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On Perceptions of Criminal Justice in Society¹

Abstract. *The perception of criminal justice in society is a controversial social problem. Traditionally, criminal justice issues have been treated as a matter of professional interest for criminologists, criminal justice experts and other professionals from related fields. But is expert knowledge the only valid kind when it comes to criminal justice topics? This question, though rhetorical, is aimed at stimulating discussion about the co-existence of different types of social knowledge on criminal justice, and their impact on various discourses concerning crime and punishment in society. In this article a group of researchers from Vilnius University makes use of phenomenological methods to analyse three different types of discourse on criminal justice: professional, political and public. The professional discourse on criminal justice is scrutinised from the perspective of penal law, the political discourse from the point of view of macroeconomics, while the public discourse is analysed using ideas drawn from psychology and media studies. The analysis of these discourses seeks to examine the social construction of criminal justice, and the particularities of its reception among professionals, politicians and a wider public.*

Keywords: *criminal justice, discourses, economic circles, psychological reception, mass media.*

Pagrindiniai žodžiai: *kriminalinė justicija, diskursai, ekonominiai ciklai, psichologinė recepcija, masinės medijos.*

Introduction

Criminal justice is understood as a system of social control which, through appropriate legislation, practices and institutions, ensures crime control and prevention as well as sanctions law-breakers. In democratic societies, the purpose of criminal justice meets a common social interest shared by all society members, i.e., to live in a safe and supportive society,

which guarantees appropriate level of security and respect for rights to all citizens, and which rests upon an equal and just application of the law to each and every citizen. Although tracing back to more than two hundred years in Western societies, the principles of criminal justice are not mechanically implemented in society and depend on various historical, cultural, geographical circumstances and global developments.

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In this light, criminal justice, its principles and performance results have always been and will continue to be the subject for professional, political and public debate. However, the debate has not always been fruitful and political decisions made – not always effective and reflecting modern scientific achievements. This is mainly because of the lack of effective communication links between criminal justice professionals and the general public, and an insufficient level of understanding to ensure the effective implementation of the goals of democratic criminal justice.

Likewise, it should be noted that criminologists are more and more frequently suggesting that problems of criminal justice may not merely be the concern of professionals and politicians; effective communication and contacts with the general public serve as a guarantor for criminal justice success. These aspects of criminal justice have been analysed from different contemporary theoretical perspectives: news-making criminology, peacemaking criminology, cultural criminology, public criminology. The mentioned trends are represented by such famous criminologists as Cohen, St., Quinney, R., Kury, H., Swaanning, R., Loader, I., Sparks, R., etc. In Lithuania, individual aspects of this problem – feeling of society's safety and security, public presentation of criminal information, political aspects of criminal justice – have been analyzed in the works by Bluvšteinas, J., Dobryninas, A., Gaidys, Vl., Justickis, V., Justickaja, S., Kiškis, A., Pocienė, A., Valickas, G., Vileikienė, E., etc. However, to the best knowledge of the authors of this article, no complex research into the reception of criminal justice

in society, encompassing expert, political and public perspectives, has ever been conducted in Lithuania or any other country of the world.

The authors of this article suggest applying a constructionist approach to the analysis of the reception of criminal justice in society. On the one hand, criminal justice and its reception are interpreted in the light of constructionism and, on the other hand, this reception is viewed in the context of the provision of public security services. The theoretical and scientific justification of this idea is linked to the tradition of the sociology of knowledge and phenomenological sociology. Addressing the provision of services usually involves attempts to identify service users by gender, level of education, occupation and other social demographic factors or the style of living, etc. However, in addressing the reception of social problems, it is important to identify the distinctive features of social groups that would correspond to the reception problem at hand. This distinctive feature is well known in sociology; it is social knowledge which is defined as the ability of individuals to understand the social environment around them and the conditions of their social existence. A specific epistemological mechanism for social stratification was described by Austrian sociologist and philosopher Alfred Schutz at the end of the 20th century. He suggested using expert, everyday and interim (informative) knowing of certain social problems and, on this basis, stratifying a society into three groups – (1) “the experts”, (2) “the men on the street”, and (3) “the well-informed citizens”.

This scheme of the sociology of knowledge can be similarly applied to the analysis of the

reception of criminal justice in society. Experts – criminologists, law professionals, officers of law enforcement institutions – understand the objectives and problems of criminal justice in one way, while ordinary people, who usually become aware of these problems from newspapers or television, see them differently. One more view is represented by those responsible for making and implementing criminal policy – national- and regional-level politicians, policy administrators and executors. The above mentioned knowledge are not merely static or isolated: they change, interplay, interact and modify each other. They have their own institutional and structural support, reference groups, specific forms of expression and linguistic aspects. In order to understand how criminal justice is perceived and upheld in society, it is necessary to take into account the above mentioned and related elements.

This article analyses the aspects of constructing the reception of criminal justice in the professional domain, its linkage to macro (economics) and micro (psychology) aspects of society, and implications of mass media for the perception of criminal justice in society. We take into consideration not only to problem-relevant theoretical sources, but also to the results of focus group discussions² conducted within the framework of the aforementioned project. The first section deals with professional aspects of defining criminal justice; the second section illustrates how economic processes can change the political goals of criminal justice.

The third section explores into psychological factors likely to impact on ordinary people's concept of criminal justice. The fourth section presents communicative aspects of the reception of criminal justice in society.

1. Concept of criminal justice in a professional discourse

The notion *criminal justice* is often (and increasingly) used both on professional practical level and in scholarly debates. However, the uniform definition of *criminal justice* is, as a rule, not formulated. For example, the criminological publication *Procedūrinis teisingumas Lietuvos kriminalinėje justicijoje* [Procedural Justice in the Lithuanian Criminal Justice (Justickis, Valickas, 2006) indicates that “*criminal justice* performs a function of protecting the values defended by criminal law and the citizens' fundamental rights, regulates human relationships and the relationship between individual and society. When guaranteed together, all this creates a basis for people to believe that the principles of justice are prevailing in the society, that social problems are tackled with noble ideals of justice and that they are living in a just society. To build such conviction is one of the primary tasks of *criminal justice*”³. A textbook on criminology (Justickis, 2001) presents the most commonly used concepts of *criminal justice* as a *process* (i.e., the totality of actions taken after an act bearing the elements of a crime is registered) and as a *system of institutions*. Other authors (Dobrynina, A., Vileikienė, E.), not without Hulsman's

² The discussions were held with criminal justice experts, politicians and representatives of public organisations in 2010/2011.

³ Justickis, Valickas, p.12.

influence⁴, identify six areas covered by *criminal justice*: the totality of acts, doctrines and ideas of criminal law, mutual relationships among various authorities (the police, judicial prosecutor's office, prison administration), attitudes towards crimes and criminals prevailing in these authorities, specific relationship between the aforesaid authorities and mass media, direct "products" of the system (including penal sanctions) and structures of power between and within law enforcement institutions. The notion of *criminal justice* is also often used as a synonym to *penal punitive justice* (Justickis, 2001), etc.

Although neither Lithuanian laws nor the prevailing doctrine of criminal law provides an explicit definition of a universally and commonly understood and used content (a sort of *legal definition*) for *criminal justice*, it can be nonetheless generalised that, on expert/professional level (discourse), the notion of *criminal justice* is perceived and used as a *generic expression* which, subject to a relevant context, may describe both *static* phenomena related to *criminal law* (for example, criminal law, perception of crime and punishment, criminal law application practice and transformation trends, etc.) and *dynamic* phenomena related to *criminal law* (for example, procedural acts of public authorities and officers, e.g., prosecutor or judge implementing the penal functions of a state; legal opportunities of private actors in criminal proceedings, etc.). *Criminal justice*, in the most general sense, can be defined as a process based on legal, moral and ethical norms (including factors influencing the initiative of

legal functioning, the legal forms of functioning, actors and their behavioural structure, etc.), during which it is established (revised, supplemented, etc.) what actions are considered a crime in a certain historical period and what criminal sanctions should be applied for a certain criminal conduct, and legal procedures, forms and methods for detecting crimes are defined along with practical conduct of private individuals, who enter or get involved into the process with the powers of government in the investigation or examination of offences and in enduring the sanctions applied.

Although the professional discourse declares the need for, and social benefits of, seeking a common understanding of the goals and forms of implementation of *criminal justice*, following a legal tradition typical of Continental Europe (taken separately, an exclusive role of the science of law and law scholars in the formation of the trends of legal activities (including criminal policy), an emphasis is nonetheless placed (and sometimes even absolutised) on the professional knowledge of *criminal justice*, emphasising the benefit (crucial, and thus one-sided, influence) of professionals in the development of the concept and objectives of criminal justice, the selection of the forms, methods and techniques of implementing criminal justice, highlighting the positive educational influence of professional knowledge in the formation of society's legal consciousness and opinion on the issues of *criminal justice*, etc. In addition to these common legal ideas, which are as if falling under separate discourses and likely to

⁴ See: Report on Decriminalization.

combine (generalise), the analysis of individual elements of *criminal justice* presented on expert level is and can only be properly understood at the level of professional experts (with regard to subject areas, presentation and formulation of conclusive findings). In psychological terms, one can even observe a peculiar expert desire to manifest, and concurrently to preserve or protect, *law* and *legal activity (criminal justice)* as an artificially complicated phenomenon and professional activity that can be understood exclusively by professionals.

A similar relation is also observed in another social context: the concept [of the goals, forms of implementation, etc.] of *criminal justice* represented by experts (professionals) does not appear “friendly” to *decision-makers*, either. In generalised terms, one of the more important factors preventing the approximation of these discourses is the unwillingness of both levels to cooperate and collaborate (to exchange knowledge and good practices), their striving to dominate, at least symbolically, over each other, to be the crucial factor in the formation of criminal policy, its goals, trends and instruments. From this aspect, we can see a quite obvious confrontation of principal issues rather than a natural lack of understanding stemming from different knowledge and experience levels: scientific studies based on doctrinal analysis, historical experience and empiric research or recommendations of expert practitioners (essentially denying the idea of criminal sanctions as the most effective instrument of social control, urging to refrain from overestimating the power of criminal law, from confining to mere amendment of the criminal law, and to

look for long-term effect-based (cause rather than consequence) efficacious methods and measures to eliminate negative manifestations, etc.) are quite easily conquered by symbolic or emotional legislation based on *vox populi*. This relation is quite obviously exemplified by criminal law developments: during nine years of being in effect, the criminal law was subject to toughening amendments (criminalisation, toughening of penalties or other aggravation of person’s situation) more than 200 times, as compared to the amendments of the criminal law mitigating criminal liability that can actually be counted on two hands. Such quite poor and limited interactions of the discourses on professional and decision-making levels are also determined by quite many amendments of the criminal law being based on the entrenchment of Lithuania’s commitments to the international community in national law rather than on value orientations. Analysis of the *travaux préparatoires* justifying novel amendments to the criminal law leads to an impression that reasoning based on expert knowledge and experience is invoked only in cases when this is allied with the position of the novel’s initiator. In a number of cases, ideas prevailing in the professional discourse are simply neglected.

2. Economic perspective in the criminal justice perception

Criminal justice can be viewed from another, adaptive economics, perspective. Already classical criminal justice theories by Beccaria and Bentham gave grounds to consider an offence as an act jeopardising the political, social and economic balance of society and the very

criminal act – as a certain rational choice to benefit on account of other members of the society. Throughout the entire history of criminal justice, from modernity to the present, political-economic aspects of crimes and punishments, whether openly or secretly, were the focus of government's attention. This section is to exemplify that such attention is not accidental.

Introduction to world-systems analysis and K-wave economic cycles

Because our key focus is the way that the Lithuanian population perceives the criminal justice system, this section's macroeconomic explanation seeks to illustrate with examples from focus groups, that perception from a structural and institutional economic point of view. The perception of criminal justice in society can be viewed as being closely linked to economic cycles, which in turn is based on the world-system perspective. World-systems analysis formed as a reaction to dependency theorists (Amin 1976 and 1994, Kohler and Tausch 2002; Yotopolous and Sawada 2005). During the 1970s, historical economic sociologists such as Wallerstein (1974) and Gunder-Frank (1992) began to theorize an expanding European economic capitalist system, called a "world-system," beginning approximately in the 16th century. This paradigm could be used to explain the historical economic development (or lack thereof) and economic inequality of countries around the world, including the formation and disintegration of the Soviet Union, and the subsequent rise of newly independent post-Soviet countries such as Lithuania (Chase-

Dunn 1991, Giedraitis 2007). This model sees capitalist market relations as a means of wealth redistribution, from the poor peripheral regions to rich core countries, or from the global South to the global North (Arrighi 1995, Turchin 2007). This could in itself be used as a means to analyze the public's perception of economic-criminal "fairness."

The world-systemic perspective assumes the existence of centuries old economic cycles, called Kondratiev waves. These economic cycles can not also be roughly correlated with criminological phenomenon such as incarceration rates, which is surprising to us. The incarceration rates indicated in the study of the United States and Italy since 1845 suggests that there is no correlation to a downturn in the economic cycle and an increase in incarceration rates, and vice versa. However, this relationship breaks down about 1970, when for the next 25–30 years of economic downturn, there was a very clearly increase in incarceration rates, but only in the United States. One possible explanation is that unlike in Italy during this period, the United States experienced a tremendous increase in income inequality. Additionally, Vanneste (2001) makes a connection between Kondratiev cycles and prison populations. At the Kondratiev downswing (recession), the prison population in Belgium was at its highest, and vice versa. Such studies illustrate the connection between economic cycles and criminology.

This emphasis on 45 to 60 year Kondratiev waves as "explanations" for economic growth or contraction have been criticized by some economists for not explaining the origins and mechanisms of the cycle, or Kondratiev waves

as being simply sporadic rather than consistent economic correlations and not a cause of economic growth or depression (Solomou 2004). We hypothesize that economic growth is associated with a more tolerant view of criminal justice, and economic depressions are related to a more critical perspective on the criminal justice system. This perspective is generally accepted by the results of our focus group interviews.

Schumpeter, innovation, and creative destruction

Unlike world-systems analysis, we emphasize Schumpeterian agency (1943) as a form of innovation, rather than blind adherence to historical Kondratiev cycles, as an important means by which Lithuania's economy can focus on what Ricardo (1817) may have called its comparative advantage in its fields of focused economic growth, such as biotechnology (Giedraitis 2011). Economic innovations, which are engines of economic growth, cause an upswing in the A-phase of the Kondratiev cycle. Historical examples include the perfection of the steam engine, which allowed the industrial revolution to occur in Western Europe in the 1750s. This in turn led to an incredible creation and concentration of wealth, which some saw as inherently unfair (Bourguignon et. al. 2002). We postulate that aspects of Lithuania's economy which are widely seen as innovative, such as the biotechnology sector, would be viewed positively, even if there were negative public criminal news about it, such as perceptions of corruption. The benefits of contributions to the general economy would outweigh negative public perceptions.

A related question relates to "fairness" in economic distributions. Lithuania's economic inequality, as measured by the Gini index, rose rapidly in the post-Soviet period (Deiningering et. al, 1996). Conversely, the Kuznet's curve indicates that as economic development proceeds, income inequality increases up to a certain point, then drops as most of the population are wealthy. Economic "fairness" can further be reflected by the media and which can arguably either shape public opinion or reflect it.

Schumpeter can be drawn upon to emphasize the importance of innovation on one hand, and the danger of stagnation on the other. Stagnation occurs during the downswing (B phase) of a Kondratiev wave, when the driving technology's economic influence is dissipated, until another innovative technology takes hold.

We postulate that economic stagnation would be a time when Lithuanian society would view criminal justice more critically. This indeed was the case as was indicated by our expert focus group. They indicated in interviews that economic factors have a big role in their perception of the criminal justice system. This idea of elites dictating terms is also drawn upon by Szelenyi (2001) and Verdery (1996) with the concept of the circulation of elites: the nomenclature of the Soviet era became the heads of factories and other industries in the post-Soviet era. Although not officially stated, the experts suggested that as Lithuania's economic condition deteriorated, there was an increasing effort to change laws and to criminalize certain activities that would disrupt the status quo of the economy. One expert focus group member, for example, indicated that "until the [economic] crisis, it can be said

that there was no contraband.” This suggests that contraband was only actively criminalized once economic stagnation had begun.

One way to empirically measure economic cycles in Lithuania is by noting macroeconomic indicators along with quality of life measures. In general, although much of Southern Europe is in the midst of a financial crisis, Northern Europe, including Lithuania has avoided such problems. A common perception may be that “times are difficult,” when the unemployment rate is high, and “times are good” when the rate is low, which may in turn affect the public’s perception of the criminal justice system. The average Lithuanian unemployment rate from 1998 to 2012 was 11.7%. The past several years have seen a rapid increase in unemployed: from 5.8% in 2008 to a high of 17.8% in 2010. By contrast, in the rest of the European Union, the unemployment rate rose to high of 10.2% in 2011. Median wages at the same time in Lithuania have been increasing. Median wages more than doubled from about 320 Euros in 2001 to over 650 Euros in 2008. At the same time, inflation in Lithuania has been relatively low in recent years dropping from 5% in 2011 to 3.3% in August 2012. Economic inequality as measured by the Gini index has been increasing from 23 in 1988 to 38 in 2008, although the rate of increase has been slowing (Eurostat). According to the United Nations, in 2011, Lithuania’s Human Development Index increased to .810, placing the country in the highly developed category of nations and converging with other EU nations.

Schumpeter popularized the term “creative destruction,” by which he meant that innova-

tion by entrepreneurs has the ability to radically change stagnant industries or an even an entire economy. This is also related to the perception of criminal justice in society. A less drastic form of “innovation” was indicated by our expert focus group. They indicated the case of “mothers’ lawsuits” which arose in the wake of the 2008–2009 economic crisis. These lawsuits involved women fictitiously getting a high paying job. Once pregnant, the woman would leave and take advantage of Lithuania’s generous mothers’ benefits, where the new mother receives compensation based on how much her job had been paying her.

This section has illustrated how perception of justice in society can be indicated from a macro economic level. The final empirical finding, of pregnant women taking advantage of economic cycles is an example of a micro element in the broader socio-economic perspective. The following section will illustrate a much more micro-psychological perspective on perception of criminal justice in society.

3. Psychological aspects of perceiving justice

There are many examples in the history of mankind, evidencing specific criminal justice sensitivity to the needs of the authorities (power), starting from the protection of economic interests of a favoured social group (class) and finishing with efforts to target law enforcement against political opponents. However, criminal justice is not only a potential tool for the political élite. Criminal justice also serves to protect the interests, rights and freedoms of individuals. In addition, criminal justice represents compli-

cated system of social institutions, and societies must not stay indifferent to the distribution of human and financial resources within the system and the costs of public security services. Yet, the need for justice existing in society cannot be always met by a rationally estimated functional of expenses and costs. The feelings of safety or fear of crime represent the social psychological phenomena that extend beyond rational management schemes.

Justice plays an extremely important role in human lives. Every person wants to be treated in a just manner. However, according to Montada, L. (2012), it is not the aim of psychological research to determine what is truly just and what is truly unjust. The questions guiding psychological research are others, for example, what people consider to be just or unjust, how divergent or convergent their convictions about justice are, which dispositions and contextual factors have influence on the perceptions and appraisal of justice and injustice, what motivational impact of experienced or observed injustice is, how people cope with injustices, how justice beliefs are shaped and how they can be changed.

Many people have concerns for justice-related issues, but the difference lies in how they express this concern (Dalbert, 2012). The differences in reactions may be partially attributable to different types of justice motives, which must be differentiated from justice motivation. The individual belief in a just world can be interpreted as an indicator of a justice motive: the more people want to rely on being treated justly by others, the more obligated they should feel to behave justly themselves (Dalbert, 2009).

Thus, the stronger is the belief in a just world, the stronger is the justice motive. "Just world" research typically does not assess individual differences, but interprets reactions in the light of just world reasoning. Justice motivation is triggered by specific situational circumstances in interaction with personal dispositions (that may be the justice motives) or other dispositions.

Individual differences provide important information for empirical research in order to determine the interactions among justice perception, emotional reactions towards injustices (e.g., anger) and behavioural reactions (e.g., punishment of the perpetrator, compensation of the victim) (Schmitt et al., 2010). Dispositions, beliefs and personality traits not only have influence on subjectively perceived justice, but also strengthen or weaken emotional and behavioural responses to injustices. For example, risk aversion and trait morality have been established to amplify reactions towards injustices, while trust propensity weakens such reactions (Colquitt et al., 2006). According to recent statements, justice sensitivity can be classified as a personality trait which influences the perceptions of and responses towards injustices (Schmitt et al., 2010).

There exist a variety of psychological theories attempting to explain justice/injustice-driven reactions. One of the most famous theories is the Lerner's (1980) hypothesis of a just world, suggesting that people in general get what they deserve. This belief enables them to deal with their social environment as though it were stable and orderly and thus serves important adaptive functions. As a result, people are motivated to defend their belief in a just world when it

is threatened by injustices, either experienced or observed. If possible, justice is restored in reality (e.g., by compensating victims). If the injustice seems unlikely to be resolved in reality, however, people restore justice cognitively by re-evaluating the situation relying upon their belief in a just world. This cognitive process is also called the assimilation of injustice. Speaking shortly, the belief in a just world either encourages the cognitive interpretations of the world that would make it juster or encourages certain actions aimed at restoring justice (Montada & Schneider, 1989).

Since the 1990s, justice research has shown that it is necessary to distinguish the belief in a personal just world from the belief in a general just world (Dalbert, 1999). These two constructs have a different meaning: the personal belief in a just world is a better predictor of adaptive outcomes (e.g., subjective well-being), and the belief in a general just world is a better predictor for harsh social attitudes. For example, anger is the emotion typically accompanying unfairness appraisals. However, the intensity of anger in such situations significantly correlates with the personal belief in a just world and self-esteem, i.e., high believers in a personal just world are less angry in anger-evoking situations and show no impairment of their self-esteem, as compared to low believers in a personal just world (Dalbert, 2002).

Gollwitzer and Bücklein (2007) suggest that people react passionately toward injustice and the violation of social rules, norms or obligations. However, their attitudes toward the violation of norms differ depending on how long people consider one or another act

to be morally wrong or threatening, or what responsibility/liability is attributable to the perpetrator. Accordingly, people differently regard the quality and quantity of punitive sanctions. Many of such differences can be explained by personality variables (authoritarianism, norm-internalisation, social dominance orientation, etc.), but differences in attitudes toward punitive sanctions also depend on culture (e.g., individualistic *vs.* collectivistic culture).

Findings of classical social psychology research, for example by Milgram or Asch, suggest that avoiding social isolation is more important to people than holding to one's true opinion. In 1974, Noelle-Neumann introduced a Spiral of Silence theory (Noelle-Neumann, 1993; Noelle-Neumann and Petersen, 2004) asserting that people have a fear of isolation – a fear of being rejected by those around them, and this probably developed over the course of evolution. For this reason, people constantly monitor the behaviour of others in their surroundings, attentively noting which opinions and modes of behaviour meet, or are likely to meet in future, with public approval or disapproval. Because most people fear isolation, they tend to refrain from publicly stating their position when they perceive this would attract enraged objections, laughter, scorn, or similar threats of isolations. Conversely, those who sense that their opinion meets with approval tend to voice their convictions fearlessly, freely, gladly, and, at times, vociferously. Speaking out loudly and gladly enhances the threat of isolation directed at the supporters of the opposing position, reinforcing their sense of standing alone with their opinion and thus also their growing tendency

to conceal their opinion in public. A spiralling process begins, whereby the dominant camp becomes ever louder and more self-confident, whereas the other camp falls increasingly silent. This process occurs only in situations that have a strong moral component, in other words, in situations where ideology, agitation and emotions come into play (Noelle-Neumann and Petersen, 2004). In this case, those who think differently are bad (if there is no moral fundamental, they would be merely considered stupid). It is the moral element what gives public opinion its power.

It is emphasised that only controversial problems can trigger a spiral of silence. An opinion can dominate in public and give rise to the pressure of isolation even if the majority of the population holds the opposing views. The mass media can significantly influence the spiral-of-silence process. If the majority of the media takes the side of those vociferous, they may exert a substantial, presumably even decisive influence on the spiral of silence to manifest. Moreover, there are no instances in which there was a spiral of silence that ran contrary to the media tenor. Because public opinion serves as an instrument of social control and indirectly ensures social cohesion, in certain cases the issue that triggered the spiral of silence poses a particularly great threat to social cohesion.

4. The role of the mass media in the reception of criminal justice

In modern societies, the mass media represent a space reproducing social, cultural and moral public values. By transmitting symbolic

content, they mediate normative constructions of the world and thus legitimate the existing status quo or reflect changes that take place in the social organisation of society and in the field of distribution of powers.

With a view to better understanding of the relationship between the mass media and the above-discussed three forms of the social knowledge of criminal justice, there are few aspects worthwhile mentioning. Being the main source of information on criminal justice for most society members, the mass media have influence on their knowledge of criminal reality and thus on its reception. The mass media contribute to the shaping and framing of the content of knowing which, on the one hand, is determined by normative contours of society and, on the other hand, by commercial factors of media industry functioning under conditions of a free-market economy.

What society members (especially “the men on the street”) know about the reality of crime mostly depends on what is covered by the mass media. The agenda set by the media influences the public discourse agenda which is likely to influence the contents of the policy agenda which, in turn, structures the media priorities (Dearing, Rogers 1996; 22). To this effect, it is worthwhile noting a dual nature of the relationship between the mass media and policy agendas. On the one hand, they serve as an important source of information for public authorities and, on the other hand, whilst performing the function of the Fourth Estate as the guardians of democracy and defenders of public interests, they place a specific focus on political topics and criminal justice issues.

The criminal justice agenda of the mass media can be also shaped by public priorities or, more exactly, by public needs. On the other hand, however, by covering only some true aspects of social reality crimes, they limit public awareness and thus influence the shaping of the public opinion and public discourse. Therefore, the mass media may exert influence on the public opinion, thus giving powers to the groups of interests managing mass media campaigns to change the nature of criminal justice discourse in a preferred direction.

Likewise, it should be noted that by setting agendas for representatives of political and legal domains as well as for public actors, i.e., by setting the form and content of thinking and speaking about the criminal reality, the mass media themselves become a maker of criminal knowledge. To this effect, we should mention mediatisation of the aforementioned professional domains which evidences their liability to the logic of a market domain transfused to media production. At the same time, the very journalism domain invokes the structural elements pertinent to the legal, political and academic domains in order to import the illusion of credibility and authority to the public discourse. In other words, participation of the authoritative area representatives (recognised in the social macrocosm) in certain broadcasts and/or their commenting on criminal events give power to the media-constructed discourse, i.e., contribute to the legitimation of a certain way of talking and thinking about criminal justice and, at the same time, to the shaping of knowledge.

With regard to the shaping of knowledge toward criminal justice, it is worthwhile men-

tioning that social knowing is embodied. In the social discourse, it is embodied by the so-called claim-makers, who represent relevant social segments and compete with each other for the recognition of the social constructions of reality proposed by them. For this purpose, to embody the reality of criminal justice and to entrench their power in the media, pre-made typified conceptual frameworks are often invoked based on factual and interpretive statements and propagating corresponding problem-definition and problem-solution methods, including “defective criminal justice system” and “social break-up” schemes which are one of the most popular and offer, respectively, the strategies of strict social control or strengthening community interaction. The winning social construction gives power to the group which represents it. In other words, the public media discourse is, at the same time, an arena of fighting and competition among groups of interests for symbolic resources.

One more characteristic of this discourse is professionalisation; it is a discourse of professionals (law enforcement representatives, politicians, academicians (rarer), etc.). Ordinary members of society, in turn, usually perform the role of a passive observer. In the media discourse, social hierarchy is reproduced through the so-called “rhetoric hierarchy of reliability” (e.g., priority to comment on a problem is given to high-ranking law enforcement officers, politicians, etc.), thus confirming its legitimacy in the social structure. In this case, the mass media perform one of their key functions, which essence lies in upholding and legitimating the existing social order, presupposing that, in case of law

violation, a conflict between the perpetrator and the victim is “legitimately” transferred to the authorities or, in other words, monopolised by the government. Therefore, community conflicts are “stolen” by professionals – judges, lawyers, police officers, physicians, criminologists, etc., and such thefts are legitimated with the help of socialisation processes.

Likewise, it should be noted that commercial factors of the media industry, functioning under conditions of a free-market economy, serve as a vehicle for the mass media to transform into certain amplifiers of moral panics and, correspondingly, deviations in society. On the one hand, being dependant on the economic factors determining their functioning and, on the other hand, reflecting the existing social structure which they constitute a part of, the mass media are likely to facilitate deviation amplification in society. Invoking routine news-making techniques, the media transform a certain episode into a safe and comfortable construct to explain bigger social problems, pointing to “external” groups as the reason of the problem and concurrently “explaining” and exculpating justice administration authorities for their failure to completely eliminate the occurring criminal problems. At the same time, the necessary existence of such authorities is supported and their legitimacy is confirmed.

In other words, despite a predominating negative context of portraying the criminal justice system in the mass media, sanctions often articulated by the media and described as the most effective, i.e., severer punishments and increased supervision of the law, require expansion of the existing criminal justice sys-

tem (Surette 2011; 186). This legitimates the existence of the very system and validates its necessity. In general, taking into account the rhetoric of the criminal justice discourse in the media (particularly in the news media), it can be stated that constructing a discourse often involves persuasive rhetorical strategies which, in terms of Tuchman, G., comprise a “factuality network” created by news-makers in order to create the illusion of reality which, at the final point, legitimates the status quo.

This rhetoric is used by certain groups of interest to strengthen their authority and power. However, it is at the same time rather impressive and manipulating: a certain contour which is voiced has a space to be filled with the expectations of the audience. This is how a public political claim to the criminal knowledge becomes one of the methods to mobilise support on the part of society, i.e., electoral votes, and concurrently to legitimate and justify the rhetoric, which further serves as a vehicle to legitimate own power, leadership and represented ideology. In this case, certain topics of criminal justice become an instrument of public relations, and a tool for strengthening their symbolic capital, for the representatives of political field. Having one’s own opinion on the issue becomes an integral part of political agenda, and strict opinion is a must for improving one’s own ratings.

Due to the reiterated specifics of media news-making, presentation of events is usually confined to the context of “now and here”, thus segregating criminal problems from their causes and long-term outcomes. Such a fragmentary and superficial portraying of criminal reality is assisted by the logic of present-day thinking

and competition, which dictate identification of what is important with what is new (sensations). In turn, journalists are doomed to constant searching for daily news and, at the same time, to inconsistent and scattered constructing of the image of criminal reality (Bourdieu 2002; 157). Due to the lack of time, interest and information, the criminal knowledge mediated by them is taken out of context, i.e., events are segregated from the system of relationships that determine them.

Conclusions

The perception of criminal justice in the society is a quite controversial social problem. Traditionally, criminal justice issues are treated as a matter of professional interest of criminologists, criminal justice experts, and other professionals from the related fields. This stimulates discussions about the co-existence of different types of social knowledge on criminal justice, and their impact on various discourses concerning crime and punishment in a society.

Reception of the criminal justice in society can be analyzed applying the principles of phenomenological sociology, analyze three different types of discourses on criminal justice: professional, political, and public. The professional discourse is organized around verifiable propositions, public – is based on opinions, and political – reflects interests. There is no strict separation between criminological discourses – they are mutually overlapping and interdependent.

Although the term is used in both the criminal justice professional practical level, both in scientific discussions, also includes a

variety of meanings, but a unified criminal justice conception is the usual definition. In the most general sense of the term, an experimental level of criminal justice can be defined as the legal, moral and ethical standards based on the process of determining what the behavior of a certain historical period of crime is. Additionally, what punitive measures to be applied for certain criminal behavior, criminal behavior defines the interpretation of the legal proceedings, forms and methods, as well as practical with state powers and the process of joining or putting individuals conduct the investigation and examination of the offenses and the appointment of criminal sanctions.

Although the need for professional discourse and social benefits to the overall goals of criminal justice and the realization of forms of understanding is required, but also a focus on professional knowledge of criminal justice highlights the benefits specialists have (even a decisive influence) in shaping the concept of criminal justice, objectives, choosing forms of exercise, techniques and methods isolated positive educative professional knowledge influence in shaping public opinion and the legal consciousness of criminal justice issues (therefore, one-sided influence), etc.

Several conclusions can be drawn from an economic analysis of our data. We drew upon Kondratiev wave business cycle theory. It generally seems to be the case that there is a relationship between economic growth and greater tolerance in perception of the criminal justice system. Conversely, the opposite is also true: when the economy is perceived to be worsening, our respondents suggested that the view of the

criminal justice system becomes more critical.

Additionally, we drew upon Schumpeter's idea of creative destruction to point out that as economies worsen, there tends to be more of an attitude of openness to innovation with regards to what is perceived to be criminal activity. For example, what is perceived to be contraband or other illegal activity is linked to business cycles as noted above.

Individual dispositions, beliefs and personality traits influence the subjectivity of perceived justice and reactions to injustice. Personal faith in a fair world, either promotes cognitive interpretations of the world that make it a fairer place, or encourages certain actions in order to restore justice. However, depending on the individual and cultural characteristics of individuals', approach to breaking social norms and criminal penalties may vary. In addition,

individuals characterized by the fear of social isolation, which influences decisions about behaving justly

In the contemporary world by transmitting symbolic content mass media mediates the normative constructs of the world, thus legitimizing the status quo or reflecting the "accepted" changes taking place in the social organization of the society and the power distribution field.

As the main source of information about crime and criminal justice, mass media significantly influences public knowledge, and thus, reception of the reality of crime. Through the disposition of "synoptic" power, it contributes to the shaping and framing of its content, which is influenced by the normative contours of the society, as well as the commercial media industry operating under the logic of the free market economy.

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SANTRAUKA

KRIMINALINĖS JUSTICIJOS RECEPCIJA VISUOMENĖJE

Kriminalinė justicija suprantama kaip socialinės kontrolės sistema, kuri per atitinkamą įstatymų leidybą, praktikas bei institucijas užtikrina nusikaltimų kontrolę ir prevenciją bei taiko poveikio priemones teisės pažeidėjams. Kriminalinės justicijos paskirtis demokratinėje visuomenėje atitinka jos narius vienijantį bendrą socialinį interesą – gyventi saugioje ir solidarioje visuomenėje, kurioje kiekvienam jos piliečiui yra užtikrinamas tinkamas saugumo lygis, paisoma jų teisių, o teisingumas vykdomas visiems vienodai

ir teisingai. Nors Vakarų civilizacijos kriminalinės justicijos principams yra daugiau kaip du šimtai metų, jų įgyvendinimas visuomenėje nėra mechaninis ir priklauso nuo įvairių istorinių, kultūrinių, geografinių bei globalaus vystymosi aplinkybių. Straipsnyje, remiantis fenomenologinės sociologinės požiūriu, analizuojamos kriminalinės justicijos recepcijos konstravimo aspektai profesiniame lauke, jo sąsajos su makro (ekonomikos) bei mikro (psichologijos) socialiniais veiksniais, masinių medijų įtaka kriminalinės justicijos suvokimui visuomenėje. Atsižvelgiama ne tik į reikantiškas šiai problemai teorinius šaltinius, bet ir atliktos fokusuotų grupinių diskusijų rezultatus. Pirmame poskyryje analizuojami profesiniai teisiniai kriminalinės justicijos apibrėžimo aspektai, antrame – demonstruojami, kaip ekonominiai procesai gali keisti politinius kriminalinės justicijos tikslus. Trečias poskyris nagrinėja psichologinius veiksnius, kurie gali įtakoti paprastų žmonių sampratą apie kriminalinę justiciją. Ketvirtas poskyris pristato komunikacinius kriminalinės justicijos recepcijos visuomenėje aspektus.

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