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## Specific characteristics of the reception of criminal justice in Lithuanian society

**Abstract.** *It is suggested that the reader consider an earlier publication by the same authors with a similar theme: "Perceptions of criminal justice in society" (Dobryninas, A., Dobrynina, M., Česniėnė, I., Giedraitis, V., Merkevičius, R. "On Perceptions of Criminal Justice in Society." Sociologija: Mintis ir veiksmai. 2012. Issue 2. pg. 222–238). This article empirically illustrates how criminal justice principles are used to understand different social groups' perspectives, what are the similarities and differences between these groups, how the intergroup communications about criminal justice issues form, and so on. The authors analyzed and summarized qualitative data (focus group discussions and semi-structured interviews with Lithuanian criminal justice experts, politicians, journalists, community leaders) and quantitative data (using a Lithuanian representative survey of the population and Lithuanian mass media content analysis), which was collected during 2012–2014. The first chapter is devoted to the social normative perceptions of criminal justice, the second – the economic and political aspects which influenced the understanding of criminal justice in society, and the third chapter – examines the influence of mass media on the Lithuanian Criminal Justice system's public image. It is concluded that a consensus on the implementation of the principles of criminal justice among different groups is possible only in part. While the needs are the same as the criminal justice system, decisions must be impartial, objective, humane, equal for all, but how to achieve such a consensus of opinions is very divided. The study participants indicated a variety of reasons that impede the achievement of a mutual understanding: financial constraints, lack of inter-institutional cooperation, party or individual interests take precedence over the interests of society, the role of the media and so on. It is also proposed to improve the current situation in the organization and promotion of communication and alignment of interest between different social groups that have to be done in cooperation with the mass media and other governmental and nongovernmental institutions.*

**Key words:** *criminal justice; professional, political and public discourses, mass media.*

**Pagrindiniai žodžiai:** *kriminalinė justicija; profesinis, politinis ir viešas diskursai; masinės medijos.*

## Introduction

Criminal justice (CJ) represents one of the forms of justice. Already since ancient times the concept of justice has been associated with the concepts of harmony, a certain balance between a man and the universe in which physical, biological, psychological, moral, legal, and theological elements appear to be intertwined. In the legal tradition, justice is commonly understood through the prism of “adjustments”, *restoration* of the distorted CJ) represents one of the forms of justice. Naturally, particular expressions of criminal justice depend on historical, cultural, political, and social circumstances.

Traces of Western rational metaphysics can be also easily seen in the principles of modern criminal justice, for example, in the works of the authors of those principles, C. Beccaria, and J. Bentham. According to Beccaria and Bentham, laws are a manifestation of the social contract among members of a society delineating the field of social interests which, in the liberal tradition, is associated with life, freedom and possessions. The state, by its power, guarantees the observance of laws and, by doing so, ensures the protection of a general (common) social interest. Any lawbreaker or criminal encroaches not upon a private interest of an individual or a group of individuals, but on the common interest which has a form of the social contract and is governed by relevant laws.

Social contract participants are assumed to be rational, free-willed individuals who are aware of the aims and legislative expressions of the social contract. The law restricts individual's arbitrariness in receiving gains and pleasure on account of other peoples free-willed individu-

als who are aware of the aims and legislative express to derive undue benefits and pleasures, as non-observance of the social contract, and as a violation of a social and political equilibrium. Criminal justice serves the purpose of restoring infringed justice and, at the same time, of deterring potential offenders by demonstrating likely consequences of crimes (sanctions). The punishment must outweigh the benefits and pleasures of crime, i.e. it must be disadvantageous to and inflict pain on the offender.

Karl Mannheim found that different cultures have been found gear sanctions for infringements of law towards something that is attached the greatest value in those cultures. In societies glorifying body and health, punishment takes the form of harming the criminal's body, in societies glorifying family and relatives, sanctions are directed to family members, etc. In the enlightenment era, individual's freedom was declared as the highest value. It is not surprising therefore that individual law towards something that is attached the greatest value in those cultures. a coincidence that the emergence of this modern criminal justice was called by Michel Foucault as “the birth of the prison”.

However, this metaphysical approach to criminal justice and its fundamental notions of crime and punishment, as attributed in literature to the so-called “classical school”, is not the only one. In criminology, there are two popular and influential interpretations of restorative justice as a form of CJ, i.e. positivist and constructionist interpretations. The first one has been quite strongly influenced by biological, psychological and sociological sciences. Despite numerous and sometimes contradictory

theories, the logic of this interpretation does not deviate from the paradigm of equilibrium: a criminal is a biological, psychological or social abnormality whose behaviour demonstrates inability to *adapt* to the existing social *equilibrium*. This principle of adaptation was particularly popular among different sociological-criminological schools in the United States, from disorganisation theories up to subcultural theories. It should be noted that the positivist paradigm suggests treatment, rehabilitation, training, and reintegration of the offenders of equilibrium into a “harmonious” or “normal” social life rather than their punishment.

In contrast to the positivist paradigm, the constructivist approach to CJ (Richard Quinney) puts the concepts of crime and punishment back to the classical interpretation scheme. However, the constructivist approach is focused not on the metaphysical aspects of the social contract and free will, but on the principles of the operation of social powers which serve putting social interests into the legislative frames of the social contract. Dynamics of social equilibrium is a mere function of changing configurations of social powers, whereas crime and punishment become important reference indicators in dominant discourse on a power-based equilibrium (justice).

Although conditioned historically, none of the above-mentioned CJ paradigms – classical, positivist and constructionist – have faded or been competed out by other paradigms. Having acquired a somewhat modernised shape, they continue to exist successfully in modern academic criminological life. Such a multiparadigm approach to CJ not only shapes a modern

expert discourse of “crime and punishment”, but also influences other related criminal justice discourses, both political and public.

The selection of namely expert, political and public discourses is based on two theoretical sources, i.e. social epistemic stratification by Alfred Schutz and discourse as a way of enabling speaking suggested by Michel Foucault. According to Schutz, different levels of professional competence of knowledge produce three different social groups that can be identified (in descending order of competence) as “the experts” (expert knowledge), “the well-informed citizens” (intermediate knowledge), and “the men on the street” (laymen’s knowledge). Each epistemic social group, in turn, may produce its own speaking and communicative relationships in the matters that are contemplated and perceived within the respective competence of the groups. The structures that enable speaking can be highly diverse and conditioned by the specifics of the groups themselves, ranging from universities and political parties to mass media and rural communities.

CJ discourses may differ by their principles, strategies and implementation mechanisms. Experts’ discourse aspires to a just understanding of justice and, as it was mentioned above, is linked to the idea of justice as “equilibrium” or ratio. It embodies adaptive principles for the pain of pleasure which are implemented through a sort of the “economy of pain” or social calculation of punishments (Christie’s “Limits to Pain”). The political or “well-informed citizens” discourse is inclined to view CJ through the prism of public control. Identification of potential offenders (criminalisation), prosecution and punishment

legitimate power-holders, whereas the set and enforced control (“pain”) regimes correlate with dominant political ideologies (Radzinowicz, Foucault, Melossi). The public or “men-on-the-street” discourse is focused on opinions or, more precisely, on stereotyped schemes about order and justice. These stereotyped schemes represent both the deep religious beliefs, which are usually not reflected, about purifying the evil through pain (Hulsman) and superficial, diverting need, supported by mass media, for crimes and punishments (Cohen, Young).

This article is offered to the reader as a continuation of the article “On Perceptions of Criminal Justice in Society” written by the same authors. Like its predecessor, the present article has been prepared within the framework of the project “Reception of Criminal Justice in Society”. The project is funded from the European Social Fund (ESF) under the Operational Programme Human Resources Development (No. VPI-3.1-ŠMM-07-K-01-049). However, unlike the earlier article which was more focused on the theoretical principles of perceiving CJ in society with an emphasis on the social epistemic segmentisation of such perception, this article attempts to provide empirical illustrations of how these discursive segments manifest in Lithuanian society, how the principles of criminal justice are understood in different social epistemic groups, what these groups have in common and how they differ, and how the inter-group communication on CJ-related issues is implemented.

The article analyses and generalises the results generated from sociological qualitative and quantitative surveys carried out in 2012-2014:

### *1. Focused group discussions*

There were three focused discussion groups to address CJ problems. Participants of the discussions were experts in the field of criminal justice (judges, prosecutors, scholars), individuals representing ordinary society members (OSM; representatives of communities, steering groups) and well-informed citizens (WIC; politicians, journalists, etc.).

The survey of focused group discussions was conducted by Market Research Company Viseo. Vilnius, January – February 2012.

### *2. In-depth semi-structured interviews*

31 in-depth semi-structured interviews were carried out with representatives of three social epistemic groups: experts (law enforcement representatives, scholars), WIC (politicians, journalists), and OSM (representatives of civic society, business and religious organisations).

Interviews with experts, WIC and OSM were conducted in line with the delivered survey guidelines (Annex 1). The average duration per interview was 38 min. The survey was conducted by Market Research Company Viseo. Vilnius, 2014.

### *3. Lithuanian population survey*

Respondents: N = 1005; subjects of the survey: Lithuanian residents aged 18 years and over; the survey method: respondent interviews at home; sampling method: multi-stage probability sampling. Sampling of respondents was organised so that all Lithuanian residents would have equal probability to be interviewed. The respondents were interviewed in 17 cities/towns and 56 rural areas. The margin of statistical error for overall results was  $\pm 3.1\%$  at the 95% confidence level. The survey was carried out by UAB VILMORUS, Vilnius, May 2012.

#### 4. Lithuania's mass media survey

The quantitative content analysis covered: national press (Lietuvos Rytas, the newspaper with the largest number of readers during the monitoring), press of the biggest cities (Šiaulių Kraštas, a newspaper with the largest number of readers during the monitoring), regional press (Pajūrio Naujienos, a regional newspaper chosen on the basis of probability sampling out of 10 Lithuanian regional newspapers enjoying the largest number of readers during the monitoring), and TV news and information programmes (LTV/ Panorama 20:30, LNK/ News 18:45, TV3/ News 18:45).

The monitoring of mass media was conducted by UAB TNS LT, Vilnius, August 2012 – January 2014.

The qualitative surveys were aimed at analysing CJ reception within three social epistemic groups (experts, ordinary society members and well-informed citizens) and measuring the possibilities for interactions between these groups. The surveys sought to explore the emergence of professional criminological discourse accumulating the principles of regulatory and epistemic social sciences, to analyse the role of political ideologies in the development of criminal policy priorities and principles, and to analyse the specific characteristics of CJ public discourse.

The quantitative analysis was aimed at exploring the specificity of public discourse and the role of mass media in construction of the CJ vision in society. Public opinion and public discourse are, as a matter of fact, not identical. However, given the extent the public opinion is identified with or linked to stereotypes<sup>1</sup>, it may be stated that a quantitative analysis of public opinion may at the same time represent the quantitative expression of public discourse. On the other hand, in view of the role of mass media in shaping public opinion, public discourse may be considered a kind of media construct. A methodological scheme of media study is based on the phenomenological sociology theory of signs and symbols in constructing social reality and social knowledge. This methodological approach enables “to <...> consider criminal discourse to be homogenous and use quantitative methods on a wide scale <...>” (Dobryninas, 2001).

### I. Specificity of criminal justice perceptions

The importance of justice is beyond doubt in Lithuanian society. According to the quantitative survey, the importance of justice has been indicated by 90%<sup>2</sup> of respondents which is equal to the reported importance of the

<sup>1</sup> “We have seen that our access to information is obstructed and uncertain, and that our apprehension is deeply controlled by our stereotypes; that the evidence available to our reason is subject to illusions of defense, prestige, morality, space, time, and sampling. We must note now that with this initial taint, public opinions are still further beset, because in a series of events seen mostly through stereotypes, we readily accept sequence or parallelism as equivalent to cause and effect.” (Lippmann, 169)

<sup>2</sup>  $t(1004) = 46.6, p < .001$ , using a test value of 4 (i.e. of indifference on a Likert scale, here and in other t-tests)

economy (88%)<sup>3</sup> and well above the importance assigned to policy culture and education (76% and 58% respectively). Our data show that the amount of importance respondents place on the spheres of economics<sup>4</sup>, politics<sup>5</sup>, culture and education<sup>6</sup>, and justice<sup>7</sup> with the importance placed on the need for criminal justice are statistically significant and weakly positively correlated. The spheres of economics and politics were also moderately positively related and statistically significant<sup>8</sup>. The strongest association was between the economic sphere and the justice. There was a statistically significant, moderate association<sup>9</sup> between the sphere of economics and justice.

Relying upon the Parson's interpretation<sup>10</sup>, Lithuanian society appears to pay particular attention to such functions of the social system as integrity (justice as the appropriate resolution of conflicts and disputes) and adaptation (economy as effective adaptation to the changing external conditions). It is noteworthy that the need for CJ, i.e. for the "restorative" form of justice in a democratic society, has been noted by the overwhelming majority of respondents (75%)<sup>11</sup> (as few as 4% of the respondents believed CJ was not necessary). Despite this, nearly half of the respondents (48%) would not

know what to do in order to defend their rights in the context of criminal justice, 67% of the respondents are not aware of how decisions are passed in criminal cases, and only 13% of the respondents feel safe walking home at night. 47% and 44% of the respondents feel disappointment and anger, respectively, at criminal justice.

These figures perfectly illustrate the social and emotional context of discussing CJ issues in Lithuanian society: absolute recognition of the need for criminal justice, poor understanding of the implementation of CJ principles and the ensuing disappointment. The results of the qualitative surveys of social epistemic groups provide somewhat deeper insights into the diversity of social receptions of CJ lying behind the sociological picture normalised for statistics.

At first glance, it may seem that in discussions representatives of all social epistemological groups tend to point to the different knowing of experts, WIC and OSM, and to the miscommunication, failure to find a common approach determined by such different knowing, as well as to the ensuing negative "colour" of CJ, dissatisfaction with CJ, feeling of insecurity, ineffectiveness of the criminal authorities which are reflected in the aforementioned statistics.

<sup>3</sup>  $t(1004) = 74.2, p < .001$

<sup>4</sup> Spearman's  $\rho=0.251, p<0.001$

<sup>5</sup> Spearman's  $\rho=0.292, p<0.001$

<sup>6</sup> Spearman's  $\rho=0.292, p<0.001$

<sup>7</sup> Spearman's  $\rho=0.184, p<0.001$

<sup>8</sup> Spearman's  $\rho=0.41, p<0.001$

<sup>9</sup> Spearman's  $\rho=0.57, p<0.001$

<sup>10</sup> Elements of the AGIL paradigm: A – Adaptation, G – Goal Attainment, I – Integration, L – Latency.

<sup>11</sup>  $t(1004) = 69.0, p < .001$

However, a deeper analysis nonetheless shows that the artificial social segmentation or, simply, miscommunication on CJ-related issues is determined not by different knowledge or experience of social groups, and not by the different concept of criminal justice. For example, when emphasising the importance of CJ discussions, experts highlight the function of information or education of the general public, their exceptional professional knowledge and ambitions to develop the concept of CJ. Hence, experts manifest the dissemination of their special knowledge and experience to other social groups.

Such an exceptional role of experts in the construction of CJ concept is supported both by WIC and OSM, but this does not at all mean that the miscommunication between social groups is determined by different understanding of criminal justice. On the contrary, all the groups at issue virtually see criminal justice the same: when referring to CJ, representatives of all social groups think of penalties, punitive sanctions, criminal laws, and criminal behaviour considered as such under law, as well as activities of criminal justice institutions. Naturally, experts attempt to justify their role as that of an authority (not letting their rhetoric to stoop down to everyday, "men-on-the-street" level) by making this concept cover the broadest possible content. According to experts, CJ constitutes the whole: law enforcement institutions with professionals working in such institutions,

criminal laws, criminal policy, etc. However, whilst reasoning about individual CJ-related aspects, experts also often bear mind what is discussed by other social epistemic groups, i.e. criminal penalties, criminal laws and CJ institutions. Therefore, except for the initial careful observations that the concepts of criminal justice, punitive justice, etc. are unusual and complicated for WIC and OSM, all social epistemic groups virtually associate CJ with a crime and retribution for the crime (punishment or other sanctions) and actions/measures intended to protect important values, preventively deter from committing crimes, and reintegrate offenders into the community. In contrast to the traditionally established, stereotyped view, the severity of the punishment as the essential point in CJ is highlighted only by 62% of respondents; the severity of the punishment appears to be preponderated by compensation for moral and material damages, physical and psychological rehabilitation (81%)<sup>12</sup>, inevitability of the punishment (78%)<sup>13</sup>, ethical behaviour of CJ representatives with the victims, witnesses and suspects (76%)<sup>14</sup>, and preventing offenders from committing crimes in the future (75%)<sup>15</sup>. A more palpable difference from professional discourse could probably be seen in the approach towards reintegration of former criminals which is indicated as a CJ objective only by 62% of respondents.

Experts, WIC and OSM essentially have similar views to the role of CJ in the mechanism

<sup>12</sup>  $t(1004) = 46.6, p < .001$

<sup>13</sup>  $t(1004) = 60.7, p < .001$

<sup>14</sup>  $t(1004) = 61.7, p < .001$

<sup>15</sup>  $t(1004) = 58.7, p < .001$

of social control. The difference lies only in their rhetoric and, to a certain extent, in the stewardship of assessments. For example, experts argue that criminal sanctions should be applied on a differentiated basis, taking into account the severity of crime, the scope of crime spread and other aspects, whereas criminal justice itself should be *ultima ratio*. Therefore, experts focus on establishing the truth and restoring the balance disrupted by the crime. WIC and OSM, although usually not speaking about CJ as *ultima ratio* or mentioning differentiated application thereof, virtually speak about the same – where there is a crime there must be punishment (emphasis is again placed on the restorative nature of criminal justice); yet, not every wrongdoing requires a criminal penalty and the latter should not necessarily be as severe as possible. As it was mentioned above, the severity of the punishment as the essential point in CJ was highlighted only by 62.4% of respondents. All social epistemic groups emphasise not only the element of causing pain (punishment), but also that of re-adaptation (restoration, resocialisation, reintegration, etc.) with reference to CJ. It should be noted in this context that although the overwhelming majority of respondents attach a positive role to CJ, which is apprehended as protecting the fundamental human rights such as life, liberty, property, etc. (indicated by 71% of respondents), and believe it is necessary to strike a right balance between effective criminal justice and protection of person's rights (a person who commits a crime shall not be considered a criminal and must be released unless proven guilty (69% of respondents)), only 36.6% of respondents agree

that CJ is objective, unbiased and equally just to everyone (this assertion is disagreed with by every second respondent (51%)). A similar percentage also tend to disagree with the assertion that all are equal before the law (52%), believe that CJ is a tool of the ruling power designated to legitimate the dominance of some people over all others (58%), justify the infringement of law or the disregard of court rulings if “the fundamental interest and the dignity of a person must be protected in the name of justice” (50%). Approximately one tenth of respondents do not think CJ officers are honest (agreed only by 8% and disagreed by 19% of respondents), impartial (agreed only by 9% and disagreed by 25% of respondents) or trustworthy (agreed only by 9% and disagreed by 20% of respondents). According to the respondents, thinking in abstract terms, positive views towards CJ mainly depend on the effectiveness of law enforcement bodies and their officers (72%), as well as perfect criminal legislation (62%), whereas a negative approach to Lithuanian CJ is determined by imperfect criminal legislation (71%) and lack of competence of CJ institutions (69%). To sum up the quantitative figures above, although the categories and objectives of criminal justice characteristic to professional discourse also appear in the rhetoric of WIC and OSM, nonetheless dominant in the WIC's rhetoric is not the interest of establishing the truth or of benefiting the community but the interest of legitimating one's self and the powers possessed what is a frequent determinant of negative attitudes to CJ, namely, imperfect laws (as mentioned above, indicated by 71% of respondents), influence of business interests

(62% of respondents agree that business corporations exert influence on politicians to make them draft the laws in favour of that business), selective administration of justice (40% of respondents emphasise that CJ officers adopt infringement decisions subject to the socio-economic status of the offender), and so on.

According to experts, attribution of person's behaviour to a "criminal act" category or "non-criminal act" category (criminalisation or decriminalisation) depends on a number of objective and subjective factors, including socioeconomic changes, overall policy of the country, public discourse and media, and, even, populist ideas or dominant political atmosphere. This assertion is to a greater or smaller degree supported by respondents of the quantitative survey: 43% of respondents agree that the economic situation of the country influences the way society perceives CJ and 36% of respondents emphasise that assessment of the criminogenic situation in the country depends, inter alia, on the financial standing of residents. Likewise, experts attach an exceptional significance to Lithuania's membership in the European Union in the context of criminalisation (decriminalisation) processes. WIC also maintain quite conservative views regarding this issue: activities they identify as criminal are those categorised as such in criminal law; they highlight the importance of the formalised concept, but concurrently point out that not everything should be qualified as a crime – recognition as being criminal and punishable should be determined basing on the harm caused by person's behaviour and the legislator should be permitted some range of freedom of decision

or discretion in this regard. Accordingly, the WIC's rhetoric is focused on the criterion of interests or, even, on the need to control the scale of criminalisation rather than on the restoration of justice in each particular case (what is emphasised in experts' approach). WIC also agree that, formally, a crime is something what is defined in criminal laws, but the criminal laws should be consistent with the principle of justice, take into account the socio-cultural context, not contradict the customs, religious truths, etc. Not any act may be qualified as a crime. The concept of crime should comply with the prevailing public opinion. As it is mentioned above, the quantitative survey has shown that the magnitude of punishment, as compared to other aspects, is not the primary determinant of the importance of criminal justice (indicated by 62% of respondents), whilst the injustice of punishment of offenders has been pointed out only by 32% of respondents (this assertion, however, is supported by as few as 9% of respondents). The quantitative survey also provides insights suggesting that the concept of crime in public discourse is dependent on whether it is referred to abstractly ("concerning others") or concretely with regard to a particular person. For example, smuggling as a crime is condemned (i.e. recognised as a criminal activity) by 55% of respondents (vs. 11% of respondents not condemning such activity), but as many as 67% of respondents would buy contraband if it costs less than the lawfully sold product.

All the surveyed epistemic groups agree that the criminal law, as well as criminal justice, must be just and effective, and there should be mea-

sures in place to gauge the effectiveness of criminal justice. According to experts, the criminal law is correctly enforced (CJ is effective) when its application is in conformity with the principles of inevitability of responsibility, proportionality of penalties, prevention (deterrence), equality before the law (non-application of double standards), and the purpose of punishment is achieved. Punishment or the severity of penalty is not the only or the most important indicator of the effective CJ system. WIC emphasise that criminal law by itself neither protects society nor deters from criminal activities, whereas the quality of criminal laws does not have a determining influence on crime reduction or increase. The major role here is played by the performance of criminal justice institutions (the crime detection rate which determines the probability of being punished) and communication with society. Therefore, the WIC's rhetoric appears to look at CJ through the prism of the legitimization of power (authority), i.e. in order to have the effective CJ system it is necessary to strengthen the authority and increase its resources. OSM associate the effectiveness of CJ with the adequacy of the punishment. Again, the punishment should not necessarily be the longest possible term of imprisonment, rather the contrary. An emphasis is put not on the length of time spent in prison but on a positive impact of the sentence, taking into account the victim, compensation for harm caused to the victim and society (as it was mentioned above, the restoration of rights is identified as the main focus of the CJ system: compensation, rehabilitation (81%)<sup>16</sup>, inevita-

bility of punishment (78%)<sup>17</sup>, crime prevention (71%)). This implies a certain element of making amends by being punished (through pain), liberation from inner tension for the committed crime. Experts, WIC and OSM also emphasise a systematic approach – it is not enough to be confined to punishment only (imposition of sentence and serving that sentence); it is necessary to ensure that the person will not commit more crimes after serving the punishment (pointed out by even 75.3% of respondents). This, in turn, requires socioeconomic conditions (employment, housing, etc.) rather than legal conditions. The influence of the financial standing of people on their opinion about the criminogenic situation in the country has been emphasised by 36% of respondents.

With regard to the purpose of punishment, most of the survey participants share a similar opinion: punishment should be imposed in order to reduce crimes and increase security of the general public. Most of interviewees, in particular those belonging to experts and WIC, assert that punishments imposed in Lithuania for criminal offences are inadequate. The interviewees indicate different reasons of such inadequacy: disproportion to the committed offence, untimely criminalisation of new offences, influence of the subjective factors of judges on decisions, etc. It should be noted that there is a fundamental difference between expert and political views – experts put emphasis on disproportionate strictness of punishments and criminal policy, whereas WIC emphasise excessive mildness. In this context, it is important to

<sup>16</sup>  $t(1004) = 69.0, p < .001$

<sup>17</sup>  $t(1004) = 60.7, p < .001$

note the opinion of respondents: only 9% of them agree that penalties imposed on offenders are just, 32% of them disagree with this assertion, and even 59% of respondents have no opinion. The OSM's rhetoric maintains the position that long-term imprisonment, and excessive enforcement of custodial sentences in Lithuania in general, is not appropriate, as this form of punishment does not perform its primary function and, in certain instances, even increases the likelihood of repeated offences in the future. Experts, in turn, are of the opinion that the length of imprisonment should be shortened and alternative penalties should be applied more frequently, especially for certain offences (property, administrative, unintended and similar offences). According to the representatives of this group, the key point is to understand that it is not the severity of the punishment that produces positive effects, but it is its inevitability. Likewise, experts are unanimous in speaking against the death penalty as inhumane and ineffective. However, representatives of other groups have different opinions on this issue, i.e. some of them agree with the experts' opinion, whereas others support the idea of the death penalty for a serious crime against a person.

## II. The political-economic dimension of knowledge of criminal justice

Justice is tightly associated with political and economic issues. This particularly regards

the type of justice known as distributive justice which refers to the just distribution of goods/benefits (economic, social or, even, symbolic) to populations. Formally, criminal justice belongs to a different, restorative category: while employing institutionalised pain (criminal sanctions), it supervises that no one would attempt to upset the existing social equilibrium by seeking personal gains. In restorative justice, the balance is restored by taking away illegally acquired profit or pleasure from the offender in a proportionate manner, but it does not return the life, health, liberty or property to the victim of the crime. This falls under civil law rather than criminal law.<sup>18</sup>

However, incorrect attribution, whether objective (associated with conflicts of social interests) or subjective (associated with personal assessments), may have influence on CJ because, as it can be seen from criminology of the 20th century, crimes not only correlate with socioeconomic problems, but are in some sense "encoded" in a modern political and economic system. While being an autonomous and independent body by its content, criminal justice may as well acquire one or another political form or expression depending on the level of economic development and the dominant ideology in a society.

The survey demonstrates that the Lithuanian residents can quite well identify the aforementioned correlations. Most of the respondents (60%) believe there is a relationship between the Lithuania's economic situation and

<sup>18</sup> By the way, the survey shows almost equal distribution of respondents' preferences between the two distributive and restorative justice alternatives. It is most likely that the respondents did not actually see the distinction between these forms.

the way criminal justice is perceived in society. The overwhelming majority of the respondents (74%) agree, of which 41% fully agree, with the assertion that business capital corporations exert influence on politicians in making them draft the laws that favour those corporations. A weakly negative, but statistically significant association was found between if one views the criminal justice system as objective, and if they view business as influencing politicians to pass laws favorable to business<sup>19</sup>. Almost half of the respondents (48%) agree that interest in CJ decreases along with the improving economic situation. Most of the respondents (58%) agree, of which 23% fully agree, with the statement that decisions adopted by CJ officers are influenced by the social and economic status of the offender.

The analysis of respondents' attitudes towards politicians demonstrates that experts view the Seimas (Parliament) as the function of the legislator, but at the same time they point out that most of the Seimas members are not professional lawyers and hence often lack deeper knowledge and understanding of how to properly organise the legislative process ("amateurs", "voters"). However, in regards to public security, respondents distribute responsibility in this area between legislators and law enforcement authorities. Interestingly enough, informants in some cases even present politicians and law enforcement officers as opposed to the rest of society in spite of cooperation between these groups being a must in order to reduce crimes and enhance confidence in CJ. Just few re-

spondents (especially those representing OSM) speak about a significant role of communities in reducing crimes, hostility vis-à-vis certain groups and manifestations of violence, bullying and discrimination, whereas experts do not see any benefits of community involvement at all. In regard to politicians, ordinary society members often express the opinion that politicians care more of their own or party interests than of people's well-being and that they too often interfere with CJ officers' work thus facilitating the appearance of double standards in the context of judging on criminal activities.

Representatives of all social epistemic groups are of the opinion that political discourse might, or even should, serve as a basis consolidating all other relatively independent discourses. First, politicians are those who design and adopt binding decisions; second, politicians, namely, enjoy the broadest possible opportunities to use mass media and hence wide audience, universal access and, at the same time, the power of persuasion; third, politicians are free from being bound by any secrets, hierarchic (official) subordination or rules of professional ethics and therefore may address the sorest CJ-related subjects; and finally, their language, the style of speaking, presentation of information, etc. appear to be the most understandable for other social epistemic groups. Unfortunately, both political discourse and direct activities of politicians in the identification of relevant CJ-related problems, in the shaping of criminal policy developments or content thereof (for instance, adopting specific legal provisions) demonstrate

<sup>19</sup> Spearman's rho=-0.12, p<0.001

specialist incompetence and aspirations to make use of CJ (exert unacceptable influence on CJ), present and use CJ as a sort of panacea to all economic, social, cultural and other illnesses, political or moral crises, etc. Slogans declaring the war on crimes or the will to make the CJ system more effective are used as instruments to increase political weight, influence and mass popularity. Therefore, political discourse is obviously focused on the interest and aspiration to legitimize the power it has at its disposal.

Attitudes towards the field of CJ policy reflect more negative notes. WIC and OSM draw attention to the fact that not only politicians seek to exert and do exert an unacceptable influence on CJ, but there is also consent, tolerance, non-opposing and submission on the part of CJ representatives (WIC seem to place a greater emphasis on personalities, their solidity and values, whereas OSM are more inclined to treat this as the consequences of soviet traditions/mentality and a systemic problem). Experts' tolerance, a sort of distancing themselves from –irresponsible political discourse and behaviour of politicians in general, is, by the way, noted by the experts themselves. WIC highlight that politicians' aspirations to influence and make use of CJ are exploited by the CJ system itself or its representatives – by criminal sanctions on individual politicians or political parties, or simply threatening likely sanctions, in order to maintain and justify its significance and necessity, as well as to receive additional benefits (for example, higher funding, privileges, etc.).

Politicians try to construct the CJ system – criminalisation and penalisation of activities, setting up a procedural form for crime in-

vestigation, etc. – in the effort to preserve the monopoly of power. They neither let in professionals representing divergent opinions nor listen to and constructively assess the true wishes and expectations of the community: criminal laws are amended in a chaotic manner, the legislative process is rather symbolic or emotional, with prevailing eclecticism, it is not attempted to assess future outcomes, whereas inefficient legal novels are tried to be justified by the supposed CJ stagnation, unwillingness to changes, etc. Experts note that amendments to laws made exclusively on the basis of political discourse usually bear a tightening character. Responsibility of politicians for improper criminal laws is usually discussed only in the context of throwing political accusations against one another, with no regulatory response. On the other hand, with the exception of expert rhetoric, other social epistemic groups mention not only incompetence of politicians, but also the dependence of political decisions on business and the connections between politics and business – both a positive business influence (for example, funding of certain programmes) and a negative influence (for example, affecting politicians so that laws would have pre-programmed certain useful gaps or loopholes).

It is noteworthy that CJ selectivity, double standards, inequality before the law, etc. appear to be one of the most important subjects of CJ public discourse. This characteristic traditionally attributed to CJ is discussed by representatives of all social epistemic groups, including experts. This is unambiguously illustrated by the results of the quantitative surveys – the assertion that CJ is objective, unbiased and

equally just to everyone is supported by only 37 % (disagreed with almost by every second respondent (51%)). Indeed, there was not a statistically significant correlation between whether a respondent views the criminal justice system as objective and whether they thought the criminal justice system is influenced by the social status of an offender<sup>20</sup>. Experts cannot deny that the status and financial capacity of a person in society undoubtedly influence, whether positively or negatively, the role of that person in society and the way he or she is treated by officers in a particular criminal procedure. Attention is also drawn to the fact that selectivity of criminal justice is typical not only of the police, prosecutors or judges but starts considerably earlier and, even, is a tool of a political or economic fight (for instance, a group of persons “in charge” is found at a certain politically hot moment which becomes a target of the whole CJ arsenal). Therefore, selectivity is typical of the very construction of CJ.

In the WIC's rhetoric, CJ is usually presented as a coercive instrument used in the fight of the authorities with the community, i.e. as an alien, ineffective, failing to satisfy the community concepts of justice, equality and objectivity, corrupt, ignorant, intended to strengthen the state power rather than to protect human rights, etc. This facilitates the public interest in CJ-related issues and shapes the opinion necessitating some changes (which will not necessarily improve the overall situation but, in any case, enable legitimating the existing

power or the re-distribution of powers subject to a different political context). WIC also note that the magnitude of public dissatisfaction about law enforcement has attained such a level when people start standing up against law enforcement, taking to the streets, campaigning against or preventing the enforcement of “unjust” decisions by law enforcement bodies, etc. OSM also express dissatisfaction with the status quo (but they similarly highlight some positive aspects, such as activation of CJ bodies, changing attitudes towards a person, community discussions, etc.) and note that the attitude of the general public towards CJ is basically shaped or, at least, strongly influenced by high-profile cases publicised by mass media. The majority of the proceedings that are lawful and just go unnoticed.

One more difference between expert and non-expert opinions emerges in regard to economic crimes. Although admitting that economic crimes are harmful, non-experts appear to be more inclined to justify smuggling or tax evasion. The opinion which is particularly typical of OSM is that difficult socioeconomic conditions (unemployment, poverty, poor social guarantees) make people look for different ways to survive and this is normal. Respondents also mention cultural and historical reasons (such as book smuggling) that give rise to positive treatment of smuggling, for example, hostility to the state and its institutions (including CJ institutions) that had developed over the long years of the occupation, soviet mentality, negative attitudes towards whistle-blowers or, even,

<sup>20</sup> Spearman's rho=-0.06, p=0. 06

book smuggling which is regarded as highly positive in the face of oppression.

Supporting our theoretical view that contraband use fits into Merton in regard to economic crimes. Although admitting that economic crimes are harmful, non-experts appear to be more inclined to justify smuggling or tax evasion. The opinion which is particularly in regards to buying contraband. Indeed, as Schumpeter (1942) would argue, it is the innovators in the economy who are celebrated.

One of our interview questions asked, "If there were a need, would you buy contraband (such as tobacco, alcohol, food, fuel etc.) if its price were less than the same legal product?" 10.6% respondents refused to answer the question. However, a large majority of the respondents (74.6%) who answered the question indicated that they would buy the contraband. There was a statistically significant difference between gender groups<sup>21</sup>, i.e. men are more likely than woman to buy contraband (52% versus 48%). Socioeconomic status plays a large role in influencing attitudes about contraband. The results showed also that there are significant differences<sup>22</sup> among respondents' attitudes towards contraband depending on their income, i.e. "contraband-buyers" have lower-income ( $M=795.67$ ,  $SD=596.21$ ) than those who would not buy contraband ( $M=901.12$ ,  $SD=558.16$ ). This illustrates the demand elasticity effect of price. Moreover, "contraband-buyers" were significantly<sup>23</sup>

younger ( $M=46.36$ ,  $SD=16.55$ ) than those who do not have an intention to buy contraband ( $M = 55.98$ ,  $SD=18.17$ ), which may indicate that the young are more likely to take risks than the old. Occupation played a major role in influencing contraband purchase. Those most likely to buy contraband were pensioners (26%), followed by qualified workers (15.02%) and the unemployed / temporarily unemployed (13.51%)<sup>24</sup>.

As our previous research indicates, those who would buy contraband tend to be less satisfied with their lives than people who would not buy contraband (Česniene et. al. 2014). This may also be seen as an example that the less satisfied one is, the more likely one is to take chances by buying contraband. Moreover, they tend to express negative emotions to the CJ system more often. Theoretically, this Mertonian explanation reaches to the core of our project: those less satisfied with their lives are more likely to buy contraband, and have a negative perception precisely of the agents of social control that they may see as hindering their ability to acquire the goods they would like.

Representatives of all three groups express the opinion that economic and social conditions influence the crime situation. Therefore, in order to improve the situation it is necessary to tackle more vigorously unemployment and youth employment problems, pay greater attention to disadvantaged families and various socially excluded groups. According to respon-

<sup>21</sup>  $Z=-3.69$ ,  $p<0.001$

<sup>22</sup>  $t(813)=-2.21$ ,  $p=0.028$

<sup>23</sup>  $t(894)=-7.39$ ,  $p<0.001$

<sup>24</sup>  $\text{Chi-Square}=65.65$ ,  $p<0.001$

dents, prevention is a necessary precondition in the process of crime reduction. Likewise, it is important to increase funding to certain law enforcement institutions (for example, the police) to ensure order.

The CJ objectives, goals, performance and its measurement criteria are usually not manifested in political discourse, and what is highlighted is far from meeting the fundamental ideological values on which professional discourse is based and/or community's expectations. In regard to ideological preferences in the Lithuanian CJ system, representatives of all social epistemic groups said they did not see such preferences except for one trend – expanding state powers, escalating repressive character and tightening CJ. When asked to indicate errors that determine the negative criminogenic situation, OSM mentioned not extremely lenient punishments, but the need to develop and promote cooperation between law enforcement and the general public, support various community initiatives, get the general public involved into judicial activities, increase publicity, improve the competence of law enforcement officers, etc.

### III. Virtualisation of criminal justice

In order to better understand public attitudes towards CJ and, respectively, its reception, it is important to understand where the knowledge of criminal reality derives from. As most individuals do not have direct experience of criminal reality, their reception of this reality is usually based on secondary experience, particularly images produced by mass media.

Therefore, what a society (particularly, the men-on-the-street) knows of crime reality

largely depends on how it is presented by mass media. The agenda set by mass media influences the public agenda which, in turn, may affect the content of the political agenda and, hence, structure media priorities (Dearing, Rogers 1996; 22). At the same time, mass media may, whether directly or through the political agenda, put pressure on experts' CJ discourse. In this context we should speak about mediatisation of the aforementioned professional fields which is indicative of non-resistance of these fields to a market logic that penetrates media production and of a certain lack of autonomy obstructing politicians from due understanding of CJ objectives and ensuring public security.

It should be noted that the specifics of media's information production usually result in presentation of events to be confined to the here-and-now context, hence, segregating CJ problems from their causes and long-term effects. Such a fragmentary, superficial picturing of CJ is fostered by the logic of thinking only for here and now and competition imposing the identification of what is important with what is new (sensations) (Bourdieu 2002; 157)

Misrepresentation of information of criminal reality, for example, about regularly growing manifestations of violence and crimes, cause and uphold social alarm, as well as a belief that the applicable security measures are not sufficient. This causes dismay among the public and the ensuing requirements to tighten existing security measures. These requirements, for populist considerations, are often backed by representatives of political sphere in order to mobilise support of potential electors. In turn, society has the impression that the world that

emerges in front of the readers and viewers is insurmountable for ordinary people or, in other words, requires professional intervention.

The influence of mass media in the construction of the distorted image of CJ is reflected in the results of the focused discussion groups, interviews with representatives of expert, WIC and OSM discourses, as well as Lithuanian public opinion survey.

All social epistemic groups admit that media plays an exceptional and crucial role in the construction of the non-professional concept of CJ. The media sets the tone and vectors CJ public discourse, to a certain extent defines the limits of this discourse, and chooses participants for the discourse which, however, is not complete, comprehensive, objective, and constructive. There is a bias, imposed subjective opinion, focus on sensations (even artificial creation of sensations and repercussions), escalation of exclusively negative aspects of CJ, artificial creation of an atmosphere of fear of crime, obvious commercial interests and interests of other means of mass communication or representatives predominating in this discourse.

Generally speaking, the need of the general public to take interest in CJ is linked by experts and WIC to the extreme attention of mass media for this subject. In other words, experts and WIC point to the influence of mass media on the design of the OSM "agenda". In turn, although recognising the role of mass media, OSM better associate the interest in CJ issues

with civic purposes (willingness to participate in the development of the state and its support) and psychological purposes (being aware about one's security situation).

In this context, it is worthwhile mentioning the survey of the Lithuanian population which revealed that 74% of Lithuanian residents were interested in information about crimes. However, there was not a significant association between those who selected mass media as their primary source of information about CJ and whether respondents were interested in crime in Lithuania<sup>25</sup>. It is important to note that those interested in information about crimes express greater anger and disgust in respect of CJ compared to those who are less interested in such information. Also, there is a weak, but statistically significant relationship between those who feel fear when reading or listening about CJ for Lithuania and the area where one lives, but not for one's city: Lithuania<sup>26</sup>, one's city<sup>27</sup>, the area around where one lives<sup>28</sup>.

It should be also noted that all three discourse groups agree that media provides a biased and unfair portrayal of CJ-related issues. However, there are certain differences in identifying the factors of this distortion. Experts and WIC tend to explain this by mass media's focusing on competitive market logic, the lack of professional journalist culture and of journalists' professionalism in this area, as well as the lack of proper mechanisms to control media and regulate its activities. In the latter

<sup>25</sup> Chi-square=2.32, p=0.68

<sup>26</sup> Spearman's rho: -0.09, p<0.01

<sup>27</sup> Spearman's rho: -0.06, p=0.061

<sup>28</sup> Spearman's rho: -0.08, p<0.05

case, having the expert knowledge on the issue, WIC recognised the influence of economic and political groups on the provision of CJ-related information. Experts, in turn, refrained from any judgements due to the lack of expertise on the issue. In addition to the lack of professional and quality journalism, OSM emphasise the issue of ownership of mass media, i.e., event coverage depends on the economic and political interest groups that manage a relevant means of mass communication.

The population survey shows that 58% believe that CJ may be or is a tool of the ruling power designated to legitimate the dominance of some people over all others. In this case, the overwhelming majority of the respondents (74%) agree, of which 41% fully agree, with the assertion that business capital corporations exert influence on politicians causing them to draft the laws that favour those corporations. It should be noted that there is a statistically significant correlation between those who select news media as their primary source of information about CJ and those who believe that the business elite influences politicians so they would create laws that benefit the business elite<sup>29</sup>. Moreover, there is a significant correlation between those who learn about CJ from media and the statement that as the economy gets worse, those business groups have a greater influence on politicians<sup>30</sup>.

The opinion poll demonstrated that every second respondent (51%) disagrees and 37% of respondents agree with the assertion that CJ is objective, unbiased and equally just to everyone.

Just over half of the respondents (52%) tend to disagree that all are equal before the law. It is noteworthy that most of the respondents (58%) agree, of which 23% fully agree, with the statement that decisions adopted by CJ officers are influenced by the social and economic status of the offender. However, no significant association was found between mass media consumers and whether one agrees that all people in Lithuania are equal before the law<sup>31</sup>.

Finally, while experts and WIC admit to the media's influence on certain miscommunication between these three discourses, OSM, whose knowledge of CJ is mainly determined by the means of mass communication, do not reflect such influence. Likewise, experts and well-informed citizens point to the influence of mass media on shaping of the public opinion in regard to CJ selectivity. OSM discourse, again, reflects a certain unsceptical reception of the information presented. Representatives of this discourse see their perception of CJ selectivity not as an outcome of criminal justice virtualisation through the mass media, but tend to associate it with its non-robustness to external influences, for example, to the pressure exerted by mass media for some CJ institutions. In other words, the very origin of the knowledge is not reflected.

Lithuanians are of the opinion that a negative approach to Lithuanian CJ is mainly determined by imperfect criminal legislation (71%) and lack of competence of CJ institutions (69%). Taking into account the fact that

<sup>29</sup> Chi-square=21.87, p<0.05

<sup>30</sup> Chi-square=27.36, p<0.01)

<sup>31</sup> Chi-square=16.86, p=0.16

a relatively small share of individuals has direct experience of CJ and the lack of self-reflection of knowledge is inherent in OSM discourse, it is to be presumed that such assessments might have been affected by the CJ image shaped through the media.

The lack of criticism in OSM discourse might be to a certain degree explained by findings of criminological research revealing that mass media, particularly television, are the main source of information on crimes and crime-related problems to the public. A population survey conducted in the context of this research demonstrated that mass media are the primary source of information on CJ to Lithuanians - 60% of respondents mentioned the media to be the primary and most important source. Accounting for 71%, television appears to be the most popular source of information on CJ to the people in Lithuania.

As far as confidence in the information provided by the media on main CJ institutions is concerned, information on police bodies and their activities appear to inspire the most confidence in residents. This information inspires confidence in 48% of respondents, whereas 27% of them do not trust information on the police. Information on the prosecutor's office and courts attracts similar levels of confidence and non-confidence: 37% vs. 34% in case of prosecutor's office and 35% vs. 36% in case of courts. It is therefore presumed that confidence indicators for information about relevant CJ institutions correlate with public confidence indicators for the relevant institutions. Predominating biased, unfair and partial media reports on judicial decisions, work of law enforcement

officers and criminogenic situation distort the true picture, increase insecurity/unsafety in the public and build non-confidence in CJ institutions among society members.

As for the role of CJ information provided in mass communications, 80% of respondents recognise their role in raising CJ awareness. It is also noteworthy that more respondents nonetheless considered the information of this type to be objective (46%); information bias was pointed out by 42% of respondents.

Consequently, a content analysis was carried out for information on CJ communicated through mass media in order to better understand the origin of CJ knowledge among society members.

At this stage, the purpose of the research was to identify the quantitative and qualitative structure parameters of CJ content in mass media. Research object included articles and broadcasts on CJ. 4,307 press articles and 4,344 TV news reports were analysed during the period of monitoring.

#### *Press publications*

During the period of monitoring, the biggest number of publications on CJ topics was found in the national daily Lietuvos Rytas - 2986 articles, i.e. 69% of total publications found. Šiaulių Kraštas (a newspaper representing the biggest cities) was found to pay 2.4 times less attention to CJ topics (1225 publications); regional newspaper Pajūrio Naujienos published 91 CJ-related articles during the monitoring. Such a distribution can be explained by the focus of the newspapers being held on their target regions (national, big cities and regional

press) and, hence, determining the volumes of relevant information.

Focus on CJ issues can be also seen in the titles of publications. During the period of monitoring, reference to CJ topics was found in 69.3% of publication titles. Šiaulių Kraštas accounted for the smallest number of articles containing no reference to CJ topics in the titles (20% of publications); most of them were found in Pajūrio Naujienos (46.9%); the share of such publications in Lietuvos Rytas accounted for 34%.

The monitoring of publications also demonstrated the local nature of dissemination of CJ topics. 93% of CJ-related publications addressed events in Lithuania here and now, 2% of publications covered events in Lithuania and abroad, whereas 5% of them were exclusively dedicated to events abroad.

Speaking about the mood the articles presented, during the period of analysis a negative context was prevailing in the majority of the publications (84%), positive articles about CJ represented only 3%, and 14% were written in neutral tones. Most of the negative publications were found in Lietuvos Rytas (85%). This national daily also published the least number of articles covering CJ in a positive context (1%). The biggest number of positive articles about CJ was published in Pajūrio Naujienos (16%). Likewise, this regional newspaper published the lowest percentage of negative articles (53%).

In addition to the negative context, it was a characteristic of publications on CJ topics to be written in a narrative (non-analytical) style. Such articles accounted for 83% of total publications, whereas analytical articles represented 18%.

In turn, in regards to the types of crimes described in the publications, murder was found to be the absolute leader in the structure of crimes covered by press (579 articles). Problems of violence ranked the second (346), being followed by thefts (318), fraud (290), and robberies (171). The figures above illustrate the distorted picture of the criminogenic situation constructed in press. For example, in 2012–2013, murders accounted only for 0.2% in the overall structure of crimes. In other words, a focus on events involving violence gives grounds to presume the proneness of journalists to the distinctiveness, sensitivity and sensationalism of the selected information. Violence and aggression are the best sold products on the modern mass media market. In other words, the indicators above reflect the expressions of the internal ideology of mass media (selection, processing and dissemination of information).

#### *Television broadcasts*

During the period studied, most reports on CJ-related topic were broadcasted in LNK new programmes – 2,679 reports accounting for 62% of total broadcasts. The competing television TV3 released by 44% fewer reports on CJ topics during the period at issue (1,489 reports). Such a distribution can be explained by greater attention attached by LNK to crime topics which are discussed separately in Crime News, a component of LNK newscasts. During the period of monitoring, 176 reports on CJ were broadcasted by the national public television channel LRT Televizija, i.e. by 15.2 times less compared to LNK. This indicator is explained by the underlined priority of LRT Televizija to

socially responsible performance and lower dependency on the market logic which determines functioning of commercial mass media and its focus on fast and cheap information production and consumption. The latter statement is also reflected by the length of reports on different TV channels. The shortest CJ reports were broadcasted during LNK newscasts (23 sec. on average). CJ reports in TV3 news were slightly longer, taking 28 seconds on average. It is interesting that news programmes on LRT Televizija contained the longest CJ reports (109 sec. on average), hence, suggesting a more detailed and analytical presentation of information.

In regard to the local character of the information presented, almost the same portion of broadcasts covered events in Lithuania (93%), like it was the case with press publications. In comparison with the distribution in press, coverage of foreign events had a slightly bigger percentage (6%), but the share of mixed reports (covering events in Lithuania and abroad) was twice as low as in press and accounted for only 1%.

Speaking about the focus on extraordinary and sensational events, violent information and images on TV channels intended to attract more viewers, the reports broadcasted during the period of monitoring were found to contain 275 violent images, i.e. the probability of seeing a violent image was 1 to 16 on average. The biggest number of violent reports was broadcasted on LNK news programmes (144); TV3 ranked the second by this indicator (116 violent stories) and LRT Televizija ranked the third with the lowest number of violent images (15). However, it is noteworthy that the analysis of intensity

of violent images in CJ reports on television showed the news programmes of the national public channel LRT Televizija to account for the highest intensity – the probability of seeing a violent image was 1 to 12 on average. In turn, the lowest intensity of violent images was found in LNK newscasts (1 to 19 on average); TV3 had 1 to 13 intensity.

31.1% of total broadcasts on CJ issues were related to violent crimes. As for the share of violent crime reports per channel in the overall structure of reports, TV3 newscasts accounted for the biggest percentage of such reports (34%); LRT Televizija and LNK information programmes had 31% and 29% of such reports respectively.

The analysis of the types of crimes covered by TV revealed that, as in the case of press publications, murders represented the leading crime in the structure of TV reports (623 mentions). Unlike in press, thefts ranked the second and violence – the third (430 and 397 of mentions respectively). Fraud, which ranked the fourth in the structure of press publications, was replaced by drug related crimes in TV reports (261 mentions). Mentioned 226 times, robberies remained in the fifth place.

In regard to “embodying” the CJ discourse or, in other words, who has powers to comment on and, consequently, to deal with CJ problems, the analysis showed that there were a total of 4574 comments during the period of monitoring, i.e. one comment per report on average. Representatives of professional discourse were found to comment the most frequently, representing 45% in the overall structure of three discourses. Public comments ranked the second

(44%) and politicians appeared to comment on CJ topics the least frequently (11%). The analysis of discourse distribution by channels showed nearly identical structure of comments on commercial televisions. Professional comments had the highest percentage in LNK (46%). Although TV3 reports represented a similar percentage of professional reports, public comments with 46% took the lead there. Political commentaries ranked the second on both TV channels (LNK – 9%, TV3 – 10%). The state channel LRT Televizija was outstanding for certain evenness of CJ discourse: professional commentaries accounted for 39%, politicians – for 31%, and the “men-on-the-street” – for 30%. On the one hand, such a distribution may be interpreted as an effort to equally represent the positions of different discourses. On the other hand, quite frequent commentaries of politicians might be related to a higher level of the politicisation of CJ discourse or a more holistic embodiment of CJ topics where criminal policy is viewed as a component of more general social policy pursued by the state.

Monitoring findings for discourse representation by the position in social hierarchy revealed the prevalence of Seimas members (31%) followed by ministers and members of their cabinets (15%), party representatives (14%), representatives of local authorities (13%), and representatives of the Central Electoral Commission (9%) among political commentators. Police representatives were found dominant in professional discourse (41%); staff of public prosecution services accounted for 34%, lawyers – for 15%, judicial staff – for 6%, and staff of the Financial Crime Investigation Service – for

2%. It should be noted that a higher police representation level in mass media corresponds to higher public confidence in the information on police performance communicated via mass media, as well as higher public confidence in the police in general in comparison with other CJ institutions (Vilmorus, 2012). To sum up the discourse representation in mass media, social hierarchy in some sense appears to be reproduced through the rhetorical hierarchy of reliability and certainty, hence confirming its existence and legitimacy in a social structure. Therefore, while seeking to create an illusion of reality by making “a net of facts”, newsmakers end up with legitimating the status quo.

### **Brief summary**

Disregarding the fact that criminal justice is not a common concept even among professionals (experts), perhaps for being a bit complicated and too capacious, and also not attempting to formulate a uniform definition of CJ, it is nonetheless obvious that representatives of all social epistemic groups speak about the same in the CJ context, i.e. about crime, punishment and crime investigation/detection process (institutions, forms of operating, etc.). It is not that different discourses have their individual concepts of CJ, but each discourse has its specific rhetoric and dominant choice of topics.

There is a predominance of conservative academic rhetoric in professional discourse: it is agreed that criminalisation should apply only to the most dangerous (harmful) behavioural forms (manifestations), but activities are referred to as criminal if they are defined as such under criminal law (there is a dominant con-

cept of crime based on the principle of *nullum crimen sine lege*, without taking account of the true seriousness of the behaviour); the need to establish the truth in each crime and to prosecute each offence is emphasised, however not through imposition of strict punishments but rather through resocialisation, integration and supported adaptation of the offender. Activities of CJ institutions are forward looking rather than reacting to the past. Professional discourse reflects a clear intention to monopolise CJ or, at least, to dominate in the construction thereof. The emphasis is placed on the importance of special knowledge and experience, as well as on the ensuing need to educate representatives of other “amateur” discourses and to raise their awareness, particularly in representatives of political field. Likewise, attention is drawn to the disastrous effects of constructing CJ based on standards other than that of experts.

Political discourse (that of the well-informed citizens) clearly points to the lack of personal knowledge and the ensuing attempts to rely upon the ideas raised in professional discourse, use the formal legal language, quote (absolutise) positive experts’ positions while plainly emphasising independence and non-identification with professional discourse, and the power to construct the CJ system, i.e. to define courses of development, set the milestones of a perspective, strategic objectives, etc. The stress in political discourse is put on real or quasi-real polarisation, miscommunication between professional and public discourse and the initiative based thereon to resolve this negative situation following a certain rational vox populi (nation’s will). This a sort of manipulation or adaptation

(perhaps, adapting others to own opinion) discourse which reveals that in political discourse CJ is understood as an abstract structure of institutionalisation and legitimisation of power rather than the restoration of equilibrium or just balance in each specific case. Criminalisation and penalisation of activities are the expression of the dominant ideological or political will rather than the restoration of congenial justice.

Based on our research, we find that there is a clear connection between psychological perceptions of the economy of Lithuania and perception of the CJ system using contraband as a proxy measure. Most respondents indicated they would buy contraband, with men more likely than women to buy. Our research also indicated that socioeconomic status influenced whether one would buy contraband: the poor were more likely to admit buying contraband than those more well off. Lastly, contraband buyers tended to be younger. A Mertonian explanation was proposed, in which the worse off members of society (i.e. the poor), and those with less to lose (i.e. younger people) used “innovative” methods (such as buying contraband) to try to acquire that which society on the one hand promotes as desirable, but on the other, does not provide the means to legally attain such items, such as providing jobs with adequate pay.

Mass media communicates intensive flows of CJ-related information. This information usually carries a narrative, non-analytical character, covering events in a fragmentary, here-and-now manner. CJ topics are usually embodied in a negative context with an obvious emphasis for violent events. This distorts the

criminogenic situation and shapes the image of a troubled world.

Therefore, with a view to positive changes in public CJ discourse, a more professional approach of mass media in respect of resonant events and presentation of situations in objective business-like, economic, political and similar contexts are required. Representatives of the professional field could be a joining link in the construction of a CJ concept common (acceptable) to all information fields. At the same time, however, official affiliation, subordination or ethical requirements of experts put them in a worse situation in terms of freedom of communication as compared, for example, to politicians or other well-informed citizens. Communication is also restricted by a false belief prevailing in society on a professional level that punishment is one of the most effective crime prevention measures and by intolerance to criminals or those with past convictions which is suggested by very broad and ill-founded criminalisation of activities.

All social epistemic groups emphasise the lack of competence in law enforcement bodies

to communicate with individuals, but a positive role of press representatives is noted, too. In addition, attention is drawn to the possibility to inform by circumventing the media altogether. However, such communication also requires professionalism whilst there is a lack of professionally trained staff for such a direct dialogue.

Most of respondents agree that consensus about implementation of CJ principles among different groups of society is possible only to a certain extent. Despite the unanimity of the need for decisions adopted in the CJ system to be impartial, objective, humane, and equal for everyone, opinions as to the ways of achieving the consensus appear to be highly divergent. Participants of the research identify various reasons that impede communication, including financial limitations, the lack of interdepartmental cooperation, primacy of party or individual interests over the public interest, etc. Likewise, it is admitted that unanimity would be hardly achieved, if ever, but the existing situation must be improved. Therefore, future communication, discussions, and conciliation of interests among groups would be very helpful.

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## SANTRAUKA

### KRIMINALINĖS JUSTICIJOS RECEPCIJOS LIETUVOS VISUOMENĖJE YPATUMAI

Siūlomas skaitytojui straipsnis yra tų pačių autorių publikacijos „Apie kriminalinės justicijos suvokimą visuomenėje“ (Dobryninas, A., Dobrynina, M., Česnienė, I., Giedraitis, V., Merkevičius, R. "On Perceptions of Criminal Justice in Society", *Sociologija. Mintis ir veiksmas*, 2012/2, p. 222–38) tęsinys. Straipsnyje empiriškai iliustruojama, kaip baudžiamojo teisingumo principai suprantami skirtinguose socialinėse episteminėse grupėse, kokie yra panašumai ir skirtumai tarp šių grupių, kaip vyksta tarpgrupinė komunikacija kriminalinės justicijos klausimais. Analizuojami ir apibendrinami 2012–2014 metais Lietuvoje atliktų kokybinių (tai fokusuotos grupinės diskusijos ir pusiau struktūruoti interviu su Lietuvos kriminalinės justicijos ekspertais, politikais, žurnalistais, visuomenės lyderiais) ir kiekybinių (Lietuvos gyventojų reprezentatyvi apklausa ir Lietuvos masinių medijų turinio analizė) tyrimų rezultatai. Pirmame skyriuje nagrinėjami socialinės normatyvinės kriminalinės justicijos suvokimo ypatumai, antrame – analizuojami poliniai ekonominiai kriminalinės justicijos žinojimo aspektai, trečiame – nagrinėjama, kokią įtaką daro Lietuvos masinės informavimo priemonės kriminalinės justicijos įvaizdžiui visuomenėje. Daromos išvados, kad sutarimas dėl kriminalinės justicijos principų įgyvendinimo tarp įvairių visuomenės grupių įmanomas tik iš dalies. Nors visų poreikiai yra tie patys, t. y. kriminalinės justicijos sistemoje priimami sprendimai

turi būti nešališki, objektyvūs, humaniški, lygūs visiems, tačiau nuomonės, kaip tokio sutarimo pasiekti, labai išsiskiria. Tyrimo dalyviai įvardija įvairias priežastis, kurios apsunkina tarpusavio susikalbėjimą: finansinius apribojimus, tarpinstitucinio bendradarbiavimo stoką, partinių ar individualių interesų viršenybę priešpriešiais visuomenės interesų, medijų vaidmenį ir pan. Taip pat siūloma gerinti esamą situaciją organizuojant ir skatinant komunikacinius ryšius bei interesų derinimą tarp įvairių socialinių grupių, panaudojant tiek masinių medijų, tiek kitų socialinių institucinių resursų galimybes.

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