Lin's death sentence. To them, life is sacred, and nothing could justify Lin's crime of depriving Huang of his life. For instance, as one put it, "Humans may make mistakes. Nevertheless, there should be no forgiveness for the educated who know the law and deliberately poison when the price is another's life. Life is not a joke. Support the death sentence."

Netizens' Interactions

Out of 17,611 comments, 5,683 (32.3%) were replies (跟帖, 回复) by netizens (see Table 1). In Table 4, we categorize netizens' replies into six groups, including three general reply types (countering, attacking, concurring with other netizens) and three specific themes (questioning other netizens' motives, encouraging netizens to put themselves in the other person's shoes, and calling for rationality).

The largest number of netizens' replies consisted of counterarguments. Most of these were relatively short, but they occasionally went into detail. For instance, one netizen, self-named "Reincarnation of Baogong" 包公显圣,[4] questioned the evidence and verdict in the Lin case. Baogong argued that Lin's death sentence was not scientific and accurate, as there was no direct evidence—aside from his confession—to prove that Lin had poisoned Huang. If Lin recanted, Baogong pointed out, the court would have to uphold the principle of the presumption of innocence (that is, it would have to find Lin not guilty since there was insufficient evidence to sustain a conviction). Baogong suggested that it is problematic for the court to adopt one version of

Lin's story (his confession) but not the other version (the April Fools' story). Instead, the court should have accepted Lin's April Fools' story (given Lin's credibility evident in the fact that he eventually confessed to the poisoning), which would have meant that Lin had not intended to murder. Baogong's comment generated heated discussions among netizens. While Baogong had his supporters, many others rejected his argument, based on reasons such as retribution, public safety, and evidence (e.g., evidence refuting Lin's April Fools' story, and other corroborating evidence). Others questioned Baogong's motive (e.g., "[you have] no sense of justice"), and asked Baogong "What if you were Huang Yang (or Huang's parents)?"

It is difficult to explain when and why some comments generated much more heated discussion than others. It appears that two types of comments were more likely to do so. One consisted of arguments (with strong language) by netizens in favor of Lin, such as that of Baogong. In another example, one netizen posted three questions in May:

> Answer me three questions: (1) Can capital punishment truly deter criminals . . . and lower crimes rates? . . . (2) Police investigations cannot ascertain all the facts. Please use your pig brain 猪脑 to reflect upon Hu'ge, whose death everyone was demanding back then. (3) Do those who demanded Hu'ge's death feel guilty and regret what happened? Now everyone demands [Lin's] death. Are you going to regret it if the execution turns out to be wrong in the future? I'll answer you the third question: No! Because *penzi* 喷子 like you are a group of numb onlookers who are putting a fake name tag of justice by watching [Lin's] head being decapitated and [his] blood [flow] to create a sensation and excitement![5] Onlookers! Onlookers!

This comment went viral in the comments zone, and numerous netizens left replies (e.g., many strings of replies contained over 30 comments). Despite such pressure, this netizen demanded hard evidence to prove the presumed deterrence effect of capital punishment and raised serious concerns about potential wrongful conviction.

Another type of comment that generated a high volume of feedback came from someone who claimed to be very close to Lin and pleaded for leniency for Lin. For instance, in May, a netizen nicknamed Noble Lady 高贵女子 claimed to be Lin's girlfriend. In her comment, she praised Lin as "kind and optimistic, and welcomed by other students (this is why hundreds of Fudan students petitioned for Lin's life)," but criticized Huang as a "bad-mouthed person, well known in his college." Noble Lady believed that Lin was merely teaching Huang a lesson, but Huang died due to his poor physical condition. She pointed out that Lin's parents were peasants with little money and there-fore cannot financially compensate Huang's parents. She eventually pleaded

for Lin's life so that Lin could repay society with his knowledge. Many netizens countered Noble Lady and questioned her true identity and motive.

As the most extreme form of counterargument, attacking fellow netizens is unfortunately very popular among Chinese netizens. Often, verbal attacks come in two forms. First is the use of foul language, which has constituted a huge part of netizens' attacks, and can be directed against any party. Lin was often labeled a "skunk," his father an "old fool" 老东西, and his defense attorneys "pettifoggers" 讼棍. Sometimes, even Lin's supporters or sympathizers were not exempted. For instance, in the heated discussion with Baogong mentioned above, one netizen attacked Baogong's argument that Lin had no intention to kill but merely to play a prank: "Don't dog fart here. Why not use Oreo toothpaste, but with lethal poison? Still finding excuses on behalf of Lin. If the deceased were your son, you would not have talked nonsense and confused black with white 混淆黑白. To me, you are just an S.B. [original in English] like Lin's lawyers." Another jumped on Baogong's argument that Lin would have been better off not confessing to the crime. "Based on your comment, you are an experienced criminal. No self-confession? [That's] an excuse to avoid responsibility. You should go and talk to Huang Yang's father, who can kill you to vent his anger. In this way there will be one fewer animal on earth."

Besides foul language, direct personal threats constituted another form of attack. Again, many were directed at Lin and his family. For instance, one netizen commented, "Son [referring to Lin], death sentence. [Lin's] Parents, reeducation through labor 劳教, because they did not teach their son right and with proper discipline 教子无方 教子不严, which led to the loss of a son in another family." A fair share of these threats was directed against Lin's supporters, such as "Public execution! Whoever claims sympathy for the murderer, sentence them to one month to one year!" and "I think that one family member of those who signed the petition should be poisoned. Then they can talk about leniency." Unhappy with reporting in the media, some netizens even threatened reporters. For instance, one said, "Lin Senhao [should be] quickly reborn, then poison the little editor 小编 of the report; then what is he [the editor] going to say?"

Compared to counterarguments and attacks, agreement was much less frequent and often came in a simpler form, such as a phrase or so (e.g., "I concur," "agreed") or an emoticon (e.g., a "thumbs up," a national flag).

Three specific themes notably reoccurred in netizens' exchanges. First, to encourage netizens to "put yourself in the other person's shoes" 换位思考 was very popular. For instance, to counter the argument that the poison Lin used was not lethal, one popular answer was "Let Lin try his own poison. If he's all right, find him not guilty." Encouraging others to put themselves in

the other person's shoes could bring out useful information and provide a different perspective. For instance, many netizens pointed out that Huang was the only child of his family, but Lin had brothers and sisters. Therefore, "Resentment cannot be forgiven. Huang's parents are old and have lost the only hope of their lives. The remaining days of their lives are going to be quite difficult." Nevertheless, as both sides used the same logic, it was not clear whether such logic could help bridge the gap between netizens. For instance, to the argument of "what if you were Huang (or Huang's parents)," a netizen countered "but you should put yourself in the shoes of Lin's father too. What if you were he?" One frustrated netizen openly questioned the usefulness of such an argument: "Everyone has the right to share one's thoughts. You may disagree and argue with those thoughts. But [there is] no need to say that 'you drink the poison and come back alive and then we talk' or 'if I kill your father, I won't pay for it with my life.' These assertions obviously won't happen. What can they prove? Nothing." Sometimes, when the argument about empathy was delivered with anger (and foul language), it only aggravated the situation. For instance, one netizen commented, "Be careful with your mom's egg 慎重你妈个蛋 [a foul term in Chinese]. If your mother is killed in this way, you don't want the killer to face a death sentence?" This line of argument would be unlikely to convince others.

A second specific theme involved questioning others' motives. Popular online phrases such as "water armies" (*shuijun* 水军)[6] and "penzi" were widely shared. Questioning others' motives could be very specific, such as the identity of Noble Lady (cited above). Other times, netizens simply raised the possibility either in a positive sentence (e.g., "this guy is a shuijun") or in a question (e.g., "is [he] a shuijun?"). Though there might be some circumstantial evidence of aggressive posting by some netizens (e.g., repeating one's posting from time to time), there was hardly any direct proof that one was truly a shuijun. This shows how suspicious people were of online discussions since it was difficult, if not impossible, to ascertain the true identity and motives of netizens.

Concerned with netizens' emotional outbursts and their potential impact on Lin's case, a very small number of netizens "called for rationality" 呼唤理性, a third specific theme. For instance, one netizen called for rational reasoning but not (verbal) bashing: "If you don't think another's reply is irrational, you may counter. For example, why did you claim [in your reply] that I'm a penzi? I disagree. The reply by netizen #3, why is that a penzi? If you don't accept his argument, you can reply after his comment. Don't leave your comment here, where netizen #3 cannot see it." Another netizen encouraged all netizens to build a healthy environment:

Lastly, call for all netizens and the masses: don't curse Lin's father because that's his responsibility as a father; don't curse Huang's father because that's his responsibility as a father; don't curse the courts. Three years. It shows the court's caution. What should we curse? I think we should curse everyone in society. [We should] build, maintain and safeguard societal ethics, moral values and consciousness of the rule of law. Every one of us did so little, particularly those who hype themselves via this case!

Conclusion

This study is the very first to examine netizens' opinions in depth in a famous capital case. Our analysis has focused on three issues: the diversity of netizen's opinions, the rationales for netizens' support for Lin's death sentence, and the interactions among netizens. Despite the innovative nature and strength of our data, there are some limitations to our methodology. First, our sample could have suffered from selection biases. For instance, people who do not have access to the internet due to the digital divide may have held different opinions on capital punishment. Second, our data lacked individual and personal background information. One particular concern is the identity of the netizens whose online comments we analyzed. In addition, it is unknown to what extent governmental censorship might have played a role (e.g., through hiring official trolls to "clean" the net). Third, our analysis in this study was limited to only one murder case, and netizens' opinions may be very different in other capital cases (e.g., corruption cases). Despite these limitations, a number of potential lessons can be drawn from netizens' discussions.

First, though most netizens (by our count) supported Lin's death sentence, there is considerable variation in the breadth and the depth of netizens' comments. Strikingly, there was both support and opposition to almost every subject discussed by netizens, from support for and justification of Lin's death sentence, to sympathy for Lin, to views about Lin's and Huang's families, to views about Lin's defense, and to issues about judicial verdicts. For instance, netizens explicitly called for the abolition of China's death penalty in ninety-three comments, questioned the utility of capital punishment and the fairness of its use, and even argued that it is barbaric and a violation of human rights. Such bold voices and opposition show that the claim of "overwhelming public support" for the death penalty is likely misleading and fails to uncover the nuances of netizens' opinions.

Second, despite the diversity in opinions, the influence of Chinese culture on the opinions of the majority of netizens is apparent. Concepts such as *sharen changming* and killing one to deter a hundred heavily influenced netizens' support for Lin's death sentence. It is also interesting to see how a

traditional sense of justice and fairness turned around against the victim's family when Huang's father was pondering a suit for civil compensation after Lin's execution. To many netizens, going after the Lin family's money was "greedy" and not "humane" once Lin had paid his debt with his own life. The influence of such traditional culture is what makes China "Chinese," but may pose obstacles to further reforms of China's use of capital punishment. For instance, many openly cast doubt on the prolonged but required judicial review process and called it "delaying and wasteful." Their willingness to forgo legal procedures is troubling.

Third, many netizens' opinions also reflected their attitudes toward the existing system, from problems with the educational system (e.g., the failure of Lin's education), to problems with the medical system (e.g., many questioned the failure of the hospital to save Huang's life), to declining morality, to privileges enjoyed by government officials and the wealthy, and to the fairness of the judicial system. For instance, many of Lin's supporters questioned his death sentence because they saw it as disproportionately harsh compared to other crimes/criminals (e.g., corrupt officials). Official corruption, in fact, is one of few issues that generated no disagreement among netizens, which may signal future difficulty in restricting the use of capital punishment in corruption crimes (see Miao, 2013). The lesson is that to change people's opinions, more structural changes to the existing systems might be necessary.

Lastly, an examination of netizens' interactions shows both signs of irrationality (e.g., use of foul language and personal attacks) and rationality (e.g., putting oneself in others' shoes, calling for rationality). In *Furman v. Georgia*, 408 U.S. 238 (1972), Justice Thurgood Marshall suggested that American citizens would be swayed by reasoned persuasion that included information about the practice of American capital punishment. Empirical tests of the Marshall hypothesis have primarily relied on a unidirectional intervention model in which information (intervention) is passed from the researcher to the subjects. In a rare effort, Sato (2014) turned to discussions among focus group participants and explored how *public deliberation* (two-way discussions) may change Japanese people's support for capital punishment. Our study has examined netizens' exchanges in a natural setting without any artificial intervention. The evidence shows that there was little compromise and adjustment, not to mention complete change, among emotionally charged netizens whose minds were often made up from the very beginning. Though there are obvious limitations with this form of online exchange (e.g., confusing or conflicting information, little guidance), the results raise the question of whether netizens' exercise of freedom of speech online can bring positive changes to their opinions on capital punishment in China.

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Notes

1. Although it could be argued that netizens who expressed specific rationales for Lin's death sentence were "supporters of Lin's death," we only counted in this theme comments with explicit support for Lin's death sentence (e.g., "Lin deserves to die," "I support the death sentence").
2. Mount Liang, a mountain in Shandong, was made famous by Shi Nai'an's novel *Shuihu zhuan* 水浒传 (Water Margin). The story, set in the Song dynasty, tells of a group of 108 outlaws who gathered on Mount Liang to fight the corrupt government and officials. Many of these outlaws were forced to give up their normal lives to join the group. The term *bi shang liang shan* 逼上梁山 (driven to join the Mount Liang rebels) has been a popular phrase.
3. Hu'ge, or Huugjilt 呼格吉勒图, was wrongfully convicted of murder and executed in 1996 at the age of nineteen. Not until 2014 was he officially exonerated. Yao Jiaxin was convicted of murder after a car accident in 2010 and executed in 2011 at the age of twenty-one. In Yao's case, minfen played a significantly role in the death sentence (see Belkin, 2017).
4. Bao Zheng, commonly known as Baogong (Lord Bao), was a government official in the Song dynasty known for his great honesty and uprightness and his ability to solve difficult cases. He gained the honorific title Justice Bao (Bao Qingtian 包青天) because of his struggle on behalf of the powerless against the powerful.
5. *Penzi*, a new term that has appeared online, refers to netizens who attack others verbally. They often disregard the content of specific comments and jump to quick conclusions and attack netizens whose comments they dislike.
6. *Shuijun* refers to someone who is hired to post comments deliberately to serve specific purposes. *Shuijun* often flood the comments section with aggressive postings to draw the attention of others and achieve the desired effect.

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Author Biographies

Jianhong Liu is a professor of criminology at University of Macau. He is the winner of the 2016 American Society of Criminology's Freda Adler Distinguished Scholar Award. He is the author, editor-in-chief, or co-editor of 29 books, and has published 107 journal articles and book chapters. He is also the editor-in-chief of the *Asian Journal of Criminology* (Springer), and the editor of the Springer Series on Asian Criminology and Criminal Justice Research.

Bin Liang is a professor of sociology at Oklahoma State University–Tulsa. Among his works are *The Changing Chinese Legal System, 1978–Present: Centralization of Power and Rationalization of the Legal System* (Routledge, 2008), *China's Drug Practices and Policies: Regulating Controlled Substances in a Global Context* (Ashgate, 2009, co-authored), *Jurisprudence* (Renmin University Press, 2012, co-edited, in Chinese), and *The Death Penalty in China: Policy, Practice and Reform* (Columbia University Press, 2016, co-edited).