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DOI: 10.25108/2304-1730-1749.iolr.2017.53.134-143

Moral consciousness and the death penalty

Abstract: Every nation in the determination of its attitude to the death penalty in the first place has to approach it from the level of their consciousness, including justice, which is expressed most of all in understanding the relevant facts and positions, and then in the formulation of defined objectives and finding a means to achieve them. The crime rate at some point will be an indicator of the moral state of a nation, because crime as a social phenomenon reflects the moral side of people and society and so has a major impact on the level of morality in any system of punishment.

Keywords: punishment; moral conscience; death penalty; criminality; personality.

Beccaria once expressed the following thought: “The severity of punishment should be corresponded to the state of the nation. Upon the rough soul of the people, just released from a state of savagery, we must act with more powerful and more sensitive impressions. Lightning is needed to combat the fierce lion, a shot from a gun will merely irritate it. But as the soul of the people living in the community softens, so increases their sensitivity ... and so must decrease the power of punishment.” [1, p. 156].

From this statement by the founder of the movement against the death penalty we can conclude that the most important basis for refusing this punishment is the high level of development of a nation. But by what indicators are we able to judge that level? Different nations may be distinguished and compared according to the

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level of development of civilisations, the main elements of which are economy and demography as well as quality of life because these are specific to each society. Thus the inequality in the development of the elements of civilisation and the level of development of a nation are completely natural phenomenon and yet they do not necessarily indicate a high level of culture or consciousness, which includes justice, i.e. the moral perfection of the nation. They can of course influence the character and condition of crime in the country but no more, since these figures are associated with quality of life as well as indicators of lifetime (high) or mortality (low). In this sense, civilisation has an indirect rather than a direct relationship with the level of culture of nations. Taking into account the characteristics of their psychology, the historical path of the development of the culture of a people is always one that is unique and diverse.

In Ancient Egypt, for example, literature was always weak and painting mediocre yet its architecture and sculpture trim with masterpieces. The Romans, who like the Egyptians played such a dominant role in history, were neither lacking in education nor inspiration, since they already had precursors in the shape of the Egyptians and the Greeks, and yet they did not have time to create original art but instead created brilliant literature. In short, culture is always national, never international. If it is to have an impact on the state of the people then this level is individual in each nation, i.e. national. Thus a universal level of culture cannot exist even though every nation in the process of its development always borrows from others if it seems acceptable to them. For example, the barbaric Ancient Greeks at some point borrowed the first examples of their art from Egypt and Assyria. Lacking any art, the Persians borrowed their own artists and samples of art after the captivity of Egypt and Babylonia. Even when a nation does not possess any artistic or literary talents of its own, it can still create a high civilisation.



It seems therefore that every nation in the determination of its attitude to the death penalty in the first place has to approach it from the level of their consciousness, including justice, which is expressed most of all in understanding the relevant facts and positions, and then in the formulation of defined objectives and finding a means to achieve them. The consciousness of individuals of the same type, similar in content and with the same general orientation, combine to form a social conscience which is determined ultimately by social beings. The activity of the mind then is what characterises consciousness as the dominant phenomenon of the human psyche. But consciousness is not limited to all mental activity since the human psyche operates other forces which cannot be reduced to consciousness such as instinct, feelings and emotions.

Consciousness can therefore be seen as the highest form of human mental activity, subordinating, regulating and supervising all other phenomena of psychic life. On the other hand, the nature of consciousness may be defined as a spiritual state that subjectively reflects objectivity and accordingly creates human consciousness. In principle, we can indirectly state that the crime rate at some point will be an indicator of the moral state of a nation, because crime as a social phenomenon reflects the moral side of people and society and so has a major impact on the level of morality in any system of punishment.

Consciousness in the shape of highly extensive, holistic and multifaceted historical education is not the premise of man but the result of centuries of his development in the social environment. Plunging deeply back into that environment, consciousness is not only empowered by its own flow but is also filled with its own distinct personality [2, p. 371].

So what is moral conscience? On the theoretical side, it is a moral view, moral knowledge, moral judgement and moral sense. The practical side of moral consciousness is the activity at the time of moral choice.



By moral consciousness we understand the maturity of the following indicators: moral knowledge, opinions, feelings and actions. It is clear that the level of formation should be evaluated according to these indicators. Hence for society these qualities became beliefs for its members and guidance in the field of moral activity resulting in a high level of moral consciousness when moral standards are recognised as necessity. They are caused by internal needs, dictated not just by the societal norms of morality alongside the existing legal norms but also their own conscience.

In this case, the moral consciousness of society acts as the high moral consciousness of the people where the level of crime in society compared with the global rate will be at a low level. From this it follows that the system of punishment in such a society should not be harsh and so the use of the death penalty becomes immoral and inconsistent with the level of development of the people. To identify the formation of a high level of moral consciousness of a person, we need to see the behavioural side, i.e. the practical side of moral consciousness.

An average level of moral awareness is characterised by the appropriate development of moral knowledge and the feelings of a society's members who will be aware of the need to respect the criminal legal norms. Legal judgements in turn will be dictated by the need to live according to the laws of society rather than to internal demand. Therefore, awareness, self-analysis, self-esteem and self-criticism are situational and often dependent on objective reality. As a rule, the crime rate in these societies is characterised as being unstable, leading to frequent changes in the system of criminal punishment in the direction of tightening. In this way, the death penalty will periodically find itself the subject of public debate.

A low level of moral consciousness is characterised in those societies where people have an intuitive understanding not only of the legal norms of behaviour but also moral. Legal and moral standards have not replaced their beliefs, i.e. their



inner need. In such a society, crime will be high and tending to increase. Naturally this situation requires the presence in society of harsh and rigid punishments to serve as a warning and deterrent to people. Preserving the death penalty in these countries is not under doubt and derives from common sense.

It was the Europeans who first embarked on the path of denial of the death penalty because the measure came to no longer correspond to their level of moral consciousness and development. In their view, the deprivation of life of the criminal not only is evidence of a failure to comply with the principles and foundations of morality and humanity but it is also seen as characterising a low level of moral and cultural development. However it would be wrong to say that the moral level of the Japanese, who overwhelmingly support the death penalty, is lower than that of the Germans, French or any other European nation that has abandoned this punishment. While this attitude found within a state does depend on the level of moral consciousness of its people, it also derives from other causes with religious, philosophical, legal, political and even traditional foundations.

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