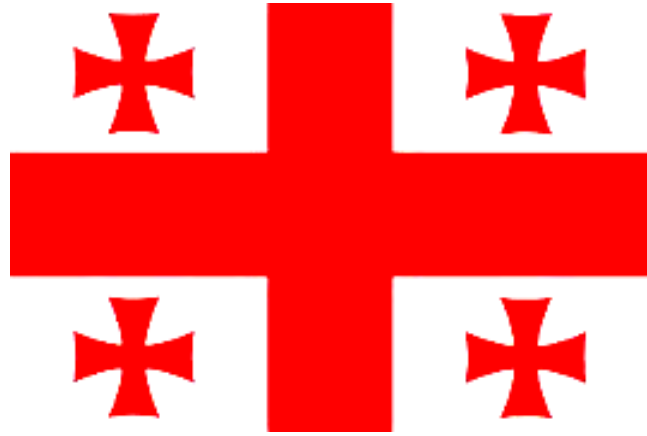




LIFE AXIOMS



LIFE AXIOMS
for Universal Abolition
of Death Penalty and Life Imprisonment

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To Queen Tamar

A. Abolition of death penalty – Achievement of Eurasian legal thought

I. The first precedent of abolition of death penalty dates back to mediaeval Eurasia, namely, to Georgia of the 12th century, where by Queen Tamar (reign: 1184-1213) death penalty, mutilative punishments and those offending dignity and honour, torture as procedural institution were all for the first time eradicated, with reference to Christian ethics. Abolition of death penalty was not only a Light in the mediaeval darkness, but it represents the most courageous decision in and through criminal law up to the present. Loss of independence reversed the triumph of humanism. On one single day (Commemoration Day – 13 November) in 1226 conquerors beheaded on the Metekhi Bridge over Mtkvari River in Georgian capital Tbilisi 100 000 civilians for refusing to step on the Icons of the Theotokos and our Saviour. However after centuries it is Eurasia again, Europe almost in its entirety and mainly by direct prohibition, making a breakthrough. Remarkable is the situation in the United States, where capital punishment has partially been overcome. Some good examples have been shown by universal and regional international organisations dealing with the protection of human rights. But to be precise, apart from exceptions on both sides, out of Europe death penalty is still being practiced worldwide – over 800 years after the first precedent of its abolition. Sooner or later time will surely turn all theorems presented below into axioms. Let us move the time!

B. Death penalty – Punishment or crime?

II. No one deserves to be executed. Main reason for this is the cruelty of execution itself. Death penalty “measures” an evidently immeasurable factor – significance of Life. The string on the neck of delinquent has nothing common with justice. Chaotic understanding of humanity, according to which a person cannot be exposed to torture or mutilation, but can be executed, is a paradigm of cynicism, which equally concerns the ever lasting process of “humanization” of execution methods, from guillotine to injection. At the same time, if death penalty were a reaction concept of any exclusive effectiveness, we could easily prevent each crime. Only that reality teaches something else and in front of committed crime preventive aspect can legitimately never increase, but just limit the punishment. More than that, even as a purely preventive measure, the execution could not be a rightful choice considering the very fact that the threat can be removed otherwise. In other words, death penalty turns out to be a sheer evil.

III. It is an open secret: capital punishment includes killing of innocents, with regard to the error of justice. Even those who in case of the gravest delinquency obstinately remain execution-fans must therefore admit that there is no room for a bullet within the system of punishments. Postulations, as if abolition of death penalty would be at variance with the view of majority, are baseless. If anyone in this world earnestly supposes to be an advocate of misanthropic conception of death penalty, he must take into account the following: he himself can at any time turn into the next absolutely innocent victim of judicial murder. Already as a guiltless convict in death cell any such “apologist” would surely realize that the entire mankind, inclusive himself, is opposed to death penalty. The only explanation of the fact that it still exists is that it embodies a rudiment, – rudiment of darkness. Never stone Life!

IV. In modern society killing cannot be a profession. – Age of executioner’s axe is over. Death penalty with all its rituals of slaying constitutes in criminal law the most unethical reaction ever. No wonder that it includes moral killing of executioner. The state might consolingly refer to the circumstance that being executioner is no duty, but as we all know it is a lame excuse. Acuteness of the problem is vividly illustrated by three buttons concealing from the executioners which one of them pushes actually the death button. More than nothing? Unfortunately: three moral killings instead of one. Any ambition concerning the moral survival of executioners is in the vicious circle of death penalty anything but realistic. Briefly, when the state in the name of justice shoots in the heart of prisoner, it shoots in the soul of executioner as well. But executioners, abolition of death penalty lies not at last in your own hands: don’t kill!

V. Since ‘90s terrorism has become a global danger. Today we see no appreciable progress in fight against it, but a panic fear at our airports, stadiums and even on the

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streets often manifesting itself in insulting security measures (although they could be constructed otherwise). The weakest point of terrorism lies in its immorality. We have seen full school buses and school exploded by terrorists – boundless immorality. As long as death penalty exists terrorists are in their element. Abolition of capital punishment does not neutralize terrorism as a global danger at once, but it is an essential move. In order to fight successfully against terrorism we have to fight the death, not the Life, inviolability of which points out that death penalty means the same immorality as terrorism. If some of us are sceptical in this respect and like their scepticism, they should visit each day the severed head at the Vienna Criminal History Museum, trying to explain what else it could be. Human being, you are guest on this earth, your home is either paradise or hell. Yes, Life is eternal.

VI. We Live in the era of human rights, these are inalienable rights. No one can be deprived of right to Life and executed. Any action taking the Life of any individual is directed against his right to Life. Under certain conditions modern legal system does not prosecute killing, whereby it demands a justification, namely, for violation of the right to Life. In case of self-defence such justification is given, in case of death penalty – no. Guilt, as opposed to specific threat, is no justification for killing. If a survived victim of mass murder kills the murderer post factum he shall be convicted of murder. Death penalty as *contradictio in adjecto* reveals that delinquents proposed by legislator to be liquidated are victims of illegality. Hence, it is no kind of legitimate punishment, if this Temida's sword can be legitimate at all, but that of crime. Whether the executed was fully innocent or fully guilty, the true face of death penalty is in both cases the same: it is a murder.

C. Life imprisonment – Psychotronic guillotine

VII. The modern abolition of death penalty remains far from brilliancy of its eradication by Queen Tamar as nowadays it has been replaced by Life imprisonment. An alternative name for imprisonment is in criminal law Living death, which the Life imprisonment completely meets. Nonetheless there is no impressive sign regarding its abolition. According to the central argument for maintaining this reaction within the humanistic framework, indeterminate Life sentence foresees directly a possibility of release on parole and even the determinate Life sentence does not exclude releases. Such statements cannot be convincing. Instead of watching with guarded optimism an individual isolated for decades in four tiny walls, the state should bear itself the burden of preventing imprisonment for Life by making it superfluous. Besides the fact that naked prevention and punishment are two different concepts, no criminal can be dangerous Life long: evil is curable. Since it is an acquired disease alien to the nature of man. Whether we talk about death penalty or Life imprisonment, the conclusion is for both crimes the same: hands off Life!