

**POLITICAL-LEGAL ISSUES OF FULFILLMENT OF RUSSIA'S
INTERNATIONAL OBLIGATIONS ON DEATH PENALTY
ABOLITION IN THE COUNTRY**

Svetlana I. Kuzina¹

Tatyana P. Cherkasova²

Oleg A. Artyukhin³

Nikolay V. Sarayev⁴

Dmitriy S. Comartov⁵

Abstract: the research topicality is due to the necessity to anchor the humanistic values in the Russian public conscience, especially among the youth. One of these values is the human right to life. The previous sociological polls, referring to the Russian citizens' attitude to legitimate coercion of the state as its right to deprivation of life, showed the high but gradually decreasing level of support of death penalty. The processes of integration with the global culture, the reforms of the social-political and legal systems of the recent decades caused the increase of the level of humanism in

Russia. Thus, the present research is aimed at applying empirical methods to reveal the political reasons of inconsistency between the Russian international obligations to abolish the death penalty and the national law-making practice, the above inconsistency being in place for over two decades. The leading research method was the content analysis of the legal and public information, which allowed the comprehensive examination of the processes of humanization of the political-legal conscience in Russia. The article presents the sources of

¹ South-Russian Institute for Management – branch of Russian Academy of National Economy and Public Administration; Don State Technical University, tel.: 89281746198, e-mail: svivk@yandex.ru

² South-Russian Institute for Management – branch of Russian Academy of National Economy and Public Administration, tel.: 89043416132, e-mail: tpch@mail.ru

³ South-Russian Institute for Management – branch of Russian Academy of National Economy and Public Administration, tel.: 89034880169, e-mail: oart1969@mail.ru

⁴ Don State Technical University, tel.: 89034054386, e-mail: snv_571978@mail.ru

⁵ South-Russian Institute for Management – branch of Russian Academy of National Economy and Public Administration, tel.: 89381503090, e-mail: oart2016@yandex.ru

international law, the result of polling the Russian citizens, and the revealed interconnections between the law-making processes and the internal policy of the authorities taking into account the public agenda. The authors assert the relation between the public policy pursued by the authorities for preserving the death penalty in the country, and the number of its proponents, which is decreasing, though slowly. The authors conducted a sociological poll on the attitude of young people, university students, to applying the death penalty in the country. The poll results substantiate the conclusions on the increasing trend of humanization of the young Russians' public consciences, which is related to their education level: the majority of those supporting the death penalty for grave crimes are the first-year students; those inclined to recognize the right to life by rejecting the death penalty in the country are mostly senior students. The materials of the article are of practical value for specialists in the sphere of international relations, education, national and foreign affairs of national states.

Keywords: international law, death penalty, national law in Russia

1. Introduction

Coercion applied by the state is not the only mechanism of controlling the society, but it is the monopoly for legitimate violence that is its specific characteristic. The toughest manifestation of the state's right to apply coercion regarding the lives of its citizens is the death penalty for grave crimes. In 1996, Russia declared a moratorium for the death penalty execution [1]. The issue of the death penalty execution is one of the hardest not only in legal terms, but also in terms of accounting the public opinion concerning its application. The research is aimed at studying the process of introducing the European value of the right to life into the political-legal culture of the Russian citizens. The right to life and the legitimate state coercion have been the subject of research of many scholars: Th. Hobbes, L. Gumplowicz, R. Jhering, V. N. Kudryavtsev, M. Foucault [2, 3, 4, 5, 6], and others.

In his works, Th. Hobbes clearly formulated the notion of social order as expression of organized life. The most powerful and well-organized social formation is the state. This logically implied the theory of coercion. Social

order is the product of power, which has its means of coercion to assure coordinated social actions of the people.

M. Weber proposed a well-known thesis of the state monopoly for coercion. The scholar viewed state as “...a union of authority, organized like an establishment, which achieved success in a certain sphere in monopolizing the legitimate physical coercion as a means of authority, and with a view of this united the material means of the establishment in the hands of its heads, and expropriated all class functionaries with their authorities, who had ruled them arbitrary, and took the supreme positions instead of them” [7, p. 651]. Although the essence of state cannot be reduced to the relations of authority and submission, and coercion is not the only means of the governing function implementation, nevertheless, both legitimate violence and coercion are the state’s specific means.

The research of applying death penalty by a state as deprivation a human being of their life was carried out by C. Beccaria, A. F. Kistyakovskiy, G. B. Romanovskiy [8, 9, 10] and others. Thus, in the end of the 19th century a Russian scholar, a well-known criminologist, professor in ordinary of Kiev University

A. F. Kistyakovskiy paid great attention to the problem of death penalty, by comparing the approaches of different scholars to the problem of state coercion and expressing his own opinion. First of all, he highlighted the views by C. Beccaria, who thought that death penalty is not based on any legal rule, since a person, when joining a society, does not yield the right to their life [9, p. 7]. C. Beccaria adduced other arguments against death penalty as well, which remain relevant till now. This issue caused and is causing a lot of disputes up to now. For example, C. Beccaria opposed G. Mably who wrote: “In the natural state I have the right to death against the one who attacks my life; joining a society, I just transfer this right to a judge” [9, p. 8].

The authors, in terms of the objective and methods of their research, agree with the words by A. F. Kistyakovskiy in a preface to his book “Research on death penalty”: “To the question frequently heard by any specialist: what is your opinion on death penalty? do you consider it a just punishment or not? I answer: do not ask me, whose opinion, as any single opinion, cannot have any power and significance, but listen to the more

weighty opinion, which has more rights for attention, - the opinion of nations” [9, p. 6].

Comparative research of applying death penalty in different countries and different nations in the historical retrospective was carried out by G. A. Levitskiy, A. A. Piontkovskiy, Liu Tianlai [11, 12, 13] and others.

2. Materials and methods

When researching the set problem, we used the following methods: historical-legal method, content analysis of normative acts, content analysis of mass media, and sociological method of studying the public opinion.

Historical-legal method, content analysis of normative acts.

In 1996, the Parliamentary Assembly of the Council of Europe (PACE) recommended the government of the Council of Europe (CE) to invite Russia to become a member of PACE. A condition of membership in PACE was Russia's joining the Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms [14], concerning the abolition of death penalty in the country. Russia joined the Convention and signed the Protocol No.

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6, taking an obligation to ratify it in three years. The Protocol was submitted to the State Duma for ratification in 1999, but it is still not ratified. The Russian legislators have not made a decision on death penalty abolition, though since 1997 six draft laws have been submitted to the Parliament suggesting both its abolition and application, but none of them has been considered even at the first reading. However, the Protocol is considered in force until Russia revokes it.

Article 59 of the Criminal Code of the Russian Federation (CC RF) stipulates implementation of death penalty [15], but, due to the moratorium, death penalty is either not imposed or substituted for life imprisonment or twenty-five years of imprisonment.

After introduction of the moratorium, Article 20 (part 2) of the Constitution of the Russian Federation [16] appeared to be unrealizable, as it stipulated the right of the person, accused in a crime for which death penalty was applied, to have their case examined by a court with participation of a panel, since the institution of jurymen was not functioning at that time. In 1999, the Constitutional Court of the Russian Federation issued Decision No. 3-P [17],

which states that the non-execution of the said obligation impugns the legitimacy of the norm on death penalty in the Russian Criminal Code and brings uncertainty into the law-enforcement practice.

By 2009, the trial court was introduced in all subjects of the Russian Federation, and the Constitutional Court of the Russian Federation clarified the issue of the possibility to apply death penalty, viewing its abolition both as a temporary measure and an irreversible process of its complete elimination. The Constitutional Court emphasized that the Russian Federation, having signed Protocol No. 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms, imposed international obligations on itself. And although Protocol No. 6 is not ratified, Russia has not expressed intention “not to become its participant, which, in compliance with the Vienna Convention on the Law of Treaties, implies the obligation of Russia to abstain from actions contradicting to this document” [18].

Content analysis of mass media

In the Russian society, discussions periodically break out on the necessity to revoke the moratorium on

death penalty; as a rule, this happens after much-publicized and grave crimes. For example, after cruel slaughters of children in Irkutsk oblast and in Tatarstan in 2013, the Head of the Ministry of Internal Affairs of the Russian Federation V. Kolokoltsev declared for death penalty application in the interview to NTV channel: “I am afraid I will cause the anger of death penalty opponents, however, not as minister but as an ordinary citizen, I would not see anything reprehensible in death penalty for such kind of criminals” [19].

The Head of the Russian Investigating Committee A. Bastrykin also spoke for preserving death penalty in the Russian Criminal Code [20]. Addressing the State Duma deputies – participants of the All-Russia People’s Front in 2014, the Head of the Russian Investigating Committee said: “I do not call upon to return the death penalty implementation, but, in my opinion, it should be present in our legislation as a hypothetical possibility of its application”. Some public declarations were made about the necessity to apply death penalty to terrorists: by the Head of Northern Ossetia T. Mansurov in 2013 and the Head of Chechen Republic R.

Kadyrov in 2015. “Death penalty must be introduced. The faster they leave this world, the faster we achieve order”, said the Head of Chechen Republic in the interview to “Russia 24” TV channel [21, 22]

In April 2014, for annexing the Crimea to Russia, the Parliamentary Assembly of the Council of Europe (PACE) deprived Russia of the right to vote at its sessions and participate in the works of its authorized bodies. In response, the Russian delegation left the Assembly meeting. PACE sanctions against Russia caused the death penalty proponents to put forward the proposals to abolish the moratorium on death penalty. However, the Ministry of Justice of the Russian Federation declared that “in compliance with the Statute of the Council of Europe, PACE is one of the bodies of the Council of Europe. Suspension of the membership in PACE or even disaffiliation with it does not exclude the necessity to observe the international obligation taken by the Russian Federation” [23].

Sociological method of studying the public opinion

The public polls’ results testify to the continuing discussion on the death penalty issue in the Russian society. Thus, the “Public Opinion” Foundation (POF) has been polling the Russians on the issue of death penalty application during several years. Beginning from 2001, the respondents were asked: “In your opinion, is it acceptable or unacceptable to sentence criminals to death penalty?”. The data were published in POF web-site. The latest poll was performed in September 2014, and the comparative analysis of the 2001, 2006, 2012 and 2014 data was made. (Data source: “POF-omnibus” – poll of the RF citizens aged 18 and older. 14 September 2014. 43 RF subjects, 100 settlements, 1500 respondents. Interviews at the place of residence. Statistical error not exceeding 3.6%) [24]. Responses are given in percent to the number of respondents. The poll results were compiled by the authors and presented in Table 1.

Table 1: Responses of the Russians to the question: “In your opinion, is it acceptable or unacceptable to sentence criminals to death penalty?”, 2001–2014, %

Proposed answers	2001	2006	2012	2014
acceptable	80	74	66	63
unacceptable	16	15	15	16
cannot say	4	1	19	21

In 2006, POF complemented the poll with a direct question: “In your opinion, should Russia return to death penalty application, or death penalty should be completely abolished, or the moratorium on death penalty should remain in place?” [24]. The responses are distributed by year in the following way (see Table 2):

Table 2: Distribution of the responses of the Russians to the question about applying death penalty in the country, 2006–2014, %

Proposed answers	2006	2012	2014
We should return to death penalty application.	63	62	55
Death penalty should be completely abolished.	23	21	24
Moratorium on death penalty should remain in place – we should not abolish death penalty but not apply it.	4	5	6
Cannot say	10	12	15

In 2008 [25, p. 131], 2016 and 2017, the authors performs sociological

research on the issue of attitude of university students to death penalty as a

manifestation of legitimate coercion of the state. The number of answers is given in percent to the total number of respondents. Polling was anonymous. The age of the respondents was 18–22 y.o.

The offered questionnaire regarding the death penalty application in Russia consisted of two blocks: in the first block, a direct question was asked: “Should death penalty be introduced in Russia?”, followed by a clarifying question for those who voted for death penalty, regarding the public demonstration of violence: “Should public death penalty be introduced in Russia?”. The second block of questions was of clarifying character, proposing to view in more detail the arguments of those who unambiguously reject the

criminals’ right to life, i.e., the supporters of death penalty, and the arguments of those who is against death penalty, i.e., for the right to life, which even the state cannot deprive the people of.

In 2008, 553 respondents were divided into three age groups: first year students, second and third year students and fifth year students of universities majoring in Administration, Management, Global Economy, and Jurisprudence. In 2016–2017, 221 second and fourth year students of Rostov-on-Don universities were polled – would-be lawyers, political scientists, state and municipal servants.

To compare the results of the two polls, they are shown in Table 3.

Table 3

Distribution of the answers of young people to the question “Should death penalty be introduced in Russia?”, Rostov-on-Don, 2008 and 2016–2017, %

Proposed answers	2008	2016–2017
Yes	64.1	36.4
No	22.6	57.2
Cannot say	13.3	6.4

The second question of the first block referred to demonstration of violence: “Should public death penalty

be introduced in Russia?”. The responses were distributed by year in the following way (Table 4):

Table 4

Distribution of the answers of young people to the question “Should public death penalty be introduced in Russia?”, Rostov-on-Don, 2008 and 2016–2017, %

Proposed answers	2008	2016–2017
Yes	21.1	15.6
No	76.6	80.5
Cannot say	2.3	3.9

The questions of the second block were addressed to all respondents. They consisted of two parts: a) arguments put forward by the supporters of applying death penalty, and b) arguments put forward by the opponents of applying death penalty. The respondents were offered to estimate the arguments from 0 to 10 points: 0 – completely disagree with the argument, 10 – completely agree with the argument; the intermediate variants were estimated in points.

Arguments for applying death penalty:

a) Death penalty is retribution, in compliance with the principle “Death for death”.

b) Death penalty is a punishment which facilitates order in the country.

c) Death penalty is a vengeance, a moral compensation to the injured party.

d) Death penalty is destruction of a criminal as an evil, a threat to the society.

e) Death penalty is a prophylactic measure aimed at crime prevention.

f) Death penalty is an ultimate measure.

g) Death penalty should be implemented by the state to prevent lynching.

h) Death penalty is a less severe punishment than life imprisonment.

The number of responses is given in percent to the total number of responses and presented in Table 5.

Table 5

Distribution of the young people's estimations of the arguments for applying death penalty in Russia, Rostov-on-Don, 2008, 2016–2017, %

Arguments	Points										
	Years										
	0	1	2	3	4	5	6	7	8	9	10
	2008										
	2016–2017										
a)	<u>13.3</u>	<u>4.7</u>	<u>5.5</u>	<u>6.3</u>	<u>4.7</u>	<u>21.1</u>	<u>2.3</u>	<u>5.5</u>	<u>4.7</u>	<u>4.7</u>	<u>28.9</u>
	14.7	1.5	4.4	11.3	0	22.1	4.4	11.8	4.4	2.9	23.5
b)	<u>8.6</u>	<u>7.0</u>	<u>4.7</u>	<u>11.7</u>	<u>6.3</u>	<u>11.7</u>	<u>4.7</u>	<u>10.2</u>	<u>10.2</u>	<u>3.9</u>	<u>22.7</u>
	4.3	5.8	8.7	7.2	5.8	10.1	8.7	13.0	15.9	5.8	14.5
c)	<u>14.8</u>	<u>10.2</u>	<u>9.4</u>	<u>10.2</u>	<u>3.9</u>	<u>18.8</u>	<u>4.7</u>	<u>6.3</u>	<u>7.8</u>	<u>4.7</u>	<u>12.5</u>
	19.2	8.2	13.7	15.1	8.2	13.7	2.7	4.1	10.6	1.4	2.7
d)	<u>1.6</u>	<u>0.8</u>	<u>3.1</u>	<u>10.2</u>	<u>3.9</u>	<u>18.8</u>	<u>4.7</u>	<u>6.3</u>	<u>7.8</u>	<u>4.7</u>	<u>32.5</u>
	2.8	1.4	5.6	5.6	9.6	19.7	4.2	9.9	8.4	4.2	28.2
e)	<u>23.4</u>	<u>7.0</u>	<u>4.7</u>	<u>11.7</u>	<u>6.3</u>	<u>13.3</u>	<u>4.7</u>	<u>9.4</u>	<u>7.0</u>	<u>2.3</u>	<u>13.3</u>
	5.5	11.0	12.3	5.5	5.5	17.8	6.8	13.7	8.2	4.1	9.9
f)	<u>10.9</u>	<u>4.7</u>	<u>5.5</u>	<u>3.1</u>	<u>5.5</u>	<u>8.6</u>	<u>6.3</u>	<u>4.7</u>	<u>5.5</u>	<u>15.6</u>	<u>32.8</u>
	7.0	2.8	5.6	4.2	1.4	7.0	9.6	5.6	8.4	15.5	32.4
g)	<u>18.0</u>	<u>3.9</u>	<u>7.0</u>	<u>7.0</u>	<u>6.3</u>	<u>11.7</u>	<u>6.3</u>	<u>6.3</u>	<u>8.6</u>	<u>6.3</u>	<u>19.5</u>
	12.3	9.6	8.2	6.8	10.6	15.1	11.0	8.2	5.5	4.1	8.2
h)	<u>15.6</u>	<u>6.3</u>	<u>7.0</u>	<u>2.3</u>	<u>5.5</u>	<u>21.1</u>	<u>1.6</u>	<u>4.7</u>	<u>6.3</u>	<u>5.5</u>	<u>25.0</u>
	26.9	8.9	7.5	7.5	6.0	14.9	1.5	7.5	7.5	3.0	8.9

Arguments against applying death penalty:

a) Death penalty is a too light punishment for a criminal.

b) Instead of death penalty, criminals can be used for hard and hazardous work.

c) In civilized societies, people do not kill people.

d) From the religious viewpoint, manslaughter is a sin.

e) Even legitimate manslaughter is inhuman.

f) Each person should be given a chance to reform.

g) Death penalty promotes violence.

h) There is probability of judicial error.

i) It is the conditions of life that is to blame, which incited a person to crime.

The number of responses is given in percent to the total number of responses and presented in Table 6.

Table 6

Distribution of the young people's estimations of the arguments against applying death penalty in Russia, Rostov-on-Don, 2008, 2016–2017, %

Arguments	Points										
	Years										
	0	1	2	3	4	5	6	7	8	9	10
	2008										
	2016–2017										
a)	<u>24.2</u>	<u>6.3</u>	<u>8.6</u>	<u>10.9</u>	<u>3.9</u>	<u>14.1</u>	<u>0.8</u>	<u>2.3</u>	<u>5.5</u>	<u>7.8</u>	<u>15.6</u>
	32.6	2.9	8.6	14.3	4.3	8.6	2.9	1.3	1.3	4.9	14.3
b)	<u>13.3</u>	<u>3.1</u>	<u>6.3</u>	<u>5.5</u>	<u>9.4</u>	<u>13.3</u>	<u>3.9</u>	<u>9.4</u>	<u>10.9</u>	<u>3.9</u>	<u>20.3</u>
	14.3	7.1	2.9	2.9	5.7	12.9	7.1	7.1	7.1	8.6	24.3
c)	<u>25.0</u>	<u>9.4</u>	<u>7.8</u>	<u>7.8</u>	<u>3.1</u>	<u>16.4</u>	<u>4.7</u>	<u>3.1</u>	<u>7.0</u>	<u>3.9</u>	<u>10.9</u>
	24.6	9.2	16.9	6.1	6.1	10.8	4.6	6.1	4.6	1.5	9.2
d)	<u>14.1</u>	<u>3.9</u>	<u>2.3</u>	<u>3.9</u>	<u>5.5</u>	<u>10.2</u>	<u>4.7</u>	<u>5.5</u>	<u>7.0</u>	<u>2.3</u>	<u>39.1</u>
	12.6	2.6	4.3	11.4	1.4	11.4	2.9	7.1	7.1	5.7	32.6
e)	<u>14.1</u>	<u>6.3</u>	<u>7.8</u>	<u>6.3</u>	<u>3.9</u>	<u>19.5</u>	<u>3.9</u>	<u>6.3</u>	<u>10.9</u>	<u>6.3</u>	<u>15.6</u>
	22.5	5.6	14.1	8.4	4.2	11.3	7.0	4.2	2.8	5.6	14.1
f)	<u>19.5</u>	<u>3.9</u>	<u>10.2</u>	<u>11.7</u>	<u>4.7</u>	<u>18.0</u>	<u>3.1</u>	<u>6.3</u>	<u>6.3</u>	<u>3.9</u>	<u>18.0</u>

	15.9	7.2	8.7	7.2	7.2	20.3	5.8	10.1	4.3	1.4	11.6
g)	<u>22.7</u>	<u>4.7</u>	<u>6.3</u>	<u>9.4</u>	<u>10.9</u>	<u>10.9</u>	<u>6.3</u>	<u>10.2</u>	<u>7.0</u>	<u>0.0</u>	<u>10.2</u>
	33.8	11.8	10.3	7.3	10.3	13.2	2.9	2.9	0.0	2.9	7.3
h)	<u>4.7</u>	<u>3.9</u>	<u>7.8</u>	<u>1.6</u>	<u>3.9</u>	<u>10.9</u>	<u>3.1</u>	<u>4.7</u>	<u>5.5</u>	<u>7.0</u>	<u>45.3</u>
	8.8	0.0	2.9	4.4	1.5	17.6	2.9	4.4	11.8	10.3	35.3
i)	<u>25.0</u>	<u>7.8</u>	<u>5.5</u>	<u>8.6</u>	<u>3.9</u>	<u>10.9</u>	<u>8.6</u>	<u>7.0</u>	<u>4.7</u>	<u>4.7</u>	<u>13.3</u>
	28.4	13.4	4.5	6.0	7.5	14.9	3.0	3.0	6.0	4.5	8.9

3. Results

As it appears, the officials, representatives of power, express the opinion of a rather large number of the Russian citizens – supporters of death penalty, though their share is diminishing with time.

As can be seen from the given results of the public polls, the number of the Russian citizens – supporters of death penalty decreased in the recent 10 years (in 2014 there were by 8% less of them than in 2006 – see Table 2). However, we cannot say that the number of those for whom death penalty is unambiguously unacceptable increased; their percent remains actually the same, with insignificant fluctuations. The supporters of death penalty shifted to the group of the hesitating, who either have not defined

their position or would like to leave the situation as it is: not to abolish death penalty but not to apply it.

According to the authors' research, in 2008 the opinion of young people (aged from 18 to 22 y.o.) on the issue of the use of death penalty in Russia actually coincided with the opinion of the population polled by POF in 2006 (aged 18 and up). In 2006, 63% of the Russian citizens voted for introduction of the death penalty, while in 2008, 64.1% of the young people were for it. According to POF poll, in 2014 the number of supporters of death penalty reduced by 8% – to 55%; among the youth, this indicator decreased much more in 2016–2017 – to 36.4%. Still larger was the growth of the young opponents of public demonstration of violence – from 76.6 to 80.5%; also, it should be noted that few supporters of

death penalty wish to see its public demonstration.

The number of young people wishing the ultimate abolition of death penalty grew significantly: while in 2008 they were a minority (22.6%), in 2016–17 there were as much as 57.2% of them; the number of those who could not give a definite answer reduced (from 13.3 to 6.4%) – see Tables 2, 3, 4.

4. Discussion

The research of the use of death penalty in Russia showed that the position of a legislator on this disputable issue remains uncertain, largely reflecting the public opinion of the Russian citizens.

Judging by the existing situation, one may suppose that the issue of abolition or introduction of death penalty in Russia will be finally solved in indefinite future; hence, it will have to be solved by new generations of politicians, legislators, and lawyers. The most categorical about introduction of death penalty were the first year students (79.7%), while the more adult student, with higher educational level, treated this issue more cautiously (on average 55.6%).

Public demonstration of violence causes rejection in actually all young respondents, both supporters and opponents of death penalty. Those who voted for death penalty give such explanations to their unwillingness of public deaths: “This will just increase violence”, “This will promote violence”. In further oral discussion of the issue, to the researcher’s comment: “But you do watch films with cruel scenes, violence”, the young people objected that “it is not in real life”, “we understand that these are actors”, “one wants some adrenaline” and the like.

Analysis of data in Table 5 (arguments of the death penalty supporters) allows making some intermediate conclusions. As it appears, the direct question asked in the first block: “Should death penalty be introduced in Russia?” influenced directly the emotional sphere. The negative reminiscences, especially of the older generations, of the maniac criminals like A. Chikatilo who killed 55 people in Rostov oblast from 1975 to 1990, the much-publicized crimes of pedophiles in the recent years, influenced the unambiguous and categorical answers in favor of death

penalty for such criminals, which may explain the high percentage of the death penalty supporters.

However, after through consideration of the arguments of the death penalty supporters and opponents, the respondents began to hesitate. Not a single argument reached the level of 64.1% “for death penalty” in 2008 and 36.4% in 2016–2017, which were demonstrated when answering the direct question in the first block, about the necessity to apply death penalty in Russia. Below we consider in more detail the reaction of the young people to each argument.

The arguments of the death penalty supporters.

a) The first argument – “Death for death” reflects the sense of just retribution for evil, which dominates in the Russians’ conscience. In 2008, 28.9% gave 10 points to this argument, 21.1% gave 5 points, which shows difficulty in unambiguous consent with this argument (“fifty-fifty” opinion). In 2016–2017, the number of young people who completely agreed that the above slogan is just, decreased to 23.5%, but the number of those, who disagreed or hesitated, increased.

b) In favor of the opinion that death penalty promotes order in the country, were 22.7% of respondents in 2008. The rest gave various answers along the scale, which testifies to the uncertainty about the possibility to establish order by such radical means. In 2016–2017, the confidence in the ability of the state to successfully combat crime reduced by one third, the dispersion of estimations increased.

c) Almost all respondent are not sure that death penalty may serve as a sort of compensation to the injured party. The largest number (18.8%) in 2008 was given to the intermediate estimation – “5”. In 2016–17, 19.2% completely disagreed with this argument – the largest number of the respondents. Apparently, this can be explained by the fact that the institution of revenge is not among the determining characteristics of the Russian national culture. The overwhelming majority of the respondents were socialized within the fold of the Russian Orthodox culture.

d) The majority of the respondents (32.5%) in 2008 completely agreed that death penalty is a good means of combating crime as a social evil. In 2016–2017, estimations

remained close to that opinion. Death penalty is still (28.2%) viewed as a “surgical tool” disinfecting the social organism.

e) In 2008, 23.4% disagreed that death penalty may prevent spreading of crime. Still less people believed in preventive role of death penalty (13.3% gave 5 and 10 points). In 2016–2017, the number of young people, who gave “0” to the statement that death penalty can prevent crime, decreased sharply (to 5.5%). This is probably due to the moratorium on death penalty, which did not stop the crime growth in the country. The highest percent (17.8%) gave point “5” out of ten.

f) As before, the largest number of respondents (32.8% in 2008 and 32.4% in 2016–2017) believe that death penalty should be applied only in extreme cases.

g) Among the youth, even the would-be jurists, there is no definite understanding that justice can be executed by the state only. In 2008, the opinions were distributed almost evenly along the scale – from 18% (complete lack of confidence in the justice of the state) to 19.5% (acceptance of the legitimate coercion of the state, non-

acceptance of lynching). This can be explained not only by the low efficiency of the law-enforcement system, but also by the rather low juridical culture of the Russian society. However, in 2016–2017 the situation aggravated: 2 times fewer young people gave 10 points (8.2%), and the number of those who completely denies the right of the state and welcomes lynching reduced from 18% to 12.3%. The number of the hesitating increased to 15.1% compared to 11.7% in 2008. During the oral discussion, the students admitted that they do not find fault in the case of lynching by a Russian citizen V. Kaloyev in 2004, who, as they believe, restored justice by killing a Swiss traffic controller for his mistake which led to an airplane crashing over Boden lake, Germany, in 2002, and death of Kaloyev’s wife and children. The students justify their position by the fact that the traffic controller had not been punished.

h) In 2008, 25% of the respondents agreed that life imprisonment is a harder punishment than death; almost the same number hesitated (21.1%). During the next poll, the youth’s opinion significantly changed: now only 8.9% completely

agreed that death penalty is less grave than life imprisonment, and 26.9% completely disagreed, considering death penalty to be harder than life imprisonment. Those who hesitated changed their opinion in favor of life imprisonment as a light punishment from 21.1% to 14.9%.

The analysis of the youth's reactions to the second group of arguments – those of the death penalty opponents – gave interesting and significant results, which reveal the existing problems in the value orientations of the Russian university students. These results may also be one of the indicators of the processes going on in the political-legal conscience of the Russian society.

a) In 2008, 24.2% of the polled young people disagreed that death penalty is a too light punishment for a criminal, 14.1% were not sure (5 points) and 15.6% thought that deprivation of life is a too light punishment when life-long sufferings are needed. In 2016–2017, the young people's opinions became more definite and shifted towards disagreement with this argument: “0” (“disagree”) was given by 32.4%, the number of the hesitating

reduced to 8.6%, and 14.3% believe that life imprisonment is preferable compared to death penalty.

b) Using the criminals for hard and hazardous works instead of death penalty (manifestation of rationalism) was unambiguously welcomed by 20.3% in 2008; there were equal numbers of those who gave 0 (13.3% disagreed) and 5 points (13.3% hesitating). In the second poll, the number of those who welcomed using the criminals for hard and hazardous works increased to 24.3%, the number of opponents of this method insignificantly grew to 14.3%, and the number of the hesitating reduced to 12.9%.

c) The argument of the death penalty opponents “In civilized societies, people do not kill other people” was not considered as significant by 25% of young people in 2008; in 9 years their number actually did not change (24.6%). The rest estimations remained within the same value system, with slight fluctuations: 5 points in 2008 and 2016–2017 were given by 16.4% and 10.8% respondents respectively, 10 points – by 10.9 and 9.2%.

d) The argument “From the religious viewpoint, manslaughter is a

sin” in 2008 was supported by 39.1%, 5 points (“yes and no”) were given by 10.2%, 0 points – by 14.1%. In 2016–2017, the priorities of the youth in this issue were distributed in a similar way: 10 points – 32.6%, 5 points – 11.4%, 0 points – 12.6%.

e) The thesis “Even legitimate manslaughter is inhuman” obtained ambiguous response among young people. In 2008, the largest percent was taken by 5 points – 19.5%, which denotes a “fifty-fifty” position; 0 points were given by 14.1% and 10 points – 15.6%. After 9 years, in 2016–2017, the young people’s attitude to this statement changed. The majority of students (22.5%) nowadays do not consider death penalty inhuman, if it is executed by state law-enforcement bodies according to the law; the number of hesitating reduced to 11.3%, and 14.1% agree with the thesis of the death penalty opponents.

f) The proposal to give each person a chance to reform obtained the following estimations in 2008: 0 points – 19.5%, 5 points – 18%, 10 points – 18%. The corresponding estimations in 2016–2017 were given by the following percent: 15.9; 20.3; 11.6. The reduction of the number of those who supported

the extreme estimations took place in favor of intermediate points, which testifies to the ambiguity of the argument.

g) The argument “Death penalty promotes violence” is an exposition of the principle of non-violence – “cruelty generates cruelty, reciprocal violence spins up the spiral of violence”. This statement was not supported by young people in 2008, which is demonstrated by 22.7% of those who gave it 0 points – this is the highest percentage. 10.2% agreed with the above statement, and 5 points were given by 10.9%. As the research of 2016–2017 showed, the culture of non-violence is still poorly represented in the Russian society: the number of those who disagree (or unfamiliar) with it increased to 33.8%, its supporters number to 7.3%, and hesitating – 13.2%.

h) “The probability of judicial error” was admitted by 45.3% of the respondents in 2008, considering it to be the weightiest argument against death penalty and its irreversible result; only 4.7% believed in justice and objectivity of the court; 10.9% were hesitating. The poll of 2016–2017 showed some moderation of the youth’s attitude

towards the activity of judicial bodies: those who admit the probability of judicial error reduced to 35.3%, 8.8% reject the probability of judicial error, the number of hesitating grew to 17.6%.

i) In 2008, every fourth respondent (25%) disagreed with the proponents of the social theory of violence, which explains the crime by negative social conditions pushing people towards crime in their struggle for existence. 10.9% hesitated about this thesis, 13.3% completely agreed with it. In the next poll in 2016–2017, the number of the opponents of the social theory, who thought that no conditions can incite a man to murder, increased to 28.4%, the number of hesitating grew to 14.9%, and the number of the supporters, who saw the causes of crime in social conditions, reduced to 8.9%.

Russia does not apply death penalty to those who committed grave crimes, but does not abolish the article on death penalty in the national criminal law. Apparently, the policy of following the public opinion of the Russian citizens is the reason for incomplete observance of international obligations taken by the Russian state in the sphere of death penalty abolition in the country (in

compliance with the Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms [14] signed by the Russian state in 1996, which it was obliged to ratify in three years). The majority, especially under the growing threat of global terrorism, belongs to the supporters of death penalty.

The research of the youth's attitude towards death penalty showed that such factors as acquiring knowledge at university, further molding of humanistic principles, including the comprehension of the human right to life, may influence the attitude to legitimate coercion of the state; actually, the younger, more educated generation has a lower threshold of pain sensitivity in manifesting mercy.

The analysis of the degree of consent of the Russian young people, acquiring higher education at higher educational establishments (universities, academies, institutes), with the arguments of the supporters and the opponents of death penalty allowed making certain conclusions about the growth of humanization of political-legal conscience of the youth. At the same time, the features of this process

were revealed, which testify to its complexity and inconsistency. The positive result is the reduction of the number of young people supporting the introduction of death penalty for the criminals, but the revealed problems should be highlighted, too.

Thus, even the supporters of death penalty largely disagree with the argument a) “death for death”, probably considering it to be an anachronism of the disappearing tradition of feud. At the same time, they do not condemn the lynching by V. Kaloyev, who killed a Swiss traffic controller and revenged for the death of his family. V. Kaloyev is a native of the Northern Ossetia, one of the North Caucasus republics. Back home after his release from a Swiss prison, he was welcomed as a hero. This implies that the customs of the traditional Caucasian society, such as revenge, are still alive in the modern conscience of the Russian citizens, and it may be years before the unconditional priority of the institution of punishment is transferred to the state in the public conscience.

Both the supporters and the opponents of death penalty were offered identical arguments h) and a), the essence of which is that “death penalty is

a too mild punishment for a criminal, compared to life imprisonment”. Notably, both the supporters and the opponents of death penalty tend to reject this statement, preferring life imprisonment to death penalty, but for different reasons. The supporters of death penalty really think that this is a light punishment, and vote for prolonged suffering of the criminals, but do not wish abolition of death penalty in criminal law. The death penalty opponents insist on the right of every person, even a murderer, to life.

In terms of further research, an interesting trend is the revealed correlation between the estimation of the arguments of the death penalty opponents: c) “In civilized societies, people do not kill other people” and d) “From the religious viewpoint, manslaughter is a sin”. In the next 9 years the attitude towards these statements actually did not change. The young people largely disagree with the argument c) (25% in 2008 and 24.6% in 2016–2017), but agreed with the argument d) (39.1% and 32.6% respectively). Thus, even in the university students the religious (moral, spiritual) values are not associated with

the notion of “civilization”. This is a vivid example of representation of civilization as a technologically developed society. Our analysis has not revealed the association between the notion of civilized development and the spiritual, moral improvement and faith in God. Also, it should be noted that almost all respondents were against public death penalty – for the reason that watching another person’s agony, violence over a human body makes the person a participator of a cruel action, privy to sin. As if they say: “We are for death penalty, but let this sin be on the state as a sort of a faceless executor; we do not want to watch it, as it is a grave sight”.

Thus, the research results give grounds for certain generalizations. The issue of open legitimate violence of the authorities is the “touchstone”, on which certain fundamental attitudes are revealed, rooted in culture and forming the total picture of the spiritual-ethical state of the society. The young people are especially sensitive to the idea of justice as the most fundamental in the public conscience. Undoubtedly, another important value is religious faith. The specific feature of the national conscience referring to the perception of

the death penalty issue is reflected in the tolerance to violence, the desire to establish order in the country by tough punitive measures. Changing of the high threshold of “pain sensitivity” of the young Russians was reflected in the negative dynamics of those voting “for death penalty”. It should be noted that the emotional component played a significant role when voting about introduction or complete abolition of death penalty in the country. There were examples of much publicized serial murders. After thorough consideration of the arguments of both the supporters and the opponents of death penalty, the emotional strain loosened and the estimations became more moderate. Notable is the distrust to state authorities in the issue of crime elimination. We registered a rather definite gap between the religious sphere in the youth’s conscience as a sphere of irrational values existing outside the real life, and the notion of civilization as a synonym of material goods, not associated with moral norms.

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