

The Sanctity of Life and Legal Values

BY WANG YI

Nie Shubin's case has prompted fervent debate over the one form of punishment that can never be revoked or redressed.

Respect for human life is without a doubt the highest goal of law, and one we must cherish.

In the midst of current debate over the death penalty, a case has caught the public eye. Ten years after a man was sentenced to death, the real killer was arrested and brought to justice. A human life was needlessly issued to Hades through the myriad gates and corridors of China's judicial system.

On the other hand, it would be frivolous to simply put all the blame on police investigators, prosecutors and the courts. Even if we could still track down the people responsible, it would hardly be possible to retrieve the sanctity of human life. Calls for revenge in the aftermath of this painful tragedy don't help us reflect on what it really means.

No judicial system in the world is flawless. The real question is how a nation should respond when its judiciary is so defective that it violates the sanctity of its citizens' lives. If we take a laissez-faire attitude to our flawed judicial system, we will be rewarded with nothing more than our country's gradual slide into ruin and degradation. But if we earnestly seek and address the problems, an upgrading of our judicial system is certain to result.

The value of law is not in grinding down the spirit of every citizen, but in guiding the nation along the path of healthy progress. From this perspective, the death penalty has no value whatsoever. This harshest of punishments results from ancient notions of vengeance. At the same time, there has been debate throughout history over whether abolishing the death penalty altogether might encourage some criminals. Can we find a solution that will allow us to abolish the death penalty while still deterring crime?

After the death penalty, life imprisonment is probably the harshest punishment that can be meted out. Sentencing a criminal to life in prison entails a huge cost to society, but in view of the problem of innocent people sometimes being sentenced to death, is there a better alternative?

As far as society as a whole is concerned, a single wrongful sentence is an exception. But when an innocent person is wrongfully accused and convicted, his whole family can be destroyed. All of society should reflect deeply and dispassionately on the sanctity of a human life, no matter how humble.

History reminds us repeatedly that when institutions are established, provisions must be made for all sorts of factors,

and the value of human life must be the most fundamental criterion. By proposing draconian laws and fighting crime with the death penalty, we risk perpetrating irreversible miscarriages of justice. On the other hand, if both sides refuse to compromise in the debate over the death penalty, far-reaching social problems can easily be overlooked.

One bad case does not mean that the whole system is bad, but a single miscarriage of justice certainly ought to elicit genuine soul-searching and reflection from society as a whole. If the power to review death sentences is returned to the Supreme People's Court, it will of course help avoid such miscarriages of justice in the future.¹ But if there are problems in the death-sentence review process (because in most cases the Supreme People's Court will only examine written evidence), shouldn't we establish a death sentence review process above the Supreme People's Court?

Abolishing the death penalty, or at least reducing its use, ought to be the general direction of any reform to our legal system. This is the only way to put an end to wrongful death sentences. Even if the actual murderer is brought to justice, and the wrongly convicted person is vindicated and his parents, wife and children are given a new lease on life, a human life cannot be replaced at any price.

Historical experience teaches that when too high a value is attached to a legal system, it tends to become distorted. From now on, in building our legal system, we must therefore respect the views of the people, do our best to strip the law of unnecessary pomposity and, based on the legal system's most fundamental value, pursue respect for human life as its highest goal.

If the death of a citizen can put an end to an irrational and unreasonable legal system, his death will have great value. If the citizen's death is treated as nothing more than an individual grievance, it will be of little consequence.

Translated by Paul Frank

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1. On March 14, 2005, Premier Wen Jiabao confirmed that steps are being taken to return the power to approve the death penalty to the Supreme People's Court, but that abolition was not under consideration. "Premier: China Not to Abolish Death Penalty," Xinhua News Agency, March 14, 2005.