

How the Descendants of Chinggis-Khan abolished the death Penalty: An observantion on the Legal Sociology and the History of Mongolia

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Abstract

A relatively unfamiliar country to Taiwan, Mongolia, with its expansive territory and sparse population, is not only economically underdeveloped compared to Japan, Korea and Taiwan, but also politically untransformed until the early 1990s, when it finally began to undergo democratic transition from a one-party state. Be that as it may, Mongolia was the first East Asian country to abolish the death penalty. This paper aims to inquire into why and how Mongolia abolished the death penalty. In terms of why the death penalty was abolished, this paper argues from the perspectives of both the Mongolian legal sociology and history and the East Asian geopolitical history that Mongolia made the decision more out of its own practical and strategic concerns for transitional justice and national self-salvation than a pure respect for the international human right standards as well as the two major human right Covenants. In terms of how, the paper analyzed the process through which the Mongolian elite adroitly utilized legal interpretations to achieve the end at the lowest political cost by combining international, constitutional and criminal laws into one coherent argument. Last but not least, the paper discusses what lessons Taiwan might learn from Mongolia's grand strategy of including

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human rights as an inseparable part of its national values.

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