

A Study on the Factors Limiting the Death Penalty for Intentional Homicide

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Abstract: This paper looks at the intentional homicide case of Li Chun. The court gave him a death sentence with a two-year reprieve, often called a suspended death penalty. The judges mentioned several reasons for this decision. They pointed to the defendant's voluntary surrender, some fault they saw on the part of the victim, and a pardon from the victim's family. This paper focuses on two contested issues: "victim fault" and "family pardon." It asks what counts as victim fault in criminal law and whether the court applied that idea correctly in this case. It also compares different views on whether a pardon from the victim's family should matter in intentional homicide cases. After looking at the facts and the law, this paper argues that both mitigating factors were used too loosely. Such easy leniency, the paper concludes, may weaken the death penalty's power to stop violence, especially in cases involving domestic abuse.

Keywords: Intentional Homicide; Victim Fault; Criminal Reconciliation; Death Penalty Mitigation; Domestic Violence

1. Factual Background

Li Chun and his wife Wu Lili ran a small noodle restaurant together in Baishui County, Shaanxi Province. On the outside, they looked like an ordinary couple running a family business. But friends and neighbors later told reporters that the two argued often. People who knew them said Li had a quick temper, especially when he had been drinking.

In the early morning of September 4, 2024, Li came home very drunk. What happened next was not just a fight. It was a savage attack. An argument with his wife quickly turned from shouting to hitting. Li first struck Wu with a steel ruler. When she tried to run away, he choked her with a belt and threatened her with a kitchen knife. Then came the worst part. He forced noodle soup that was nearly 70 degrees

Celsius into her mouth and nose. He dragged her toward a large pot filled with hot soup and badly scalded her back and legs. The medical examiner later ruled that Wu died from "mechanical asphyxia caused by inhaling noodle soup into her airways." Her body also showed widespread scalding and injuries from blunt force. In simple terms, she was effectively boiled and choked to death.

After the killing, the police took Li into custody. He was arrested according to normal legal procedures. Throughout the investigation and before the trial, Li showed no real regret or honest confession. Reports say he tried to make his actions seem less serious or to blame the victim.

Then something unexpected happened. On December 8, 2025, Li's mother brought Li's young child—the son of Li and the dead woman—to kneel in public in front of Wu's mother. The scene was full of emotion. An older woman who had just lost her daughter was faced with her crying grandson and a kneeling mother-in-law. Overcome with grief and pressure, Wu's mother signed a formal pardon. Reports suggest she was in a state of emotional breakdown at that moment.

Four days later, on December 12, 2025, the trial ended at the first level. The Intermediate People's Court of Weinan City, Shaanxi Province, issued its decision. The court found Li Chun guilty of intentional homicide and sentenced him to death with a two-year reprieve, plus the loss of political rights for life. This verdict did not stay inside the courtroom. It quickly sparked heated public debate. Many people asked: how could such cruelty lead to anything less than immediate execution?

2. Trial Outcome and Legal Grounds

The written judgment from the Weinan court says that Li Chun intentionally took another person's life. The court found that his actions met all the legal requirements for intentional homicide. Given what he did and the harm he

caused, the crime was very serious. Normally, such a crime would call for the harshest punishment under Chinese law.

But the court did not stop there. After looking at all the facts of the case, the judges pointed to three things. First, the defendant gave himself up after the crime. Second, the victim had some fault of her own. Third, the victim's family signed a pardon. Based on these three factors, the court decided to give a lighter sentence within the law. It imposed death with a two-year reprieve and loss of political rights for life. In practice, this means that unless Li commits another serious crime during the two years, his sentence will likely be reduced to life in prison.

The judgment explains at some length why the court did not order immediate execution. The main reasons are three.

First, the defendant surrendered after the crime. He went to the police station on his own and told them honestly what he had done. Under Chinese criminal law, voluntary surrender is a legal reason to reduce a sentence. The court gave this factor a lot of weight.

Second, the victim's "improper online social activities" played some role in making the family conflict worse and in bringing about the crime. The judgment does not say exactly what these activities were. But the suggestion is that Wu had done something like emotional cheating, or at least something her husband found upsetting.

Third, the pardon from the victim's relatives gave the court room to be lenient. The court noted that because Wu's mother had signed a pardon, complete reconciliation had been achieved. Therefore, the court said, a strictly punitive sentence was no longer needed.

Each of these three reasons makes some sense in the abstract. But as this paper will show, the way they were applied in this specific case raises serious questions.

3. Points of Contention

3.1 Victim Fault

3.1.1 Legal Framework for Victim Fault

The Supreme People's Court has issued guidelines on this issue. One document, called the Summary of the Symposium on Maintaining Stability in Rural Areas Through Criminal Adjudication, says the following. For intentional killings that arise from marital, family, or neighborhood disputes, courts must be very

careful about using the death penalty. Such cases should be treated differently from other murders that seriously threaten public order. If the victim bears clear fault or is directly responsible for making the conflict worse, or if the defendant has legal reasons for a lighter sentence, then the court generally should not impose immediate execution.

This guideline reflects a cautious approach to capital punishment in cases that grow out of personal or family tensions, as opposed to cases that threaten the broader society. The thinking behind it is that killings that happen in the heat of an argument or strong emotion are less blameworthy than planned murders carried out by cold-blooded criminals.

Another document, the Supreme People's Court's Opinions on Providing Judicial Guarantees for Building a Harmonious Socialist Society, adds more. It says that for cases arising from marital, family, or neighborhood disputes, or from wrongful acts of the victim, or where the defendant truly regrets the crime and pays compensation to the victim, courts should be cautious about imposing immediate execution.

Together, these guidelines create a legal basis for treating victim fault as something that can reduce a sentence, even in murder cases. But this is only true under clearly defined conditions. The key question is: what exactly counts as "victim fault" that is strong enough to turn a death sentence into a reprieve?

3.1.2 Clarifying the Concept of Victim Fault

Under criminal law, victim fault means wrongful behavior by the victim that clearly breaks legal rules or widely accepted moral standards. Chinese law calls these standards "public order and good customs." That behavior must bear direct responsibility for making the conflict worse. And it must help to bring about the crime. This definition is not just an academic exercise. It has real legal consequences, especially when a judge is deciding on a sentence.

The phrase "direct responsibility" is very important. It points to a cause-and-effect relationship between the victim's fault and the criminal act. That relationship must be direct, immediate, and not broken by anything that happened in between or by any other person's actions. In other words, without the victim's behavior, the crime would not have happened, or at least it would not have been as bad.

To decide whether a particular wrongful act meets this standard, courts sometimes look to the

"provocation principle" found in common law systems. Under that principle, a victim's provocative act can reduce a murder charge to manslaughter if it would cause a reasonable person to lose self-control. More specifically, bearing direct responsibility for making a conflict worse means this: the victim's wrongful behavior reaches a level where it would be unreasonable to expect the defendant to act lawfully or rationally.

But there is an objective test here. In deciding whether the victim bears such direct responsibility, the standard should be that of an ordinary member of the public. It should not be the standard of someone who is especially hot-tempered or unusually sensitive. The court must look at the specific circumstances around the incident. This includes the immediate situation, the emotions at play, and whether the victim's behavior was enough to make a reasonable person in those conditions lose emotional control and then commit the crime.

Also, because victim fault must bear "direct responsibility" for bringing about the crime, there must be a close connection in time between the fault and the crime. If the alleged wrongful behavior happened a long time before the crime—say, weeks or months earlier—and the defendant had enough time to cool down, think, and control himself, then that earlier behavior should no longer be seen as directly responsible for making the conflict worse. In that situation, the chain of cause and effect is broken. The mitigating effect of victim fault should not apply.

3.1.3 Analysis of Victim Fault in This Case

This paper argues that calling the victim's "inappropriate online social activities" a victim fault, and using that to reduce the defendant's sentence, is not right under the law or the facts. Three reasons support this conclusion.

First, the judgment's description of the victim's fault is much too vague. The court talks about "inappropriate online social activities" but does not say what those activities actually were. Did they involve flirting messages? A secret romantic relationship? Or just talking with male friends? How should we understand the word "inappropriate"? What evidence supports this finding? The judgment gives no answers. In a criminal case, especially one where the death penalty is possible, unclear facts are not allowed. A defendant's life may be at stake. The court owes the public a clear explanation of why the

victim's behavior was so blameworthy that it should reduce the defendant's moral responsibility. Vague language hurts both the credibility of the judgment and the openness of the court's reasoning. Without clear facts, a finding of victim fault risks becoming a convenient but unproven label. It becomes a way for the court to justify leniency without doing the hard work of proving its case.

Second, even if we accept the facts as given, the victim's behavior fell far short of what would be needed to make the defendant lose control and commit murder. To put this in perspective, let us assume for the sake of argument that the "inappropriate online social activities" amounted to an emotional affair. Even that assumption lacks evidence. But even if it were true, such behavior would not even be enough to get a no-fault divorce or affect how property is divided in a marriage case under current Chinese family law. Under the Marriage Code, only a serious affair that involves living together or bigamy can be grounds for divorce and compensation. Emotional cheating by itself has no legal consequences in civil law. If the legal system does not treat such behavior as important in civil disputes, it is hard to see why it should reduce a sentence in a case as serious as intentional murder. The standard for victim fault in death penalty cases should be higher than in civil cases, not lower. Otherwise, we create a bad incentive. The smaller the provocation, the easier it is for a violent defendant to claim he deserves a lighter sentence.

Third, the defendant's domestic violence started before any of the alleged "inappropriate online social activities." Several witnesses told the media that Li Chun had a long history of violent behavior toward his wife. Neighbors and former employees of the noodle restaurant said they had seen bruises on Wu's arms and face many times. This pattern of abuse existed on its own and before whatever the victim did online. This evidence strongly suggests that the defendant's own violent tendencies, not the victim's behavior, were the main cause of the deadly fight. Also, the defendant was drunk on the night of the killing. Being drunk does not excuse violence. It often just makes existing hostility worse. The conflict came directly from the defendant's own long-standing pattern of abusive behavior, made worse by alcohol. In these circumstances, the victim should not be blamed. And the court should not hide the truth by using the misleading

label of "family dispute." To do so would turn the proper allocation of legal responsibility upside down. It would send a dangerous message that domestic violence may be excused by vague references to the victim's behavior—even behavior that happened after the violence had already started.

3.2 Pardon by the Victim's Family

The criminal reconciliation system replaces "retributive justice" with "restorative justice" as its basic philosophy. It aims to reduce the emotional anger between the offender and the victim or the victim's family in criminal cases. This represents a newer model of judicial practice that has grown in China over the past twenty years.

3.2.1 Concept of Pardon by the Victim's Family

In everyday language, "pardon" generally means an attitude of acceptance or reconciliation that a party adopts after learning all the facts. When moved into the legal field, the concept gets a stricter and richer meaning. It reflects not only the victim's family's understanding of and emotional response to the crime, but also their willingness to accept an apology and choose not to seek the harshest punishment.

3.2.2 Arguments Supporting the Application of Pardon in Death Penalty Cases

Scholars who support using criminal reconciliation in death penalty cases say that doing so offers two main benefits. First, it gives the defendant a chance to keep his life. In a country that still has the death penalty but is slowly using it less often, this is seen as a step forward for human rights. Second, it gives the victim's family meaningful financial compensation. In many murder cases, especially those involving poor defendants, the victim's family gets nothing. Criminal reconciliation can change that by making compensation a condition for leniency. In practice, the Supreme People's Court has encouraged this approach through various judicial interpretations. It urges defendants to actively pay compensation and try to get the victim's family's pardon.

Under the criminal reconciliation process, the offender and the victim can reach a compensation agreement through negotiation. On that basis, the offender may get a lighter or reduced sentence. Solving disputes through relatively gentle means and limiting the use of punishment is consistent with the principle of modesty in criminal law. The criminal

reconciliation system does not focus only on punishment. It also focuses on repairing the harm suffered by the victim and restoring damaged social relationships. This goal of restorative justice is one of the things the principle of modesty tries to achieve.

3.2.3 Arguments against Applying Pardon in Death Penalty Cases

But there is a strong opposing view. Critics argue that using criminal reconciliation for serious crimes goes against the principle of legality. Some scholars state clearly that criminal reconciliation in serious cases does not truly meet the basic requirements of the law. Although such cases formally look like reconciliation between the parties, in substance the state is shifting its own duty to provide help and support to victims onto the criminal defendant.

This breaks the principle of legality. Under that principle, the use of punishment must be fair, proportionate, and consistent across similar cases. It should not vary based on personal circumstances such as whether the defendant has rich relatives who can pay compensation, or whether the victim's family is emotionally weak and easily pressured. Criminal reconciliation may lead to very different outcomes in similar cases because of things like the parties' financial resources, bargaining power, or emotional situations. Two people who commit identical murders could get wildly different sentences—one executed, one given a reprieve—simply because one had a family that could pay and the other did not. Such differences raise reasonable doubts about judicial fairness. While reducing the use of the death penalty is generally a good thing as a policy matter, it should not be achieved through criminal reconciliation, which can produce arbitrary results.

3.2.4 Analysis of Pardon by the Victim's Family in This Case

This paper argues that relying on the victim's family's pardon as a reason to reduce the sentence in this case is not right under the law or the facts. The objection has two levels.

First, as a matter of principle, this paper opposes using family pardon in death penalty cases, or at least in the most brutal murders. The victim's family's attitude cannot stand in for the dead victim's own view. Wu Lili is dead. She cannot speak. She cannot forgive. No matter how the defendant gets the family's pardon, this cannot change the fact that the victim has lost her life.

In murder cases, the main harm is not to the family's feelings but to the victim's life itself. Life is an irreplaceable interest that the state has a duty to protect. Allowing a family pardon to reduce the harshest punishment risks turning justice into a commodity and devaluing human life. It suggests that a human life has a price, and if the family is willing to accept that price, the state does not need to impose the maximum sentence.

Second, even if we assume that family pardon could properly be used in death penalty cases as an exception, how the court handled this case is still deeply troubling. As is publicly known, the victim's family had previously strongly opposed reconciliation. Wu's mother had said many times that she wanted Li to face the full force of the law. Then, within just a few days, her position changed completely. Where did the "pardon" mentioned in the judgment come from? Why did the family's attitude change so dramatically in such a short time? Did the family sign the pardon freely, or was it forced by the emotional scene of a kneeling grandmother and a crying child? Were there other factors involved, such as trickery, pressure, or unfair influence? The judge appears not to have looked closely at these questions. The judgment does not describe any hearing or inquiry into whether the family's pardon was voluntary. Simply accepting a piece of paper labeled as a pardon, without checking whether the family's statement was genuine and voluntary, is careless and lacks proper procedure. In these circumstances, the evidence value of the pardon is highly doubtful. It should not have been used as a reason to reduce the sentence.

4. Implications and Significance of the Case

This case is not just about one man's sentence. It carries broader lessons for criminal justice, domestic violence policy, and the proper limits of judicial leniency.

Domestic violence often starts with "small things" and slowly gets worse inside the home, largely hidden from outsiders. A raised voice becomes a push. A push becomes a slap. A slap becomes a beating. And a beating can become murder. Victims of domestic violence are often trapped by traditional ideas about "not airing family shame in public." Unwilling to seek outside help, they miss chances for early intervention. By the time the violence reaches a deadly level, it is often too late to save them.

This means the state needs to create better and

faster ways to respond to domestic violence and protect victims. What might that look like? Easy-to-use reporting channels, such as phone hotlines and online platforms, where victims can seek help without fear of revenge. Quick protection orders that can be obtained in hours, not weeks. Required training for police officers to learn how to spot the signs of long-term domestic violence, even when the victim does not clearly complain. And perhaps most important, a change in culture away from treating domestic violence as a "family matter" best solved in private, and toward treating it as a public crime that the state has a duty to investigate and punish.

At the same time, the idea of "answering fault with violence" must be completely rejected. No matter what fault a spouse may have—whether real or claimed—using extreme violence is against the law. The law must not send the wrong signal that "fault can partly excuse violent behavior." To do so would not only weaken the power of criminal law to stop crime but also reinforce dangerous patterns inside families. Abusers might come to believe that as long as they can point to some failing on the victim's part—no matter how small—they can expect a lighter sentence.

The achievement of justice is not always as satisfying as quick punishment. Often, it lies in following every legal procedure and carefully weighing every factor that affects sentencing. For Wu Lili's family, justice may feel delayed and imperfect. They may feel that the system failed them. Yet for society as a whole, this case serves as a deep lesson. It allows us to see more clearly the deep problems within family relationships and the complex paths that the law must follow when dealing with such problems. The case reminds us that judicial restraint, when not properly limited, can become judicial abdication. Shortcuts in procedure, no matter how well-intentioned, may ultimately hurt the very legitimacy they try to protect. In the end, a criminal justice system that is too quick to forgive may lose its power to deter crime. And when it comes to domestic violence, the cost of that failure is measured in human lives.

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