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The historical criminal statistics of Finland 1842–2015 – a systematic comparison to Sweden

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ABSTRACT

The purpose of the article is to provide an overview to the trends in crime and crime control in Finland and Sweden during the past 150 years, systematically comparing the two countries. The secondary objective of the study is to introduce a Nordic data collection project aiming to compile coherent comparative criminal justice time series from the early nineteenth century to the present, and to present the first collection of data, the Finnish justice statistics 1842–2015. The study examines the long-term development of homicide, assault, rape, defamation, prison population, and penal severity. Historical statistics provide opportunities to examine the crime trends and the society's responses to them keeping in mind that the statistics do not necessarily reflect changes in total criminality. As such, the study does not provide conclusive explanations on the development of crime and punishment but rather opens new questions to be answered in future research.

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crime; crime trends;
punishment; Finland

1. Introduction

The following article examines the historical trends in crime and crime control in Finland and Sweden during the years (1750–) 1831–2015. Finland and Sweden share a similar political and cultural background but there are still notable differences in the histories of the countries providing interesting criminological comparisons. In the present day, both countries are model welfare states with a high material quality of life and an inclusive social security system. As a result, the crime rates in both societies are low and their criminal policies are mainly humane and lenient. In addition, the Nordic countries boast a long tradition of compiling criminal justice statistics beginning in the early nineteenth century. All in all, Finland and Sweden provide opportunities for valuable analysis of crime-and-control policy in the different phases of the society.

The purpose of the study is to illustrate the availability and significance of the long criminal justice time series in the Nordic countries and describe the long-term trends in crime and crime control in Finland and Sweden. As such, the article attempts to provide an overview of the Finnish criminality and control policy during the past 200 years. Due to the nature of the research questions, the following analysis will be a macro-level introduction to the trends in crime and criminal policy and their existing explanations. The article forms a part of a larger project aiming to the collection of available criminal justice statistics in the Nordic countries (excluding Iceland) from the early nineteenth century to the present. Furthermore, the statistics are compiled as a coherent and comparable series of data to allow more effective research of the historical developments of crime and justice in Scandinavia. The ambition is to continue the path-breaking work of *Hanns von Hofer*¹ in Sweden in Finland by combining country data into a continuous data set

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and analysing it. This study acts as a starting point for the project with an aim to present the first collection of data, the Finnish criminal justice statistics 1842–2015, to the international scientific community. The forthcoming publications of the project will then proceed to the detailed macro-level analysis of criminological issues arising from the data using a wide theoretical framework of historical criminology.

The article begins with a short introduction to the historical, political, and social backgrounds of Finland and Sweden (Section 2) followed by an overview of the data and method used in the study (Section 3). Section 4 discusses total recorded crime, while crimes against person (homicide, assault, rape, and defamation) are examined in Section 5 and theft in Section 6. The section on theft is divided into a long-term statistical overview and a closer look at the crime trends of theft during the famine of 1866–1868. Finally, the use of prison, imprisonment rates, and penal severity in general are studied in Section 7. The concluding Section 8 summarises the objectives and results of the study and discusses further research questions.

2. Historical background

The early history of Finland and Sweden is simply the history of Sweden. Finland was a part of the Kingdom of Sweden until 1809 when the Russian Empire conquered Finland in the Finnish war and Finland became an autonomous Grand Duchy of Russia. The autonomous position meant that Finland was allowed to keep its former laws and legal customs. However, Russia prevented the Finnish *Riksdag*² from assembling until 1863, freezing all legislative reforms. The conquest of Finland marks the point where the development of Finland and Sweden became separate.³ Sweden was at first involved in the Napoleonic wars and the war against Norway but ended its latest military conflict in 1814. After that Sweden had the chance to develop on its own terms in relative peace while Finland was subjected to the oppressive rule of the Empire.⁴ While Finland retained its legal system, the absence of a legislative body meant Finland fell behind Sweden in societal development, and the reformatory work of the criminal justice system that had begun in Sweden in the late eighteenth century.⁵

The early criminal justice system in Sweden (and Finland) was based on the Swedish Civil Code of 1734. The Civil Code adhered to the principles of *lex naturalis* which supported severe punishments of the lawbreakers. In consequence, the criminal code was harsh and imposed death penalty for numerous crimes including, for example, aggravated theft and bestiality. The criminal justice system was slowly transformed into a more modern system with more leniency, and the Swedish reformatory efforts culminated in the enactment of the new criminal code (*strafflagen*) in 1864. Due to the Russian oppression, Finland was unable to reform the criminal justice system as quickly as Sweden and it was not until 1894 that the Finnish criminal code came to force. Both countries enacted several smaller reformatory edicts before the new criminal codes were ready. Finland, for example, implemented the latitude of punishments and reduced the range of the death penalty in 1870 (death penalty had been effectively removed in 1826). In the twentieth century, the ideologies behind the criminal justice system changed multiple times from punitive attitudes to treatment ideology, rehabilitation and the re-emergence and re-declination of punitivity. Sweden enacted a new criminal code in 1965 and Finland started its total reform of the criminal code in 1991 and the reformation of the general part finished in 2004.

In terms of economical and cultural stature, Finland and Sweden were poor agrarian societies in the mid-nineteenth century. Sweden as the mainland had been wealthier than Finland before the Finnish war and the time of the Autonomy only widened the gap. Both countries were late to the industrialisation which slowly began in the 1850s in Sweden and the 1860s in Finland. By the end of the century, both societies were still struggling with poverty. In the mid-1860s both countries faced the great famine of 1866–1868 which affected the whole society. The twentieth century reintroduced wars to Europe. The First World War and Sweden's neutrality in it helped Sweden boost its economy and by the 1930s Sweden was by all measures a wealthy western

country. Finland on the other hand gained independence in 1917 and fought a bitter civil war in 1918. Its industrialisation was still on the pedestrian lane when it participated in the Second World War fighting alongside Germany against the Soviet Union. After losing the war, Finland was forced to pay war reparations to the Soviet Union. However, the reparations turned out to be a boon as they helped Finland's industrial activities to develop very quickly.⁶ After the industrialisation, Finland and Sweden both began building their societies following the ideal of the welfare state, Sweden in the 1940s and Finland in the 1960s. Wealth accumulated and the material quality of life improved quickly. By the twenty-first century, both countries were among the wealthiest nations in the world with Sweden still notably wealthier than Finland. One notable trend of societal advancement was the development of the education system, with the Finnish system often lauded the best in the world in modern discussions.

3. Data and method

As mentioned in the introductory section, the article forms a part of larger data collection project aiming to compile uniform criminal justice statistics from Denmark, Finland, Norway, and Sweden from the early nineteenth century to present. In the first phase of the project, all available and relevant justice statistics are collected from the four countries and systematically compiled into a comparable set of statistics. The criminal justice statistics of the Nordic countries offer plenty of research opportunities for statistical and historical criminology (Table 1). At the moment, the data from Finland has been completed and it includes statistics on convictions for individual crimes and sentences (1842–), offences known to the police (1927–), and prison statistics (1809–1831, 1842–). The collection of the Finnish justice statistics began in 1839 when the Procurator of Finland was ordered to observe the administration of justice in the Grand Duchy and the Justice Commission took over the statistical work in 1891. Until recently, only the statistics from the year 1891 onwards have been available for research. The problem with the Procurator's statistics was that they were published only as handwritten reports. In 2014, the criminal justice sections of the reports were collected, compiled, and published for the first time as a single set of data.⁷ The large majority of the Finnish statistics prior to 1891 are previously unpublished in international criminological literature. Parts of the newer statistics have been introduced and analysed earlier concerning the most important types of crime and punishment.

The data used in this study are partly newly combined statistics (Finland) and partly von Hofer's data (Sweden) published in *Brott och Straff i Sverige 1750–2010* complemented with the latest official statistics. The reason for using von Hofer's data is to provide an opportunity for comparative analysis. The data used in the study consists of conviction, sentencing, and prison statistics (Sweden 1831–, Finland 1842–) and statistics of offences known to the police (Sweden 1950–, Finland 1927–), complemented with other economic or cultural statistics when necessary. The study uses three main methodologies, those of comparative legal studies, historical studies, and statistics. While modern criminology has invented criminometric models for time-series analysis, the method of choice here is graphical analysis for a simpler demonstration of long-term trends.⁸ The objective is to provide a general overview of the trends in crime and crime control and the more specific analyses are only intended to function as examples of the questions arising from the data.

Data quality is an important factor to consider when employing nearly 200 years old justice statistics. Both Finnish and Swedish data have been analysed to determine their quality and

Table 1. The availability of justice statistics in Scandinavia.

| | Denmark | Finland | Norway | Sweden |
|--------------------|---------|---------|--------|--------|
| Justice statistics | 1832 | 1842 | 1846 | 1831 |
| Police statistics | 1920 | 1927 | 1957 | 1950 |

usability in research. Following *Greenberg's* assumption that criminal justice statistics are highly correlated due to the inertia in human behaviour, von Hofer and *Lappi-Seppälä* performed autoregressive time-series analysis on older Swedish and “newer” Finnish statistics. They also examined historical and political factors affecting the reliability of the statistics. They found no implications of serious quality problems in the data.⁹ After collecting the Finnish procurator’s statistics from 1842–1890, I performed a similar residual analysis on the statistics using a Durbin–Watson test to determine the autocorrelation in the data. I also compared the procurator’s statistics against the existing homicide statistics (based on the cause-of-death accounts) and reached the same conclusion that there are no serious statistical quality errors in the data.¹⁰

4. Total recorded crime

Only a small part of all crimes is reported to the police and even fewer are prosecuted and investigated by the courts. The problem of hidden criminality is therefore an integral part of justice statistics and there would be no truth in claiming justice statistics would accurately indicate the total crime rates in the society. Nonetheless, statistics on recorded crime are still a valuable source of information for criminological research. First and foremost, the statistics demonstrate the attitudes of the society to different types of crime in different times. Societal values are in a constant state of flux and these values affect the penal values of different violations of the law. The criminal justice system has limited resources which forces it to focus on the offences against the most important values, those crime having the highest penal value. As an example, in the mid-nineteenth century, blasphemy was considered to be one of the most serious crimes because of the high value of religion in the agrarian society. However, when the secularisation of the society progressed in the coming decades, religious crimes became less important. Second, the justice statistics can indicate the *trends* in crime and crime control. Societal and penal values change slowly and the statistics are accurate in measuring the direction and even the pace of the crime trends.

The number of criminal convictions remained stable during the nineteenth century in Finland and Sweden. However, since the beginning of the twentieth century, the number of convictions has been on a constant increase (Figure 1). The crime trend coincides with major societal megatrends including, for example, industrialisation, mobilisation, and individualisation of the society which have influenced recorded crime. *Industrialisation* provided new crime opportunities as the wealth of the nations increased and more consumer goods appeared in the market. *Mobilisation* as a direct result of industrialisation affected criminality in two ways. The appearance

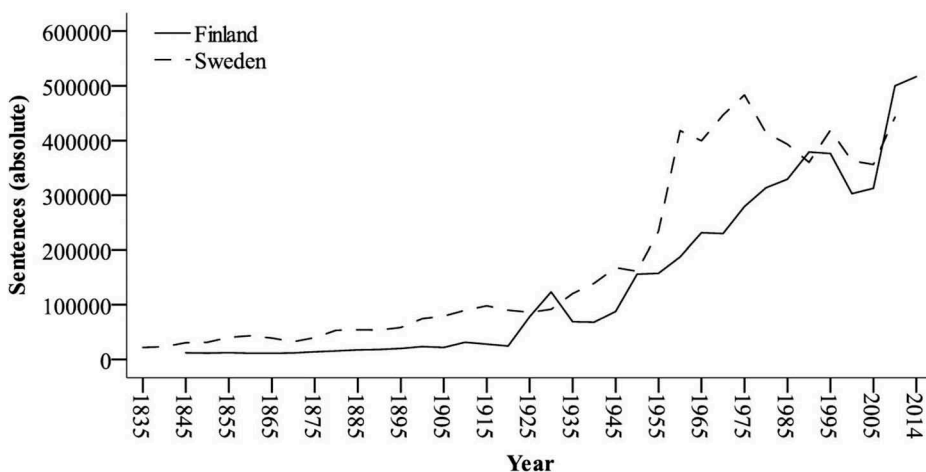


Figure 1. Absolute number of criminal convictions in Finland and Sweden, years 1835–2014.

and generalisation of cars produced traffic crimes which are by far the most numerous crimes of today. Increased mobility also allowed quick transportation from one place to another providing new crime opportunities and weakened unofficial social control inhibiting crime. *Individualisation*, meaning the increased value of oneself over communal values, affected the penal values of different crimes contributing, for example, to the decreasing of defamation (the opinion of others became less important) and the increasing of assault convictions (the growing importance of bodily integrity). Nevertheless, in the history of recorded crime, theft has been the offence predominating the statistics and the changes in the total recorded crime rates have reflected changes in theft crime rates (excluding traffic violations).

Offences known to the police have been steadily increasing since the 1940s in Finland and 1950s (the beginning of the statistics) in Sweden (Figure 2). Police-reported criminality in Finland remained stable until the Second World War which caused a major crime spike.¹¹ After the war ended and its immediate repercussions faded, crime levels first evened and then began increasing. During the existence of the Swedish police statistics, there have been no major crises in either country to explain the differences in recorded crime. The development patterns in recorded crime are similar in Finland and Sweden but the Finnish crime rates have been more responsive to economic hardships. For example, the early 1990s depression caused a more pronounced increase in crime in Finland than in Sweden. This is likely explained by Sweden's better economical standing and stability compared with Finland: While the cultural and social backgrounds of the two are similar, Sweden has always been the wealthier nation. This has enabled Sweden to fare better during difficult times than Finland. In any event, the main crime trend of the twentieth century is the increase in offences known to the police. One of the main reasons for the increase is traffic violations caused by increased traffic. Many other major crime types have gone through a similar increasing trend as total recorded crime. As mentioned earlier, theft has always been the most important individual crime type affecting the level of crime in the society. In the following sections, the crime trends of violence, sexual crime, defamation, and theft are described in more detail.

5. Crimes against person

5.1. Homicide

Lethal violence has probably been the most meticulously researched theme in criminology. In international comparisons, the unusually high homicide rates of Finland have been well

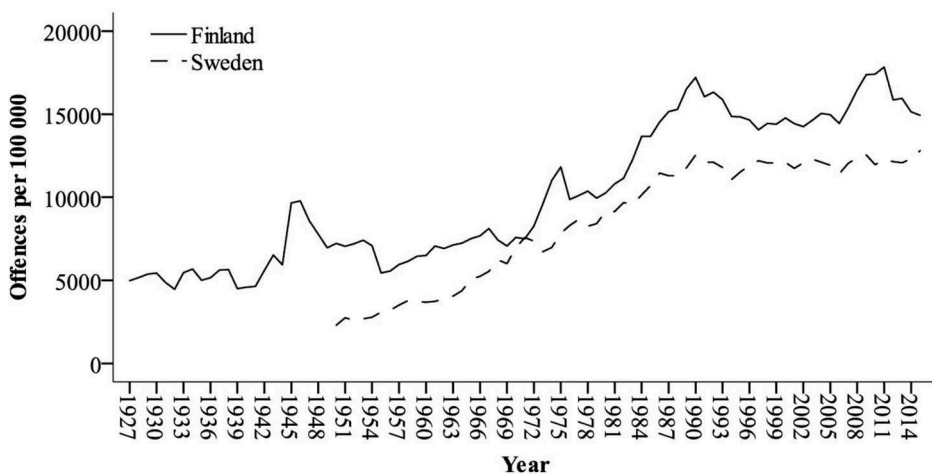


Figure 2. Offences known to the police in Finland and Sweden per 100,000 population, years 1927–2015.

documented and explained in both contemporary and historical studies. *Veli Verkko* and *Heikki Ylikangas* have presented the argument that the Finnish violence problem is caused by a distinctive *national character*. According to Ylikangas, the historical realities of the settlement of Finland have encouraged a national sensitivity to honour. Finland has always been sparsely populated and during the medieval times the inhabitants rarely interacted with each other, and the Finns never developed their communicative skills. When such individuals got into situations where their honour was challenged by, for example, a verbal insult, they had to resort to violence to remedy the violation. Ylikangas dubs the phenomenon “forest foolishness.”¹² Verkko on the other hand emphasises the significance of the Finnish drinking culture, highlighting two fundamentally Finnish characteristics. First, Finns have an aptitude to behave irrationally under the influence and second, the Finnish character is “dark and heavy” compared with the Swedish inhabitants and has a tendency for disproportionate violent outbursts when encountering actual or imaginary insults.¹³

Despite Finland and the other Scandinavian countries share similar cultural and ethnic backgrounds, there are major differences in their homicide rates. Figure 3 depicts the homicide conviction rate per 100,000 population in Finland and Sweden during the years 1836–2014. Figure 4 on the comparison depicts the homicide rates according to the parish cause-of-death statistics during the years 1750–2014. The important observation is that Finnish homicide rates have been substantially higher than Swedish until the 1960s. The difference is contrasted by the constant decreasing homicide rate in Sweden since the late nineteenth century, while the Finnish homicide rates have fluctuated and increased at the same time until the rates started dropping in 1920–1930s. The two homicide spikes in the cause-of-death statistics in Finland in 1808 and 1918 are caused by the Finnish war (1808) and the civil war (1918). There are differences between the cause-of-death statistics and the homicide conviction statistics. In Finland, the individual disparities take place in the nineteenth century and the two statistics are largely comparable.¹⁴ The later conviction statistics in Sweden however include attempted homicides, causing a major comparability problem. Since the 1980s, Swedish homicide conviction rates have been twice as high as the cause-of-death statistics.¹⁵

Modern studies have provided more sophisticated explanations for the differences in Finnish and Swedish homicide rates. Homicides in the Nordic countries have been crimes committed among the lowest stratum young male population and changes in homicide rates have been changes in this group’s criminal activity. *Kivivuori* and *Lehti* attribute the long-term

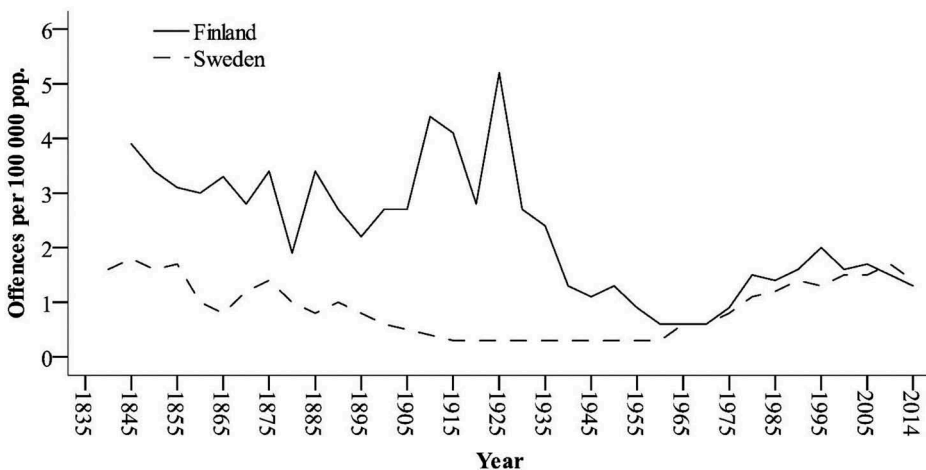


Figure 3. Homicide – Homicide convictions in Finland and Sweden per 100,000 population, years 1836–2014.

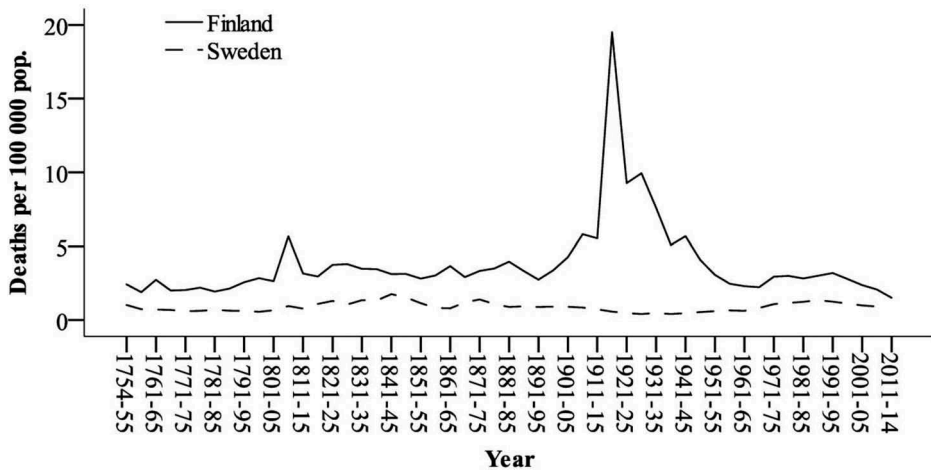


Figure 4. Homicides according to the cause-of-death statistics in Finland and Sweden per 100,000 population, years 1754–2014.

decreasing homicide trend to the strengthening of the central state and the later development of the welfare state. Sweden progressed more swiftly as a nation than Finland and thus the homicide rates dropped earlier in Sweden than Finland. In addition, the homicide participants have become more deviant compared to the other population during the last 300 years.¹⁶ Due to the extensive previous research knowledge, there is no need to examine homicide rates further in this article.¹⁷

5.2. Assault

As mentioned, the Finnish national character has been described to include a tendency for violent reactions to insults. Nevertheless, the Swedish courts actually dealt with more violence in the nineteenth century than their Finnish counterparts (Figure 5). Assault conviction rates underwent a similar trend in Finland and Sweden from the early nineteenth to the early twentieth century: Conviction rates decreased from the early nineteenth century until the late 1860s and the famine of 1866–1868. After the famine, assault convictions increased slightly for the rest of the century and began decreasing after the turn of the century. After Finland became independent in 1917 and fought a civil war in 1918, the crime trends started differing. Assault conviction rates have increased in both countries since the 1920s but the Finnish crime rates have been influenced by the civil war and the Second World War which both caused a decrease in violence due to the absence of young men (who were stationed on the front line), followed by a sharp increase when the men returned home. The latest distinctive crime trend in Finland occurred in the late 1960s when the new alcohol law of 1969 permitted the sales of medium strength beer in grocery stores greatly increasing alcohol consumption. The changes in recorded assault crime are contradicted by victimisation studies. In Finland, assault levels have remained relatively stable since the 1980s and in Sweden decreased during 2005–2014.¹⁸ It is possible that the long-term changes in recorded assault criminality are mainly caused by changes in the penal value of assault which has increased or decreased the inclination to report a violent incident depending on the direction of the change.

The level of police-reported assaults remained stable in Finland during the early twentieth century but has steadily increased in both countries since the 1950s (Figure 6). Interestingly, while assault convictions in Finland increased radically in the late 1960s and the early 1970s, there is only a relatively smooth increasing trend in police-reported assaults. Furthermore, the assault

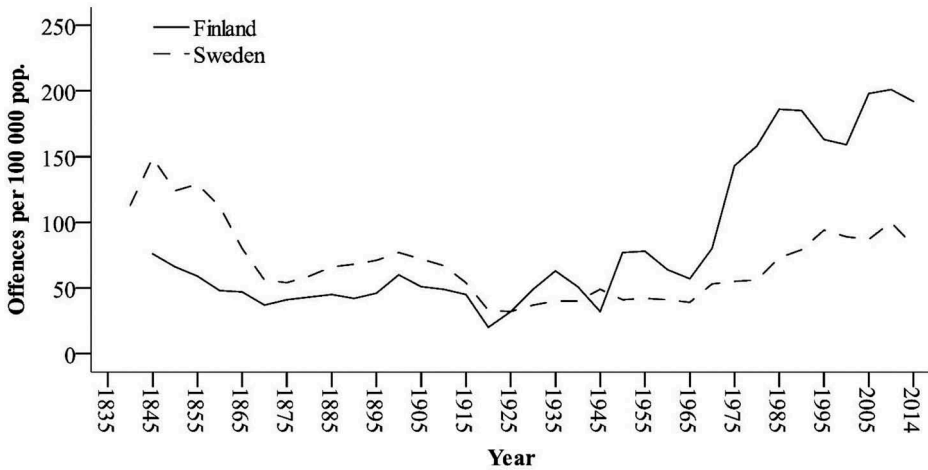


Figure 5. Assault – Assault convictions in Finland and Sweden per 100,000 population, years 1836–2014.

conviction rate in Finland is three times higher than in Sweden, yet there are more assaults reported to the police in Sweden. According to Lappi-Seppälä, the difference is related to Finland's more effective and legalistic processing of assault cases in the criminal justice system.¹⁹ Another reason lies in the official definitions of reported and solved crimes. In Sweden, all offences reported to the police are registered as crimes even if the police does not perceive the incident as a crime, and only the offences where the prosecutor has decided to issue a sanction, a waiver of prosecution or to prosecute the offender are registered as solved. This causes a statistical difference between Sweden and other European countries (including Finland) while victim surveys show that the actual levels of violent crime are similar.²⁰

Violence and alcohol consumption have often been linked together. Especially in Finland there has been a long research tradition of studying the connections between the Finnish national character, alcohol, and violence. The close correlation between alcohol and violence has been noted in numerous studies, yet there is no evidence on a *causal relationship* between them. There are multiple ways in which alcohol consumption affects violence. For example, intoxication impairs one's ability to read others' social signals, making it more likely for the person to interpret the other as being hostile. Alcohol also lowers the threshold of actually conducting violence by

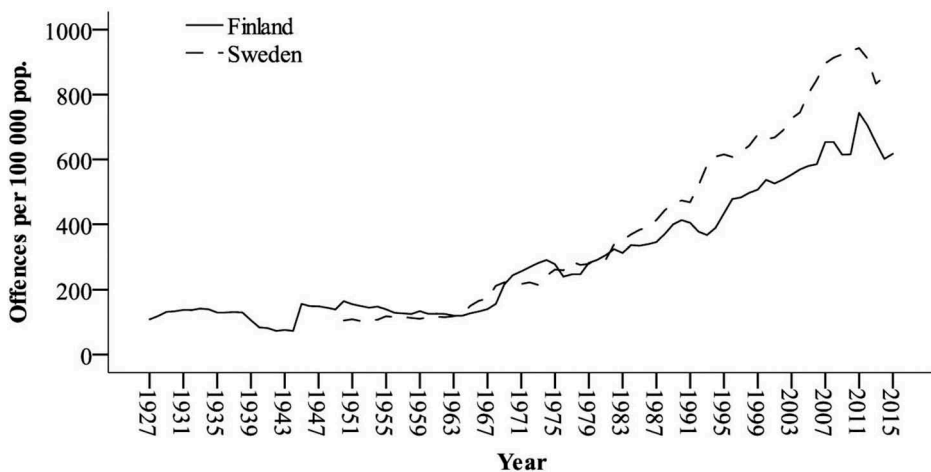


Figure 6. Police-reported assaults in Finland and Sweden per 100,000 population, years 1927–2015.

lifting social inhibitions. Despite the apparent effects of alcohol on violence, alcohol in itself does not constitute a cause for violence, it only makes it easier to set about violent behaviour which has its root causes in other factors. It has also been suggested that the same underlying factors behind violence are the same ones that expose one to problematic drinking and a lifestyle associated with alcohol and bar culture which further predisposes one towards crime risks, both as an offender and a victim. Therefore, alcohol is not the explaining factor behind violence but rather a part of the problem to be explained. High alcohol consumption or the frequency of drinking do not implicate increased crime risks but rather the intensity of drinking (drinking high quantities of alcohol at one time).²¹ The relationship between alcohol and violence is another subject which has been sufficiently studied in criminology and again it is not possible to delve deeper into the question here.²² Figure 7 depicts the correlation between assault convictions and alcohol consumption/sales in Finland and Sweden. Total alcohol consumption rates in Finland and Sweden are very similar.²³ However, the drinking cultures in the two societies differ, with Finnish drinking habits having the clearer focus on intoxication.²⁴ There are clear associations between alcohol and assault convictions in both countries, more clearly evident in the Finnish statistics.

5.3. Rape

Rape emerged as a core crime relatively late. During the nineteenth century, only 1–10 persons were convicted of rape every year in both Finland and Sweden. It was not until after the Second World War that recorded rape criminality began slowly increasing. In Sweden, the rape crime rates have increased steadily since the 1950s with a major spike in the 1990s and a dramatic increase in the early twenty-first century. In Finland, the steadily increasing crime trend has prevailed since the late 1940s to the present. According to the court conviction statistics, the rape conviction rate in Finland is one and a half times higher than in Sweden. However, the number of rape offences reported to the police is significantly higher in Sweden (Figure 8).

The Finnish criminal justice system is more involved in the investigation of rapes than Swedish. In total, 13% of the reported rape cases in Finland lead to a conviction, while Swedish courts only give sentence in 3% of the reported cases. The ratio of police-reported offences to court convictions is notably higher in Sweden than in Finland and the difference has been emphasised during the twenty-first century (Table 2). The legal definitions of rape in the criminal

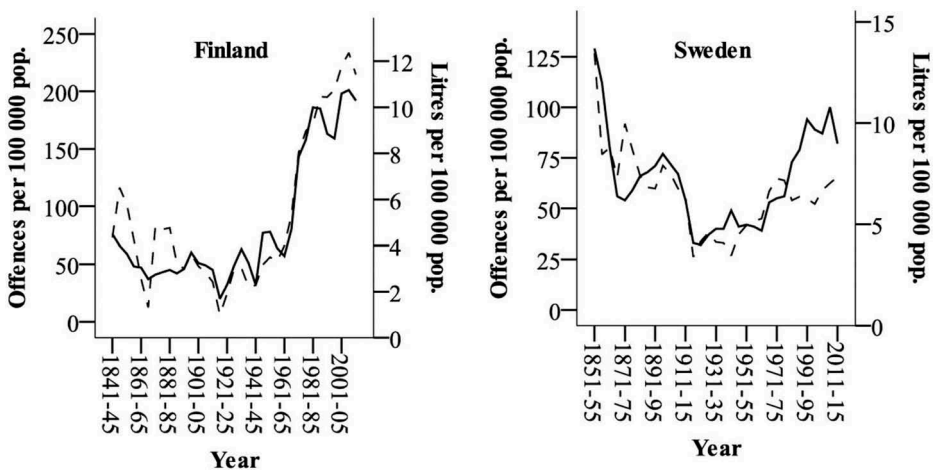


Figure 7. Assault convictions and alcohol consumption (Finland)/sales (Sweden) in Finland and Sweden per 100,000 population, years 1842–2014 (Finland) and 1851–2014 (Sweden). The straight line indicated assault convictions and the dash line alcohol consumption/sales.³⁹

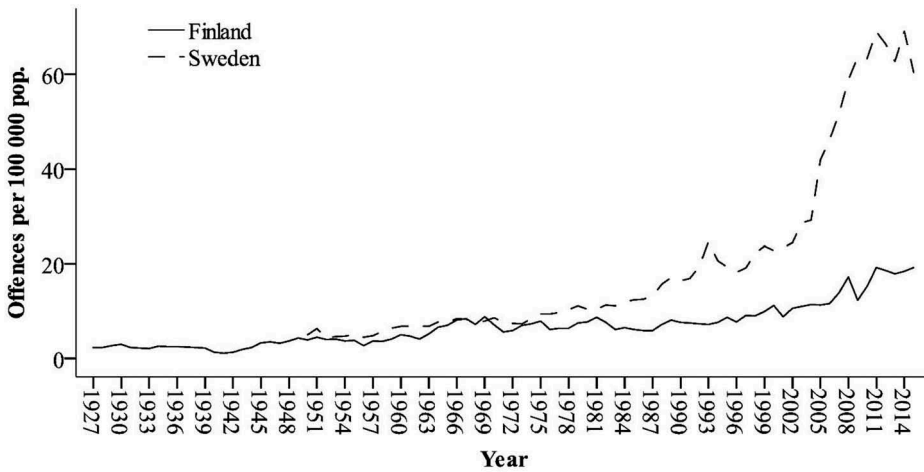


Figure 8. Rape – Police-reported rapes in Finland and Sweden per 100,000 population, years 1927–2015.

Table 2. Rape – Police-reported offences and court sentences in Finland and Sweden per 100,000 population, years 1927–2015.

| | Finland | | | Sweden | | |
|-----------|---------|-------|-------|--------|-------|-------|
| | Police | Court | Ratio | Police | Court | Ratio |
| 1927–1930 | 2.6 | 0.9 | 2.9 | | 0.2 | |
| 1931–1935 | 2.3 | 0.9 | 2.7 | | 0.2 | |
| 1936–1940 | 2.1 | 0.6 | 3.5 | | 0.4 | |
| 1941–1945 | 2.0 | 0.5 | 3.7 | | 0.5 | |
| 1946–1950 | 3.7 | 1.1 | 3.5 | 5.0 | 0.4 | 12.4 |
| 1951–1955 | 4.0 | 1.1 | 3.8 | 5.0 | 0.5 | 10.0 |
| 1956–1960 | 3.8 | 1.1 | 3.4 | 5.7 | 1.0 | 5.7 |
| 1961–1965 | 5.5 | 2.1 | 2.6 | 7.1 | 1.1 | 6.5 |
| 1966–1970 | 7.9 | 2.5 | 3.2 | 8.1 | 1.3 | 6.3 |
| 1971–1975 | 6.8 | 2.1 | 3.3 | 8.0 | 1.2 | 6.7 |
| 1976–1980 | 6.8 | 2.0 | 3.4 | 10.2 | 1.2 | 8.5 |
| 1981–1985 | 7.0 | 2.2 | 3.2 | 11.4 | 1.4 | 8.2 |
| 1986–1990 | 7.0 | 1.7 | 4.0 | 15.0 | 1.8 | 8.3 |
| 1991–1995 | 7.7 | 1.6 | 4.8 | 20.2 | 1.8 | 11.2 |
| 1996–2000 | 9.4 | 1.2 | 7.8 | 21.2 | 1.3 | 16.3 |
| 2001–2005 | 10.6 | 1.6 | 6.7 | 29.5 | 1.6 | 18.4 |
| 2006–2010 | 14.1 | 2.0 | 7.2 | 56.7 | 2.5 | 22.7 |
| 2011–2015 | 18.7 | 2.9 | 6.5 | 65.5 | 1.9 | 35.4 |

codes of Finland and Sweden today are similar with two major exceptions. First, the Swedish definition of rape includes not only sexual intercourse but also comparable sexual acts, while the Finnish criminal code excludes other sexual acts into a separate section, “coercion into a sexual act.” Second, the Swedish definition of rape includes crimes committed against children (rape of a child), while in Finland such offences are classified as sexual abuse of a child. In 2005, the Swedish criminal code was amended by including the sexual exploitation of an unconscious (etc.) person in the definition of rape. A similar change was enacted in Finland in 2011 and the definition of rape was broadened again in 2014. Swedish studies have concluded that the long-term increase in reported sexual violence has been caused mainly by changes in the readiness to report a sexual offence to the police. While the number of reports for sexual violence has increased, the proportion of more serious acts has decreased. Especially after the amendment of 2005, the composition of sexual violence reported to the police has been less aggravated than before.²⁵ All in all, it would

seem that the statistical differences between Finland and Sweden are mainly caused by statutory differences rather than actual differences in crime levels.

5.4. Defamation

Nils Christie has pointed out that modern societies are characterised by two distinctive long-term crime trends: The increase of total recorded criminality and the decrease of defamation. According to Christie, modern societies have formed systems reducing the significance of other people and causing individuals to no longer be as dependent on others as before. In consequence of this solitude, honour is no longer considered important enough to resort to a police intervention for.²⁶ Christie's observation seems to measure up well against the Finnish justice statistics. In the mid-nineteenth century in Finland, defamation convictions formed over 5% of total convictions but have since reduced to only 0.04% in the 2010s (Figure 9). It is unlikely that the recorded crime trend would be caused by people insulting each other less than before but rather by the decreased penal value of defamation. In the present-day Finland, only 5% of defamations reported to the police are prosecuted, reflecting the change in the penal value of the offence.

In the sixteenth and seventeenth-centuries Finland and Sweden, only calumny (fin. *herjaus*, swe. *förolämpning*) was considered a crime and the criminal justice system was not concerned with ordinary slander (fin. *solvaus*, swe. *smädelse*). The definition of calumny included a suggestion that the subject had committed a crime.²⁷ The convicted offender was sentenced to a public humiliation where he had to first hit himself/herself on the mouth, proclaim himself/herself to be a liar, and finally walk backwards out of the courtroom. In the contemporary society, the sentence was considered severe because of its repercussions. It lowered the offender's status in the local community and gave other people a verbal weapon against him/her. Nobody wanted to be the liar just as well as nobody wanted to be the accused thief.²⁸ This short historical excursions demonstrates the value of honour in a pre-modern society and allows to better understand why defamation conviction rates have decreased.

6. Theft

6.1. Long-term theft crime rates

Theft convictions in Finland and Sweden follow similar patterns with chronological differences. Conviction rates have increased sharply since the mid-twentieth century in both countries but the

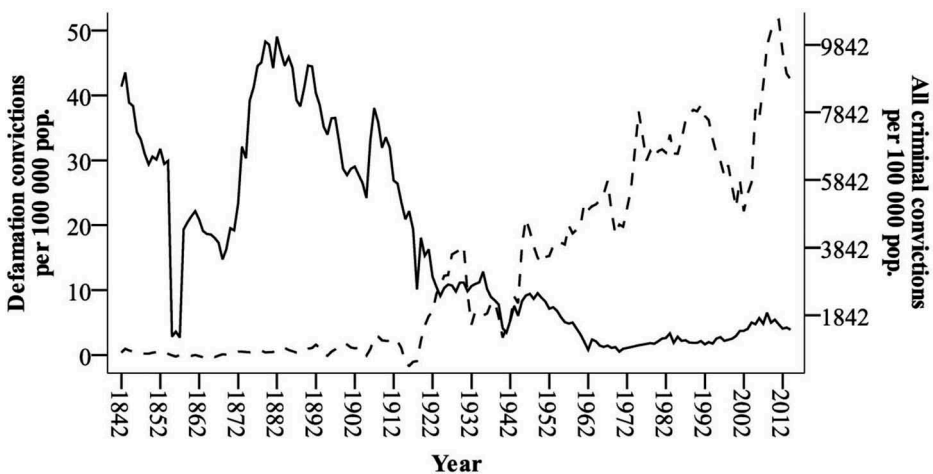


Figure 9. Defamation convictions and all criminal convictions in Finland per 100,000 population, years 1842–2014. Straight line indicates defamation and dashed line all criminal convictions.

increase began in Sweden before Finland. The underlying causes behind the crime trend are the changes in the wealth of the nations and further in opportunity structures. As the societies became wealthier, the access to consumption goods improved and there was more property to steal.²⁹ Theft conviction rates remained on a similar level until the 1950s when the Swedish property crime wave started. A similar change occurred in Finland in the 1970s but the crime trend was much steeper (Figure 10). The court conviction rates are inconsistent with the levels of police-reported property crimes (Figure 11). Despite Finland having the higher conviction rates, theft crimes are reported to the police much more often in Sweden than in Finland. The main reason for the difference is the more effective way the Finnish criminal justice system began prosecuting individuals for petty thefts in the 1970s.³⁰

As mentioned, the wealth of the nation affects the amount of consumer goods on the market and therefore the amount of property available for stealing. Perhaps the most common way of measuring the wealth of a nation is by examining its gross domestic product (GDP). GDP statistics are available from 1830 in Sweden and 1860 in Finland so they provide a good opportunity for a comparison with the long theft conviction time series (Figure 12). To simplify the comparative analysis, the GDP values have been transformed to 2015 US dollars by first multiplying the value by a monetary value multiplier to transform historical currencies to 2015 local currencies (SEK and EUR) and then using the average exchange rates of local currency to USD. The historical developments of the GDP in Finland and Sweden have been similar through the whole time period but Finland has always been the poorer country. The figures allow for two observations: First, the GDP and theft crime rates have developed hand in hand in both countries. Second, the chronological differences mentioned by von Hofer and Lappi-Seppälä are clearly visible in the figures. In Sweden, GDP and theft crime rates began increasing in the 1930s, while in Finland the same trend appeared not until the 1950s. This highlights the difference in the pace of the economical development in Finland and Sweden during the twentieth century.

6.2. Theft and the great famine of 1866–1868

In the following section, the criminality of the great famine of 1866–1868 is examined as an elaborative example on how social and economic changes affect crime rates and the functioning of the criminal justice system. Theft conviction rates were decreasing in the nineteenth century until the 1860s when the number of convictions sharply increased and then returned to a slightly higher level than before. The rapid increase was caused by the great famine of 1866–1868 which afflicted

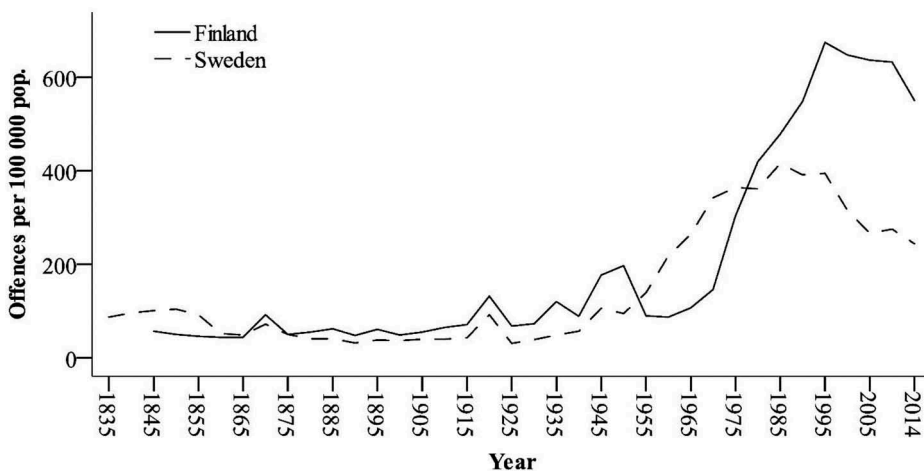


Figure 10. Theft – Theft convictions in Finland and Sweden per 100,000 population, years 1831–2014.

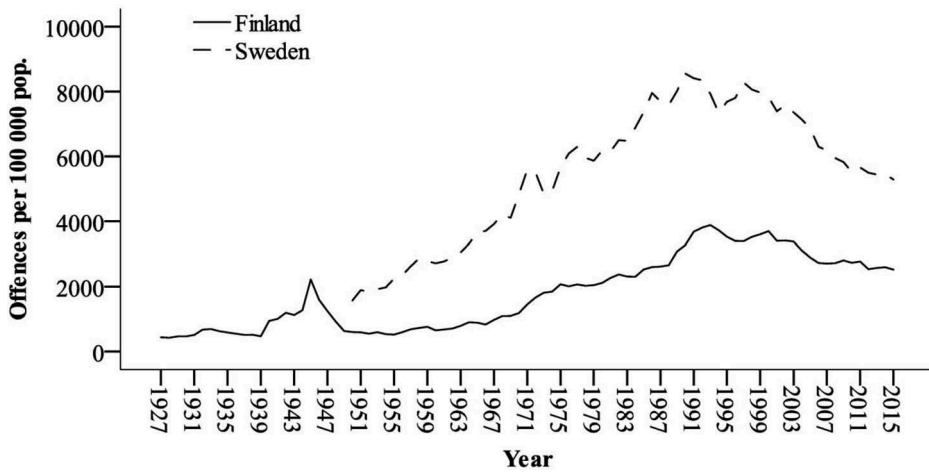


Figure 11. Theft – Police-reported thefts in Finland and Sweden per 100,000 population, years 1927–2015.

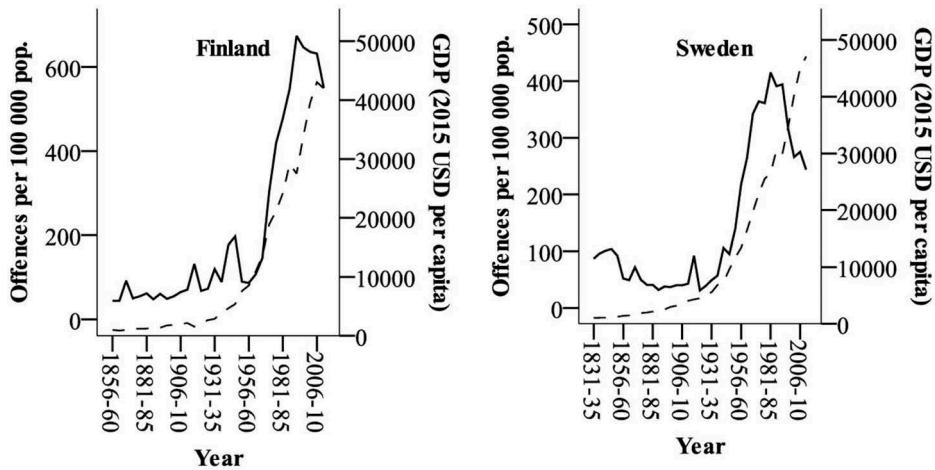


Figure 12. Theft convictions per 100,000 population and gross domestic product per capita in 2015 US dollars in Finland and Sweden, years 1831–2014 (Sweden) and 1860–2014 (Finland). Straight line indicates theft convictions and dashed line gross domestic product.

both Finland and Sweden. Consecutive years of bad harvest and a total crop failure in 1867 led to a hunger crisis in the winter of 1868. Finland faced a worse situation than Sweden and a tenth of the population perished to starvation and typhoid fever. The famine induced the first clear statistical crime trend in the history of Finnish and Swedish justice statistics. Property crime convictions quadrupled in 4 years in Finland and there were as many theft convictions in 1868 as in the preceding 2 years combined. In the meanwhile, conviction rates for several other crime types decreased, most notably assault, homicide, infanticide, and sexual crimes. Sweden encountered a similar crime trend but due to the different degree of famine, the increases and decreases were not as substantial as in Finland. Figure 13 depicts the conviction rates for theft and assault in Finland and Sweden, respectively, during the years 1860–1880.

The early Finnish criminal statistics included, quite astonishingly, statistics of the accumulated value of property lost via convicted thefts during the years 1860–1890. Unfortunately, the collection of the statistics ceased in 1891 when the Justice Commission took over the statistical work and no comparable

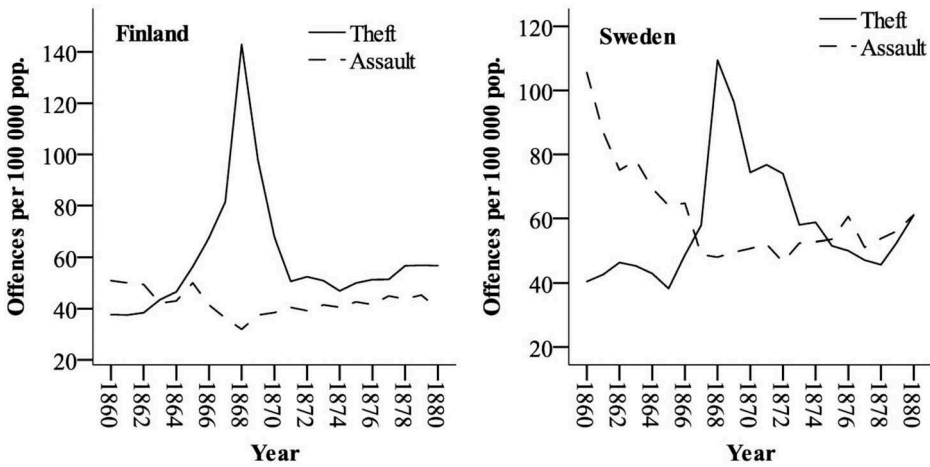


Figure 13. Convictions for theft and assault in Finland and Sweden per 100,000 population, years 1860–1880.

statistics are available even today. The existence of such data is probably due to the fact that theft was punishable with fines calculated by multiplying the value of stolen property. In any event, the data allow to calculate the average value of stolen property by dividing the total value of property by the number of theft convictions. The average value of stolen property can then be compared to the theft conviction rates (Figure 14). The figure reveals an interesting deviation in the statistics. In the year of hunger 1868, there were unusually high number of theft convictions but the average value of property stolen via a single theft was unusually low. This reflects the change in the penal value of theft during the famine.

Wealth increases property crime rates in two ways. First, wealth increase provides more opportunities for stealing and thefts increase as discussed before. Second, in times of scarcity of food and income, people have to steal to survive and theft crime rates increase. In times of shortage, the societal value of property, and therefore the penal value of theft, increases and the criminal justice system considers lesser thefts important enough to be prosecuted and convicted. Additionally, the increased penal value of theft causes the victims to be more inclined to report the offences to the authorities as the offence is considered more severe than usually. While penal values do not usually change in the

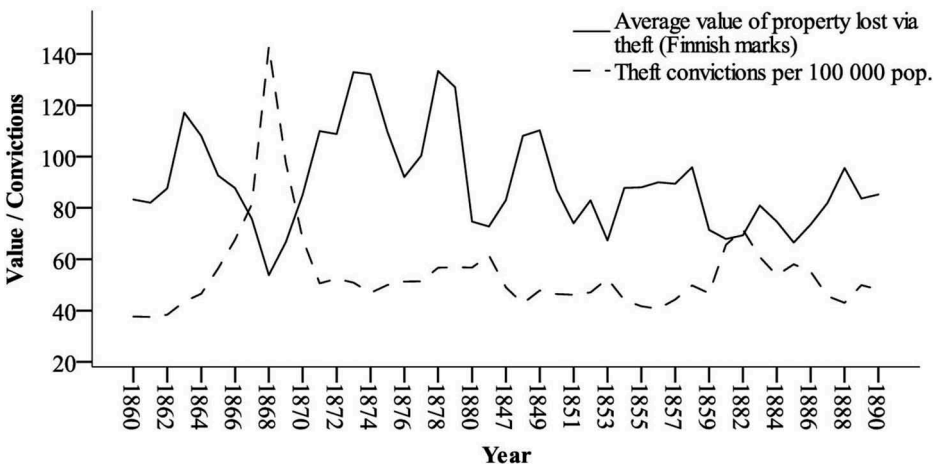


Figure 14. The average value of property lost via theft and theft convictions per 100,000 population in Finland, years 1860–1890.

short term, times of crisis such as the great famine may cause the value structure to change rapidly. During the famine, nothing short of everyone was starving and many perished to starvation. In that kind of a societal situation, property suddenly becomes more valuable than it had been before the crisis, hence the increased penal value of theft. It is likely that violence did not decrease during the famine as implicated in the court statistics but rather they were not reported, investigated, prosecuted, or convicted because thefts were more important in that situation. For example, when a victim of violence approached the rural police chief to report a petty assault while half of the community's population was on the brink of starvation, how likely would it be that the police would take his case seriously? On the other hand, when a thief had stolen the last remaining grain stores of a family, would the police be more interested in solving that than the petty assault? In addition to the change in penal values, there are other possible explanations for the changes in crime rates during the famine that should also be considered.³¹

The Civil Code of 1734 imposed a multiplying fine punishment for theft. For example, the statutory punishment for first-time simple theft was to pay fines three times the value of the stolen property. However, during the famine the number of fine sentences in Finland decreased from the previous years. Instead, the courts began imposing corporal punishments for thefts (Figure 15). The Civil Code allowed the court to transform a fine penalty to a whipping sentence with a fixed formula should the convict be unable to pay the fines. Alternatively, the convicts could be sentenced to conversion imprisonment but that option was not used more than usual during the famine. It is likely that during the famine thieves stealing to prevent starvation did not have money to pay their fines hence facing corporal punishments that was a cheaper alternative than conversion imprisonment. The increased use of corporal punishments is a good example of how the criminal justice system reacts to a societal crisis. Two additional points can be made to further contrast the radical sentencing practices: First, the earliest available sentencing data in Finland date back to 1842 and the whipping sentence was removed from the criminal code in 1894. During this 53-year period, the rate of corporal punishments per population was at its highest (76.1) in the year of hunger 1868. With the exception of the other years of famine (1866, 1867, 1869), the second highest rate, in 1843, was one-third of the rate during the famine (29.3). Second, the reformatory edict of 1866 had forbidden the use of corporal punishment. The edict was to come into effect in 1870 but one would assume the courts would have tried to adhere to the new principles of the law even before that. For that matter, whipping sentences were still used even after they were removed from the legislation all the way until the new criminal code of 1889 took effect in 1894 (marking the last year a whipping sentence was imposed).

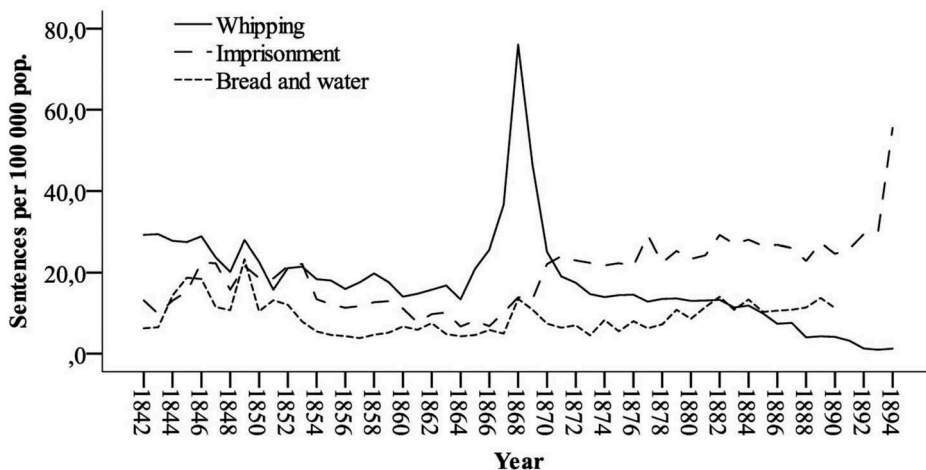


Figure 15. Corporal punishment and imprisonment in Finland per 100,000 population, years 1842–1894.

7. Prison population and sentencing practices

7.1. Role of the prison

In the early Nordic criminal justice system, imprisonment was not primarily intended as a punishment for criminals. It was rather used as a tool for social policy and unwanted social classes were incarcerated. In the mid-nineteenth century, a substantial proportion of prison inmates were not sentenced to imprisonment but rather sent to county prisons for vagrancy. The vagrancy laws in Finland required that everyone had a source of livelihood or alternatively a regular place of residence. Should a person fail to acquire either one, he would first be warned and then detained for general labour in county prisons or penitentiaries without a trial or a sentence. The system was largely revoked in 1865 but still the vagrancy imprisonments continued.³² In the contemporary legal discussion, the vagrancy detainment was considered an official criminal punishment³³ but in modern assessments it has been labelled as purely a method of the social and economic policy of the state.³⁴

The development of the prisoner composition is similar in both Finland and Sweden. In the first half of the nineteenth century, on an average only 30% of all imprisoned individuals had been sentenced to imprisonment in a trial while the rest were remand or fine conversion prisoners, fugitives, or vagrants. The prisoner composition began changing swiftly during the 1850s and the average portion of prisoners sentenced to imprisonment was 60% of all prisoners in the latter half of the nineteenth century, and 70% in the first half of the twentieth century. From the later twentieth century to the present, approximately 80% of the prisoners have been sentenced to imprisonment while the remaining inmates are usually remand prisoners.

7.2. Prison population

The use of prison as a method of control policy is perhaps the most notable difference between the Finnish and Swedish criminal justice systems. In international cross-comparative studies, Finnish criminal policy has oft been named “the Finnish exception” due to the stark differences between Finland and the other Scandinavian countries. Prison population rates in Finland started increasing in the second half of the nineteenth century and continued on an increasing trend, threefold by the late 1940s before the rates started decreasing. In the meanwhile, Swedish prison population decreased steadily from the 1870s to the 1950s. [Figure 16](#) depicts the prison population of prisoners sentenced to imprisonment on 31 December each year in Finland and Sweden during the years 1835–2010 (Sweden) and 1842–2015³⁵ (Finland). The figure does not include vagrants or remand or transportation prisoners.

Finnish prison population rates were abnormally high compared to the other Scandinavian countries. Lappi-Seppälä concludes that the differences are caused mainly by the several political crises encountered by Finland during the twentieth century. The first major crisis was the civil war in 1918 which caused a major crime wave and a rapid increase in imprisonment rates. The immediate effect of the civil war receded quickly but the prohibition and fine conversion prisoners caused the second increase in prisoner rates in the late 1920 and the early 1930s. The Great Depression of the 1930s further sustained the high use of imprisonment. The stabilisation of the social and economic situation in the 1930s caused the prison population to decrease, and when the Winter War began in 1939, approximately 20% of the prisoners were pardoned to be able to participate in the war. The end of the Second World War in 1944 caused another major crime wave which was responded to by toughening the penal policy. After the crime wave had faded, the period of *normalisation* began. Economical and social conditions improved, crime rates stabled, sentencing practices became more lenient, and the imprisonment rates decreased, reaching common Scandinavian levels by the 1990s.³⁶

Taking a closer look at the sentencing practices, Finland has been imposing more unconditional prison sentences than Sweden during the early twentieth century ([Figures 17](#) and [18](#)). The crises in the first half of the century are clearly visible in the statistics. The increased use of unconditional prison in the late 1920s and the early 1930s is caused by the austere sentencing

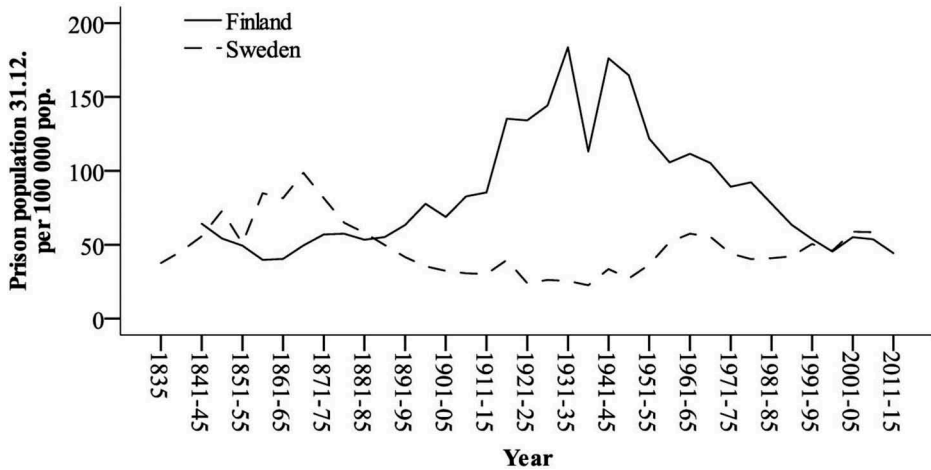


Figure 16. Prison population of prisoners sentenced to imprisonment on 31 December in Finland and Sweden per 100,000 population, years 1835–2010 (Sweden) and 1842–2015 (Finland).

practices of intoxication during the prohibition. Intoxication and prohibition cases formed two-thirds of the cases handled by the courts and the offenders were sentenced to fines which were often converted into unconditional prison sentences. When the prohibition legislation was revoked in 1932, intoxication cases and fine conversion imprisonment rates decreased rapidly. The third major spike in unconditional prison sentence rates was caused by the criminal activity of the soldiers returning from the front and the Second World War had ended.

The emergence of conditional imprisonment is an important factor behind prison population rates. The latest major increase in prison sentence rates in Finland occurred in the 1970s after the new alcohol legislation had been enacted in 1969. Violence and property crimes increased but the imprisonment rates continued on their downward trend because conditional sentences were imposed instead of unconditional imprisonment. Sweden adapted to the use of conditional sentencing much earlier than in Finland, and the surveillance penalty (swe. *skyddstillsyn*) had a major role in the penal policy of Sweden. In fact, looking at the pure conditional to unconditional ratio of Finland and Sweden is misleading because the Swedish criminal justice system employs

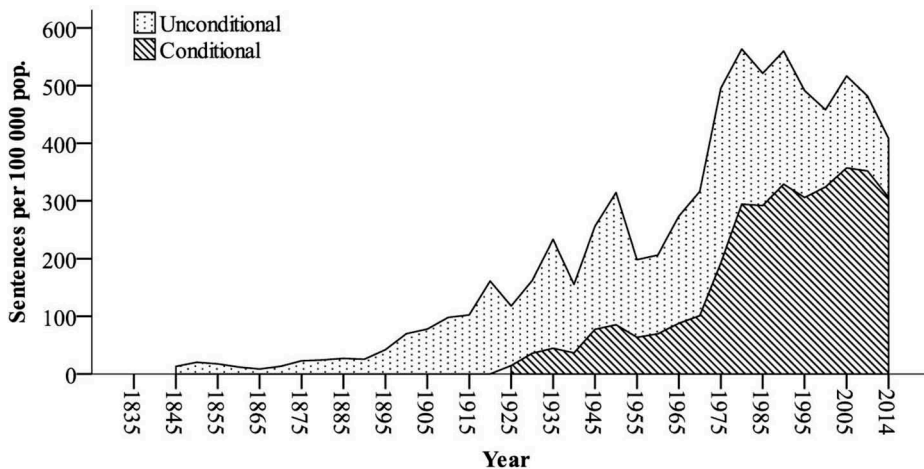


Figure 17. Sentences – Prison sentences in Finland per 100,000 population, years 1842–2014.

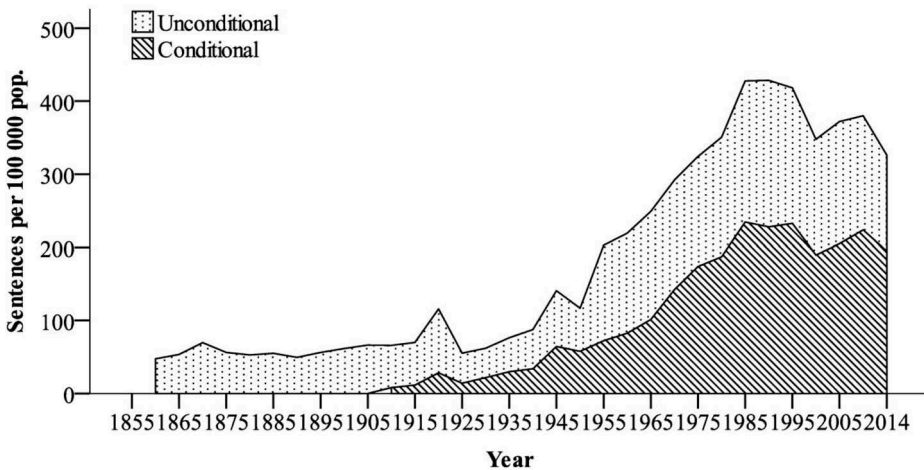


Figure 18. Sentences – Prison sentences in Sweden per 100,000 population, years 1857–2014.

community punishments a lot more than the Finnish system. So while in Finland, conditional is chosen over unconditional more often than in Sweden, Swedish courts have resorted to community penalties more frequently than their Finnish counterparts.

7.3. Penal severity

The average sentence length is a basic measurement of sentence severity along with the use of death penalty. Death penalty was abolished effectively in Finland in 1826 when all death penalties were converted as deportations to Siberia.³⁷ It was reintroduced in 1917 and was used in the civil war and the Second World War. It was abolished de jure in 1972. In Sweden, death penalty was used actively until the new penal code of 1865 after which its use declined and it was abolished in 1910.³⁸ Figure 19 provides an overview to the development of the average prison sentence length in Finland and Sweden. The figure again only includes prisoners sentenced to imprisonment. In the nineteenth century, the prisons in Finland were divided into county prisons for fine conversion prisoners, remand prisoners, vagrants, and those imprisoned for fix term measured in months. Penitentiaries on the other hand were mainly inhabited by prisoners sentenced to imprisonment for over a year. Figure 19 includes two measures for Finland, one including only the penitentiaries and the second one including all prisons (excluding local jails). Sentence length has been steadily decreasing in Finland and Sweden since the early nineteenth century. When a penitentiary inmate could expect to stay behind the bars for 50 months in the 1840s, the time had reduced to around 10 months by the 1940s. While the general trend for the average sentence length has been similar in Finland and Sweden, Finland has had the longer average sentence length since the 1860s, especially in the late nineteenth and the early twentieth century, contributing slightly to the higher prison population rates.

Prison sentence length and the use of death penalty are the most common tools in comparing historical penal severity. However, fines allow interesting comparison between the past and the present as well. Due to the changes in the monetary system and the effect of inflation, a measure must be developed to compare fines from different times. One method would be to make a simple monetary value correction by calculating how many euros the nineteenth-century Finnish marks would be worth now. The result of this comparison indicates that the average value of a fine has remained the same during the past 150 years. For example, in both 1885 and 2014, the average fine sentence was worth 290 euros (in 2015 currency). The result begs the question whether only inflation correction can reveal the changes in the real value of money in the society. Another technique would

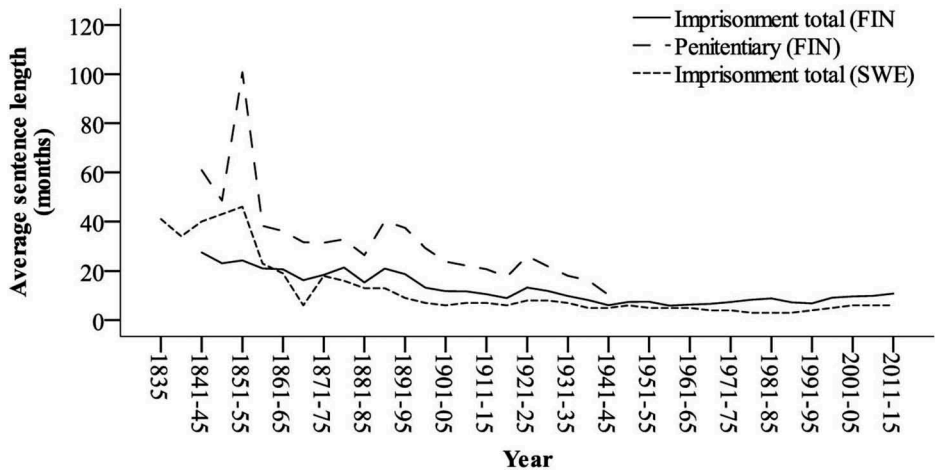


Figure 19. Prison – Average imprisonment sentence length (months) in Finland and Sweden, years 1835–2015.

be to measure how much a single person has had to work in order to be able to pay his/her fine. This would better reflect the consequences of a fine to an individual or his/her household.

The Finnish justice statistics include the cumulative sum of fines each given year. There are also available statistics on the historical development of the average salary of a sawmill worker. Unfortunately, the data are available from the older statistics but they are rather difficult to compile from the later periods. However, it is possible to compare fine severity in the nineteenth century and the present. Figure 20 depicts the average number of working hours of a sawmill worker required to earn the salary to pay the average fine in Finland. Fine severity began decreasing in the late nineteenth century and the amount of work required to pay the average fine was halved in just 20 years (1870–1890). There is also a significant difference in fine severity in the nineteenth century and the year 2014. While it took an average sawmill worker 370 h of labour to pay a fine in 1860, it only required 12 h in 2014. The result yields interesting information especially compared to the result of the inflation-corrected fine value comparison above. While the monetary value of an average fine has remained the same over the decades, its real value has changed substantially. Two additional remarks can be made on the basis of the analysis to contrast the difference. First of all, the value-corrected cumulative sum of fines in the 2010s is approximately 16 times more than it was in the 1880s. However, the number of hours of a sawmill worker required to pay the cumulative sum of fines has remained relatively stable (3,100,000 h in 2014 compared to 3,400,000 h in 1890).

8. Concluding remarks

The purpose of this study has been to provide a general overview of the trends in crime and crime control in Finland and Sweden, and to introduce the new Finnish time series and the data collection project to the international scientific community. Due to the nature of the research question, I have not attempted to provide conclusive explanations for the described trends, but rather to demonstrate the available statistical information and what they reveal of the functioning of the criminal justice system. When describing recorded crime, it is important to keep in mind that statistical crime trends do not necessarily reflect changes in total criminality but rather, for example, in the willingness to report a crime and the penal values of different crimes mirroring the values in the society. The analysis of recorded crime and total criminality are two separate areas of criminology with their own research ambitions. One of the main advantages of the long time series of criminal justice statistics for historical criminology is the possibility to observe the control system and its actions, and their effects on criminality rather than actual crime rates.

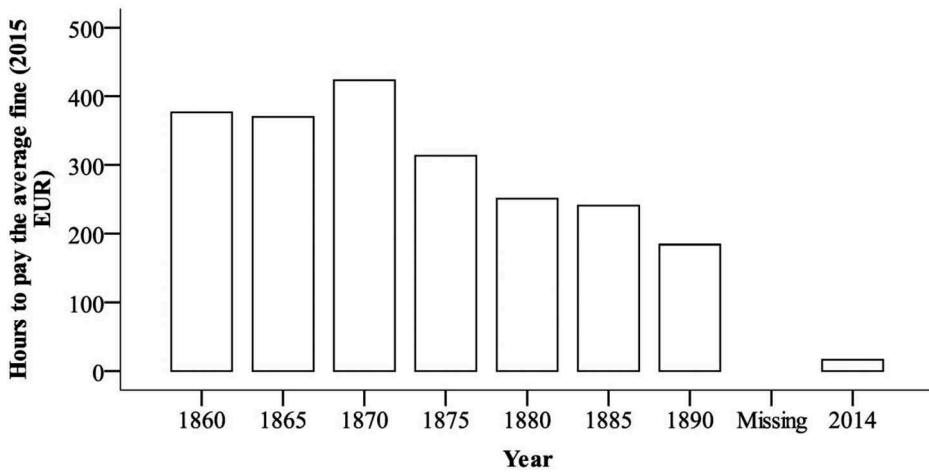


Figure 20. The average number of hours of a sawmill worker required to pay the average fine in Finland, years 1860–1890 and 2014.

The statistics presented here cover a very long period of time, spanning from the early nineteenth century to the present day, and the historical developments of crime and sentencing practices provide more questions than answers. Two such questions may be phrased here as examples, the first being the low rape conviction rates in the nineteenth century (one conviction per year). It is very unlikely that sexual violence was so rare in the past as the statistics would imply. The criminal justice system was evidently focused on the control of sexual morals as convictions for extramarital intercourse were among the most common offences in the early nineteenth century. Why then forced sexual relations were not the concern of the criminal justice system? Second, the rates of police-reported and court-convicted assaults have increased, perhaps mirroring the increased value of bodily integrity and thus the higher penal value of assault in the modern society. However, at the same time, recorded theft crime rates have increased despite the abundance of property which would indicate the decreasing penal value of theft. Theft criminality has been explained by increased opportunities provided by economic growth.

The examples illustrate the many factors contributing to the changes in recorded crime and sentencing. The purpose of this article has been to highlight the research possibilities of the long Scandinavian time series of criminal justice statistics by examining the questions arising from the data. The future objectives of the research project are to include the complete data from Denmark, Norway, and Sweden, to extend the analysis to include a wide theoretical framework of historical and macro-level criminology and to proceed with analyses of changes in control policy and penal practices, their effects on crime and other interesting criminological research questions. Thus, the ambition is to employ the data from all four Nordic countries by discussing criminological issues from a theoretical and historical standpoint.

Two historical “excursions” were made to further illustrate the feasibility and utility of historical criminological analysis. The first one concerned the great famine of 1866–1868 which affected both Finland and Sweden and caused the first major recorded crime wave in each country. Property crime rates increased considerably while assault conviction rates decreased. It was argued that the deviant crime trend was caused by not only increased criminal activity caused by absolute poverty but also the changing penal value of theft. Due to the food shortage, the relative value of property and therefore the penal value of theft increased. The second excursion examined the changing penal severity of fines in Finland. The amount of a sawmill workers working hours required to pay an average fine has decreased from 370 in the 1860s to just 12 in 2014, demonstrating that measuring and comparing penal severity is not a straightforward task. The fact that the administration of criminal justice in the nineteenth-century Finland and Sweden usually meant handing out fine penalties would easily lead

one to conclude that the system was lenient compared to the prison-oriented criminal policy of today. However, the average fine penalty in the nineteenth century meant a devastating financial blow and even bankruptcy for a low-income family.

Notes

1. (Von Hofer, 2011a). For earlier studies on the subject from the author, see Vuorela (*in press*, 2015, 2014). For other studies using the same or partly the same data, see Lappi-Seppälä (2016, 2007), Von Hofer (2012, 2011b), Von Hofer and Lappi-Seppälä (2014), Von Hofer and Tham (2010). For Scandinavian comparative statistics, see *Nordic Criminal Statistics 1950–2010* (Von Hofer, Lappi-Seppälä, & Westfelt, 2012).
2. Riksdag of the Estates was the highest legislative authority in Finland until the Parliament of Finland was formed in 1907.
3. It should be noted that even before 1809, Finland was relatively poor compared to the mainland.
4. Russia itself was lagging behind other European countries in legal development and adapting to the principles of the Enlightenment in general. Its legislation and judicial system was still substantially connected to religion and religious interpretation of the law (Emsley, 2007, p. 28).
5. (Hemmer, 1950, p. 109.; Pajujoja, 1986, p. 79–81)
6. After the Continuation war ended in 1944, the gross value of Finland's industrial production grew 15-fold in 10 years. Finland was also the only participant of the Second World War which paid its full reparations.
7. (Vuorela, 2014).
8. (Von Hofer & Lappi-Seppälä, 2014, p. 175.)
9. *Ibid.*, p. 173–174.
10. (Vuorela, 2014.)
11. (Takala & Tham, 1989.)
12. (Ylikangas, 1988, 1976)
13. (Verkko, 1951, 1949, 1936)
14. (Vuorela, 2014, p. 13–14.)
15. (Von Hofer, 2011a.)
16. (Kivivuori & Lehti, 2011.)
17. For more detailed information on Finnish and Swedish homicides, refer to Kivivuori and Lehti (2011), Lappi-Seppälä (2001), Von Hofer (2011a, p. 15–48, 2011b, p. 42–50)
18. (Hvitfeldt, Westerberg, Irlander Strid, Frenzel, & Ashir, 2015; Salmi, 2009; Sirén, Aaltonen, & Kääriäinen, 2010)
19. (Lappi-Seppälä, 2016.)
20. (The Swedish National Council for Crime Prevention, 2014.)
21. (Berggren & Sutton, 1999; Heckley, Jarl, & Gerdtham, 2016; Svensson & Landberg, 2013)
22. See, for example, Lenke (1990), Murdoch and Ross (1990), Nash Parker and McCaffree (2013), Sirén (2002).
23. According to OECD, alcohol consumption in Finland is 8.8 l per capita (15+) and 7.2 l per capita (15+) in Sweden.
24. (Mäkelä, Tigerstedt, & Mustonen, 2012.)
25. (Hafstedt, 2012, p. 113–118.; Öberg, 2015, p. 18.)
26. (Christie, 2000.)
27. It was for example popular to call a man a thief and a woman a whore.
28. (Ylikangas, 2000, p. 235–282.)
29. (Von Hofer & Lappi-Seppälä, 2014.)
30. *Ibid.*, p. 182–183.
31. I have attempted to provide wider explanations for the criminality of the famine in two separate articles (Vuorela, *in press*, 2015).
32. (Toikko, 2005, p. 43–46; Van Aerschot, 1996, p. 60)
33. (Ståhlberg, 1893, p. 79.)
34. (Lappi-Seppälä, 1982, p. 92, 102–103.)
35. The Finnish prison statistics during 1842–1880 include only the number of prisoners at the penitentiaries on 31 December. There were also a small number of prisoners serving their short sentences in county prisons. Detailed intake statistics (flow) are available for all prison types. To complete the prison population series, an estimation has been calculated by taking into account the relative intake of prisoners sentenced to imprisonment compared to total intake and the average number of sentenced prisoners at the county prisons at the end of the year during 1881–1890. The resulting number of prisoners (on average 90 per year) has been added to the number of penitentiary prisoners. The calculation provides reasonably accurate results assuming the average sentence length in county prisons has remained the same. Imprisonment

sentences were only carried out in county prisons when the sentence length was measured in months so it is unlikely the average sentence length would have varied greatly.

36. (Lappi-Seppälä, 2007, p. 229–230.) See also Kekkonen (1999), Törnudd (1993), Von Hofer (2011b).
37. For a more detailed account of the deportation practices, see Juntunen (1983).
38. (von Hofer & Lappi-Seppälä 2014; Von Hofer, 2011a, p. 195.)
39. Unfortunately, a comparable measure of alcohol consumption does not exist for Finland and Sweden. The Swedish statistics measure alcohol sales, while the Finnish statistics depict total alcohol consumption.

Notes on contributor

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