

# *Excavation and Interpretation: A Brief Review of the Principle of Prohibition of Double Jeopardy in the Film “Double Conspiracy”*

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**Abstract:** The paper is based on the story background of the movie "Double Jeopardy" and digs into the principle of prohibiting double jeopardy during the implication. In the film, Margaret, who is Libby's cellmate after her imprisonment and also a good lawyer, has reminded Libby that if Nick is still alive, she can return the favor to Nick unhindered, because a person cannot be prosecuted twice for the same crime. This prompted the article to ponder the doctrine of double jeopardy from three perspectives: film, jurisprudence, and reason. The article argues that the principle of prohibition of double jeopardy has its research value and application significance both at the theoretical level and at the practical level.

## 1. Introduction

The Double Conspiracy opens with the harmonious, happy family life of Libby, a young mother living in Seattle, but is immediately shattered by a sudden accident. On a romantic weekend, Libby and her husband Nick are spending the night together on a yacht. In the middle of the night, a sleepy Libby is surprised to find herself covered in blood, her husband Nick is nowhere to be found, and she is accused of her husband's murder and sent to jail. With the help of her cellmates Margaret and Evelyn, and police officer Tavis, who is Libby's guardian while on parole, Libby gradually finds herself in the middle of her husband's conspiracy, experiencing the double betrayal of her best friend Angie and her husband Nick. In the midst of this perilous, intriguing and dangerous battle, Libby finally discovers Nick's trickery and completes her revenge, her innocence and reputation are restored, and the long journey of Officer Tavis to find Libby ends. Finally, the film ends with the successful reunion of Libby and her son Maddie.<sup>[1]</sup>

## 2. A triple perspective on the legal principles involved in the film

### 2.1. Film Perspective

The English title of the film is "Double Jeopardy", which means the prohibition of double

jeopardy. Around this principle, the film cleverly laid out a number of plot, in the plot to move forward at the same time, but also to show the unique legal appeal of the principle. For example, the film Libby for the so-called "killing" of Nick and sentenced to imprisonment, although it is wrong but valid. Of course, this is from the viewer's point of view, can not help but make the viewer's eyebrows tighten, for Libby and torn and sorry. After Libby's release from prison, even if she had actually killed Nick, she would not be allowed to stand trial again. Because the U.S. "Federal Constitution," Article 5 of the addendum to this provision is clear. Since this is the case, after the release of Libby can be bold revenge, because at this moment she has stood in the space of the law can not be punished. In the subsequent episodes, following the special legal guidance of Libby's cellmate, Margaret, the lawyer, Nick did die, but it was "self-inflicted" rather than Libby's own death. <sup>[2]</sup>This makes the audience happy, but also cannot help but leave some doubts: Margaret's special legal advice is really valid? Libby really enjoy the "privilege" to kill Nick? For the answers to these questions, we have to go back to the legal application of the principle of double jeopardy, as already mentioned.

## 2.2. Jurisprudential Perspective

The film takes place in the United States, one of the representative countries of the common law system. The pursuit of the value of human rights and freedom has fostered a unique social background and cultural environment in the United States, which has led to the rapid development of the principle of double jeopardy in the United States compared to other common law countries. The Fifth Amendment to the U.S. Bill of Rights provides that "no person shall be subjected to danger to life or limb twice for the same offense," making it a constitutional principle, and in 1969, along with Justice Warren's promotion of judicial reform in the United States, the doctrine of double jeopardy was confirmed by the U.S. Supreme Court and gradually applied to all states. Compared with the United States, the principle of double jeopardy has been relatively slow to develop in the United Kingdom. However, it is worth mentioning that after a long, profound and extensive exploration of the British criminal justice, the British legislator has worked out an exception to the principle of double jeopardy, that is, when the prosecution finds new evidence sufficient to prove that the defendant committed illegal criminal activities, it has the right to prosecute the superior court of the court that issued the acquittal. This is not only conducive to combating criminal activities and restraining criminals from evading legal sanctions, but also to the positive maintenance of the value of judicial fairness and justice.

## 2.3. Affective perspective

In the film, Libby at first is an elegant and simple housewife image shown on the screen, living a full and beautiful happy life, which is its "soft" side. But then Libby found herself cheated and framed by her lover and her best friend, so she fought back and was determined to get justice and innocence for herself, which is her "strong" side. From the artistic and emotional point of view of the movie, this kind of growth and transformation process, which is full of the inner and outer burst of awareness and righteous efforts to change from soft to strong, can make the audience feel empathy, admiration and identification with Libby, inspiring the audience's emotional resonance and resonating with the social common sense and human morality. From the point of view of the film's presentation, the film deliberately uses detailed footage to illustrate the first murder conviction, thus Nick through the court's verdict in the legal wrongly identified as the state of death, and the murder of the same person twice, still belongs to the same crime. Whether the murdered person, such as the film's Nick generally changed his name, or plastic surgery to change sex, as long as the DNA perspective from the biological judgment of the same person, it will not be beyond the

scope of the same crime, thus providing the basis for the principle of double jeopardy. At the same time, the end of the film also has a sense of self-defense, which may give people a sense of rubbish, but this does not affect the cleverness of the film's approach. Therefore, I think, in addition to Libby's own courage and perseverance, the principle of double jeopardy in American law is also the main source of its strength. It is worth noting that Libby's revenge is an act of buying first and then killing. It is based on the existence of the principle of prohibition of double jeopardy, which legally gives Libby to find the truth, complete revenge, and clear the charge to provide a solid base and protection.

### **3. The extension of the prohibition of double jeopardy principle to explore**

#### **3.1. Theoretical level: the difference between the relevant principles of the two legal systems**

In the civil law context, the principle of non bis in idem is similar to the principle of prohibition of double jeopardy. Although they are located in different legal systems, they have something in common with their common origin in Roman law: for example, they both manifest the high value of human rights and the guarantee of judicial procedural justice in the countries of the relevant legal systems. In terms of differences, there are three main aspects: first, the understanding of the object object. For the principle of prohibition of double jeopardy, the object object refers to the cause of action of the case. The common law procedure is a case of the same, that is, the cause of action of the former and the latter is the same, the same crime; and for the principle of non bis in idem, it is an act covered in the same fact. <sup>[3]</sup>In the object object, the former for the case cause of action, the latter for the factual behavior, the two have obvious differences. Second, the focus on the value of protection. In common law countries, the prohibition of double jeopardy principle focuses on the protection of the pursued person from the judicial organs of multiple prosecutions brought about by life, property and other aspects of the danger, in order to ensure a fair and orderly is the criminal litigation environment. Behind this is a clear ideological concept of human rights protection; while for civil law countries, the principle of non bis in idem focuses on maintaining the res judicata of the judgment, which is specifically expressed in the effective judgment shall not be another litigation activities. This is not only for the consideration of reducing the waste of judicial resources, but also to meet the authority and stability of the effective judgment, the need to maintain the effective value of criminal proceedings. From this point of view, the two values of protection content cross each other, but the focus is obviously different. Third, for the effective time of the calculation. For the principle of prohibition of double jeopardy, the prerequisite for its realization is that the defendant has experienced a litigation risk, including the reality and future legal sanctions, and to protect him from the risk of subsequent litigation has become the main task of the principle. Therefore, this principle should be throughout the criminal proceedings; and as mentioned above, the principle of non bis in idem focuses on maintaining the res judicata of the judgment, so the principle mainly takes effect after the decision takes effect. In terms of the scope of entry into force, the former is wider than the latter.

In this film, Libby's two "killings" of her husband are the same cause of action - murder - which prepares the ground for the application of the double jeopardy doctrine. At the same time, the application of this principle also makes Libby from the risk of subsequent litigation. Although the proof of innocence came late, which is a kind of "late justice", but from the result, her human rights were guaranteed and justice was done.

#### **3.2. Practical level: our proposal to establish the relevant principles**

Considering that China is a civil law country, the current Chinese criminal procedure law does

not provide for the principle of non bis in idem, but only cursorily in the judicial interpretation issued by the Supreme People's Court. It is important to note that the principle of no further reasoning is conducive to promoting the constitutional principle of respecting and safeguarding human rights, balancing judicial justice and judicial efficiency, and even solving the problem of repeated trials and prosecutions in criminal proceedings, which should be confirmed in the legislation.

In this regard, we can start from two aspects: on the one hand, in the concept of construction. The concept of criminal justice should be the compass for establishing the relevant principles. Transformation of the concept of criminal justice, requiring it to balance the fight against crime and the effective protection of human rights, balance between substantive and procedural justice, to ensure the limited, legitimate, independent and reasonable exercise of judicial power, to prevent the abuse of judicial power on the principle of no longer justified; on the other hand, in the implementation of the concept. The implementation of the concept of criminal justice should be implemented to the investigation, prosecution and trial organs. First, the decision of the procuratorate not to prosecute should be respected, as well as the court's decision, on the basis of which the right of the public security organs to prosecute again needs to be restricted. Second, the strict liability of the procuratorate to appeal or resist prosecution should be clarified, and the court should review and decide whether the procuratorate needs to withdraw prosecution; and the issue of re-charge due to new evidence should be clearly stipulated by legislation, thus regulating the activities of the procuratorate to re-charge and repeat prosecution according to law. Finally, the trial supervision procedures conducted by the courts should be restricted in terms of the subject of initiation, reasons for initiation, the number of times, and the application of penalties to effectively protect the legitimate rights and interests of the defendant and the person being prosecuted, so that they can attain fairness and justice in judicial activities.<sup>[4]</sup>

#### 4. Conclusions

There are three aspects of its issues. First of all, in the plot design, the overall plot of the film is slightly cheesy and bland, the beginning of the ship's blood events make the audience doubtful, but the rapid arrival of two reversals in quick succession is easy for the audience to guess the ending. Although in the reasonable, less unexpected sense of surprise. Secondly, in the arrangement of the content, the film is tightly paced, so in some details on the explanation is unclear, and even the existence of a logical break in the plot, specifically focused on Libby's prison life fragments.<sup>[5]</sup> Finally, in the characterization, the film successfully shaped Libby strong and brave image at the same time, such as Nick, Angie and other villains in the construction of the image is not enough. The lack of descriptions of the characters' psychological activities may be due to the desire to make the audience interpret the film from a more objective God's perspective.

Despite these problems, the film's positive feedback on the theme of love and law does not detract from its legal thinking about the principle of double jeopardy, and it is a good film with a legal mindset. We follow Libby's footsteps to find out the truth and confront the conspiracy together with Libby, which does not mean that we advocate the value of murder and revenge, but to arouse people's reverence and respect for the value of equality and justice embedded in law and justice. In fact, Libby does not always have the idea of murder and revenge, but Nick repeatedly crosses the line to force his self-defense. In this process, Libby's resilience and grace, goodness and evil are shown to the fullest, in the affection and love, feelings and the law calmly made a choice. The judicial application of the principle of double jeopardy under the common law system is also vividly portrayed on the screen through this film.

The moonlight, I look forward to hold a wistful of the most clear; burning afterglow, I long to

embrace a wisp of the warmest; and a long sea, I want to interpret a most can tug my heartstrings. Review of the film, compact and orderly storyline and emotionally charged characters still tug at the heartstrings of the author, which guided the author in the viewing of perception, in the analysis of thinking, and constantly smooth the channel of thought. The film shows the heroine's graceful introspection, quiet and cool, with an inner explosive beauty, reciting a stirring hymn about courage and strength, love and justice, resilience and tenacity, which is still unfulfilled today. Through the rational investigation of the principle of the prohibition of double jeopardy explained in the film, the objective theory is transformed into vivid practice, so as to find useful inspiration for the development of the rule of law in China, and to promote the construction of a socialist rule of law state and unremitting struggle, which is the attitude we should take after watching legal films.

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