

Abolition of the Death Penalty: China in World Perspective

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This article outlines changes that the author has observed in the debate on the death penalty within Chinese academic and judicial circles over the past decade. It seeks to show that the debate has moved from a defensive posture to one which is willing to embrace to a degree the human rights objections to capital punishment which have been created by a ‘new dynamic’ rooted in international human rights instruments and conventions, and promoted by abolitionist countries in Europe. It outlines the ideology that rejects capital punishment and shows how it has, within a short period of time, transformed the status of capital punishment, so that now there are only a minority of states that cling to it, and most of these have come to recognise that it can only be imposed under restrictive safeguards. The article ends by noting the influence of these ideas on the debate in China, especially on the argument that Chinese people have a different cultural attitude towards the death penalty based on the ‘life for a life’ principle which makes the public hostile to abolition of capital punishment. The possibility of further movement towards further reforms leading to the abolition of the death penalty in China is discussed in the light of new data which has emerged from important recent research on public opinion and capital punishment. It concludes that it is not so much the general public that needs to be influenced; rather it is the legal practitioners and political leaders who need to embrace the human rights objections to capital punishment.

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