

SOME OLD AND SOME NEW EXPERIENCES: CRIMINAL JUSTICE AND CORRECTIONS IN FINLAND

*Matti Laine**

I. THE NORDIC MODEL?

First I would like to start from the question: “Is there a Nordic (Scandinavian) model in the field of criminal justice: the case of Finland?” Sometimes we joke in Finland about the question of Nordic co-operation. We say that Nordic co-operation means that Sweden makes all the mistakes first and after five years, Finland follows. A joke is a joke, but often things have gone in that order in the prison service. There are, of course, certain reasons for that. Let us not forget that the judicial system of Finland remained basically Swedish during the time when Finland was part of the Grand Duchy of the Russian Empire.

But “Nordic” or “Scandinavian” does not mean similar concrete solutions to all problems. Rather it means a similar way of thinking. This commonly shared way of thinking does not come from emptiness; it must be regenerated all the time. We can say that in criminal policy there are a lot of possibilities for this regeneration, including the following:

- Criminologists have regular meetings and a permanent council for co-operation
- Experts in criminal law have Nordic meetings
- Experts in criminal policy have meetings
- Experts in criminal statistics gather at seminars
- General Directors of Prison Administration meet annually
- Prison governors and other leading

prison officials hold traditional seminars

- Unions of prison officers have good co-operation and regular meetings
- Researchers of prison matters meet on a regular basis
- There is a Nordic exchange programme for prison and probation officers

Much of this co-operation is taking place annually, sometimes with even more frequency. This is however, just the formal framework of this co-operation, a lot of meetings are informal; we just go and talk. Personal contacts and relationships are very important.

But Finland has not always been very “Nordic” concerning criminal and penal policy. For decades we were seen as deviant or the “black sheep” by other Nordic countries. Our criminal justice system was very punitive, repressive and hard compared to other Nordic countries. This period lasted nearly 70 years, from the end of last century to the early 1960’s of this century. Why was that?

Researchers of this question have provided several answers. First we can say that Finland was an agrarian society for much longer than our western neighbours. There is evidence that property crimes are seen more seriously in agrarian societies than in modern, urbanized communities. Finland reformed the Penal Code in 1894 and this new Code saw theft as a crime which must be punished severely, with imprisonment used more. This move was soon seen in the prison figures. In the year 1893, 155 persons were put into prison

* Principal Lecturer, The Prison Personnel Training Centre, Finland.

because of theft, and after two years the figure was 720. The crimes of theft had not increased, but the penal policy had changed.

One explanation is our civil war in 1918 and its tragic aftermath. It created a very bitter atmosphere and division in the society. In these circumstances, liberal and "soft" criminal policy was not seen possible, as there was now a possible threat from inside. This situation continued after the second world war, but now the threat experienced was coming from outside. Societal demands and legislation stayed very punitive until the late 1960's.

We must remember that development was not linear and one-sided all the time. After the civil war of 1918, pardons were used and a parole system was introduced in normal criminal cases. Several reforms in the prison service took place after the war in the mid 1940's. That was no surprise; as some ministers and other high state officials had experienced imprisonment during the war.

In the beginning of the 1950's, we had "a cold spell in spring", as the penal policy became more repressive. Different coercive measures were used to cope with "the crime problem". Juvenile delinquency was seen as a special problem (although juvenile violence was at the lowest level ever in Finnish history, before and after). Moral panic was created.

The defining image of our repressive system of criminal justice was the amount of prisoners. After the second world war we had nearly 10 000 inmates daily and still, in the mid 1960's, nearly 8000. As of April 16th, 1998 there were 2955 prisoners in Finland, which is 150 less than for the same time last year. Our average daily prison population is reducing and we have reached and gone under the level of

prisoners in Denmark and Sweden. This development has nothing (or very little) to do with the crime rates. The level of imprisonment used is the political choice of a society, not determined by necessity.

There are some other, often very symbolic, images of this repressive model in Finland. Prison rules were detailed and prisoners rights were very limited. I am not a very old man but I can remember newspapers pictures of remand prisoners carrying heavy hand and foot chains when standing in front of court. These chains were used in the late 1960's. In 1969, the secretary of the so called "November Movement", *Reino Lehtiniemi*, took these chains (nealy 20 kilos) to the United Nations Human Rights Commission in Geneva, put them on the table and said: "These are still used in Finland".

An other example was the excessive use of preventive detention. Hundreds of men, most of them petty property offenders, were kept in so called "coercive institutions" (that meant under indeterminate sentence). Some years ago there was a programme on Finnish TV about a man, a thief, who had spent 26 years in prison, mostly in "coercive institutions". He had stolen bicycles and other things.

Nowadays this preventive detention is used only for dangerous violent recidivists who (in practice) do not have normal possibilities for parole. At April 16th, 1998 there were 17 persons who have been detained by the Prison Court to the "coercive institution". The amount of "dangerous recidivists" has come down from nealy 500 to 17.

Strong criticism and discussion of the criminal justice system started in the 1960's in Finland. We had the "November Movement" which lobbied for different kinds of marginalized people. We had the

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Prisoners Union 'KRIM' and critical discussion against the coercive treatment ideology (and treatment ideology in general). The neoclassical winds were blowing in criminal justice and a big part of this criticism was directed towards prison conditions and administration. Reform of the prison legislation was made in the middle of 1970's. Slowly but steadily changes started to happen. Former critics and radicals got remarkable positions in the state administration and universities.

If we simplify the picture a little bit, Finland, the Prodigal Son, returned to the warm home of the Nordic family. The Nordic model has sometimes been called "Nordic Minimalism". What are the basic features of this model? If I have understood it correctly, the idea is to make the criminal justice system as small as possible. Penal policy, and especially prison sentence, is the last way to tackle crime, the last resort. Punishments are not always the best way to prevent criminality (although sometimes necessary). As somebody has put it: if in a certain area there is a problem of dangerous alligators, we can of course try to shoot them all, but it is sometimes wiser just to drain the swamp.

There is also one very important idea in that thinking: crime cannot be prevented by any means. I think that is why we do not usually speak about the "war against crime" in Nordic countries. In a war, usually all kinds of fighting methods are used. However there are, and must be, values that are above the task to prevent crime, for example human rights principles. *Professor Raimo Lahti* (University of Helsinki) has demanded (1990) that the penal system be both rational as to its goals (utility) and rational as to its values (justice, humanness).

The utility criterion means that criminal justice measures shall be used for the

prevention of unacceptable behaviour only to the extent that proves necessary in a cost-benefit comparison of criminal policy measures. This criterion can also be used in the prison service when considering various proposals. We can for example, make the prison like a bottle, where no-one or nothing comes in or goes out. If the various social costs of this policy are higher than the benefits, it may not be very wise to do so.

However the criminal justice system cannot be evaluated only on utilitarian grounds. Criteriums of justice and humanness must be taken into consideration. The harmful effects of crime and crime control must be distributed justly between offender, victim and society. The principles of equality, fairness and predictability are basic elements of the criminal justice systems. Thus when imposing criminal justice measures we must safeguard due process and also basic human rights principles.

In Finland, as in all of the Nordic countries, the prevailing view is that punishments primarily have, and should have, a general preventive effect. One component of prevention is general deterrence, which is related, inter alia, to the certainty and severity of punishment. Nordic criminal policy emphasizes certainty, but not severity.

General prevention, however, also involves the maintenance of standards of morality through the public disapproval that the punishment directs at the criminalized behaviour. Individual prevention is not considered the primary goal of punishment. The coercive treatment of offenders was found to be based on flawed arguments and raised problems with due process and the control of discretion.

This insight does not preclude the direction of rehabilitation efforts towards, for example, prisoners serving their sentence; as long as rehabilitative considerations are not allowed to determine the decision on whether or not to place someone in prison, or how long to keep him or her in that prison.

II. MODERN CORRECTIONAL PHILOSOPHY

The Scandinavian or Nordic model has also meant many practical changes in everyday prison service and administration. The basic approach is to keep the prison system as small as possible, with prison seen as the 'last resort' in crime prevention. Especially when it comes to juvenile delinquency, prison sentences have been seen as very harmful and we have tried to avoid using them as far as possible.

Mr. *William Rentzmann*, who is the Deputy Director General of the Danish Department of Prisons and Probation has very neatly presented the three cornerstones of modern correctional philosophy in Nordic countries. They are normalization, openness and responsibility.

A. Normalization

The idea of Finnish prison legislation is that prison sentence means only the deprivation of liberty and no more (in practice, of course it always means many other things). So at least the idea is that such things as coldness, darkness, hunger or restricted diet, prohibition of cigarettes, books, magazines, loss of civil rights etc. are not necessary elements of imprisonment. Everybody who has visited the Central Prison of Helsinki can say that the inmates are not surely living a "normal life without liberty", but at least normalization is the direction where we want to go. Mr. Rentzmann says that in Denmark, normalization means first of all

that the norm is to place a person in an open prison, i.e. a prison without walls and bars. Approximately two-thirds of Danish state prisons are open prisons.

B. Openness

This principle is surely a kind of paradox. The task of the prison is to close people inside, away from normal life. At the same time, we try to keep the prison as open as possible. Openness means many kinds of things: open prisons; good possibility for visits; uncontrolled conjugal visits; basically no limitation or censorship in correspondence; possibility to study and work outside prison (so called 'night prison'); and prison leave.

We have good evidence from the western sociology of prison and prison communities that the more closed the prison is, the more unsafe it is inside. "Hard against hard", as it is called, is the atmosphere often created. The deprivation of safety is a crucial problem in western prisons, and also in Finland at the moment. In smaller, open prisons the atmosphere and relations between staff and inmates are different, although the inmates may be the same as in other prisons.

C. Responsibility

For the last two hundreds years, the basic problem of most western prisons has been that the main thing they teach inmates is how to live in prisons, how to survive. These skills are not always the best for living life in free world.

We know that this is often a typical feature of 'total institutions'. When I was in the military service, we were often discussing what is the basic skill you learn in the army. Very often the answer was: how to avoid your responsibilities, how to live lazy life.

When everything is done for you, when a special person opens the door in front of

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and behind you, that does not strengthen your sense of responsibility. Western prisons can be like large hotels in a negative sense, and the effects can be seen. When I was working about ten years ago in the special after-care unit of paroled former prisoners, it happened very often that a newly released man couldn't shut the doors behind him.

Mr. Rentzmann sees it as possible and positive that prisoners buy and cook their own food, wash and repair their own clothes and take responsibility for their own treatment. We must not forget that professional help can very often deepen the process of institutionalization or prisonization.

One of the main ideas of the prison legislation reform in Finland in the middle of 1970's was that a prison sentence is always harmful for the offender. Because of its total and punitive character, it cannot rehabilitate inmates and usually makes their situation worse. That does not, however, mean that the harmful effects are always the same. It is possible to influence these and so the task was given to minimize the harmful effects of imprisonment. Nobody believed anymore in the coercive treatment ideology, and so the main task was to shorten the length of prison sentences.

Social services and participatory activities are necessary in the process to minimize the harmful effects of a prison sentence, but we must not expect too much of them; they cannot abolish criminality from the society.

Specialized professional skills are necessary, but one mistake was made when psychologists, social workers etc. came to Finnish prisons. We divided the personnel into two categories: into those who are always giving 'negative' services (guarding, control, disciplinary measures) and into

those who are giving 'positive' services (personal help, listening, social services). I am not sure if this can be wholly avoided, but at least the canyon between these groups must not be so wide. That is why the Japanese experience is so interesting from our point of view. I have read that in Japan not only psychologists and instructors, but also uniform personnel with rank, are involved in treatment for rehabilitating convicted inmates. Correctional treatment officials take on double duties.

So we in Finland have once again started to follow other Nordic partners and set a task to broaden the scale of duties of basic prison officers. Let us not forget that they have one benefit: they often know the inmate best. A famous American criminologist, *Donald R. Cressey* put forward this demand in 1958:

“What is needed is a correctional technique which is explicitly based on a theory of behaviour and of criminality and which can be routinely administered by a rather unskilled worker in the framework of the eight-hour shift”.

We can draw some conclusions from the experience of reform of the Finnish criminal justice system:

- Nordic minimalism has worked rather well in our circumstances. Defending or protecting criminal policy seems to be a better way than attacking criminal policy (“war against crime”).
- The sanction system must be predictable, not too complicated.
- If the prison sentence is the most severe punishment, it is not wise to use it extensively in petty offenses. There are alternatives: fines, suspended

sentences, community sanctions.

- Often a short prison sentence (together with the criminal justice procedure) fulfills the need for general prevention.

III. THE ROLE OF INMATE LABOUR IN FINNISH CORRECTIONS

Work has always been the heart of the prison. It is included in the definition of the modern prison system as a correctional method that will cure the criminal person. In the beginning the function of inmate labour was not to harden the sentence, but to make it more lenient.

The predecessors of the modern western prison were the so called workhouses, which started in the sixteenth century, first in England and in Holland. They gathered vagrants, criminals and other deviant persons to teach them how to work. In Amsterdam there was one workhouse in the sixteenth century where they used to place a wicked inmate in a cell into where water was flowing uninterruptedly. In the cell there was a pump that had to be pumped all the time if the inmate wanted to avoid drowning.

Always when I relate this piece of history, the listeners are laughing and saying or thinking: "were it they uncivilized at that time!", but let us look a ourselves in the mirror today. Do we still believe in the idea that when a man is doing something mechanically, this action will transform him or her from an evil person to a good one? That lazyness and idleness will make him or her worse? The positivist thinking - to find a proper and simple method to change and resocialize man - is very deep in our tradition. Because man is un-fortunately not so simple a creature, we must look into that mirror every day when developing our prison services and treatment methods for offenders.

Inmate labour has also been in the very centre of the Finnish prison service in this century. We had in our legislation the prisoners' work obligation which was more extensive than in other western European countries. Before the second world war, we concentrated on farming and the reclaiming of swamp areas in the central countryside prisons. After the war, we invented a new type of institution, the open labour colony. In the 1970's a rather heavy programme of building industrial workshops and halls started.

As we know, the prison system is like a big ship that turns very slowly, and the changes in inmate labour have not adapted well to the development of society in general. When rapid industrialization was going on in Finland, our prisoners were keeping cattle or reclaiming swamps. When we saw the first traces of the fall of the so called 'chimney industry', we built more room for metalwork and carpentry industries. Now, living in middle of the service trade and information society, we are thinking of what to do. The obligation of work was replaced in 1995 by a more comprehensive obligation to participate in various activities arranged in the institutions.

Most often, when talking about Finnish inmate labour, we mention the open labour colonies, which were established in the 1940's after the war. It has been said that these kinds of institutions are a specific Finnish invention. This view may be challenged by prison historians, but nevertheless this tradition is interesting and important.

Sometimes the open labour colonies have been seen as a new kind of correctional tool in the rehabilitation of the inmates. However the background of these institutions was not so much correctional, as economic. At the end of the 1940's we

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had nearly 10,000 prisoners daily in prisons. Overcrowding was a big problem and a large portion of the prisoners were skillfull workers. The open labour colonies were seen as a solution to make use of this part of the prison population more efficiently than was possible in closed institutions.

This type of institution differed from the traditional prisons in many ways:

- The typical features of the prison milieu were abandoned: closed complex of buildings, walls, bars and steeldoors.
- Traditional guards and guarding were abandoned.
- Detailed regulations for inmates' everyday life were abandoned.
- Prison clothing was abandoned.
- The institution was in many ways more open than the closed prison

and the most important difference:

- The inmates performed ordinary work for the same wages available in the open labour market. That means today for example, that the prisoner in an open institution or labour colony earns ten times as much as a prisoner in a closed prison.

What were the benefits of open labour colonies? There was research into this question in the late 1960's (Paavo Uusitalo). It was shown that there was no significant difference in recidivism between similar groups in open colonies as in closed prisons. So the labour colony was not a more rehabilitative option. It also seemed that the open colonies had the same deterrent effect than closed institutions (if there is a such effect in general). So the

labour colonies were cheaper, more open and maybe more humane and more productive.

We are now facing inevitable changes. During the last 25 years we have more than halved our prison population. Many workshops and industrial halls are nearly empty of prisoners. The inmates who are coming in are, in many cases, dropouts from basic school. They don't have any vocational training or experience. Even the traditional Finnish workman's ethic may be vanishing. With this labour force the prison industry cannot be very productive. Are there any lessons to learn from the experiences of the Finnish inmate labour? I'll try to make some generalizations. They are of course my own points of view and not official statements from our prison administration. I will present these in four principles.

A. The Principle of Meaning.

Work can be important, especially because meaningful action has an important role in personal development. I have worked for several years in the aftercare and employment of released prisoners and from that experience, I can say that even rather routine paid work can have an emancipatory role in a person's life.

The work carried out can however also be without any meaning: it can be pure forced labour. We must ask if some very traditional and mechanic industrial work or maintenance duties in prisons have any meaning, or to whom they have this meaning.

Although prisoners' skills and motivation for work are nowadays often very low, that doesn't mean that paid work does not have any meaning to them. Paid work and occupational development are so fundamental in the construction of our society that they cannot be replaced very

quickly. Work is work and a hobby is hobby.

B. The Principle of Normality

This is the lesson that comes from the open labour colonies and other open institutions. We can get much closer to normal life in prisons than we usually think. We must take the principle of normality very seriously, not just as usual rhetoric. Normality in work life means normal work conditions, normal leadership, normal products and services and before all, normal wages. It also means normal vocational training. Normality in worklife means today for example, computers, teamwork and so on. Can it be reality in prisons too?

C. The Principle of Flexibility

When society is changing very rapidly and unpredictably we should not create systems that will last the next 100 years. There can be a wide range of activities that are offered to the inmates. I think that traditional work can and must have a rather strong role in the future. The system of organizing the work must also be much more flexible. Education and work can occur alternately. The labour activities must be founded on the development of society, not from the history of corrections.

D. The Principle of Connection to the Society.

As you might know there have been some western sociologists who see the end of the labour society (Gorz, Illich). I am not going to challenge their arguments. At the same time I am saying that it may not be very wise to draw direct conclusions of their analysis to the employment of released prisoners.

Although we are probably heading towards a society of mass unemployment, I don't think it is good to start this "freeing from paid work" with former prisoners. He or she can be the person who needs

employment most. Probably we (the so called 'middle class') are the persons who can more easily start to live in "creative idleness" than a former prisoner with various social and mental problems.

So I still believe in the idea of employment in the after-care of a released prisoner. Thus the activities organized during the prison sentence must have a role and connection to this after-care. We know that the prison is a social institution which usually teaches strategies of survival that are unusable in the society outside the prison walls. But it is not impossible to learn useful skills and experiences inside the prison. Let us think all the time what kind of skills obligatory work teaches to those persons who are forced to do it.

Finally, as a sociologist, I must remind you all of one fact. Paid work is much more essential to the maintaining of social order in society than all the efforts we are making in the whole criminal justice system.

IV. A NEW WAY OF THINKING: CRIME-BASED PROGRAMS

In 1960's and 1970's there was widespread thinking both in the prison and probation service in the Nordic and Western Europe: the social circumstances of the offender were in the center when creating efforts to rehabilitate him or her. That usually meant that jobs, housing and social relations were the most important, and sometimes the only things, to work with in rehabilitation.

There was an active movement against the coercive methods of treatment. This line of solution was not always wrong, but the bettering of social circumstances did not solve the problems of very many offenders (some of them it did however).

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Sometimes it was even said it was not necessary to talk about the crime offence at all. The offender has served his or her sentence, we can forget the crime. This concept of human mind was too simplistic, and it was soon found that ware modes of behaviour that were compulsive in nature, and they were not prevented by developing only social services.

At the moment, the idea is to develop offence and behaviour based programs, not for all offenders, but for those who have serious recidivism problems. One example of this kind of approach is The Cognitive Skills Training Program (The Reasoning and Rehabilitation) which has been bought from the Canadian company (T3 Associates, Fabiano & Porporino) by several Nordic Prison and Probation services. This program started in autumn 1997 in six Finnish prisons and in two regional offices of the Probation and After-Care Association.

According to the Canadian instructors (Elisabeth A. Fabiano & Frank J. Porporino) the basic idea in the program is not to treat, reform or cure the criminals, but to teach them. The offenders need to be taught the basic cognitive demands which, according the lecture of the instructors, are as follows:

- TO REFLECT (the offenders usually just react to the situation and then forget the whole thing).
- TO ANTICIPATE (the offenders do not anticipate a situation, usually they react harshly to the resultant circumstances).
- TO ADAPT (the offenders do not learn enough from their experiences, their thinking is too rigid)

The traditional western prison and other

institutions are usually not very well prepared to teach these kinds of skills to the offenders. The program focuses particularly on six areas of deficit which are the following:

- Self control
- Cognitive style
- Interpersonal problem-solving
- Social pespective taking
- Values
- Critical Reasoning

The program is implemented by the basic prison officers who have been trained by the Canadian experts. The program was designed to be completed in thirty-five sessions of two hours duration over approximately 8 to 12 weeks.

Another example is to create programs for sex offenders. A special committee in Finland made a proposition to start this kind of special program (a British model) in one Finnish prison. The need for this is rather limited because we have only about 50 sex offenders in our prison population.

Finland has the highest rate of violent crime, especially homicide, in Western Europe. So what is needed, is some special program for violent offenders. We have a lot of co-operation between different authorities to prevent suicides in Finland, but now we must find some ways to prevent violence and homicides in our coutry.

A. What is the Result of Rehabilitation?

When you look at the comparative research made of the possible results of different kinds of rehabilitative programs, usually the basic criteria for success is the recidivism rate or the arrest rate. ⁹I think that the recidivism rate or arrest rate are not appropriate for this kind of program evaluation. They do not always tell much about the possible changes that have

happened during the training or rehabilitation process.

Attitudes, values and skills can develop although you are still committing some crime (e.g. because of alcohol and drug abuse). So there must be different stages or a kind of hierarchy when thinking about the results of the rehabilitation of inmates and clients of the probation service. This can be described in a following way, for example:

1. "Full Rehabilitation": no recidivism, no serious crimes
2. The partial improvement of the situation ; crimes are becoming more rare
3. The situation is not worsening ; some positive things remain
4. You are able to slow down the worsening of the situation
5. Just easing the pain

After presenting this model we must seriously ask if it is enough just to ease the pain of offenders and inmates? It might not be so, but we must remember that demands of absolute results may lead us to oversimplify the problem. The rehabilitation of inmates is not an industrial product, but a complicated human process, where there is no clear start point or end. Sometimes these rehabilitative programs can be seen like the Red Cross action during the wars: it is not ending the war but at least "easing the pain".

B. Assessment Criteria for the Rehabilitation and Treatment of Offenders

I have modified the work of some Finnish substance abuse treatment researchers

(Saarnio et al.) to create an assessment criteria for, let us say, high quality rehabilitation. These are the following components:

1. 'Matching' as a general principle of the probation services, institutions and prisons. The idea that we can find a universal form of rehabilitation has vanished. Some programs or methods of rehabilitation work for one person, and not another.

2. We must take into consideration both the cognitive styles of offenders and the cognitive styles of staff members. We must try to match these as much as possible. (When there is only one therapist and 200 clients, it is not always so easy).

3. Problems of cognitive damage and injuries must be recognized. Many offenders have even physical injuries and damage because of alcohol and drug abuse for instance.

4. The cultural matching of programs and offenders. The elements of the programs and methods must not be culturally strange to the offenders.

5. The use of mini-interventions is useful. Even the giving of basic information about crimes, drug abuse etc. can have at least short term impact.

6. Teaching of social skills and self control is necessary.

7. Teaching of stress management is necessary.

8. The mechanism of everyday family life must be taken into consideration.

9. Community Reinforcement Approach (CRA) means a combination of successful programs and working methods (family

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therapy, learning of social skills, getting a job, group counselling etc.).

10. Systematic after-care and systematic evaluation are necessary.

The corresponding lists and meta-analyses can be found very often in contemporary literature. At the same time we can also try to make up lists which are telling us what is not likely to work. Programs that are less likely to succeed are those which:

- rely solely on punishment
- lack clearly stated aims
- are open-ended
- rest on medical or psychotherapeutic models
- provide few opportunities for active participation
- ignore or avoid program integrity
- are not monitored and evaluated.

C. "Portia vs. Persephone"

Finally I would like to raise an important and actual question and division, which we must analyze more when developing our criminal justice systems and the treatment of offenders. In their very interesting article (1998) two British scholars, *Guy Masters* and *David Smith* use a division of criminal justice systems into two different models. The "Portia" model means abstract, rational, rights based and in a way, masculine criminal justice. Contrast to that we can find the "Persephone" model, which is more concrete, relational, expressive and feminine model of treatment of criminals.

In their analysis they use the theory and practice of re-integrative shaming (*John Braithwaite*) and also evidence and experiences from Japanese criminal justice and corrections to describe the "Persephone" thinking. In this connection they quote *Shitika* (1972) who writes:

"The Ministry of Justice, by directive, requires guards to be thoroughly familiar with the backgrounds of all prisoners assigned to them...A guard...is expected to know the inmate's moods and to be in a position to readily detect any symptoms of worry, concern, or unusual behaviour on the part of the inmate. He is expected to counsel the inmate when these appear...Although some prisoners try to reject their guard because of the authority that he carries, the majority regard him as an older brother or father figure, and readily accept his guidance and advice."

They also refer to the importance and tradition of apology in Japan and they describe how offenders are expected to make amends informally to victims in exchange for a letter of absolution which is presented to the court. Well known is also the communal role of the police in Japan.

We must admit that the "Portia" model in the field of criminal justice has been rather dominant during the recent decades in Finland and also in some other Western European countries. Our experience of the coercive treatment ideology was so negative that perhaps we went too far when returning to the Classical School. Now it is time to think more about relational justice and to learn from that rich tradition and experience of Asian countries, such as Japan. As *Masters* and *Smith* finalize their article:

"...we believe that the different voice of Persephone needs urgently to be heeded. The consequences of heeding only Portia would be unbearable."

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