



# Studying the history of ideas

## – Prisoners' relationship to society in penal thinking in Finland

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### Introduction – why is an understanding of history important?

What are prisons for? What can we 'learn', or what we can understand better about the modern world when building an understanding of history? From the beginning of criminal punishments, the key questions have been what to punish, why and how. The reasoning of penal sanctions and punishments is the driving force behind my dissertation, with the key concepts of social control, power, relationships, penology, penal theory and discourses. These questions are not very popular nowadays, but they are fundamental to penology and penal theories.

The research question of the thesis is « *How is prisoners' relationship to society characterized in penology in Finland from the prison reform in the late 19th century to the 21st century?* » I was interested to investigate how prisoners' relationship to society has been manifested in Finnish penal theoretical thinking from the early stages of penal reform in the 1860s to the early 21st century. The data consists of historical and theoretical texts, for example commission reports, directives of the ministry of justice, legislation, and data from the Committee of prison reform in Finland. Altogether the data will consist of approximately 150 publications.

This study is positioned in the approach of critical history. Thus, the approach of the research is critical discourse analysis, more precisely the discourse-historical approach (DHA). It emphasizes anchoring the texts (data) under consideration for social change, rhetoric and argumentation. (e.g. Fairclough, 2010; Reisigl, 2018.) In my study, the emphasis of the analysis is on rhetoric and argumentation. Briefly, what kind of 'picture' of prisoners' relationship to society is drawn from the data. DHA allows the triangulation of historical knowledge between historical, intertextual and societal contexts: how the presented context represses the social relationships of prisoners, and how this is expressed, reasoned and described. In the critical history (or critical historiography) one key issue is to examine not only progressive Whig history<sup>1</sup> but, for example, what movements, change and reforms meant for

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1. Whig history is seen as an approach that sees the past as a glorified progress towards development and an ever-better future.



prisoners, their families, or for society in general (Ignatieff, 1983). From this point of view contextualization and critical discourse analysis of historical texts and publications are justified when studying the history of ideas relating to penal theory.

I theoretically parse social relationships in prison as a matter of social control. A prisoner's relationship to society can appear as both problematic and healing. I examine how prisoners' relationship to society has been controlled or regulated, without assuming that historical change would involve progressivity. The debate over social relationship as a matter of social control has been colored by the weightings of the function and purpose of punishment in penal theories. Relying on different punishment styles is part of the mechanism through which the penal system seeks to operate effectively and influence crime rates, as well as to exercise power. Thus, social control in the prison system is seen, for example, as a reforming, rehabilitative, healing, or moralistic issue, depending on what kind of weightings have been given to the task of punishment at each time. These different paradigms, in turn, influence the ways in which the prison system has seen the prisoner's social relationship.

During the research period, Finland has undergone a change from a country of high incarceration rate to the one of the lowest rates in the world (e.g., Lehti, 2002). Meanwhile, international western ideologies have influenced the prison system (e.g. Lappi-Seppälä, 2009). I will focus on the key research results of my PhD study, i.e., how the Finnish penitentiary system can be characterized in the light of prisoners' relationship to society. During the prison reform in the late 19th century there was a shift to reformation and rehabilitation, and later the emphasis was on normalization and neoclassicism. In this article, I will discuss the importance and relevance of the key findings for current and future Nordic criminology.

## **1. Some reflections on prison history in Finland – Relevance of the study for criminal policy in the Nordic area**

In the 1860s a major prison reform started in Finland. The aim was to modernize the prisons of the Grand Duchy of Finland to meet the needs of an urbanizing society. Prior to the Reform, control in prisons was mixed and fragmented, the prisons were poorly organized and corporal punishment, shame penalties and capital punishment were in force. (Virtanen, 1944; Kallinen, 1982) In the assessment of the appropriate type of prison, a model from Sweden was considered. An important role in the Reform was to examine the treatment of prisoners and what imprisonment should include. The prisoners' relationship to society was seen as reformable.

Corporal punishments no longer appeared to have an impact on crime levels, and humanism took over in Norway during the first half of the 20<sup>th</sup> century. The understanding that prisoners can be rehabilitated, while at the



same time maintaining the social order of society, was central. (Shammas, 2017, p. 59-64) This was a clear trend in the Scandinavian countries, which was also followed by Finland. During the first decade of the 20<sup>th</sup> century the trend was towards individualism and thinking that individual aspects must be considered in criminal sentences. Social movements in Finland in the 1920s and 1930s also influenced the treatment of prisoners. At the same time, faith in the 'healing' or reforming effect of prison declined (Aho & Karsikas, 1980, p. 9-11). This era changed the understanding of prisoners' relationship to society.

Subsequently, like other Nordic countries, Finland professionalized prisons by employing professionals such as psychiatrists and educationalists. The issue of coaching and education as part of the imprisonment was central. When considering the welfare model of the Finnish (and Nordic) prison, the organization of a juvenile prison appears as one example of this. When reforming juvenile prisons in Finland in the 1960s, it was important to design the prison community so that it resembled society outside prison as closely as possible. (Komitean mietintö. 1966, p. 49)

Starting in the 1960s, classicism led to criticism of the care or individual reform of prisoners. Criticism was directed towards issues such as 'forced' individual care of prisoners, poor conditions in prisons, and poor outcomes in individual care. From the beginning of the 1990s a North American influence came to Finland as the What Works discourse, but also as wider rehabilitative thinking. Subsequently, the debate has been about control, the principle of normality on an individual basis. Finland is the only Nordic country where the normality principle is written into the Imprisonment Act, Chapter 1 Section 3:« »The prison conditions shall, as well as possible, be arranged so that they correspond to the living conditions prevailing in society«.

According to my preliminary findings, penology, or penal theory, is positioned in the following discourses during the study period: isolation, reform, therapeutic, rehabilitative and management. The discourses manifest themselves in each period with different emphasis. Firstly, prisoners' relationship to society has been defined by isolation. Prisoners should be isolated from society. After that the relationship has been seen as improvable or rebuildable through prison sentences based on individual need. Furthermore, it has been seen as preserved, managed and controlled. In the discourse of managing and controlling the prisoners' relationship to society, the role of the power of the prison system is strong. Lastly, the discourse of prisoners' relationship to society appears to be seen as permanent. In other words, a prisoner usually has something permanent in his/her relationship to society, which should be maintained throughout the sentence. This can be seen as an important component of the normality principle.



## 2. Conclusions – takeaway messages for readers interested in criminal policy

What can we learn about history in general? On the one hand, it is somewhat pointless to think about 'lessons from history', or not repeating the mistakes made in history. However, there are some questions which we can reflect on in our own time, or when discussing the future of criminal policy in the Nordic area:

*How modern could ideologies be in history?* For example, although there were requirements that all prison officers could read and write in the early 20<sup>th</sup> century, it was not possible to meet this requirement due to the generally low level of reading skills in the population.

*How long does it take to move from theory/ideology to practice?* What can be described as «humanism» in the 19<sup>th</sup> century has a different meaning nowadays. The gap between discussing the reforms and modern treatment of prisoners can be far from the real-life reality of prisons.

*However, how to make the best of the reality in hand?* That is a very important question when it comes to considerations of control, power, punishments and regulations. Drake (2021, p. 81) writes «men are sent to prison as, not for punishment». How to maintain the idea that the prison sentence is a punishment itself, and after that all actions must be correctional, not for continued punishment?

Also, *learning from others, and collaboration between countries or systems*, can advance to take a bigger leap than when acting alone. The history of Finnish criminal policy since the 1960s proves this point.

Lastly, ideology in action is different from ideology in isolation: Ideologies shape social reality but social reality also shapes ideologies. It is important to acknowledge the power of social reality and movements. It is also very important how we discuss, and what meanings we give to the language we use. Criminal policy is always shaped by history, and is in fact a rhetoric of it. It is also important to understand that current criminal policy shapes the future.

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