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PUBLIC ATTITUDES TOWARD CRIME AND INCARCERATION IN FINLAND

by
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ABSTRACT

The following paper provides insights into Finland's criminal justice system and discusses the policies that emphasize using prison for rehabilitation, not merely for punishment. These methods of prevention and rehabilitation, in conjunction with correctional and educational staff within and outside the prison walls, have contributed to consistently low recidivism rates in Finland.

This study discusses many ideological similarities between public opinions towards criminals and crime in Finland and the United States. Like Americans, Finns are intolerant of crime and violence, yet open to the idea of alternative forms of punishment, especially for non-violent and juvenile offenders. People in both countries tend to believe criminals are not born into a criminal life and that societal factors play a role in creating criminal behavior. This study sheds light on both the public support for ex-offenders' rehabilitation in Finland and the extent to which Americans support alternative forms of punishment. It also provides a narrative of the disconnect between public opinion and what public officials think public opinion is.

Introduction

The Finnish public attitude towards crime can be classified as civil in the sense that the society leans towards rehabilitating offenders. In most countries around the world, it is thought that crime control by imprisonment can keep society safe by increasing the certainty of punishment, increasing the

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severity of punishment, or both. But in Finland, the contrary is the case. Finnish penal policy is based on gentle justice, as indicated in the speech delivered by the president of the Republic of Finland at the opening of the annual session of parliament on April 2, 2000:

. . . We need to ask whether these people are receiving the help and treatment they need or if the problems are being neglected because society cannot agree on who will pay the bill. However, tackling the drug problem would be an effective means of getting young people to abandon a career of crime in its very early stage. It would also often be the fastest way of reducing the number of repeat offenders--not to speak of the other savings that could be achieved through treatment and rehabilitation⁴

The above extract explains the length Finland will go to in trying to rehabilitate malefactors in order to facilitate their return into society upon their release as reformed citizens. Although sentencing criminals to prison often seems to be the easiest solution, Finland has decided to rehabilitate convicts instead, regardless of the perceived difficulties that may ensue.

A cross-sectional analysis of American attitudes towards crime has also indicated that the historically punitive views of Americans are gradually shifting to a more progressive view. This stance should encourage American policymakers, as was the case of their counterparts in Finland, to support legislation that uses alternative forms of punishment to rehabilitate offenders and help them become functional members of society. However, the research conducted by Roberts and Hough (2002) concluded that the American public is being misread by policymakers who fail to recognize that public opinion is shifting and are continuing to push an out-dated agenda. This failure has presented a problem for both offenders and society. Historically, rehabilitation has been viewed as the main goal of correction in the United States just as it was in Finland. However, beginning in the mid-1970s, the main goal of corrections in the United States shifted away from rehabilitation to a more punitive attitude. At this time, both political parties in America began to oppose rehabilitation for different reasons. Liberals found rehabilitation to be too arbitrary in the amount of discretion it gave to judges and

⁴ At <www.valtioneuvosto.fi/tpk/puheet-1999/P000204.vpen.html>.

correctional officials to decide the fate of offenders. Conservatives found rehabilitation to be too lenient and too easy on offenders. They thought rehabilitation served to further victimize citizens rather than to provide restitution (Cullen et al. 2002). The shift from progressive to punitive was reflected by opinion polls which showed that, in 1968, 73 percent of the respondents said rehabilitation was the goal of prisons. That number declined to 44 percent in 1982, and to 33 percent in 1995 (Cullen et al. 2002).

Understanding the Finnish Psyche on Punishment

On any given day, there are about 2,800 prisoners in Finnish prisons. Out of these, there are 100 incarcerated young offenders between the ages of 18 and 21 and just eight young offenders aged 15 to 17 behind bars. The decline in the use of incarceration represents only half of Finland's experiment in criminal justice policy. The other transformation occurred inside the country's prisons. With the justice revolution launched in the late 1960s, the idea that tough prisons deterred crime was discarded. According to Esko Aaltonen, Director of Hameenlinna Prison Finland, "the main purpose of prisons in Finland is to try to solve the biggest problems in the lives of prisoners. The Finns try to take care of those problems to increase the chance that prisoners will live a life without crime after they are released."

A study of public attitudes towards crime in five major cities in Finland (Ekunwe 2007) showed that 80 percent of respondents believe that criminals should be rehabilitated and given a second chance. The survey was conducted in the areas experiencing high job-growth rates, thereby attracting migrations from the surrounding areas. These cities also have the greatest numbers of foreign immigrants. The four tables below illustrate the dynamics of respondents in terms of age, sex, educational background, and occupation. The ages of the respondents are from 25 to 70 years old, the response rate was 60.3 percent (N=211).

Table 1: Age

Respondent's Age		
N	Valid	211
	Missing	0
Mean		47
Median		49
The youngest respondent's age		25
The oldest respondent's age		70

In terms of gender, response was higher among women (58.8 %) as seen in the table below:

Table 2: Sex

Respondent's Sex				
	Frequency	Percent	Valid Percent	Cumulative Percent
Male	87	41.2	41.2	41.2
Female	124	58.8	58.8	100.0
Total	211	100.0	100.0	

The response among with those with a university degree was 31 percent, followed by those with comprehensive schooling, with 27.6 percent.

Table 3: Education

Respondent's Educational Background	
Primary school	10.0
Civic school	12.4
Comprehensive school	27.6
Matriculation examination	19.0
University degree	31.0
Total Percent	100.0
Total N	210.0

In terms of occupational background, the upper- and lower-level white-collar workers combined to make up the single largest group of respondents with 37.6 percent, followed by blue-collar workers with a response rate of 21 percent. These groups are also those that have acquired properties worth protecting. The survey indicated that 85 percent of respondents belonging to these groups are willing to pay extra taxes to the government if necessary to improve the existing correctional system. The white- and blue-collar workers combined made up the majority of the respondents, and these groups are often very influential to policymaking in Finland.

Table 4: Occupation

Respondent's Occupation	
Small entrepreneur	2.9
Entrepreneur	3.3
Upper-level white-collar worker	18.1
Lower-level white-collar worker	19.5
Blue-collar worker	21.0
Housewife	1.9
Student	8.6
Unemployed	8.1
Pensioner	16.7
Total Percent	100.0
Total N	210.0

The following comment from a respondent reflects the public attitude towards rehabilitation of criminals:

I would concentrate largely on crime therapy, probation, and aftercare. Handling these issues builds a bridge to the offender's sentimental life, therefore taking care of the others and taking responsibility help to prevent recidivism. . . .Long-term therapy and treatment should be applied in all prisons. Finding stimulating activities that could become new hobbies, education, vocation, or profession is also important.

Prisoners should be encouraged to take more responsibility for their lives, for example as for catering, cleaning, and developing free time activities.

Another respondent stipulates that:

Crime is a social problem. It requires resolving changes of attitudes and minds. People who are guilty of crimes often have had no basic education that would have improved their heart and mind... they live in a community which emphasizes money instead of human values, which is a good growth base to all crime.

This gentle attitude of giving second chances and favorable attitudes towards rehabilitation among Finns can be seen when analyzing the responses to the question "Should a malefactor be given second chance?" where the majority of respondents fully agree with such policy.

Table 5: Second Chance

Second chances to offenders			
	Male	Female	Total
Agree	42 (51.9%)	69 (61.1%)	111 (57.2%)
Disagree	39 (48.1%)	44 (38.9%)	83 (42.8%)
Total	81 (100.0%)	113 (100.0%)	194 (100.0%)

This understanding of the need to rehabilitate offenders can be attributed to the fact that the majority of the respondents believe that, although criminal behavior is learned, malefactors can be rehabilitated, and criminality is not a permanent trait. As shown below, 71.1 percent of the respondents disagreed with the statement “once a criminal, always a criminal.”

Table 6: Once a Criminal, Always a Criminal

Once a criminal, always a criminal			
	Male	Female	Total
Agree	26 (33.8%)	26 (25.2%)	52 (28.9%)
Disagree	51 (66.2%)	77 (74.8%)	128 (71.1%)
Total	77 (100.0%)	103 (100.0%)	180 (100.0%)

Though it is unlikely the concept of prison will ever disappear entirely, Finland’s policy of gentle justice has helped mitigate penal policy regarding rehabilitation. Finland’s open prison system has significantly contributed to the shaping of criminal behavior through providing various rehabilitation opportunities. The system focuses on helping the malefactors to cope in society after a prison sentence by organizing work, study, and various other activities for the prisoners. It also contributes to the breaking down of the prison cycle of violence by transforming the typical jailhouse culture of humiliation and violence into one of dignity and healing. Though the research on the program’s success is still in progress, the early findings are very encouraging. Repeat offenses among convicts in open institutions who participate in

the intensive drug therapy program have dropped drastically. Recidivism among graduates of educational programs has dropped as well, with the majority trying to seize the opportunity to further their education and become productive members of society.

As it is to Finns, the idea of rehabilitation is equally appealing to Americans at all levels of society. Multiple sources report that public support for rehabilitation is extensive and consistent throughout the United States, liberals and conservatives, rich and poor, women and men, young and old (Cullen et al. 2002). However, most Americans simply do not know the numerous alternatives to prison. Once they are informed of alternative forms of punishment, they demonstrate considerable flexibility and creativity in how they choose to punish offenders (Roberts & Hough 2002). This is seen in a group study where respondents were presented with twenty-three criminal cases and asked to choose a punishing option. When given only two options, prison or probation, the majority decided to incarcerate eighteen of the twenty-three. The group was then given an educational intervention, which provided them with information about a variety of alternative programs. They were then asked to re-sentence the offenders. After the intervention, the majority incarcerated only four of the twenty-three and found appropriate alternatives for the rest. This is consistent in other studies as well, where experimenters saw an increase in support for alternative forms of punishment once respondents were provided information about them (Doble 2002).

American policymakers have misunderstood the public's reasons for supporting alternative forms of sentencing, thinking the public supported rehabilitation because it is oftentimes less expensive than prisons. In reality, the public supported rehabilitation because it made sense to them when they recognized most criminals would re-enter society someday (Doble 2002). They saw prison as a means to harden criminals and further distance them from functioning society and saw rehabilitation as a solution to this problem. Studies in Washington have shown that policymakers overestimate the degree to which the public holds punitive views (Riley & Rose 1980). These studies show a disconnect between political rhetoric and public opinion that is reflected all over the United States. Similarly, Gottfredson and Taylor (1984) found the same situation in the state of Maryland, where "policymakers

in the state underestimated the amount of public support that existed for reform strategies” (Roberts & Hough 2002). Whitehead, Blankenship, and Wright (1999) found that legislators in Tennessee tended to overestimate the extent to which the public in that state supported the death penalty (Roberts & Hough 2002). For years criminologists and the media have criticized rehabilitation as ineffectual, unorthodox, and expensive. Politicians have continually won elections pushing “tough-on-crime” platforms, which makes it seem that Americans have a one-dimensional attitude regarding what works to stop criminals. This, as multiple studies have shown, is not true. Americans simultaneously want criminals to be punished as well as rehabilitated. Just as the Finns, the Americans see prisons as having multiple goals, all almost equally important.

In a study that asked respondents what they viewed as the main goal of corrections, fewer than 20 percent of Americans believed that rehabilitation was the main goal of prisons, but 55.3 percent thought that it should be (Cullen et al. 2002). For the majority of Americans who see crime to have multiple causes, it is reasonable to prefer rehabilitation to imprisonment because rehabilitation is multidimensional and addresses multiple criminal influences. In a study conducted by Doble Research Associates, a large majority of respondents came to the conclusion that there were four very important goals of the correctional system and that they were complementary, not competitive, and should all be accomplished simultaneously. More than 80 percent said it was a very important goal to “punish offenders,” “require offenders to pay back their victims or society,” and “discourage would-be criminals from breaking the law.” Sixty-eight percent felt that it was very important to “rehabilitate offenders so they will become productive members of society.” They felt that rehabilitation was “instrumentally valuable” in preventing offenders from reoffending (Doble 2002).

Furthermore, the majority of Americans feel that most criminals deserve treatment and have the potential to be rehabilitated. A 1996 national poll showed that most respondents felt that, with the right program, the majority of criminals who commit violent crimes could be rehabilitated (Cullen et al. 2002). It is clear there is even more public support for juvenile rehabilitation. Americans overwhelmingly felt that early intervention is a better option for youth offenders

than prison and that there is a need for programs intended for juveniles that are at risk for criminal activity. Respondents also showed strong support for programs that dealt with children with behavioral problems and truancy.

Historical Cycles

Most Western European nations consider large prison populations shameful and use incarceration as a last resort. What sets Finland apart is that the country has made an explicit decision to abandon the country's long tradition of a very tough stance on criminal justice in favor of the Western European approach. Never before or since has a country so consciously and completely shifted from one philosophy of justice to its opposite. Markku Salminen, the Director General of Finland's prisons, pointed out that it was a grand experiment in criminal justice, and the results have proven successful. He paraphrased the ideological shift by saying, "We don't have this idea that hard crimes deserve hard punishment."

During the two decades of reforms, a long series of policy changes was implemented, all of the changes united by one goal: to reduce imprisonment. This was done either by diverting offenders to other forms of punishment or by reducing the time served in prison. "It was a long-term and consistent policy," Lappi-Seppälä⁵ emphasizes. He states, "It was not just one or two law reforms. It was a coherent approach." The reforms began in earnest in the late 1960s and continued into the 1990s. In 1971, the laws allowing repeat criminals to be held indefinitely were changed to apply only to dangerous, violent offenders. The use of conditional sentences (in which offenders can avoid prison if they obey certain conditions) was greatly expanded. Community service was introduced. Prisoners could be considered for parole after serving just fourteen days; even those who violate parole and are returned to prison are eligible for parole again after one month. And for those who are not paroled, there is early release: first-time offenders are let out after serving just half

⁵ Professor Tapio Lappi-Seppälä is Director of the National Research Institute of Legal Policy in Finland (since 1995). He has given substantial contribution to the total reform of the Finnish Criminal Code as a counsellor of legislation at the Ministry of Justice during the 1980s and 1990s. His main topics of interest and research areas include penal policy and sentencing, the system of sanctions, and the theory of criminal law. His publications include books on sentencing and sanctions, as well as numerous writings in the fields of criminology, crime policy, and substantive criminal law.

their sentences, while other prisoners serve two-thirds. Mediation was also implemented, allowing willing victims and offenders to discuss whether the offender can somehow set things right. "It does not replace a prison sentence," says Lappi-Seppala, but "in minor crimes, you may escape prosecution or you may get a reduction in your sentence." There are now 5,000 cases of mediation per year, almost equal to the number of imprisonments.⁶

Another critical change in the late sixties in Finland was the creation of sentencing guidelines that set shorter terms. Similar guidelines are used in the United States, but many of those restrict judges' discretion--Finnish judges remain free to sentence outside the norm if they feel that is appropriate. These guidelines were also the product of extensive discussions among judges and other officials within the justice system, unlike American guidelines, which were, in most cases, simply imposed on judges by politicians. Despite the enormous changes in Finnish criminal justice, crime has never been a political issue. As Lappi-Seppala eloquently puts it, "None of the major parties took this on their agenda." Even Finnish victims of crime seem to be satisfied with that approach. Victims' organizations act as support groups and not as political lobbies. The long-term result has been a spectacular drop in the country's imprisonment rate. From 200 prisoners per 100,000 people in the 1950s, Finland now has 52 per 100,000, a rate slightly lower than those of Sweden, Norway, and Denmark. Finland's tiny prison population is the result of vigorous efforts to settle criminal cases with anything but jail time. In 1996, there were 64,000 convictions. These resulted in 36,000 fines, 30,000 conditional sentences, and 3,000 community service orders. There were just 6,000 actual prison sentences--fewer than ten percent of the convictions. By contrast, in the same year, roughly one-third of criminal convictions in U.S. courts resulted in prison sentences.

Violence is Rare in Finnish Prisons

Officials in Finland credit the calmness of Finnish prisons in part to their policy of giving prisoners as much contact with other people, both inside and outside prisons, as possible. Frequent visits from family and friends are encouraged, including conjugal visits. There are also "home leaves." After serving six months, all prisoners can apply for

⁶ At <http://unlockingamerica.blogspot.com/2008/08/finland.html> in Dan Gardner's article "Why Finland Is Soft on Crime."

leave to return to their home towns for periods of up to six days every four months. Only if a prisoner is considered likely to re-offend or is misbehaving is he likely to be turned down. Home leaves have been controversial in Finland, particularly when violent offenders are allowed out, but the authorities insist the program is both successful and necessary. Ninety percent of home leaves occur without even minor difficulties. And by allowing prisoners the chance to live briefly in the real world, home leaves strengthen relationships and help prevent the atrophy of basic social skills.

American punishment policies are especially severe in respects other than imprisonment rates. Throughout Europe, under the influence of the European Human Rights Convention and Court, defendants' procedural protections have been expanding for the last twenty years, while in the United States, constitutional and other types of safeguards of criminal defendants are systematically being reduced. Among developed Western countries, the United States is the only country to retain and use the death penalty, and with increasing frequency. It has also been the only one to adopt the "three strikes" law and extensive mandatory minimum sentencing laws. Again, only in the United States are life-without-possibility-of-parole sentences commonplace; elsewhere most murderers sentenced to life terms are eligible for parole or executive-branch commutation, and are typically released after eight to twelve years. While in most countries fewer than five percent of sentences are a year or longer, in the United States the opposite is true. In 1994 the average sentence in the United States for felons sent to state prisons was nearly six years.

Sentencing and the System of Sanctions

The Finnish criminal justice system is based on the principles of legality, equality, and humaneness, which are imbedded in the current Constitution of Finland that came into force on March 1, 2000. The constitutional right of legality in criminal cases stresses that no one can be held criminally responsible for any acts committed that were not stipulated as punishable by law at the time the offense was committed. To quote Section 8: "*Nullum crimen sine lege, nulla poena sine lege poenali*," or "No crime can be committed, no punishment can be imposed without a previous penal law." The principle of equality demands that all cases in the same category be handled and sentenced in the same manner and that no

arbitrary discrimination affects the judgment (Section 6 of the Constitution). The third constitutional right, the right of humaneness, demands the exclusion of death, torture, or any other form of sentencing or treatment from the Finnish justice system that infringes on the offender's human dignity (Section 7 of the Constitution).

Another imperative principle the Finnish system of sanctions aims to improve in the uniformity of sentencing is predictability, which states that a knowledgeable person (not just legal representatives) should be able to predict within reasonable limits the type and length of a probable sentence for a specific offense. Additionally, the statutory sentencing principles⁷ urge the court to bear in mind the uniformity and the proportionality of the sentence to the dangerousness and harmfulness of the offense in question, together with the guilt of the particular suspect discernible in the offense. The extenuating factors are less rigid and allow for more discretion on the part of the prosecution and the judges whether regarding the reduction of the severity of the punishment or concerning the waiving of charges of the punishment entirely.⁸ As mentioned above, equity, pettiness, and procedural economy are the main grounds for the waiving of the prosecution; however, the drug-related offenses (section 7 of chapter 50 of the Criminal Code) provide an additional possibility to waive the charges on condition that the offender agrees to undergo treatment approved by the Ministry of Social Affairs and Health.

If the charges are not dispensed with, the offender may be punished by summary penal order, fine, community service, or imprisonment. Public officials may be punished by dismissal or warning. The summary penal order ("petty fine") is a relatively new form of a sanction, first introduced into the Finnish legal system in 1983⁹ to be used for minor traffic offenses, littering, and breaking fishing regulations. They may not exceed 200 euros, and if unpaid, may not be converted into imprisonment. In 1921 Finland introduced the day-fines system,¹⁰ according to which a fine is passed in the form of

⁷ Chapter 6 of the Criminal Code, adopted 1976:466.

⁸ Chapter 3, Section 5 of the Criminal Code, as amended by the Acts of 23 March 1990 (1990:302) and 12 December 1996 (1996:1060).

⁹ Petty Fine Act 1983:66 and Chapter 2a, Sections 8-11 of the Criminal Code (as amended 550:1999).

¹⁰ See Chapter 2a, Sections 1-7 of the Criminal Code (as amended 1999:550).

day-fines ranging from one to one hundred and twenty day-fines. The amount of the fine is set in monetary currency depending on the offender's income and assets. If the fine remains unpaid, it may be converted into a prison sentence, with two unpaid day-fines equaling one day's imprisonment.

Community service has been a part of the Finnish system of sanctions since its passage by an Act of Parliament on December 14, 1990 (1990:1105). In this Act a trial period of three years (January 1, 1991-December 31, 1993) was introduced, during which this new form of sanction would be tested in twelve rural districts and six cities. On conclusion of the stated period, the use of community service was widened to the rest of the country for another three years through the Act of 25 March 1994 (1994:227). Eventually, the new sanction permanently entered the Finnish penal system in December 1996 (1996: 1055). Community service is detailed as a form of punishment used instead of unconditional imprisonment. An offender may be sentenced to at least twenty and at most 200 hours of regular, unpaid work carried out under supervision. Up to ten hours of the sentence may be covered through the offender's participation in programs aimed at reducing recidivism or in treatment to reduce alcohol abuse. This form of punishment can substitute sentences of up to eight months of imprisonment (Section 3); however, for the court to be able to rule in favor of community service, the offender has not only to consent to it, but it also must be clearly established that he or she would successfully complete the sentence. The community service order is enforced and supervised by the Probation and After-Care Administration.¹¹ If the offender does not comply with the rules of the community service, the Probation and After-Care Administration has the authority to issue a warning. If the transgression is serious, the public prosecutor must be notified, who may request the court to convert the community sentence into imprisonment.

The last and the most severe form of criminal penalty is imprisonment, which in Finland can range between fourteen days and twelve years. When an offender is sentenced to a joint punishment, the maximum sentence passed may be as

¹¹ See Acts 2001:135 and 138, which came into force on August 1, 2001. The Probation and After-Care Administration under the Department for Punishment Enforcement of the Ministry of Justice replaces the role of the Finnish Association for Probation and After-Care.

long as fifteen years. Particularly serious crimes, for instance murder, are punishable by life imprisonment.¹² Finland does not permit capital punishment. In 1972, the death penalty was banned in Finland in time of both peace and war, even though in practice it had not been imposed in times of peace for more than 150 years.¹³

Social Responsibility and Prison Facilities

Both open and closed prisons in Finland make target-oriented activity programs available for all inmates, striving to reduce intoxicant abuse and boosting the inmates' chances for a crime-free life outside the bars. The number of prisoners taking part daily in some program or other activity which aims to sustain their work capacity is on the rise, especially in open prisons. The bulk of the activities offered consist of various programs for intoxicant abusers. Other programs include courses in cognitive skills as well as programs enhancing life control skills, training in job-seeking skills, and rehabilitative camps. In addition, a wide variety of leisure-time activities is provided.

Open prisons are more relaxed (the inmates are granted certain privileges unavailable in closed institutions, like the right to use their own clothes at all times); inmates and guards address one another by first name. Prison superintendents go by non-military titles like "Manager" or "Governor," and prisoners are sometimes referred to as "clients" or, if they are youths, "pupils." Prisoners in open prisons are paid wages that are comparable to those earned by regular citizens, and from these they pay taxes and maintenance allowance for their upkeep as well as for their board and lodging. Prisoners are encouraged to receive visitors during weekends and, on special grounds, at other times as well. Most of the visits take place under supervision, but visits by close relatives and other persons can be granted without supervision. Prisoners may be granted permission to go on leave if it is considered probable that they will observe set conditions. Leave permission may be granted when half of the sentence has been served or on other, particularly important, grounds.

¹² Chapter 21, Section 1-3 the Criminal Code. (Such prisoners are usually freed by presidential amnesty.)

¹³ Act 1972:343 on the Abolition of Capital Punishment from the System of Sanctions.

The Finnish legal system is based on mandatory prosecutions which require public prosecutors to bring criminal charges against offenders. The prosecutor may waive the charges only if certain conditions, clearly defined in the penal code, are met. These conditions, redefined in 1990 reform, include:

- a) Pettiness specified as a petty offense punishable by a fine. In cases of underage offenders punishment would not exceed six months' imprisonment, if the offense is believed to have been committed due to lack of understanding or negligence, rather than out of deliberate disrespect for the law.
- b) Procedural economy. The charges may be waived if the offender is already being prosecuted for other, similar charges and, on account of concurrence, the collective sentence would remain largely unaffected by the charges in question.
- c) Equity. Charges may be waived due to the offenders' personal circumstances or if they have taken action to prevent or eliminate the consequences of their transgression by participating in the reconciliation program. Prosecution may also be waived due to certain consequences of the offense on the offender, or due to the insanity or senility of the offender. Defendants found guilty but criminally irresponsible due to manifest insanity are turned over to the National Board of Medicine, which judges the need for involuntary confinement in a mental institution. However, in cases of a simple need for medical treatment other than for manifest lunacy, the offender's mental health is not recognized as a sufficient reason to waive the prosecution. Should the prosecutor decide to waive the prosecution, the victim ought to be notified of the decision.

If the offender is aged 15 to 20 years old, the case may be reassigned to the municipal social welfare board, but this alternative is not used frequently. The other available alternative to court trial is victim-offender reconciliation, which has been gradually increasing in use since its introduction in 1983. First pioneered in Vantaa, it has slowly spread to the rest of the country. If the offender is ready to accept responsibility for his or her actions and the harm these

actions caused and is eager to make amends and in some way compensate for the damages the actions incurred, then the offender may participate in the mediation program. In 1996 the victim-offender reconciliation program acquired recognized legal status, and the outcome of the mediation may affect the prosecutor's or court's decision concerning the punishment, even to the extent of waiving it entirely.

Mediation is overseen by a voluntary mediator, and the local program is managed by the municipal social welfare office. Typically, the police suggest that the case could be determined through reconciliation, but consent of all parties involved is needed to proceed with mediation. Cases decided by such a procedure include thefts, petty thefts, assaults, and incidents of damage to property as well as many of the offenses committed by juvenile offenders. Approximately 5,000 cases every year are currently determined by means of the reconciliation program in Finland.¹⁴

Conclusion

In conclusion, penal attitudes in America are less dichotomous than policymakers seem to believe, and the issue needs to be revisited by public officials. Research has shown that the public wants a balanced approach that simultaneously punishes and rehabilitates criminals and that mainstream media and policymakers are not reflecting these views.

As mentioned previously, it may be helpful for Americans to look to other countries that have successfully implemented rehabilitation programs to see the positive effects they can have on all aspects of society. When comparing the United States to Finland, a country that has fully embraced a progressive penal system, it is helpful to start with raw statistics. For instance, Finland employs 170 police officers for every 100,000 citizens, while the United States employs 270 officers for every 100,000. In Finland, there are approximately 52 sentenced prisoners for every 100,000 citizens, while in the United States there are 509 prisoners per 100,000 residents. Of the 64,000 Finnish convictions, fewer than 10 percent were sentenced to prison; at the same time, of the 1,145,000 American convictions, 70 percent were sentenced to incarceration. These statistics show that Finland is implementing alternative methods of crime control to

¹⁴ See "Sanctions in Finland" by Tapio Lappi-Seppälä (draft, September 2004). Available online at <<http://www.optula.om.fi/uploads/cxiz1k.pdf>>.

effectively reduce the prison population while maintaining a safe society. The huge difference in rates between the United States and Finland is quite startling. It begs the question, If a gentler penal system works in an overwhelmingly positive way for Finland, could it work for the United States?

There are many ideological similarities between the two countries when it comes to public opinion. Finns, like Americans, are intolerant of crime and violence, yet open to the idea of alternative forms of punishment, especially for non-violent and juvenile offenders. People in both countries tend to believe that criminals are not born into a criminal life and that societal factors play a role in creating criminal behavior. The Finns also overwhelmingly believe that rehabilitation is a better option than prison alone because most criminals will at some point re-enter society and need treatment to change into law-abiding members of society. This gentle attitude of the Finns towards rehabilitation and living in harmony with ex-offenders without collective stigmatization is also reflected in an international survey¹⁵ which showed that 82 percent of Finns said they felt safe walking alone in their neighborhood after dark, the second highest national rating (after Sweden; both Canada and the United States scored just more than 70 percent, placing them near the bottom of the eleven countries surveyed).

A major difference in Finland's penal system in comparison with that of the United States is the lack of political involvement in matters of criminal policy. Crime has never been on any of the major parties' political agendas. This is a positive sign because it places more focus on the betterment of the country's citizens rather than on political agendas. And one could also rightly assert that American policymakers are doing a disservice to American citizens by misreading public opinion and disregarding criminal experts. As Robert and Stalans (1997) have explained, an important step in bridging the gap between the public and public officials would be to better inform the public about sentencing options and increase the communication between sentencers and the community. Policymakers must look to countries like Finland, whose citizens have conscientiously decided to shift from a philosophy where a tough-on-crime legislature reigned to one of progressive values. Finland is known to take scholars'

¹⁵ <<http://www.dangardner.ca/Archmar1802.html>>.

opinions into consideration when determining criminal policies. There is a history of appointing prominent criminal experts¹⁶ to policymaking positions. Because Finland relies on criminal experts, legislation and the enforcement of policies more accurately reflect the dominant public opinion and needs of all of society's parties.

Prison sentences should only be handed down as a last resort. In other words, only dangerous offenders who pose a threat to public safety should be put behind bars, and we should make sure that imprisonment ceases to be the standard punishment. We should also accentuate the recent tendency to believe that the harshest sentence is not necessarily the best.

Many countries that have a crime rate similar to Finland's have successfully limited the use of heavier sentences such as imprisonment, primarily by modifying the scale of prison terms. In other words, these countries have eliminated most minor terms, especially those under six months, but also, by extension, terms of less than two years. They have also reduced the imposition of very long sentences (more than 10 to 15 years). On the whole, they have therefore narrowed the scale of sentences, often by replacing light prison terms with suspended sentences, and by lowering the implicit scale of reference for all prison terms.

This entire approach aimed at reducing the use of the penal system to deal with crime is based on a profound conviction that the best way to protect society is to socially rehabilitate offenders. Moreover, the job of correctional services is to ensure that offenders receive the supervision and assistance necessary to facilitate their gradual return to the community as soon as possible, depending on their individual behavior. Successful social rehabilitation depends on the offender's efforts, appropriate support from correctional services, and the active contribution of various community resources.

It is all too often implied by political actors that society is demanding more repressive measures and stiffer penalties. In short, pressure from so-called public opinion is often used as an excuse for trying to justify a more conservative approach

¹⁶ Several Finnish Ministers of Justice during the 1970s and 1980s have had direct contact with research work; indeed, one of them, Inkeri Anttila, was a professor of criminal law and the director of the National Research Institute of Legal Policy at the time of her appointment as Minister.

to the administration of justice. In Finland as well as in the United States, surveys reveal that people mainly want to see crime curbed, rather than just to have offenders punished.

REFERENCES

- Beckett, Katherine. 1997. *Making Crime Pay: Law and Order in Contemporary American Politics*. New York: Oxford UP.
- Boswell, John. 1980. *Christianity, Social Tolerance, and Homosexuality*. Chicago: U of Chicago P.
- Bureau of Justice Statistics. <<http://www.ojp.usdoj.gov/bjs/>>.
- Caplow, Theodore, and Jonathan Simon. 1999. "Understanding Prison Policy and Population Trends in Prisons." Ed. M. Tonry and J. Petersilia. *Crime and Justice: A Review of Research* 26, 63-120.
- Cullen, F. T., J. A. Pealer, B.S. Fisher, B.K. Applegate, and S.A. Santana. 2002. "Public Support for Correctional Rehabilitation in America: Change or Consistency?" *Changing Attitudes to Punishment: Public Opinion, Crime and Justice*. Ed. J.V. Roberts and M. Hough. Portland, Oregon: Willan Publishing.
- Doble, John. 2002. "Attitudes to Punishment in the U.S.: Punitive and Liberal Opinions." *Changing Attitudes to Punishment: Public Opinion, Crime and Justice*. Ed. J.V. Roberts and M. Hough. Portland, Oregon: Willan Publishing.
- Doob, Anthony, and Voula Marinos. 1995. "Reconceptualizing Punishment: Understanding the Limitations on the Use of Intermediate Punishments." *University of Chicago Law School Roundtable* 2, 413-33.
- Edsall, Thomas, and Mary Edsall. 1991. *Chain Reaction: The Impact of Race, Rights, and Taxes on American Politics*. New York: Norton.
- Ekunwe, Ikponwosa. 2007. *Gentle Justice: Analysis of Open Prison Systems in Finland*. Tampere, Finland: Acta Universtatis Tamperensis.
- Garland, David. 2000. "The Culture of High Crime Societies: The Social Precondition of the New Politics of Crime Control." *British Journal of Criminology* 40 (3), 347-75.
- Gilmore, Grant. 1974. *The Death of Contract*. Columbus, Ohio: Ohio State UP.

- Gurr, Ted Robert. 1989. "Historical Trends in Violent Crime: England, Western Europe, and the United States." *Violence in America: The History of Crime*, vol.1. Ed. T. R. Gurr. Newbury Park, Calif.: Sage.
- Hough, Mike, and Julian Roberts. 1998. "English Believe Sentences Soft and Crime Rising." *Overcrowded Times* 9 (1), 1, 12–15.
- Kuhn, André. 1997. "Prison Populations in Western Europe." *Sentencing Reform in Overcrowded Times: A Comparative Perspective*. Ed. M. Tonry and K. Hatlestad. New York: Oxford UP.
- . 1998. "Sanctions and Their Severity." *Crime and Criminal Justice Systems in Europe and North America 1990-1994*. Ed. K. Kangasunta, M. Joutsen, and N. Ollus. Helsinki: European Institute for Crime Prevention and Control (HEUNI).
- Lane, Roger. 1999. "Murder in America: A Historian's Perspective." *Crime and Justice: A Review of Research*, vol. 25. Ed. M. Tonry. Chicago: U of Chicago P.
- Lappi-Seppälä, Tapio. 2000. "Sentencing and Punishment in Finland: The Decline of the Repressive Ideal." *Punishment and Penal Systems in Western Countries*. Ed. M. Tonry and R. Frase. New York: Oxford UP.
- Mayhew, Pat, and Jan van Dijk. 1997. *Criminal Victimization in Eleven Industrialized Countries: Key Findings from the 1996 International Crime Victims Survey*. The Hague: Dutch Ministry of Justice.
- Musto, David. 1987. *The American Disease: Origins of Narcotic Control*, rev. ed. New Haven, Conn.: Yale UP.
- Roberts, Julian, and Loretta Stalans. 1997. *Public Opinion, Crime, and Criminal Justice*. Boulder, Colo.: Westview.
- Roberts, J. V., and Mike Hough. 2002. "Public Attitudes to Punishment: The Context." *Changing Attitudes to Punishment: Public Opinion, Crime and Justice*. Ed. J. V. Roberts and M. Hough. Portland, Oregon: Willan Publishing.
- The Penal Code of Finland (as amendments up to 650/2003 as well as 1372/2003, 650/2004 and 1006/2004 included): An unofficial updated, English translation of Finnish

- Legislation available from the Ministry of Justice.
<<http://www.finlex.fi/en/laki/kaannokset/1889/en18890039.pdf>>.
- Tonry, Michael. 1995. *Malign Neglect: Race, Crime, and Punishment in America*. New York: Oxford UP.
- Walker, Samuel. 1998. *Popular Justice: A History of American Criminal Justice*, rev. ed. New York: Oxford UP.
- Weigend, Thomas. 2000. "Sentencing Policy in Germany." *Punishment and Penal Systems in Western Countries*. Ed. M. Tonry and R. Frase. New York: Oxford UP.
- Whitehead, J. T., M. B. Blankenship, and J. P. Wright. 1999. "Elite Versus Citizen Attitudes on Capital Punishment: Incongruity between the Public and Policymakers." *Journal of Criminal Justice* 27, 249-58.
- Wilson, James Q., and Richard Hernstein. 1985. *Crime and Human Nature*. New York: Simon & Schuster.
- Zimring, Franklin E., and Gordon Hawkins. 1997. *Crime is Not the Problem: Lethal Violence in America*. New York: Oxford UP.
- <www.acta.uta.fi/pdf/978-951-44-7070-7.pdf>.
- <www.optula.om.fi/uploads/cxiz1k.pdf>.
- <www.valtioneuvosto.fi/tpk/puheet-1999/P000204.vpen.html>.