

08 March 2016, Tuesday ✦ 12.00pm – 1.30pm ✦

Lunch included

Federal Bartholomew Conference Room, Federal Building, NUS (BTC)

Dignity, Life, and Capital Punishment: A Comparative Analysis from Taiwan's Perspective

by Prof. Jimmy Chia-Shin Hsu

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ABSTRACT

The abolition of capital punishment has gathered steam globally over the past decades. However, the controversy remains active in many countries. Where effective judicial review is available, death penalty is one of the major constitutional issues faced by the judiciary. Among the myriad issues involved, the issue of whether human dignity and right to life are unjustifiably violated is fundamental. I survey how this issue is tackled by such judicial review bodies as the South African Constitutional Court, the United States Supreme Court, the Japanese Supreme Court, the South Korean Constitutional Court, and the Hungarian Constitutional Court, along with extradition cases made by the Canadian Supreme Court. I analyze these decisions from the Taiwanese perspective, which stands at the fork of diverging paths. My primary purpose is to uncover the underestimated complexity of the concepts of human dignity, right to life, and their relations to capital punishment. I argue that for constitutional courts of societies that are deeply divided by the issue in question, such as Taiwan, one should not be misled by the apparently neutral reasoning of foreign courts by taking a particular line of constitutional reasoning to be inevitable.

ABOUT THE SPEAKER



Jimmy Chia-Shin Hsu is Associate Research Professor of Institutum Iurisprudentiae, Academia Sinica, Taiwan. He received his LL.B. from National Taiwan University, LL.M. from National Chengchi University, another LL.M. and J.S.D. from the University of Chicago Law School. His research interests include legal philosophy, constitutional theory, freedom of expression, democratization, and philosophy of punishment. He has published in such journals as *Australian Journal of Asian Law*, *Criminal Law and Philosophy*, *Opinio Juris in Comparatione*, *the Chinese Journal of Comparative Law*, *Academia Sinica Law Journal*, and *Chengchi Law Review*. He is a leading expert on Taiwan's defamation law. Recently he served on the bench of the Constitutional Court Simulation held by Taipei Bar Association, a prominent event that summons Taiwan's top experts to deliberate on significant constitutional issues yet to be dealt with by the official court, and he participated in the ruling on the constitutionality of Taiwan's death penalty.

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Admission is Free & Lunch is Provided

Closing date of registration: 2 March 2016