

THE PROBLEM OF PUBLIC OPINION ON CAPITAL PUNISHMENT

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В статье «Проблемы общественного мнения по вопросам смертной казни» указывается на поддержку обществом многих стран строгих мер наказания, в том числе, смертной казни. Автор называет причины такого общественного мнения, среди которых выделяется стремление индивидуума к безопасности. В статье предлагаются пути решения данной проблемы. В частности автор предлагает предъявить обществу как психологическую альтернативу смертной казни пожизненное лишение свободы.

Introduction

A just and harmonious society and legal state, among other factors, is based on the security of each individual and the society in general against criminal attempts. The assurance of such security is one of the tasks that our state gives a priority. Its implementation requires the development of control system for criminality as a social phenomenon. [1] This was highly influenced by a purposeful legal system reform that was started in 1993 and that today has made a significant progress. Its guidelines were revised under the Resolution No. VIII-810 'On the Framework of Legal System Reform (Last Revision) and its Implementation' made by the Seimas of the Republic of Lithuania on June 25, 1998. [2] This reform is also closely linked with the improvement of criminality control, reform of its system carried out due to economic, social and political changes, with due reference to the requirements and recommendations of United Nations, European Union and European Council.

1. The study of punishment system, sanctions, and punishment infliction practice enables to affirm that Lithuanian criminal policy was actually focused on the theories of intimidation and prevention of crime commitment as already

mentioned-above. However, the attempts to provide the feeling of security to each individual of our society failed. The criminal situation in Lithuania might be not the only factor that is important here. The theory of psychoanalysis with its initiator S. Freud states that the course of mental processes is automatically regulated by the principle of satisfaction, i.e. it is believed that it is always caused by some unpleasant stress and that it turns towards the direction where its final outcome coincides with the reduction of this stress, in other words, with the avoidance of trouble and achievement of satisfaction. [3 p. 38] This means that each person naturally seeks to avoid potential troubles. This aspiration determines the efforts of creating a stable and secure living environment. S. Freud came to a conclusion that the principle of satisfaction is derived from the principle of stability. Thus each person seeks for the stability of the environment created by him/her, which satisfies him/her.

G. W. Allport presents the ideas of S. Freud in a more modern way. According to him, in any behaviour there is a tendency to get rid of the existing state in order to achieve balance or reduction of inclinations, as the psychologists say. [4 p. 79] He affirms that any kind of excitability, commitment and tension is caused by the violation of the state of balance. The bigger the violation is the bigger need is to reduce that tension. We learn the ways of reducing the tension with the lowest energy costs. The above mentioned author emphasises a negative affect pole – avoidance of pain and discomfort, as well as a positive one – seeking for pleasant consequences. As a result it can be stated that the purpose of any activity is to achieve peaceful, secure, satisfactory and pleasant environment.

The efforts of people to have secure life are explained by a Russian psychologist A. G. Asmolov in a different way. He affirms that the needs and individual beliefs of people account for those factors that predetermine the understanding of the surrounding world. He also proves the relation between the implementation of needs and understanding of the surrounding environment. A. G. Asmolov distinguishes the need for security among the fundamental needs of people. [5 p. 15] This need is also motivated by L. Ron Hubbard. According to him, the basic instinct of a human being is to survive. A man is a form of living that first of all obeys the order to survive in any of his actions. [6 p. 18] That is why the need of security is very important in psychological terms.

The science of psychology enables to draw a conclusion that it is the desire to achieve as secure life as possible that predetermines the attitude of people towards the surrounding environment. This is often used for the assessment of performance of law enforcement institutions and of the punishments that are established under criminal laws.

Thus it can be summarised that the less a person feels secure and therefore attempts to create an illusion of security, the more severe punishments he or she demands to be imposed. This statement can also be proved by social studies. For example, the survey carried out by VILMORUS in 1997 demonstrated that 62.7% of respondents believe that more severe punishments will reduce the level of criminality. Analogous results were obtained by Vilnius University Social Study Centre in 1998. 62.3% of all the respondents involved in national survey stated that more severe punishments are the best measures to reduce the rate of criminality. [7 p. 77]

2. One of the most severe punishments that currently exists in the world is the capital punishment. Lithuanian society like many other countries has got a dominating opinion that the capital punishment helps to suppress criminals and makes the society more secure. Different surveys conducted within the period from 1990 to 1999 revealed that the existence of capital punishment in Lithuania is supported by 60-70% of the respondents. It is worth to note that this percentage remains almost unchanged with the years passing by. The opinion of elite of Lithuanian society can be distinguished here in that a little bit more than half of it supports the capital punishment. Some authors engaged in writing on this subject believe that this fact enables to draw a conclusion that a more intense education of society would significantly increase the number of abolitionists in Lithuania. There are also attempts to affirm that the public survey contains improper questions, which seem to be misleading to the respondents. May be these are just the efforts to simplify the existing problem.

Of course, there is another attitude that the results of public survey published in mass media should be considered carefully. In sociology there are quite many competent scientists who speak about an academic value of public surveys with criticism and who even tend to question the existence of public opinion. [8 p. 195-208] Their basic argument is the following: social awareness is a complex

phenomenon that depends on the place and social relations of an individual within the society and, therefore, it cannot be subject to mechanic calculation. Very often a respondent can have no opinion or can 'borrow' it from his/her friends, colleagues or media due to his/her social status. For instance, when people are simply asked to say if they are 'for' or 'against' the capital punishment, only few of them really understand the complete set of legal, moral, social and political problems related to this issue. Therefore, the surveys usually more reveal an emotional and stereotype reaction of people, but not a well-considered opinion. Such surveys often require a prompt response in stead of thorough consideration. A well-known analyst of the issue related to capital punishment R. Hood warns about an insufficient criticism in the attitude towards public opinion during the interpretation of capital punishment. According to him, many countries also distinguish public opinion as one of the most important reasons to keep the capital punishment, but some of the countries abolished it and continuously resisted the efforts to re-enforce it, irrespective of the public approval of the capital punishment. It is important to distinguish between a public approval and an opinion of well-informed persons. Public surveys can be misleading. [9 p. 150-158]

However, following the above logic we tend to form a group of people with their opinion important to us, whereas the opinion of others remains completely ignored. But this is in contravention of the principles of democracy. It must be noted that those whose opinion can be ignored, according to R. Hood, usually form the majority and they play the decisive role in the formation of state government during the elections. In such a case, following the arguments provided by the above-mentioned sociologists, the persons not belonging to elite must be deprived of their right to vote because they do not understand anything anyway. Such arguments cannot be completely approved. Although the arguments presented by the sociologists on the fact that public surveys do not always represent a well-considered opinion of society members are well-grounded, but they are insufficient to ignore the results of such surveys. These arguments could serve as a background for the improvement of public opinion research mechanism. Of course, it is also unfair to draw a conclusion that public opinion must play a decisive role in the solution of issue of capital punishment. In such a case, even with the recognition of general importance of public opinion, the decisions must

be made with reference to concrete arguments based on the country's current condition, but not to the emotions¹. The persons not belonging to the group of well-informed persons according to R. Hood, usually decide about the necessity of capital punishment with reference to their emotions and statements of capital punishment supporters that usually must be subject to criticism.

¹ These include significant arguments that are useful to the country and society in economic and political terms.

² Of course there is a two-way interaction in this case. The above-mentioned politicians and lawyers not only form public opinion, but are also influenced by it as members of the same society. A number of politicians and lawyers actively contributed to the formation of public opinion on capital punishment in Lithuania². It was emphasised not once that the issue of capital punishment abolishment could be solved neither by a Constitutional Court nor by the Seimas, as it is a prerogative of all the citizens. [10 p. 28] A discussion in the Seimas on the amendment of CC norms pursuant to the resolution of Constitutional Court demonstrated once again the differences in the opinions on the abolishment of capital punishment even among the persons who play a decisive role in changing Lithuanian internal and foreign policy. Some members of the Seimas (S. Buškevičius, R. Smetona) affirmed that the Constitutional Court had made a political, but not juridical decision, whereas some of them (A. V. Patackas, E. Zingeris) clearly approved the position of the Constitutional Court, and the others (R. J. Dagys) regretted that the capital punishment was abolished by the constitutional Court, but not the Seimas. [11]

In order to solve the above-mentioned problem it is necessary not only to find out the reasons that prevent the members of society from feeling secure, but also to solve the problem related to possible alternatives of capital punishment. **This means that it is necessary to determine which punishment could cause a similar illusion of security in the minds of people that is partially created by capital punishment.**

3. Several reasons that predetermine the sense of insecurity of people can be distinguished here, and they are as follows: a) statistic (official) and latent criminality; b) the impact of offences committed to the residents in streets on their psychological status; c) the lack of confidence by the residents in law enforcement authorities, first of all police and courts; d) the impact of mass media in

strengthening the sense of insecurity among the residents; e) unstable economic situation within the country.

- a) As it was already mentioned above the problem of criminality exists in many countries of the world. This problem is particularly urgent in the countries that are undergoing a period of changes and fundamental reforms. Statistic data and their criminological assessment show that during the recent years the criminality dynamics in Lithuania has become very similar to that in East and West European countries with no sudden fall or growth of criminality officially registered. However, the essential changes in criminality in Lithuania occurred in the end of the 20th century and especially after Lithuania re-established its self-dependence in 1990. Over the last decade there occurred unfavourable changes in quantitative indicators of criminality. The total number of registered offences increased by more than twice (37 056 since 1990), whereas the number of grave offences increased by more than five times (4028 since 1990). [12] General level of criminality (number of offences per 10 000 residents) increased by more than 350% over the last decade, according to the calculations of A. Dapšys. Although the growth rate of criminality subject to registration slowed down a little bit in 1993, the general level of criminality is still high.

The changes in criminality structure are not acceptable, too. There is a significant increase in not only the crimes against property that play a decisive role in general growth of criminality, but also in grave crimes of violence that are more often committed using a weapon or explosives. Such crimes as extortion of property, smuggling, illicit drug traffic increased and became more 'popular'. In addition, it is worth mentioning that geographic position of Lithuania and its continuous economic and cultural relations with Western countries partly explain the fact that the structure of criminality in Lithuania and other European countries gradually become alike. However, Lithuania and other Central and East European countries significantly differ in terms of criminality rate per 100 thousand residents. For example, in 1997 in Germany the level of criminality was 8031, whereas in Lithuania it was 2110. [13] It must be noted that this comparison is not precise. Some acts provided for under Lithuanian Republic Code of Administrative Law Violations (e.g., Art. 174 of ALVC) are treated as offences by many European

countries. Therefore, it can be affirmed that statistic data is not the only and adequate indicator for the description of criminality level within the country.

Law enforcement authorities have only part of the committed offences at their command. Statistics of many offences (thefts, sexual offences) depend on their reporting by the residents and intensity of criminality control. The surveys conducted during the recent years revealed that Lithuanian residents lack confidence in law enforcement authorities. This means that the residents do not refer to law enforcement authorities and do not report on part of the offences. Whereas the latent crimes significantly affect the sense of security of people within the society. Criminology doctrine recognises with no ambiguity that the major part of committed crimes are latent³. This latency may be: a) natural: when the official statistics does not represent the accounting of crimes conducted by the Security Department, Tax Inspectorate, Customs Office and other authorities, and when the victims of crimes do not apply to law enforcement authorities in relation to the crimes committed against them, and the eye-witnesses of the crime do not report about it, etc.; 2) 'artificial': when the officers of law enforcement authorities start regulating statistics in order to achieve more favourable indicators. R. M. Akutajev believes that in most cases major problems are caused by the artificial crime latency. He distinguishes several cases of artificially caused crime latency: a) deliberate failure of crime registration. The officers of law enforcement authorities (first of all police officers) often take advantage of a so called 'filter effect' in order to distort real facts of criminality growth or simply in order to reduce actual work load for themselves. The impact on statistic indicators can usually be noticed already during the initial stage of crime registration: police officers do not investigate all the facts when they arrive to the place of crime commitment due to various and often very banal reasons (e.g., due to laziness), and instead they report about the absence of criminal act (supposedly false report), although in reality the crime is committed; it is very often that the crimes are not registered or only one crime from several committed is registered according to the established procedure; lost reports of the victims, etc.; b) the committed crime is often registered as an administrative offence and handed over for investigation by other authorities; c) the incrimination of persons who have committed similar offences with undisclosed facts in order to demonstrate a supposed active work, and etc. [14 p. 44-46] All the above-mentioned cause many difficulties in defining

a real criminological situation and preventing the commitment of crimes. The crime prevention and control measures applied under such circumstances do not bring an expected affect and they fail to assure the sense of security of residents. Therefore, a special attention should be drawn towards the investigation of latent crimes.

- b) Statistic indicators of criminality cannot give a full answer to the question, why the residents are afraid of the criminals, and why they feel insecure. It is obvious

³ In criminology a term latent crime stands for the criminality that covers all the crimes, which are not included into a statistic account due to the lack of official information about them.

that each type of offence makes different influence on the minds of people. The most frightful offences to the residents are criminal offences and offences committed at the streets. They not only demonstrate an open challenge of the criminals against the country and society, but also most successfully reveal the sensitiveness and insecurity of the victims of such crimes. These are the circumstances that predetermine the feeling of fear among the residents. The fear to walk along the streets at daytime, and especially at night, is the basic characteristic of countries or cities with high criminality levels. There is no international statistics on the number of crimes committed at the streets. A wide variety of crimes are committed at streets, squares and parks: terrorism, thuggery, hooliganism, mass disturbances, rapes, hostage taking, murders, bodily injuries, etc. Some of the crimes are usually committed in places that are not guarded or that are poorly lighted, whereas the others on contrary are committed in places of public gathering: market places, bus or train stations. According to the data provided by Russian lawyers, each third crime was committed at the streets over the period from 1986 to 1994. [15 o. 25] The situation with criminality in the streets of Lithuania should be assessed because this situation seems to be very complicated. Official statistic data reveal that more than $\frac{1}{4}$ of all the crimes are committed in the streets, squares and parks. Most of them remain undetected. For example, 8878 crimes (accounting for 14.3% of all the committed crimes) were registered as committed in the above-mentioned places with the percentage of detection equal to 23.6 in 1997, and correspondingly 9593 crimes (accounting for 15.3% of all the committed crimes) with the percentage of detection equal to 23.1% in 1998, and 17334 crimes with the percentage of detection equal to 30.5%

in 1999, and 20830 of the above-mentioned crimes with the percentage of their detection equal to only 30.1% in 2000. So, the increase in so called 'street crimes' is first of all linked with real impunity of the criminals, which is partly related to significant difficulties faced by police (low quality communication devices, lack of transport, etc.) and other law enforcement authorities (absence of eye-witnesses of the crime, good access to the acquisition of a fire-arm) in their work, as well as to a complex economic situation within the country (there are no possibilities to provide a proper lighting of the streets and squares, etc.). The fact that street crimes can cause very serious problems can be proved with USA experience. In 1994 a special law was passed in USA 'On the Control of Crimes of Violence and Law Enforcement Authorities'. The selling and keeping of 19 sorts of weapons was forbidden under the above-mentioned law. In the ceremony of its signing the President B. Clinton said: 'Law-abiding citizens forced to make their requirements heard by everyone. The interests of politics and party will never again prevail in respect of law and order In Washington'. [16] It must be considered that it is the crimes committed in the streets that play a decisive role in the formation of public opinion on criminality and the feeling of their safety.

- c) The feeling of safety by the residents depends not only on statistic or actual level of criminality within the country, but also on their confidence in law enforcement authorities and the work that they do. For example, a statistic chance to be a victim of some crime is quite high in Germany, but nevertheless, Germany is regarded as one of the safest country all over Europe. A high level of statistic criminality within the country does not necessarily mean that the situation is not under control. On the contrary it demonstrates the intensity of criminality control, confidence of residents in law enforcement authorities, and their readiness for co-operation.

The lack of confidence of Lithuanian residents in law enforcement authorities was confirmed through the survey conducted by VILMORUS on June7-11, 2001, which among others involved the following questions: 1) Do you feel secure in your country? Are you satisfied with the work of police in your country? 59% of respondents of the first question stated that they feel insecure. Only 34% of the respondents said that they feel secure. When analysing the answers to the second question it became clear that 52% of the respondents expressed no confidence in police, and only 38% of the respondents said that they trust police. This mistrust

was most often explained by the opinion that police officers lack competence and responsibility in the fulfilment of their duties. [17]

B. Piliavin, R. Briar and other authors involved in the studies of police work and public attitude towards this law enforcement authority stated that police officers tend to interpret the laws in their own way and are not always totally impartial based on the powers granted to them. It means that the relations between the police officer and criminal or victim depend not only on the circumstances of the incidence or legislative norms, but also on the officer's philosophy of life, sympathy or antipathy, his/her attitude towards the work, etc. The above-mentioned authors distinguished the following most common deficiencies noticed in the work of police officers:

- the actions of the police officer during the criminal offence depend on the relations between the offending person and the police officer. These relations can be defined through the existence of friends or acquaintances among police officers, some prior or current employment of that person at police, that person's property condition, etc.;
- police officers most often are on patrol in the regions inhabited by poor or not so prosperous persons. In these regions are most often subject to searches and arrests. However, as soon as one of such regions becomes a location of dangerous criminals, police patrol officers try to evade such places;
- corruption among police officers;
- police funding is directly dependent on political power and, therefore, it fulfils political tasks. A good example of this can be police actions in Russia when searches were carried out at the premises of independent mass media, clearly aimed at the fulfilment of instructions of political power;
- despotism, disregard of ordinary citizens, emphasis on their own power, brutality are the features characteristic to police officers;
- training of police officers and available resources do not meet the present needs.

[18 p. 214]

It must be noted that lack of confidence in police work exists not only in Lithuania, but also in USA. However, most of the above-mentioned

deficiencies of police officers are common in Lithuania. The survey of residents conducted by the Institute of Law together with public opinion and market research centre VILMORUS in 1997 showed that 55.1% of the questioned victims of crimes did not want to apply to police and the main reason of that was their belief that police was unable to render any kind of help. Only a small number of persons who applied to police for help remained satisfied with its work (e.g. in case of burglaries only 20.5% of the respondents). This survey revealed that every tenth respondent feels insecure (i.e. fear of becoming a victim of a crime). [19] The lack of confidence in this authority can be eliminated only through a proper selection of police officers, with due consideration of their educational background, psychological characteristics, as well as through the assurance of appropriate material and technical level of their work.

It must be emphasised that Lithuanian residents lack confidence in prosecutor's office and courts, too. The prosecutor's office fails to win the respect among the members of society due to the reasons similar to those of the police officers. The feeling of safety of an individual within the society cannot be ensured due to the likelihood of corruption and deep-rooted formalism of the courts. Very often due to their high work loads, the judges are very formal and quite negligent in the investigation of criminal cases and they tend to forget that human fates depend on the decision reached in each of the case. This negligence and sometimes disregard of persons involved in the case, as well as the judgements that are often dragged out or seem very doubtful increase the lack of confidence by the residents in courts. S. Lipset and W. Schneider are right in their statement that the gap of confidence is more likely to occur due to the criticism targeted at the persons representing the authorities, but not at the authority itself. [20] The confidence in courts falls down when people do not believe that the judges will defend their rights or lawful interests upon the necessity or when it is no longer believed that the judges will have a thorough investigation of the essence of each case in stead of the attempts to get rid of the case as soon as possible. In other words, the lack of confidence occurs when it is no longer believed that the judges are real professionals. This term is attributed to persons who are both, real masters of their trade and who perform their work in a sincere and fair manner. The

investigation of cases that lasts for two, three or even more years not always violates human rights, but also causes (among other circumstances) the feeling of uncertainty and fear. Thus, a conclusion may be drawn that a high level of real criminality and lack of confidence in law enforcement authorities can also cause the situation where most of Lithuanian residents do not feel secure.

- d) It must be noted that mass media significantly influences the feeling of safety. The facts of brutal murders published in press, as well as the reviews of grave crimes presented in a sensational manner, according to G. Schneider, arise fear and the feeling of personal insecurity within the society. Mass media publishes only distinctive and the most brutal offences and thus makes the feeling of fear within society more pressing and dramatic, as well as strengthens the feeling of anxiety not only of each individual, but of the society as a whole. The 'waves' of criminality, which might not exist in reality, are artificially inflated and presented as a social problem. [21 p. 379] Each society has got its members who explain the threat of growth of criminality in an unqualified and biased manner and who encourage to take the most severe prosecution measures against the criminals. It is often believed that the capital punishment is the most effective measure that suppresses the growth of criminality. In addition to this, there is always an expression of dissatisfaction about the fact that the convicted person often gets more attention than the victim does. It is believed that the capital punishment was abolished in Lithuania in support of the interests and rights of the murderers. [22 p.9]
- e) The apprehension of security by the members of society is closely related to the country's economic situation, too. In the science of criminology it is affirmed that a man can have various reactions towards the internal tension that occurs due to his/her inability to achieve the values prevailing in the society due to the lack of resources. These reactions include adaptation to the existing situation (the result is alcohol or drug addiction), undertaking of innovations (attempts to achieve the goals in unlawful ways), abandoning one's goals and retrieving (vagrancy, etc.), resistance (deliberate attempts to change the structures).

Most of the criminologists, such as Chambl, Settergen-Karslon, Hofer, Tham [23 p. 191], in their studies of the reasons of criminality emphasised the standard of living as one of the catalyst of criminality. For the analysis of this issue the above-mentioned criminologists carried out the studies in two directions. One of them

was aimed at finding out whether living conditions of a concrete individual are important for his/her tendency to crime commitment. The second one was aimed at finding out whether the economic condition had any impact on criminality. The results were surprisingly interesting and contradictory. The study focused on the fact that most of the convicts belonged to poor members of society. Therefore, the above-mentioned criminologists in the beginning of their study attempted to prove that criminality prevails among poor members of society, which is due to a worse education of children, poverty and lack of culture. However, the study of living conditions of the individuals revealed a relative equality in this respect between the offenders and the persons who committed no offence. In addition to this, there is an exception to this rule, which involves repeatedly convicted persons with their standard of living a little bit lower than that of the remaining members of society. However, this difference is not so big and it can be explained also by quantitative shortage of the objects of studies. Thus, the criminologists came to a conclusion that the level of prosperity of each individual did not play a decisive role in his or her tendency to criminal acts. The fact that most of the convicts belonged to poor members of society was explained through the observation that poor persons account for the major part of society and the convicts simply represented actually existing distribution proportions of the members within the society. However, the fact that those who have worse living conditions are more inclined to the commitment of criminal acts was not ignored. Even a slight difference in living standard can be a significant stimulus, when the society rises higher requirements to the individuals and when there occur more temptations, whereas the solidarity among the members of society tends to decrease.

It must be emphasised that the results of studies conducted by criminologists in some other direction were of absolutely opposite character. It was established that the country's economic condition is one of the important factors that influence the level of criminality. This can be explained by the fact that these conditions have a direct impact on the development of work conditions, material welfare, medical services, education, transport, performance of law enforcement authorities. The criminality is not directly associated with each individual or even the whole generations of people that have a relatively higher number of previous convictions or that had worse living conditions in their childhood. The criminologists assess the criminality first of all considering random or regular processes going on within

the society, and in particular those that have big influence on the society in general, irrespective of the qualities of individual persons. Therefore, it cannot be insisted on the fact that the country's economic conditions in particular affect the growth of number of crimes, however, there is no doubt that they significantly affect the qualitative structure of criminality, i.e. the spreading of certain sorts of offences.

A well-known Estonian lawyer Ando Leps in his turn affirmed with certainty that the deterioration of economic condition within the country significantly affects the status of criminality and its structure in that country. According to him, property usually causes destructive changes in the field of criminality. People start to understand that their countries are not able to protect them against poverty, crimes and a widespread violence and lawlessness [24 p. 66]. This point of view of the above-mentioned author cannot be objected. A sociological survey conducted by 'Baltijos Tyrimai' in 1998 showed that the most urgent problems faced by Lithuanian residents include unemployment, low pensions and salaries, and low living standard. Unemployment as the main social problem was distinguished by 67% of the respondents. The studies of poverty level showed that the groups of households with low educational level are most likely to suffer from poverty. It must be emphasised that the residents with low educational level are those who support the capital punishment most of all. It means that everyone who is able to learn must obtain a required level of education. However, due to the deterioration of economic conditions within the country, fewer funds are provided to education. Education of children becomes more and more dependent on the living standard of their parents. The understanding that money provides independence and the feeling of safety is gradually prevailing among the members of society. Most people believe that it is almost impossible to achieve this goal through honest work. Therefore, nihilism in respect of law rapidly spreads among the members of society, especially among young persons, and this can eventually turn into a serious problem.

Therefore, a conclusion can be made that a feeling of uncertainty (insecurity) is characteristic to a big number of Lithuanian residents. The safety of local residents is not sufficiently ensured, whereas the criminality continues to remain one of the biggest problems existing within the country. Lithuania is not able so far to create a psychologically safe environment necessary to its residents.

Therefore, the abolishment of capital punishment in our country can be a short-term phenomenon, because the number of supporters of this penalty, as well as the pressure on politicians by them remains high. The experience of foreign countries showed that psychologically safe environment can be formed with the help of law, too. J. Bluvshstein emphasised that law can supply people with such items of wealth as personal safety in relations among people, the stability of existing social relations, guarantees of rights, justice in the settlement of conflict situations. [25 p. 19] In order to achieve this goal it is important to have an effective implementation of various preventive and control measures with particular emphasis on preventing the commitment of crimes. However, it is impossible to prevent all the crimes. A person who committed a crime must be identified and punished accordingly. A timely infliction of punishment also has a preventive value. Therefore, the only possibility to make the current situation more stable is to establish the alternative for the capital punishment that would be acceptable to the society.

Of course, there is another option – to behave in the way ‘Amnesty International’ behaves. This organisation is engaged in active fight against the capital punishment, but it does not propose any alternative sort of punishment that could replace the capital punishment. According to ‘Amnesty International’, neither of the alternative punishment shall be severe, humiliating or inhumane, and each of them must be in compliance with minimum regulations on conduct with prisoners approved by the United Nations. [26 p. 54] So, ‘Amnesty International’ has got a firm determination to fight, deny, and make no suggestions, i.e. to follow the easiest way of denial. This position can hardly facilitate the solution of the problem of capital punishment.

Having analysed the arguments specified in this article, a conclusion may be drawn that **public opinion on capital punishment can be significantly changed only upon the satisfaction of their psychological need to feel safe in their country. In order to achieve this, it is necessary to find an alternative for capital punishment and at the same time to finalise the reform of law enforcement authorities through the improvement of criminality control, elimination of overlapping of their functions, formation of common strategy and policy of all the authorities that will enable to ensure safety to the society.**

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