



Punishment and Crime in Scandinavia, 1750—2008

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Hanns von Hofer

Punishment and Crime in Scandinavia, 1750–2008

ABSTRACT

Denmark, Finland, Norway, and Sweden have collected criminal justice data since at least the first half of the nineteenth century. These data can be used to describe basic trends in criminal justice interventions as regards violent and property offenses. They can also be used to screen the potential effects of criminal justice interventions on crime compared with more basic structural factors such as urbanization, industrialization, migration, and control of substance use. The marginal effects of changes in criminal sanctions appear to be negligible for the development of recorded crime. These changes include use and abolition of the death penalty, the gradual replacement of imprisonment with alternative sanctions, and the shifting use of fines. The influence of urbanization and industrialization appears to be insignificant, but measures to control alcohol use have had a great effect on violence, as have changes in the opportunity structure on theft. Viewed over the long term, criminal justice interventions during the twentieth century were inefficient in controlling the development of crime and criminals in Scandinavia.

There is always an easy solution to every human problem—neat, plausible, and wrong. (H. L. Mencken)

Statistical data on crime and punishment in the Nordic countries are unusually good. Both Sweden and Finland have continuous time-series

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data relating to murder and nonnegligent manslaughter dating back to the middle of the eighteenth century. Prison data are available in Norway from the mid-1810s (Christie 1975, p. 300). Publication of court statistics began in 1828 in Norway, 1830 in Sweden, 1832 in Denmark, and in 1839–42 in Finland (Verkko 1951, p. 41; Hurwitz and Christiansen 1983, p. 30).

Official statistics became increasingly important in Europe during the first half of the nineteenth century.¹ When in a letter dated May 21, 1830, the King of Sweden told the courts to collect data regularly on penal and civil matters, he expressed a common belief of the time that statistical information could be used to arrive at a deeper understanding of the causes of crime and to assist in the reform of the society (Statistiska Kommitténs Betänkande 1910, pp. 288–89). Only a few years later, in 1835, Adolphe Quetelet expressed very similar ideas, observing that

the greater the number of individuals, the more does the influence of individual will disappear, leaving predominance to a series of general facts, dependant on causes by which society exists and is preserved. . . . Since the crimes which are annually committed seem to be a necessary result of our social organization, and since the number cannot diminish without the causes which induce them undergoing previous modification, it is the province of the legislator to ascertain these causes, and to remove them as far as possible. (Quetelet 1842, pp. 96, 108)

Over time, confidence in criminal justice statistics waned and the general focus shifted toward the study of the “criminal man.” The production of criminal justice statistics, however, never stopped, which leaves us today in the fortunate possession of a rich collection of continuous data describing the activities of the criminal justice authorities in Scandinavia.

The main purpose of this essay is to make these data better known outside Scandinavia and to show that they can be used not only by historians but also by criminologists. They make it possible to formulate well-grounded critiques of traditional policies based on the belief that unwanted social behavior can be successfully controlled by

¹ Compare Ian Hacking (1990, p. viii), who writes about “the avalanche of printed numbers from 1820 to 1840.”

punishment. Using secular time series on homicide, rape, robbery, and theft, we can show that changing forms and patterns of punishments have had little or no effect on the long-term development of crime. The major changes relate to alternative explanations: violence seems to covary with the consumption of alcohol and theft with changes in opportunity structures.

The inevitable question is whether criminal justice data can be used in the way I do here. Three aspects of this contested question are addressed: technical problems, what criminal justice data actually show, and fundamental problems associated with interpretation of the data. A review of the debate is not intended. I present my own position in these matters.

Those who work with time-series data based on criminal justice statistics that cover brief periods of a few years or decades often note that such analyses are disturbed by technical factors, legislative changes, the restructuring of practices in the police or prosecution services or the court system, and changes in the routines used to collect and present statistics. Such changes make the use of criminal justice statistics more difficult, and sometimes impossible. This fact has in turn led to fears that using criminal justice statistics over an extended period may present so many problems that it is best not to use them at all.

In practice, however, the experience is often quite the reverse. In a long-term perspective, problems of this kind often have only a marginal effect on the time series, and longer-term patterns are clearly discernible without being much affected by technicalities. As long as one restricts oneself to more general analyses, the available Scandinavian data appear to be highly usable.

But what do criminal justice statistics actually reflect? Flemming Balvig has summarized a view shared by many Scandinavian criminologists:

Criminality may be viewed as a result of the interplay between three parties. These three parties each constitute an essential element in the very definition of what constitutes crime, but analytically we may choose to place more weight on one in relation to the others, or at least to take only one of them as our point of departure.

One of the parties . . . is the victim, the person or persons who are exposed to the act. If we place ourselves on the side of this party and evaluate the trend in crime, what we *see* is a curve of

worry or a curve of anxiety. From this perspective, the curve reflects what society has chosen to worry about and how this varies over time.

The second party . . . is the control party. This is the party that defines (1) the act as a crime, (2) the person or persons who (are assumed to have) committed the act as the perpetrator, and finally (3) the person or persons who are exposed to the act as victims. If we place ourselves on the side of this party and evaluate the trend in crime, what we *see* is a control curve. It is a curve that shows on what and on whom society has chosen to focus its control resources . . . and how this varies over time.

The third party involved in criminality is the act party, that is, the criminal act itself or the person/group/organization that commits the act. If we place ourselves on the side of this party and evaluate the trend in crime, what we *see* is an action curve. This is a curve that shows the extent of certain types of acts and how these vary. (1987, pp. 15–16; my translation from Danish)

Although criminal justice statistics in practice are rarely used as victim statistics in Balvig's sense, there is little disagreement that they may describe the penal control activities of the justice system in a quite reliable fashion; there is, however, considerable disagreement whether court statistics may validly be used as an indicator of offenders' behavior. Court statistics are compiled at the end of a long and complicated selection process, the mechanisms of which are difficult to grasp, especially in a historical perspective. We lack systematic knowledge about people's reporting behavior over time and we have only incomplete knowledge about police practice and the ways public prosecutors act. Furthermore, we do not know how court practice has changed over the decades under study. As a result, many analysts feel compelled to warn against the use of court statistics. If they are to be used at all, they should be interpreted as indicators of the exercise of state control by means of criminal law—more or less independent from individual offender behavior. Howard Taylor observed of crime statistics in England and Wales (1914–60): "The immense value of the statistics to the historian is not that they allow conclusions to be drawn about the quality or quantity of crime in the real world, but rather that an historically contextualized reading of the statistics greatly assists in the reconstruction of the supply-side quotas, policies, priorities and politics that underlay criminal justice" (1998, p. 25).

An opposing point of view can also be maintained, however, partic-

ularly in relation to longer-term historical developments of court statistics. This view freely admits that court statistics are useless as indicators of the true volume of offenses and offenders. Too many factors distort the data. Not every offense is detected and reported and not every apprehended offender is sentenced. Even so, the possibility cannot be ruled out that court statistics describe basic trends in offending, even if one cannot be sure whether the slopes of the observed increases or decreases are correctly depicted. This view is primarily founded on the idea that in states with a more legalistic approach, such as the Nordic countries (see Reichel 2005, p. 118 for details), court sentences do reflect the guilt of the accused.² The state deploys a highly bureaucratic process to ascribe guilt, and the parties finally recorded in court statistics as convicted offenders do not find their way there on a totally arbitrary basis. In most cases, there is a valid connection between the offense and the sentence. The legalistic approach also limits the powers of politicians and other stakeholders to influence the production of these statistics. Thus, to some extent, court statistics do mirror offending behavior.

My own view is that court and other criminal justice statistics are “artefacts of contemporary social processes” (Morris 2001, p. 125), that we are not in a position to make a definitive judgment about their general usefulness one way or the other, and that the dilemma will not be resolved by means of theoretical analyses and statements. The problem is empirical in nature; that is, each intended use of criminal justice statistics must involve a critical determination of whether they are suitable or not as the basis for analysis in the specific instance in question. Therefore, criminal justice statistics are treated below both as indicators of social control through the criminal justice system, and as indicators of (behavioral) crime trends—if there is sufficient reason for doing so.

The problems of interpretation do not end here, however. The Swedish historian Hans Andersson observed:

² Police and prosecution systems are commonly characterized as being based on “legality” or “expediency” principle. In systems of the first type, the notion of equal treatment is interpreted to mean that practitioners have no discretion how to proceed. They must arrest or prosecute whenever they believe an offense has occurred. In expediency systems, practitioners may exercise discretion in each case to determine how the public interest will best be served and may dismiss cases even if they believe guilt can be proven. The Scandinavian countries are generally viewed as legality-principle jurisdictions.

Indeed, the link between history and criminology is crucial—the combination may help both a criminologist and a historian to realize that his subject is a social construct. What constitutes a crime is determined in the minds of men, and in the written laws that define which acts are legal and which are not. When a historical perspective is applied to the comparative study of legal culture, you can see that some acts are legal at one time in a given society, and others are not. But changes are most commonly undramatic; shifts take place in degrees rather than in categories. You can also see how legal change is linked to social, political and cultural transformations. Here one should be wary of the risks associated with a determinist[ic] outlook. Legal historians seem prone to explaining legal change by means of a simplified sociocultural model. The concept of legal culture, on the other hand, provides a tool for investigating why people choose to act in certain ways and how mentalities and discursive fields are constructed in relation to the legal system. (2008, p. 14)

If this is true, it is reasonable to ask whether it is meaningful to study how crime has developed over longer periods of time. Balvig raises precisely this question:

Every period of time has its special characteristics, a specific spirit of the time. But this “spirit” also has its own time, its characteristic way of relating to time. The important point in this reasoning is that you have to be cautious about applying the specific “spirit” characteristic of the present time to earlier periods of time. To be very concrete: We are living in a period in which time is perceived and analyzed in terms of development and trends. We are very concerned about whether things in our surroundings are increasing or decreasing. Because of this it feels natural and in a way it is doubly in line with the spirit of the time to analyze crime trends and to analyze how trends in crime compare to other things. However, it is problematic to extend this concern and view to other periods where this spirit did not prevail. If you do so, you engage in a kind of epoch colonialism.

For this reason you can discuss whether it is at all meaningful to ask whether crime has increased over the last three centuries. Perhaps we can compare the crime situations and identify similarities and differences between the present and the past. The problematic thing is analyzing and conceptualizing possible differences as something gradually and continuously changing. . . .

The first and most fundamental requirement we make of an analysis of the way crime changes over long periods of time, then, is that we divide the analysis up in a meaningful way, so that the main question will not be to look at crime trends over long periods but 1) to look at the variation in short relatively homogeneous periods (periods characterized by the same cultural spirit of the time) and 2) to look for characteristic differences and similarities between these homogeneous periods.

The crux of the matter is of course how to create this division. This is completely dependent on which specific qualities—essential characteristics—we want to illuminate. And this is a question of theory, of frames of reference and schemes of interpretation. It requires a thesis—a controlling idea. [For example,] in what way do we want to understand the act of theft—and in what context? (1988, pp. 31–32)

Balvig makes an important point when the data are primarily viewed as indicators of criminal behavior and changes in this behavior (the “act curve”). It may be the case, for example, that theft offenses in 1850 and theft offenses in 1950 are not comparable phenomena in terms of their content and significance. Or, as Robert M. Morris put it: “They [crime statistics] are of their time, and are appealed to, and employed for, the uses of that time” (2001, p. 125). The basic question that follows is, Does time matter—always? The answer is not as straightforward as one might believe. See, for example, McDowall and Loftin (2005), who claim that U.S. homicide rates between 1925 and 2000 show little evidence of historical contingency.

Thus, because criminal justice statistics may perhaps be interpreted as indicators of other essential social conditions and of changes in such conditions, one could also view the study of whether the phenomenon itself has varied over time—that is, irrespective of content, meaning, or significance—as a fruitful exercise. This view has been advocated by Nils Christie: “In my opinion, criminology is of very little interest in itself. It has somewhat greater interest when it comes to helping society to cope with crime. But even more important is the enormous potential criminology has for helping society to understand itself. . . . Criminological data are central indicators of social conditions. We have to use criminological data as a mirror of society” (1976, p. 144).

Christie argues that criminal justice statistics should be viewed as data that describe trends in and the effects of the system of formal

control. But these data could also express, for example, the degree of social inequality (e.g., as regards gender, age, and poverty) and they could be used as indicators both of power and influence and of the lack of power and influence.

This essay is inspired by this point of departure but has somewhat less high ambitions. It is a fairly traditional analysis of criminal justice statistics and the associations between them and a few relevant criminological correlates. My approach is based on the idea that the treacherous criminological undergrowth must first be cleared away before the field is opened up for more “grandiose” interpretations.

My general frame of reference is derived not from historiography³ but from macrocriminology. Long-term criminal justice time-series data provide unique opportunities to handle theories that postulate a relationship between punishment, crime, and the structure of society (Killias 2002, p. 25; Liu 2005, pp. 620–21). The focus is on Swedish data, since they have been subjected to the most extensive analyses (von Hofer 2008). Data from Denmark, Finland, and Norway are discussed in less detail, and only to the extent that they exist in published form, since I have not conducted any further data collection of my own. In comparing Scandinavian countries, the main emphasis is placed on similarities, not dissimilarities. It is tempting to widen the comparisons to include other European countries, because many observations seem to have strong international parallels. Such comparisons could also be used to falsify idiosyncratic national explanations. Nevertheless, I decided not to attempt systematic comparisons, because the similarities and dissimilarities in a pan-European perspective deserve comprehensive studies of their own.⁴ Only a few references to countries outside Scandinavia appear in the text.

I mostly describe traditional crime categories—that is, crimes of violence (homicide, criminal assault, rape) and property (theft and robbery)—and their punishments as reflected in statistics relating to court sentences (such as imprisonment, fines, suspended sentences) and other

³ For a short bibliographical note on current research into the European history of crime and criminal justice since 1750, see Emsley (2007, pp. 275–78). See also Emsley (2002, 2005), Rousseaux (2006), and Reinke (2009) for roundups of recent research in Britain, France, and Germany.

⁴ See, e.g., Manuel Eisner’s work on violence (Eisner 2003, 2008) and Howard, Newman, and Pridemore (2000) and Killias (2002, p. 102) for valuable general overviews.

findings of guilt (such as summary fines and waivers of prosecution), here referred to as conviction statistics.

The data consist of national aggregates. It is possible that local and other diversities have been obscured. However, because in the bureaucratic nation state punishment and crime are defined by national penal codes encompassing the whole country, an aggregate level analysis is justifiable and appropriate.

The main focus is on description of long-term developments; short-term fluctuations and their explanations are generally not my focus.⁵ Yet, if explanations are offered, they follow the idea of “strong” and “weak” explanations (Törnudd 1996, pp. 120–30). The eventual influence of “weak” causal agents can be studied only by holding constant “strong” factors such as the opportunity structure or demographic and legal changes, which usually account for most of the variation observed. Thus, the focus is on “strong” factors.

Likewise, in-depth numerical analyses have been omitted. Instead, preference is given to graphical methods of presentation that benefit from the striking simplicity of long-term uninterrupted time-series data.⁶ The terms “development” and “trend” are used interchangeably, with trend—at first sight—being void of any deterministic connotation.⁷ The reader is also cautioned against rash level comparisons between countries (cf. Falck, von Hofer, and Storgaard 2003, pp. 24–25; Aebi et al. 2006, p. 23).

I draw substantially on the following works: Verkko (1951), Christie (1975, 1982), Hurwitz and Christiansen (1983), Balvig (1987), Greve (1996), von Hofer (2003*a*, 2008), and Lenke (2009). With a few exceptions, only books and articles written in English are mentioned below, which may leave readers with a somewhat stunted picture of Scandinavian research in the field.

I draw a number of main conclusions concerning the Swedish data:

- Long-term trends in homicide, criminal assault, rape, robbery and theft seem to describe the course of traditional crime reliably.

⁵ Compare the concept of the *longue durée* in historiography (Braudel 1980, p. viii). For a broad outline of some “short-lived” changes, see Killias (2006).

⁶ Admittedly, it may contain potential subjective biases—“the beauty of the data is in the eye of the beholder” (Ball and Wood 1996, p. 144).

⁷ In fact, the term “drift” (from the stochastic time-series literature) may have been more appropriate. It was not used in order to keep the terminology simple.

- Industrialization and urbanization have had a minor effect on the development of crime, but measures to control alcohol use have been strongly correlated with reduction in violence as have changes in the opportunity structure with changes in theft.
- After World War II, traditional crime policy measures—reliance on police and different forms of punishment—have not produced the desired effects of protecting ordinary citizens and reforming offenders.
- An empirically informed criminal justice policy should look first for means of prevention other than those offered by the criminal justice system.

The remainder of this essay is organized as follows. Section I concerns the development of murder and nonnegligent manslaughter, assault, and rape in Sweden and the other Scandinavian countries. This is followed in Section II by theft offenses and repeated thefts and robbery. Section III examines trends in convictions and sanctions in the light of a number of specific variables such as gender, age, nationality, and prior involvement in crime. Section IV summarizes major findings and Section V discusses their policy implications.

I. Violence

That this essay starts with a discussion of violence should be understood as a reference to modern thinking, in which individual violence occupies one of the top rankings among what are deemed social evils. It has not always been so. Although the current Swedish Penal Code of 1962 begins its description of specific crimes with crimes of violence, the previous Penal Code of 1864 started with crimes against religion. The definitions of violence that I use are purely ad hoc and have been determined by what is available from the statistical sources: homicide (infanticide excluded), criminal assault, and rape. Robbery has been treated as a property crime.

A. Homicide

Two historical series are available in Sweden for murder and non-negligent manslaughter. Data are available from population and vital statistics from the 1750s onward, and from conviction statistics from the 1830s onward (see also von Hofer 1990). Although these two statistical series are based on different units of measurement (i.e., “killed”

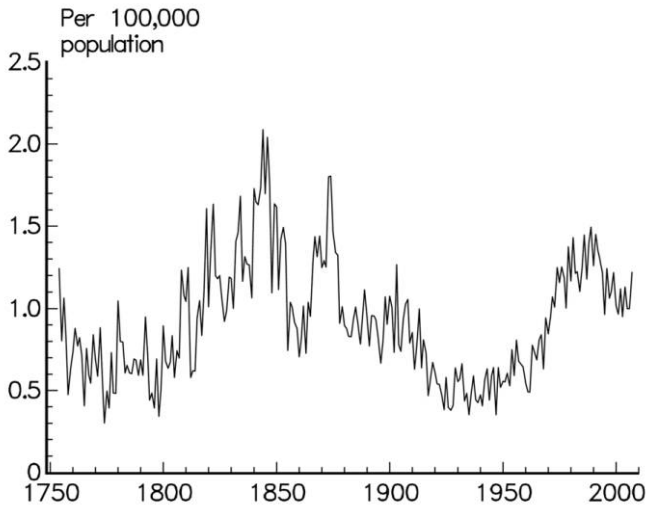


FIG. 1.—Sweden: Homicide. Number of persons killed according to vital statistics, 1754–2008, per 100,000 population. Source: von Hofer (2008), table 1.1; updated.

and “killers”), there is a high degree of correlation between them—suggesting that homicide data may be seen as rather reliable measures of deadly violence, as an “action curve” in Balvig’s sense.

As figure 1 shows, the most striking feature of the long-term trend from the 1750s to today is that the rate of homicide victims per capita has scarcely changed. This pattern of stability remains, even if there is evidence that the level of homicide may be underreported in the late eighteenth and early nineteenth centuries (by factors of 2 and 1.5, respectively; Kivivuori and Lehti, in this volume). Whether improved medical treatment has had an effect on homicide statistics is a contested question. Næshagen (2005) is a strong supporter of this hypothesis as regards the historical development of homicide in Norway, yet presents little convincing evidence. Granath (2008) rejects this idea where deadly youth violence in modern Sweden is concerned, since the great majority of homicide victims die immediately at the crime scene.

In relative terms, the path followed by the homicide curve fluctuates, as can be seen by an upswing in the first half of the nineteenth century, a low level during the period between the world wars, and an increase

after World War II. The last two trends have also been demonstrated in other European countries (Eisner 2003, 2008).

National trends in alcohol consumption⁸ in Sweden closely resemble those for homicide (Lenke 1990; Norström 1998). Alcohol consumption peaked during the middle years of the nineteenth century (Willner 2001, p. 68), at which time homicides were at their highest. Both series display their lowest levels during the period between the world wars, when levels of alcohol consumption were held in check by an alcohol rationing system. Despite this close covariation, there is consensus among Scandinavian researchers that alcohol consumption should be considered as a contributing factor only—dependent on specific circumstances—to lead to deadly violence (Lenke 1990, p. 135; Rossow 2001).

As figure 2 shows, only the years around the 1870s and 1980s need additional explanations.⁹ As regards the later period discussions have focused on, among other things, the significance of increased social marginalization and immigration (von Hofer 1990; Wikström 1992). For the most part, though, homicide has fluctuated in a more or less erratic fashion, once changes in alcohol consumption have been taken into account. This is inconsistent with global interpretations such as the relevance of the large-scale social transformation of Swedish society that occurred during the nineteenth and twentieth centuries. The transitions of Sweden from an agricultural to an industrial and then a post-industrial society have not been reflected in homicide trends to any great extent.¹⁰

Even the choice of sanction has undergone tremendous changes without leaving significant imprints on the historical development of homicide. In the middle of the eighteenth century, the death penalty was widely used (and not only for murder). In 1779, during the reign of Gustav III, the use of the death penalty was reduced. During the first half of the nineteenth century, the use of pardons was extended. Capital punishment was reduced still further with the enactment of the

⁸ The alcohol factor has always played an important role in the Scandinavian criminological literature (Hurwitz and Christiansen 1983, p. 239; Lenke 1990; Willner 2001); cf. also Edman and Stenius (2007); Sulkunen et al. (2000); and, for a non-Scandinavian perspective, Leigh and Room (2002).

⁹ Figure 2 displays the residuals of a simple regression of yearly per capita alcohol consumption on yearly homicide rates.

¹⁰ See Eisner (2008, p. 311) for a similar conclusion in a broader European perspective.

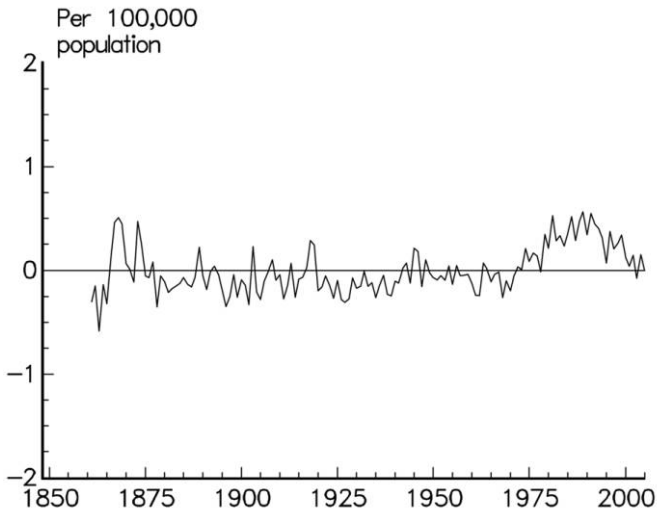


FIG. 2.—Sweden: Homicide. Number of persons killed according to vital statistics, 1861–2005, corrected to account for per capita (15 years and older) alcohol consumption. No annual alcohol consumption data are available before 1861. Source: von Hofer (2008), tables 1.1 and 3 (app.); updated.

new Penal Code in 1865, after which the number of executions never exceeded more than one or two per 5-year period. In 1877, public executions were abolished. The last execution was performed in 1910, when the guillotine was used for the first and last time. Abolition was finalized in 1921 for crimes committed during peacetime and in 1973 for crimes during wartime. The prohibition of the death penalty is now embodied in the Swedish constitution.

Today, there are basically two choices of sanctions for homicide: approximately 60 percent of convicted killers are sentenced to imprisonment and 40 percent are sentenced to compulsory residential psychiatric care. The extent to which convicted killers have been labeled insane has varied in the statistics maintained since the 1910s—from 28 percent in the 1910s to 70 percent in the 1940s and again in the mid-1970s. These high rates coincide with low homicide rates and a period when the treatment ideology flourished in Sweden.

The use of life imprisonment decreased sharply during the second half of the nineteenth century (see fig. 3). In the middle of the nine-

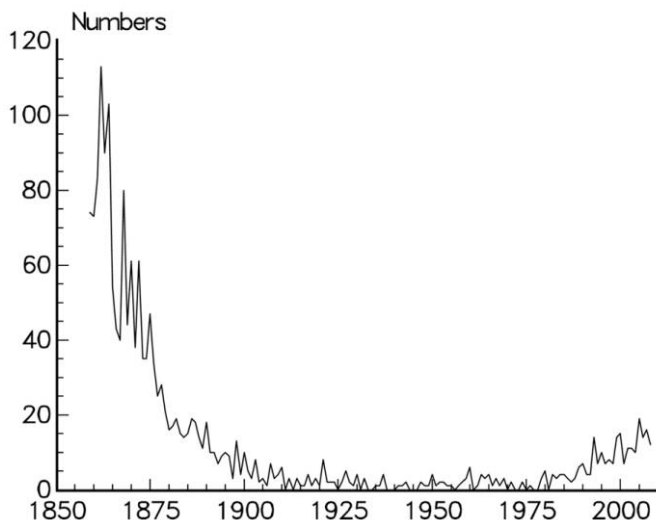


FIG. 3.—Sweden: Number of persons sentenced to life imprisonment, 1859–2008. Source: von Hofer (2008, p. 250).

teenth century, even crimes other than murder (e.g., rape, robbery, repeated theft) could carry a life sentence. Toward the very end of the period, however, the use of imprisonment for life began to increase again.

When Swedish trends in the application of the death penalty and in the number of homicide victims are compared, it is not possible to discern deterrent effects of the use of capital punishment. Homicide rates dropped to their lowest level in the years following 1921, when the death penalty was abolished and alcohol restrictions were introduced. They were highest during the 1840s, when at least 10 persons were executed each year. Today, homicide rates are no higher than in the 1870s, the 1830s, and the 1750s—all periods when many executions were performed. A nil effect of the use of the death penalty can also be demonstrated by means of time-series analyses on a year-by-year basis (von Hofer 1990).

Figures 4*a* and 4*b* visualize the nil effect between executions and homicide from 1754 to 1921 with the help of a “Phillips curve” (Phillips 1958). If the number of homicides followed the claims of deterrence (or of incapacitation) theories, an overall negative temporal slope

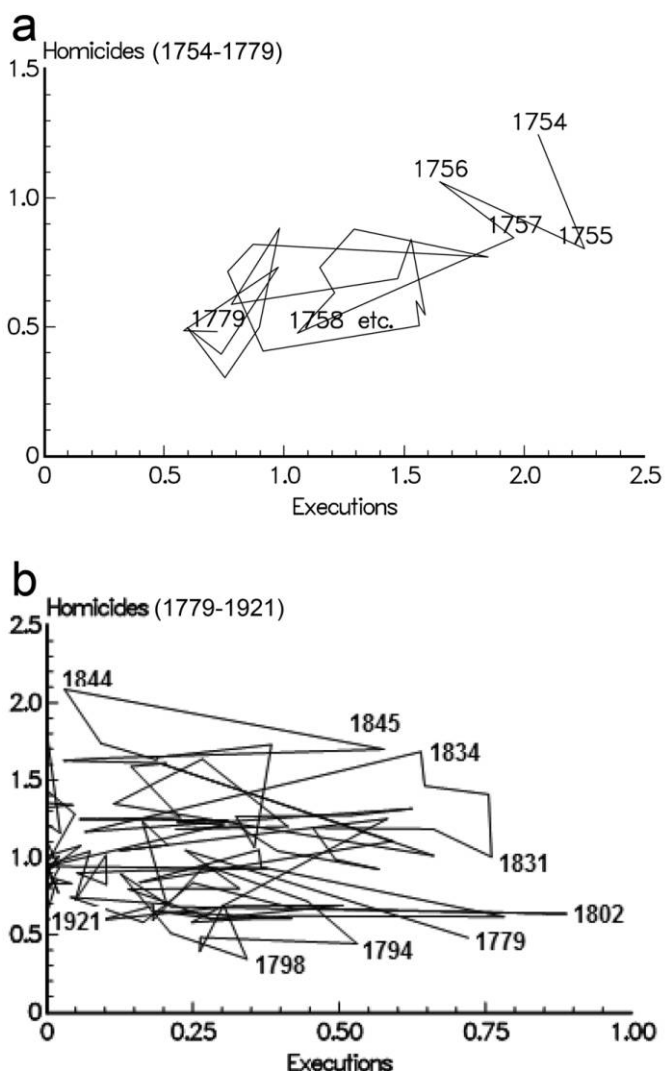


FIG. 4.—Sweden: Executions versus homicides, per 100,000 population, Phillips-type curve. *a*, 1754–79; *b*, 1779–1921. Source: von Hofer (2008), tables 1.1 and 6.1.

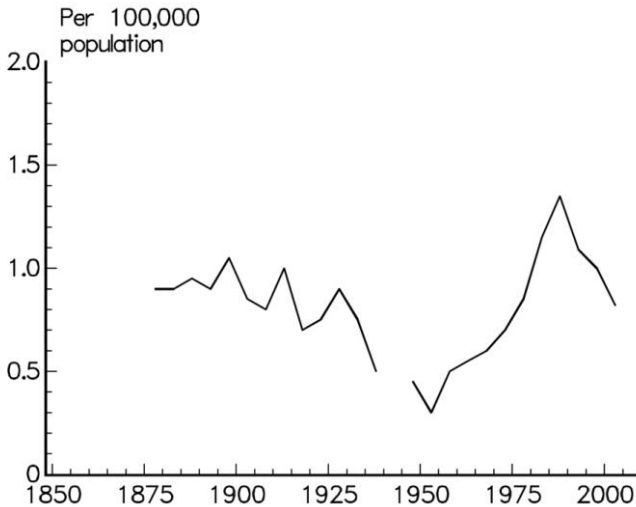


FIG. 5.—Norway: Homicide. Number of persons killed according to vital statistics, 1876–2008 (5-year average), excluding the years 1941–45, per 100,000 population. Source: Statistisk sentralbyrå (1995), table 4.11; updated.

should be observable between executions and homicide, since more numerous executions should yield fewer incidents of homicide and vice versa. However, such a temporal pattern is not discernible.¹¹

Figure 4a clearly shows that both executions and homicides decreased between 1754 and 1779 (a positive temporal relationship is displayed). There is no clear temporal pattern after 1779 until the abolition of the death penalty in 1921 (fig. 4b). No different picture emerges when the number of executions is lagged 1, 2, or 3 years.

Denmark and Norway. Since the second half of the nineteenth century, the homicide levels and trends in Denmark (Lenke 1990, p. 119) and Norway (see fig. 5) have been largely similar to those found in Sweden.¹² The levels were particularly low during the interwar years

¹¹ Instruction: start at year 1754 in fig. 4a and follow the curve year by year. See the appendix for a more detailed explanation of the Phillips curve.

¹² See also Eisner (2008, p. 297). In 1814, Norway was forced into a union with Sweden. Norway kept control of its own independent institutions, except for the foreign service. The countries separated peacefully in 1905.

(there were various measures of alcohol restrictions, e.g., prohibition in Norway and high taxes on alcohol in Denmark).

As regards sanctions, the Danish *straffeloven* from 1866 retained the death penalty for murder, among other things, but only four men were executed between 1866 and 1892, when the last (peacetime) execution was carried out. No women were executed during this period. The death penalty was abolished during peacetime in 1930 and during wartime in 1978, and in 1993 the death penalty disappeared from all areas of Danish legislation. Following World War II, however, 46 individuals were executed for crimes committed during the German occupation (Dahl 1989, p. 35; Greve 1996, p. 50).

In Norway the final civil execution took place in 1876 and the final military execution in 1948. The death penalty was removed from civil penal law on January 1, 1905 (the decision had been made as early as 1902), when Norway gained her independence from Sweden. Following World War II, however, 37 individuals were executed for crimes committed during the German occupation (Dahl 1989, p. 35). The death penalty for crimes committed in wartime was finally abolished in 1979.

In Finland, the purge of collaborators was limited, owing to the complicated circumstances of the Finnish war history.¹³ Pardons were granted to a great extent and no death sentence was carried out after World War II ended (Dahl 1987, p. 194).

Life imprisonment was abolished in Norway in 1981 (the maximum sentence is instead set at a prison term of 21 years). The number of lifers in Denmark is very small (19 as of September 1, 2008), while the corresponding numbers were 155 individuals in Sweden¹⁴ and 148 in Finland (Aebi and Delgrande 2010, table 8).¹⁵ These differences show very clearly the significance of national crime policies as regards the use of the most severe sanction allowed by law—despite the substantial

¹³ Approximately one-third of Soviet POWs in Finland—22,000 out of 67,000—died in captivity between 1941 and 1944, mainly of hunger and disease; 1,200 Soviet prisoners were shot—most of them illegally (Kujala 2009). Altogether 443 Soviet citizens and 85 Finnish citizens were executed after military or civil court proceedings (Lindstedt 2000).

¹⁴ A recent law reform in Sweden is expected to decrease the number of lifers. In 2009, the penalty for murder was increased from 10 years or life to 18 years or life.

¹⁵ In 2008, Denmark counted approximately 5.5 million inhabitants, Finland 5.3, Norway 4.8 and Sweden 9.2 million.

commonality of values that is generally assumed to exist among the Scandinavian countries (cf. Andersson and Hilson 2009).

Finland. The last death sentence (in peacetime) was carried out as early as 1826,¹⁶ but both the level of and trends in murder and non-negligent manslaughter differ from those in the rest of Scandinavia.

The reader may wonder why the “spikes” in figure 6a are displayed, which may make it more difficult to read the figure. It was a deliberate choice because the uncorrected series demonstrates in a very graphic way both the stability and the variability of homicide rates contingent on the societal context and political events. The spike in 1808 coincides with the Finnish War between Sweden and Russia in 1808–9 and the spike in 1918–19 with the Finnish civil war in 1918.

As early as the second half of the eighteenth century, the level of homicide was higher in Finland than in Sweden (Verkko 1951). Whereas in Western Europe and Scandinavia homicide rates reached their all-time low during the period between World War I and World War II, in Finland they climbed to new heights in the aftermath of the civil war. Notwithstanding these fluctuations, it is possible to discern, even in Finland, a strikingly stable annual “basic level,” at least from the 1820s to the 1990s, of approximately three homicides per 100,000 inhabitants a year. Janne Kivivuori and Matti Lehti present a detailed account of the development of homicide in Finland and Sweden elsewhere in this volume.

B. Assault

It is much more difficult to assess the quality of Swedish assault statistics (see fig. 7). There is no parallel control data series for assault convictions in Sweden equivalent to vital statistics data for homicide, although the correlation between the homicide and assault series is considerable. It may be assumed to be unlikely that people’s readiness to report assault crimes has diminished historically. On the contrary, it is probable that levels of tolerance for individual violence have declined over time and have led to an increase in the likelihood that assaults are reported. It is thus highly likely that assaults were more common in the nineteenth century than in the twentieth century.¹⁷

¹⁶ Landtman (1932). The punishment became deportation to Siberia (Anttila and Heinonen 1975, p. 132).

¹⁷ With regard to collective violence, however, the twentieth century has been a particularly dark period in history considering World War I, World War II, and other mass atrocities.

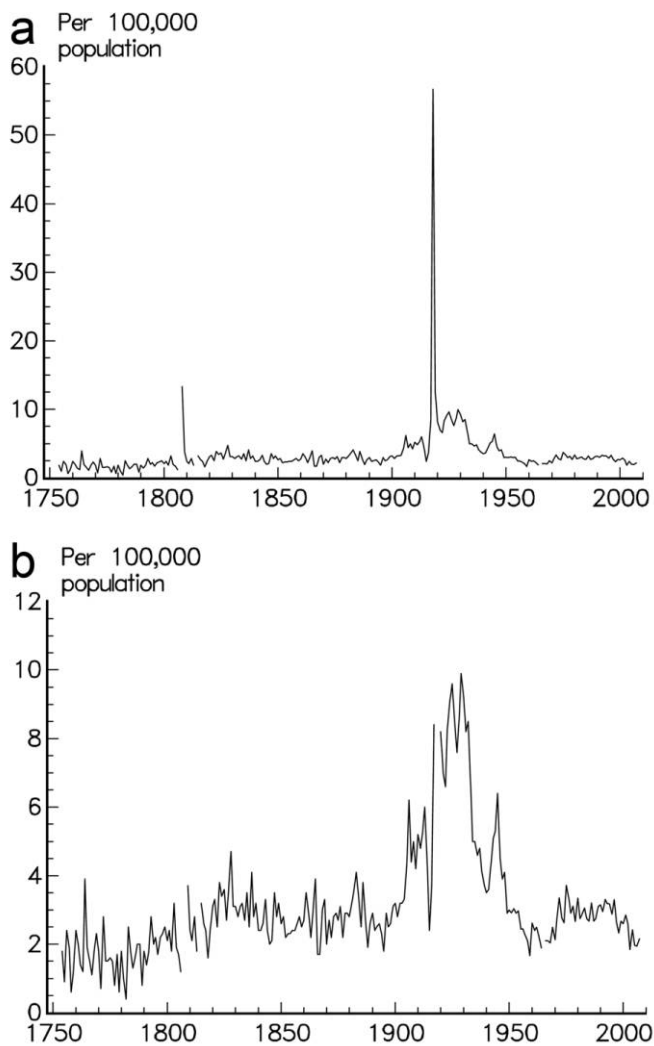


FIG. 6.—Finland: Homicide. Number of persons killed according to vital statistics, 1754–2008, per 100,000 population. Source: Verkko (1948, pp. 9–10); updated. In panel *a*, 1807, 1814, and 1965 are missing. In panel *b*, 1808, 1918, and 1919 are removed and 1965 is missing.

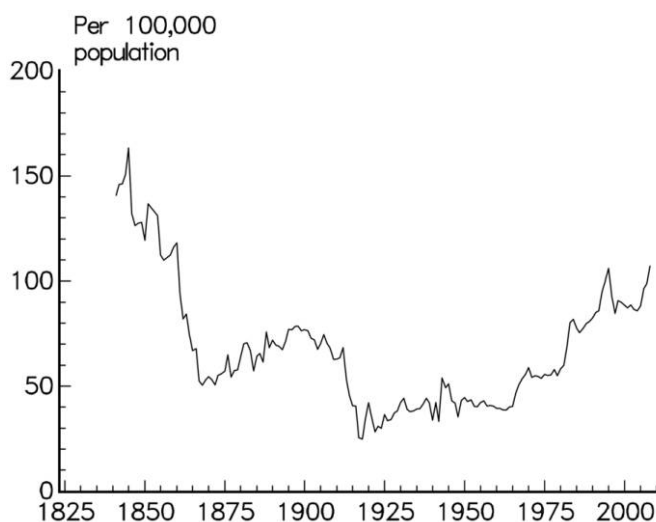


FIG. 7.—Sweden: Assault. Number of convicted persons, 1841–2008, per 100,000 population. Source: von Hofer (2008), table 2.1; updated.

However, it is reasonable to assume that the meaning of assault as a legal concept has changed substantially since the 1800s. In the nineteenth century, convictions for assault rarely related to the maltreatment of children or women. According to prevailing social and legal notions, these acts were not defined as crimes—other than in serious cases. Today, about one-third of assaults brought before the Swedish courts relate to violence against women (primarily in close relations). Thus there have been important internal shifts in the types of assault offenses that are reflected in the conviction statistics. Crimes of assault against men have declined, while those against women and children have increased. Likewise, the control of young men by means of the penal law has also increased, as can be seen from figure 8. In 1924, 15 young men aged 15–17 years were convicted of assault. By 1995, the corresponding number had risen to 1,826.

The trends in assault convictions to a large extent covary with trends in alcohol consumption (particularly with the consumption of beer and spirits in public places; Lenke 1990; Norström 1998).¹⁸ Much of the

¹⁸ Figure 9 displays the residuals of a simple regression of yearly per capita alcohol consumption on yearly assault conviction rates.

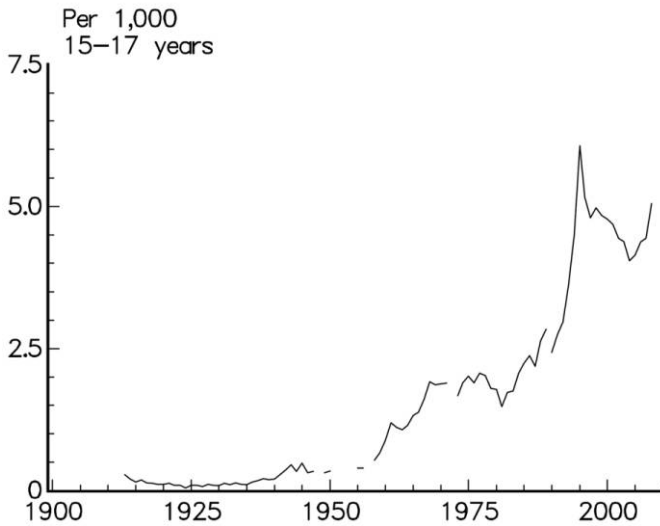


FIG. 8.—Sweden: Assault. Number of convicted persons, aged 15–17, 1913–2008, per 1,000 population aged 15–17. 1913–89: age when offense committed; 1990–2008: age at adjudication. The years 1948, 1951–54, 1957, and 1972 are missing. Source: von Hofer (2008), table 2.5; updated.

variation in the assault rate disappears when changes in alcohol consumption are taken into account. Once again, it seems that the major transformation of Swedish society witnessed over the past 160 years has not been accompanied by an overall increase in the extent of criminal assault. The opposite is closer to the truth.

The increase after the mid-1960s (see figs. 7 and 9) seems to be both real and conceptual. It is real in the sense that factual violence has increased (as, e.g., homicide data from vital statistics clearly show; cf. also the increases in rape and robbery shown below). The increase is, however, also conceptual because of application and enforcement of wider social and legal definitions of what is considered to be violence. The upswing since 1980 has, for example, to do with changes in legislation relating to violence against women, and an increase in the frequency of prosecution of violence among young men (see fig. 8). Von Hofer (2004; with reference to Soman [1980] and Gurr [1981]) has speculated that underlying this widened conception of violence are three basic characteristics of modernization: fewer deviations from ex-

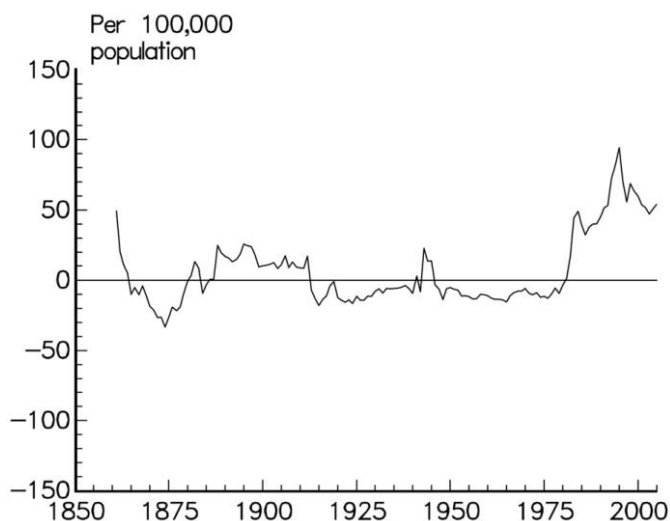


FIG. 9.—Sweden: Assault. Number of convicted persons, 1861–2005, corrected to account for per capita (15 years and older) alcohol consumption. No annual data on alcohol consumption are available prior to 1861. Source: von Hofer (2008), tables 2.1 and 3 (app.); updated.

pected normality, increased standardization of life processes, and greater intolerance of hardship and pain. These traits have decreased people's tolerance of what is considered acceptable use of force (as a source of pain) and thus widened sensitivity toward and conceptions of what is experienced as violence. That an increased level of sensitivity to violence can then lead to a broadened definition of criminal violence may in turn be linked to various interest groups that increasingly define people's personal integrity in terms of human rights (Tham 2001). This definition makes the step to interpreting violations of these rights as criminal acts a short one.¹⁹

The increase in assault convictions in Sweden after 1965 coincided with an increase in the use of imprisonment as a penal sanction in connection with assault offenses (Lenke 1990, pp. 143–44). In 1965, the new Penal Code stiffened the penalty for assault. Before 1965,

¹⁹ A case in point is the preamble and art. 4(c) of the *Declaration on the Elimination of Violence against Women* (United Nations 1993). An opposite policy approach, which does not advocate the use of punishment, is the public health approach favored by the World Health Organization (WHO 2002).

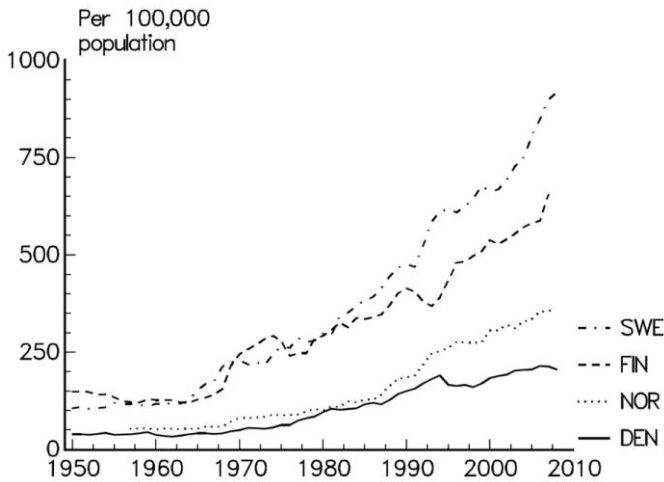


FIG. 10.—Police-reported assault in Denmark, Finland, Norway, and Sweden from 1950–56 to 2008 per 100,000 population. Source: Falck, von Hofer, and Storgaard (2003), table 2; updated.

prison sentences accounted for approximately 10 percent of the sanctions imposed in connection with assaults. Thereafter, that proportion quickly increased to 25–30 percent.

Denmark, Norway, and Finland. Post–World War II assault trends in Denmark, Norway, and Finland have paralleled that found in Sweden. Reported assault offenses increased markedly in the crime statistics of all three countries (Sirén 2002, p. 23; Falck, von Hofer, and Storgaard 2003, pp. 8–9). By contrast, data from hospital statistics and self-report and victim surveys indicate quite stable levels throughout Scandinavia (Estrada 2006; Takala and Obstbaum 2009).

The police reports on assault in Denmark and Norway start from very low levels at the beginning of the 1950s (see fig. 10). The first self-report surveys conducted in Scandinavia in the mid-1960s did not include any questions on participation in or exposure to violence. This fact may be interpreted as indicating that less serious forms of violence had not been defined as a social and crime policy problem of importance at that time.

Hurwitz and Christiansen have summarized the development of violence in Denmark from a longer perspective in the following way:

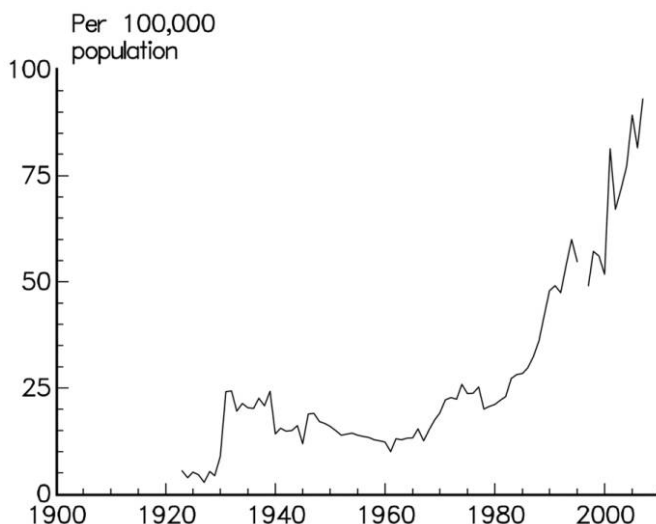


FIG. 11.—Norway: Assault. Number of convicted persons (misdemeanors excluded), 1923–2008, per 100,000 population. The year 1996 is missing. Source: Statistisk sentralbyrå (1995), table 8.9; updated.

“From 1867–70 to 1905 the rate of violent crimes increased from 0.25 to 0.75 per thousand. Thereafter the level of violent crime decreased markedly, and despite a considerable increase in the 1930s, the level of violent crime was the same in 1972 as it has been one hundred years earlier” (1983, p. 36). According to Lenke, Denmark has to be counted among the low-violence countries (1990, p. 113). The decline at the beginning of the twentieth century can be linked to the reduction in the consumption of spirits, which was produced by huge increases in the price of alcohol during this period (Willner 2001, p. 46). This pricing policy was an alternative alcohol policy strategy paralleling the prohibition policies employed in Norway (1916–27) and Finland (1919–32) and the rationing policy employed in Sweden (1915–55).

The development of assault convictions in Norway for a large part of the twentieth century is shown in figure 11, and is quite similar to the trend found in Sweden. Comparing the trends in figure 11 and figure 10, the reader may get the impression that conviction rates in Norway have increased at a steeper rate than police-reported offenses. However, the discrepancy is a visual artifact due to alternate scaling of

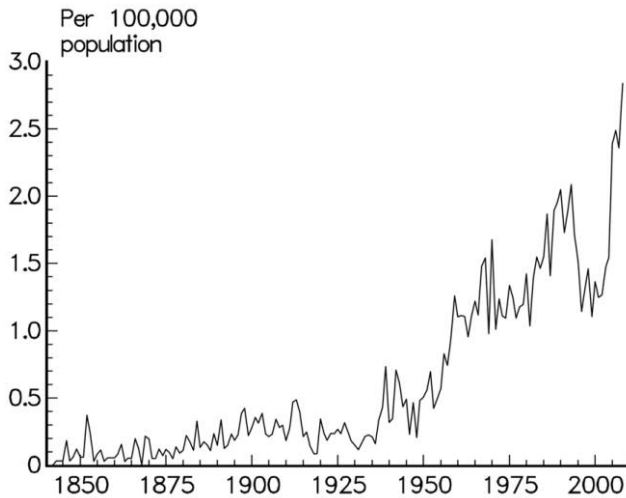


FIG. 12.—Sweden: Rape. Number of convicted persons, 1842–2008. Source: von Hofer (2008), table 2.3; updated.

the x and y axes.²⁰ Between 1960 and 2007, both indicators increased about seven times.

C. Rape

In contrast to the official data series on homicide and to some degree also assault, it is unlikely that figure 12 represents an accurate description of the “real” trend in rape offenses in Sweden. The frequency of adjudicated rape cases was extremely low during the second part of the nineteenth century: on average, fewer than 10 cases per year entered into the court statistics.

During the nineteenth century, the judicial response to rape bore little real relation to the actual frequency of this crime. Historians have shown that convictions for rape were very rare in prestatistical times (Bergénlöv and Lindstedt Cronberg 2002, p. 95). The low rates may reflect the weak social and legal position of women in Swedish society, which meant that in most cases of rape women were not afforded the opportunity to bring their violators to justice. They were given as little

²⁰ For further details, see Falck, von Hofer, and Storgaard (2003, pp. 24–25).

opportunity to protect themselves through the courts in relation to rape as they were in relation to common assault.²¹

The modern increases in the level of registered rapes and of convictions for rape might thus partly indicate a somewhat paradoxical state of affairs: the improved legal protection leads to an increase in the level of reported offenses, and thereafter also in the number of convictions, with no need for the level of actual offenses to have increased to a corresponding degree.

This interpretation, however, does not mean that one can “explain away” the entire increase after World War II as an unveiling of the “dark figure”: that is, the same amount of rapes are being committed, but more are coming to light and being prosecuted. It is highly probable that the risk of rape increased, considering that the direct control of women (through “watchful eyes”) has diminished in post-World War II Sweden and the amount of time which women spend alone with men outside their families has increased—facts that some men take advantage of.

Likewise, it is most unlikely that the upswing after World War II can be explained by changes in the choice of sanctions for rape. Then as now, rape typically carried a custodial sanction, to be served either in a prison or, less commonly, in a mental hospital.

Denmark and Norway. Nordic crime statistics data for the 1950s indicate a very low level of reported rape offenses (see fig. 13). Since then, there have been increases in all countries, at the same time the reach of the criminal law has expanded. The increases are greatest in Norway and Sweden (Westfelt 2008, p. 473). These two countries also seem to be those where the political significance of the women’s movement has been greatest (Tham, Rönning, and Rytterbro, in this volume). Rape appears today as a crime with major gender-political implications (“men’s violence against women”). Thus the sharp increase in rape reports and rape convictions in Sweden at the end of the period is connected to a major change in legislation in 2005 that further widened the legal concept of rape.²²

²¹ Compare Georges Vigarello’s (2001) “A History of Rape” for a similar interpretation as regards France, and Ekström (2003), who adds the important aspect that only certain men were regarded as suitable perpetrators: “The question of whether the alleged crime [rape] was considered possible to prove was dependent upon *who* reported *whom* for *what*” (p. 204).

²² In statistical terms, the number of police-recorded rape crimes in Sweden has reached the same level as the number of registered homicides during the civil war in

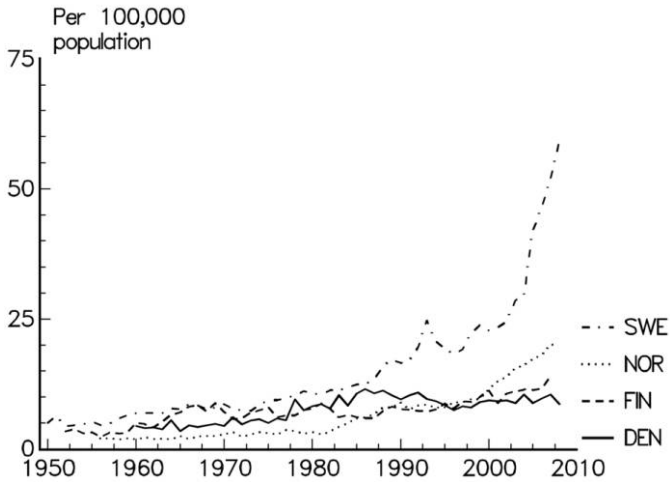


FIG. 13.—Police-reported rapes in Denmark, Finland, Norway, and Sweden, 1950–56 to 2008, per 100,000 population. Source: Falck, von Hofer, and Storgaard (2003), table 3; updated.

In a long-term perspective, the increase in Norway is very similar to that found in Sweden, although it started somewhat later in Norway (see fig. 14). Because of the low frequency of rape convictions in Norway, the series displays considerable random variation as indicated by the slump at the end of the 1990s.²³

II. Property Offenses

It can be assumed that many theft crimes—especially those of a minor nature—are not reported and that many reported thefts do not result in criminal proceedings (cf. von Hofer and Tham 1989, 2000). Nevertheless, it is highly likely that Swedish conviction statistics provide an approximate description of the trend of nontrivial theft in Sweden. This view is based on the following arguments: First, until World War

Finland (see fig. 6*a* above). The technical problems of Swedish police statistics concerning rape have been analyzed in detail by von Hofer (2000), and they explain a considerable part of the startling discrepancy between levels of rape reports and rape convictions. For a contesting view, see Lovett and Kelly (2009, p. 97).

²³ To keep fig. 14 simple, no rates per 100,000 of the population have been calculated. Between 1925 and 2005, the Norwegian population increased by about 70 percent.

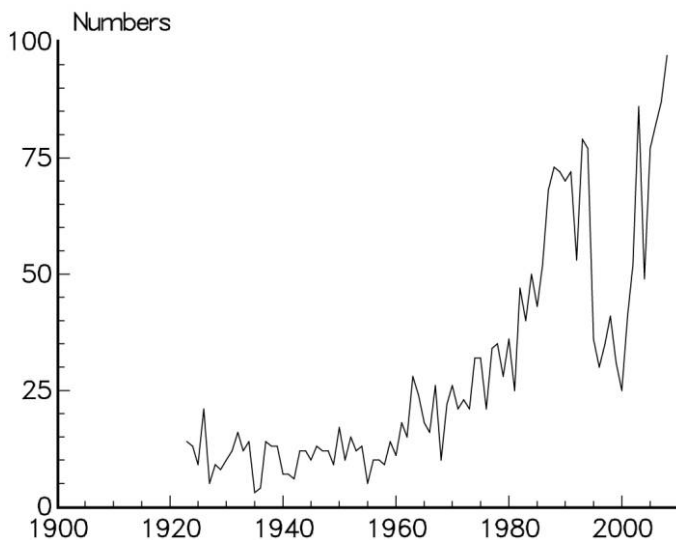


FIG. 14.—Norway: Rape. Number of convicted persons, 1923–2008. Source: Statistisk sentralbyrå (1995), table 8.9; updated.

II many theft offenses carried a relatively high punishment. Second, serious theft offenses (such as burglaries and car theft) are still characterized by a comparatively high reporting rate, as is revealed by both national victim surveys and insurance statistics. Third, for over 100 years now, the historical trends in police-reported theft offenses in Stockholm and Gothenburg have displayed a pattern similar to the trend in conviction statistics for the country as a whole. Fourth, there appear to be straightforward interpretations (see below) for marked deviations from these trends.

A. Theft Trends

Theft convictions began at a relatively high level in the early nineteenth century and then dropped during the second half—as also happened in other European countries (von Hofer and Tham 2000, p. 21)—reaching a low after the turn of the century, only to increase sharply again between 1925 and 1972 (see fig. 15).

Over the period from the 1800s to the 2000s, there are a number of marked deviations from the main trend. These can be correlated

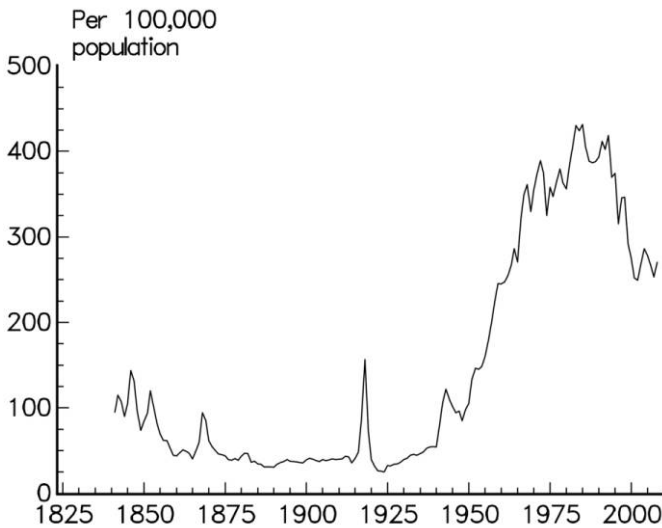


FIG. 15.—Sweden: Theft. Number of convicted persons, 1841–2008, per 100,000 population. Source: von Hofer (2008), table 3.1; updated.

with economic hardship (1842, 1846, 1852), famine (1867–68 and 1917–18), alcohol restrictions (the low level in the early 1920s following the introduction of alcohol rationing in the 1910s), and war (1914–18 and 1940–45). These sudden interruptions show that the number of convictions for theft is affected by broader social events—even though each specific crime is a personal and individual act (cf. Quetelet 1842, p. 96).

The downswing between 1850 and 1925—two extreme points in the historical trend—is largely due to diminishing conviction rates among women, older men, and persons with prior criminal records. Conviction rates among young men started to increase in the second half of the nineteenth century, with this increase then becoming particularly steep between 1925 and 1959, as is shown in figure 16.

The upswing in theft convictions shown in figure 15 after 1925 is largely attributable to young men, persons with previous convictions (since World War II), foreign citizens (after World War II), and women (since the beginning of the 1960s).

The leveling off in the rate of increase during the 1960s and the

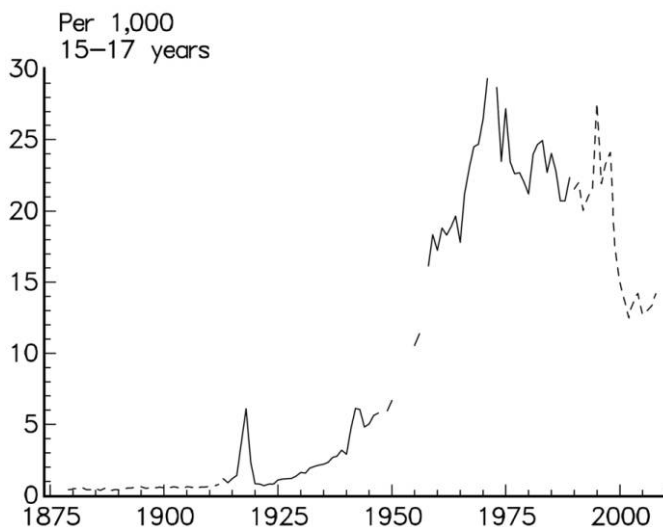


FIG. 16.—Sweden: Theft. Number of convicted persons, aged 15–17, 1879–2008, per 1,000 population aged 15–17. 1879–1989: age when offense committed; 1990–2008: age at adjudication. The years 1948, 1951–54, 1957, and 1972 are missing. Data on petty theft are not available for 1879–1912. Source: von Hofer (2008), table 3.3; updated.

stabilization seen during the 1970s mainly reflect trends relating to young men, whereas convictions among women and men with prior convictions tend to rise. Since young men account for a large proportion of convictions for theft, this group determines the shape of the main curve. Theft convictions among women stabilized about 10 years later at the beginning of the 1980s, and in the 1990s also among both male and female recidivists.

The leveling off in theft convictions appears to reflect real stability when compared with reported criminality, insurance statistics, and victim surveys. Burglaries—crimes that have a relatively small dark figure—have remained more or less stable since the early 1970s, compared with the substantial increases of the previous decades.

The marked drop in theft convictions at the very end of the period (which has no parallels in national victim surveys and self-report studies) should be seen in the light of major reorganizations of the police and the prosecution service in Sweden, which led to a temporary loss of efficiency and reduced output.

On closer scrutiny, the increase witnessed during the twentieth century can be seen as an S-curve. One not very far-fetched interpretation is that when a certain basic material standard is guaranteed (much of the theft criminality in the middle of the nineteenth century has been explained by the extreme poverty prevalent at the time; Sundin 1976), convictions for theft follow patterns of access to consumer goods (cf. Stack 1982; Norström 1988). With more to consume, there is always more to steal. At the same time, a bountiful supply of goods leads to a reduction in their relative value and to lower levels of physical and social control exercised in relation to them.

In 2005, for example, the Swedish police registered 620,000 larceny crimes. More than half were thefts of or from motor vehicles, thefts of bicycles, or thefts from shops or department stores. At the beginning of the twentieth century, neither cars nor bicycles existed in abundance, nor were there any self-service stores. The opportunity structure, that is, the physical opportunities available for stealing, has changed a great deal since then.

If the S-curve model is a valid representation of Swedish theft trends, it would also imply that we are observing an inflection process that started long before the 1990s—probably as early as in the 1960s and 1970s (von Hofer and Tham 1989, p. 34). The logic of the model proposes that it would also be futile to look for a few single causal factors that could explain the observed inflection process. The change in a single variable will rarely dominate, since the series lie at the end of a long causal chain, with their values determined by various variables that often work in different directions (McDowall 2002, pp. 728–29). The series will move with the general constellation of prevailing forces and the S-curve should be seen as the product of incremental changes in the social fabric of Swedish society.

There is also much evidence that the shifting application of penal sanctions did not play a decisive role in this process. The choices of sanctions for theft offenses have undergone major changes during the twentieth century. In 1905, the risk of being sentenced to prison for theft was 100 percent, whereas today it is close to zero for first-time offenders. Nevertheless, in statistical terms it is very difficult to show that the change in the selection of sanctions for theft has contributed to the development of theft over the course of the twentieth century to any significant degree (von Hofer and Tham 1989).

Nor should we overestimate the significance of industrialization and

urbanization:²⁴ convictions for theft were no more numerous in the 1950s than 100 years earlier. The best explanatory model is changes in the opportunity structure (cf. Kick and Lafree 1985).

Figures 17*a* and 17*b* depict the temporal relationship between theft convictions, the risk of being sentenced to imprisonment, and the changes in the opportunity structure after World War I. If the number of theft convictions followed the claims of deterrence (or incapacitation) theories, an overall temporal negative slope should be observable, since high risks should yield low rates and vice versa. However, there is no such relationship.

The development in theft convictions is characterized by a remarkable stability (or even a downward slope; fig. 17*b*) once it has been corrected to take account of changes in the opportunity structure.²⁵ The periods of crisis experienced around 1868 (starvation), World War I, and World War II are clearly visible, and the S-curve formerly seen during the twentieth century has disappeared. Long-term deterrent or incapacitation effects are not discernible. Thus the theft trend in Sweden becomes an illustrative example of Felson's argument "that a crime wave does not depend on increased motivation to engage in crime, providing that there is greater opportunity to act upon motivations" (1983, p. 668; cf. Cohen and Felson 1979, p. 589).

Denmark and Norway. The number of theft crimes reported to the police has risen in all Scandinavian countries since at least the beginning of the 1960s (see fig. 18). In Sweden, the increase started as early as the mid-1920s. Those trends are on the whole much the same as those found in other Western European countries (Westfelt 2001, p. 68). Police-recorded theft trends in the 1990s may also have been in the process of changing direction (cf. Falck, von Hofer, and Storgaard 2003, p. 9; van Dijk 2008, pp. 123–42). The available data from national victim surveys corroborate the leveling off, showing more or less stable levels in Denmark, Finland, Norway, and Sweden (Westfelt 2001, p. 76; 2008, p. 462).

In the longer term—from the middle of the nineteenth century—

²⁴ Compare Sundin (1990, p. 189, with further references) and Knafla (1996, p. 38). A major proponent of the popular industrialization/urbanization hypothesis has been Shelley (1981; but also 1986). See Neuman and Berger (1988) and Barak (2001) for discussions of different developmental models of crime and crime control.

²⁵ Approximated by reference to the existing number of cars 1923–2005 in fig. 17*b* (cf. Wilkins 1964, p. 54).

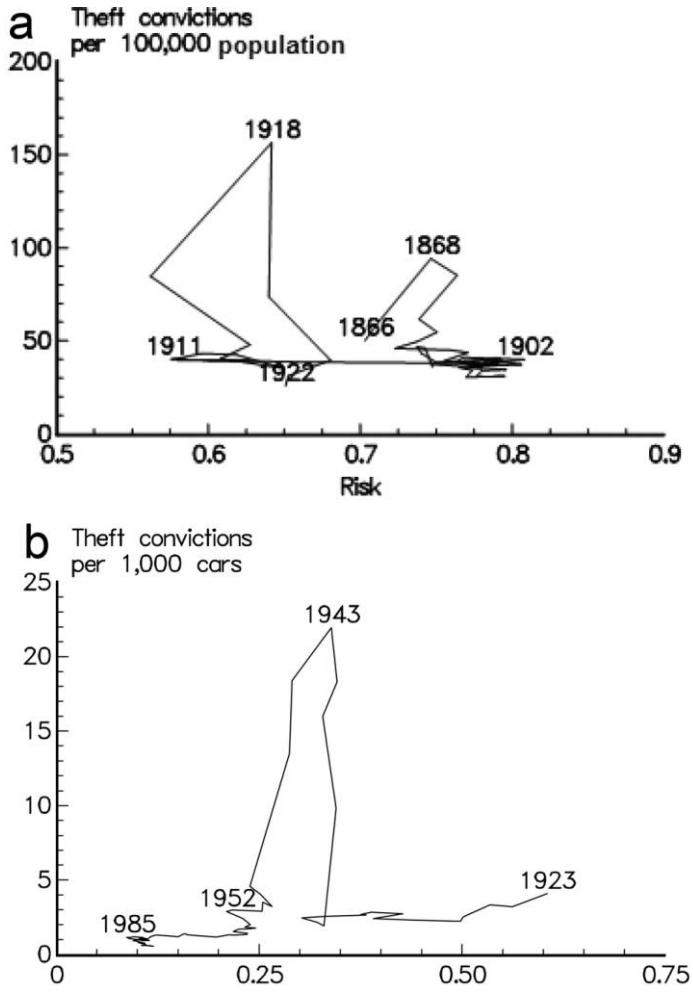


FIG. 17.—Sweden: *a*, Theft convictions (including petty theft) per 100,000 population versus risk of being sentenced to imprisonment, 1866–1922. *b*, Theft convictions (including petty theft) per 1,000 motor cars versus risk of being sentenced to imprisonment, 1923–2005. Phillips-type curve. Source: von Hofer (2008), tables 3.1 and 5 (app.); updated.

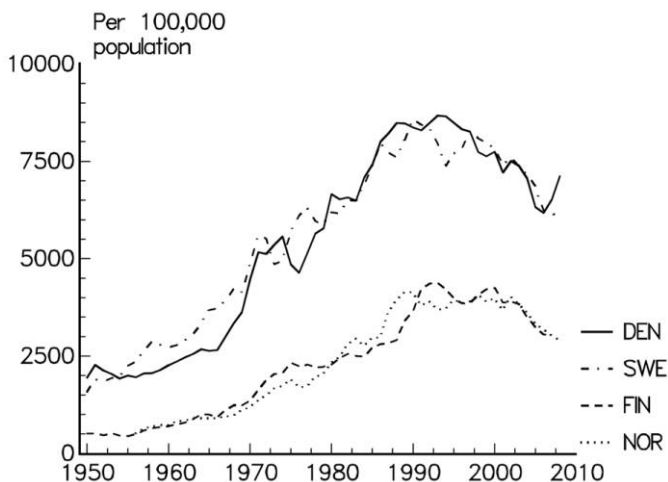


FIG. 18.—Police-reported thefts in Denmark, Finland, Norway, and Sweden, 1950–56 to 2008, per 100,000 population. Source: Falck, von Hofer, and Storgaard (2003), table 5; updated.

there are both similarities and differences between the trends in Denmark and Norway, and Sweden (no information is available regarding Finland). In the absence of specific theft data in Denmark and Norway, all convictions for penal code offenses have been used as a proxy measure (see figs. 19*a* and 19*b*).²⁶

The similarities between the countries are found in the relative stability from the mid-nineteenth century to the outbreak of World War II. The differences are that the trend is slightly downward in Norway until the end of the 1950s,²⁷ noticeably stable in Denmark during the same period, but upward in Sweden after the mid-1920s. World War I and World War II leave an impression on the statistics in all of the countries, but to a varying extent. Following World War II, convictions for theft offenses increased in all countries (including Finland), with a clear change toward the end of the period (also evident in data from victim surveys).

Because the curves for Denmark and Norway do not include con-

²⁶ For Norway, this approximation is problematic at the end of the period, when figs. 18 and 19*b* are compared: fig. 18 shows a decrease even in Norway, while fig. 19*b* displays a continuous increase.

²⁷ See also diagram 3.3-1 in Christie (1975, p. 241).

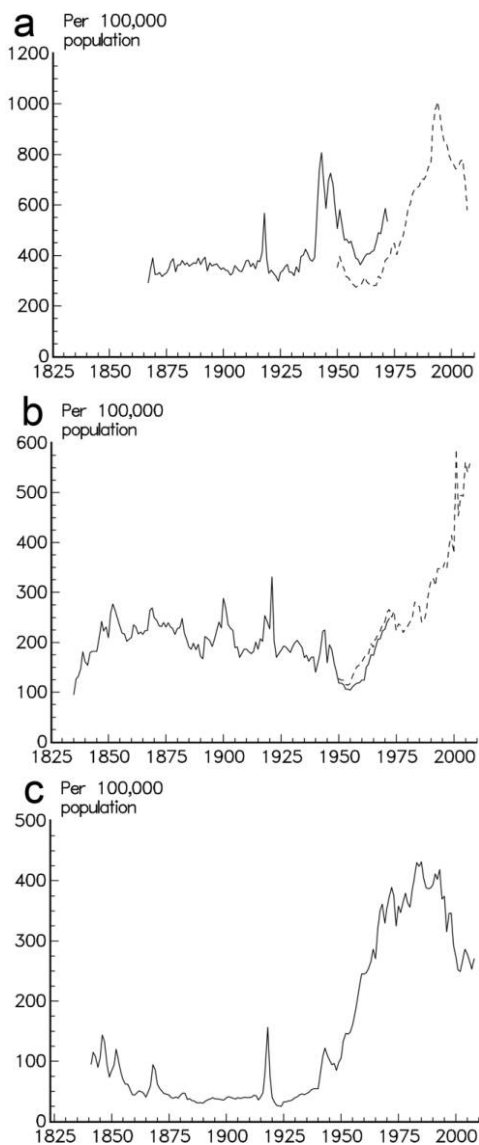


FIG. 19.—*a*, Denmark: Number of convicted male offenders, 1867–1972, per 100,000 of male population above age of criminal responsibility, and number of persons convicted for offenses against the Penal Code, 1950–2008, per 100,000 population. Sources: Christie (1975, pp. 256–57); Falck, von Hofer, and Storgaard (2003), table 13; updated. *b*, Norway: Number of convicted offenders, 1835–1972, and number of persons convicted for offenses against the Penal Code, 1950–2008, per 100,000 population. Petty offenses are excluded. Sources: Christie (1975, pp. 242–51); Falck, von Hofer, and Storgaard (2003), table 13; updated. *c*, Sweden: Theft. Number of convicted persons, 1841–2008, per 100,000 population. Source: von Hofer (2008), table 3.1; updated.

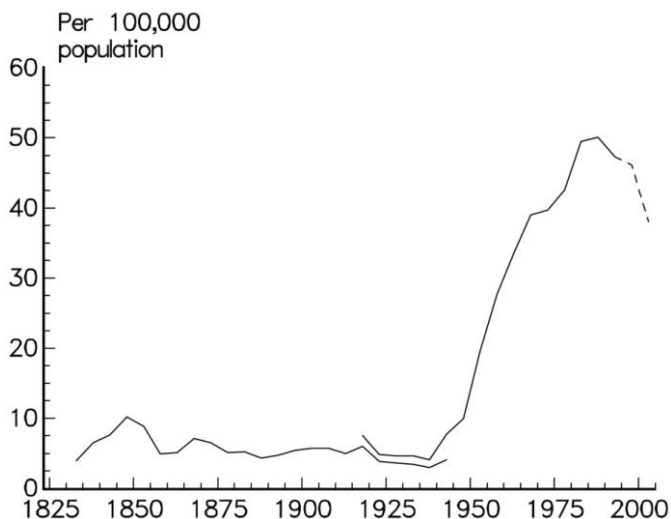


FIG. 20.—Sweden: Repeated theft. Number of convicted persons, 1832–2005 (5-year average), per 100,000 population. There is a change of definition from 1916. Data from 1995 are estimated. Source: von Hofer (2008), table 4.1.

trols for changes in the opportunity structure (and that Denmark's curve up until 1950 relates only to men, and not to men and women), it is likely that the level of stability is exaggerated. The more likely scenario is one of declining trends in both Norway and Denmark until the late 1950s.

B. Repeated Theft and Robbery

Because of shifting classifications in the official Swedish statistics, repeated theft has been defined as the number of persons convicted three or more times for theft (1832–1915) and as the number of persons sentenced for theft who have previously been sentenced three or more times for so-called crime register offenses (starting in 1916). The trend in repeated theft offenses and robbery is shown in figure 20. After 1850, convictions for repeated theft offenses declined until the outbreak of World War II. Convictions for robbery offenses also follow a similar pattern as shown in figure 21.

After World War II, the number of convictions for repeated theft and robbery increased sharply. No leveling off can be observed before

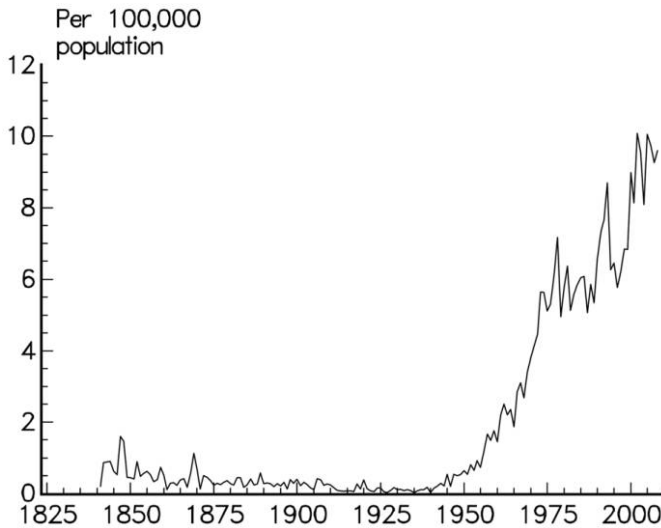


FIG. 21.—Sweden: Robbery. Number of convicted persons, 1841–2008, per 100,000 population. Source: von Hofer (2008) table 4.2; updated.

the 1970s. The increase in robberies at the very end of the period is mainly explained by an increase in “mugging” offenses among young males.

Compared with the trend in other theft offenses, the trend in repeated theft is distinctive in one essential respect: the sharp increase occurs about 15 years later than it does for other thefts: the theft curve starts rising after 1925, while repeated thefts increase after 1940. There is a good deal of evidence to indicate that the statistics reflect this trend correctly—since the dark figure of repeat offenders can be assumed to be small.²⁸ In the nineteenth century, rates of persistent recidivism were already high among persons with several previous convictions, even if the number of recidivist offenders was small. This continued to be the case from the first half of the twentieth century until the present (von Hofer 2008, p. 120).

The notion that the improved welfare of most segments of the pop-

²⁸ The argument refers to offenders, not to offenses. Even if a lot of repeat offenses go undetected, the individual risk of being arrested increases with the number of offenses committed (cf. Killias 2002, p. 65).

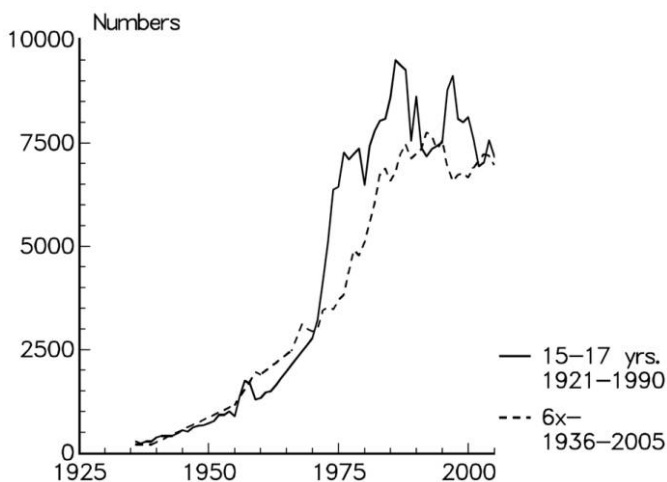


FIG. 22.—Sweden: Persons convicted of theft offenses (aged 15–17), 1921–90, lagged 15 years, and persons convicted of serious offenses who have been registered at least six times in the crime register (or equivalent), 1936–2005. Data are in part based on estimations. Source: von Hofer (2008), tables 3.3 and 4.1.

ulation would reduce criminality among the poorest seemed to have been confirmed during the period up until World War II. Extensive substance use and its political control play an important role in explaining the overall trend. It is unrealistic to view alcohol, however, as the sole explanation for the sudden change that occurred following the outbreak of World War II. Instead, it cannot be ruled out²⁹ that the development was also determined by the increasing “input” of young offenders (as measured by the number of youths aged 15–17 convicted of theft offenses) half a generation earlier (Tham and von Hofer 2009).

Figure 22 shows a substantial increase—in the right causal order—in both groups following the end of World War II and a leveling off

²⁹ For recent studies on adverse effects of juvenile justice interventions, see McAra and McVie (2007); Gatti, Tremblay, and Vitaro (2009); and Petrosino, Turpin-Petrosino, and Guckenburg (2010). But see also Lotta Vikström’s (2008) study on the limited negative effects of incarceration on young offenders in nineteenth-century northern Sweden.

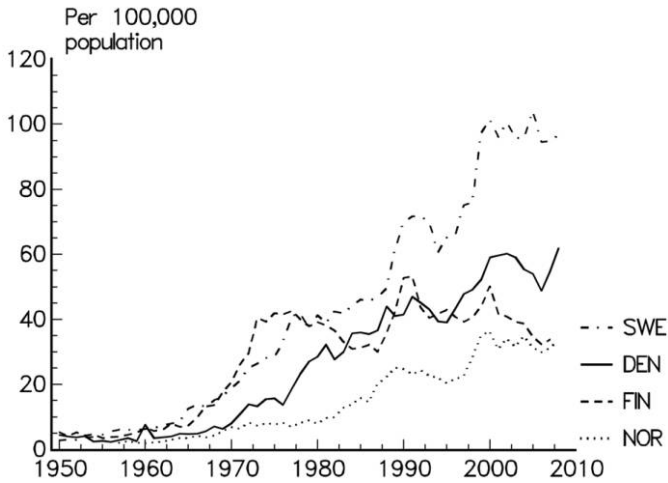


FIG. 23.—Police-reported robberies in Denmark, Finland, Norway, and Sweden, 1950–56 to 2008, per 100,000 population. Source: Falck, von Hofer, and Storgaard (2003), table 4; updated.

at the end of the twentieth century. This stagnation came after a delay of about 15 years for the group with large numbers of repeat offenses.³⁰

Denmark, Finland, and Norway. Although historical data on repeat theft are not easily available in the other Scandinavian countries, trends in robbery offenses are available and are characterized by a massive increase after World War II (see fig. 23).³¹ “At the end of the 1950s robbery was more or less unheard of in these countries, with a total of only 1,200 robberies being registered in the four Scandinavian countries. As in Sweden, in part, the increase is probably linked to the emergence of a group of socially marginalized older males and in part,

³⁰ The convictions relating to youths (15–17 years) have been shifted 15 years in fig. 22 to improve the clarity of the comparison. The 1921–47 series relates to court convictions. Data are missing for the years 1948–54, 1957, and 1972. The 1955–71 series relates to court convictions and certain types of waiver of prosecution issued in connection with serious offenses. This series was discontinued in 1971. The series for 1973–90 relates to all types of findings of guilt (court convictions, summary fines, and waivers of prosecution). Missing data have been interpolated. Note that the same individuals may be counted more than once (particularly in the $6 \times$ group). To keep the comparison simple, no rates per 100,000 of the population have been calculated.

³¹ Compare Eisner (2008, p. 306) for similar patterns in England and Wales, Italy, and Switzerland.

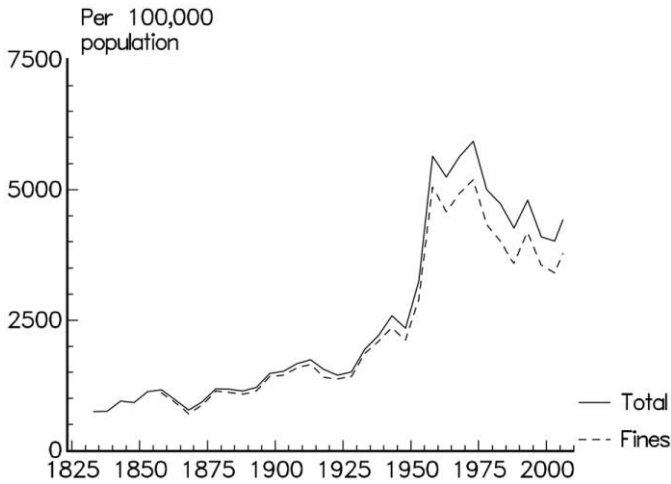


FIG. 24.—Sweden: All offenses. Number of convicted persons, 1831–57 to 2007 (5-year average), per 100,000 population. Source: von Hofer (2008), table 6.3; updated.

more recently, to robberies between young males” (Falck, von Hofer, and Storgaard 2003, p. 8). However, in Finland reported robberies have been markedly stable since the early 1970s.

III. Convictions and Sanctions

The most striking features of the Swedish trend relating to all criminal convictions (see fig. 24) are: the sharp increase in the 1950s, the equally sudden break in this trend immediately thereafter, and the decrease since the end of the 1970s. The figure presents a somewhat different picture of the trend from the preceding discussions relating to specific offense types. The reason is that all offense types—from murder to traffic violations—are given equal weight. Most of the increase during the 1950s results from the rising number of traffic violations—mirroring the expansion in car ownership in Sweden—and a doubling of arrests for public drunkenness following the repeal of alcohol rationing in 1955. The increases before World War II also reflect control of public drunkenness and road traffic offenses.

The leveling off during the 1960s and the decrease since the mid-1970s largely result from the decriminalization of minor traffic viola-

tions and public drunkenness. Figure 24 is instructive in that it clearly shows that criminality is not simply “given” but results from political decisions. A decision made in parliament may lead to a sudden increase or decline in the level of recorded criminality. Even if traditional interests and values almost universally imply that certain acts should result in punishment (cf. van Dijk 1999, p. 42), there is a wide margin for discretion in relation to what else is to be controlled by means of the penal system (through punishment and the threat of punishment) or by other means.

Figure 24 also indicates that a significant part of the population receives a penal sanction each year. Over time the cumulative effect means that almost 40 percent of men and 10 percent of women in a given birth cohort can expect to receive at least one penal sanction between the ages of 15 and 37 years (minor traffic offenses not included).³² Lower but still substantial rates are also reported from Denmark (Kyvsgaard 2003) and Norway (Skardhamar 2006).

A. Convictions for Serious Offenses

When one examines “criminality” as a whole, there is a considerable risk that the picture will primarily reflect trends in minor offenses (between 85 and 95 percent of all convictions during the period under study resulted in a fine). When seeking an alternative description of the “crime” trend in Sweden, one might instead use the number of convictions for so-called serious offenses as the unit of measurement: that is, crimes leading to a more severe sanction than a fine.

Figure 25 (which is dominated by the development of theft crimes) shows once again that industrialization and urbanization did not negatively influence overall conviction trends in Sweden in any appreciable degree before World War II. The same picture emerges from the trends in police-registered criminality in Stockholm (Grabosky, Persson, and Sperlings 1977) or Gothenburg. The big drop in the 1850s occurred long before the start of industrialization in Sweden, which is usually dated around the 1870s.

Because it is always risky to analyze criminality as a monolith, I

³² This statement refers to a Swedish cohort born in 1960 and followed up between 1975 and 1997 (Brå 2000; Svensson 2002). Four out of five offenses were, in rank order, theft, major traffic offenses (e.g., drunken driving), drug offenses, criminal assault, disturbing the public peace, fraud, and violence/threat to public servant.

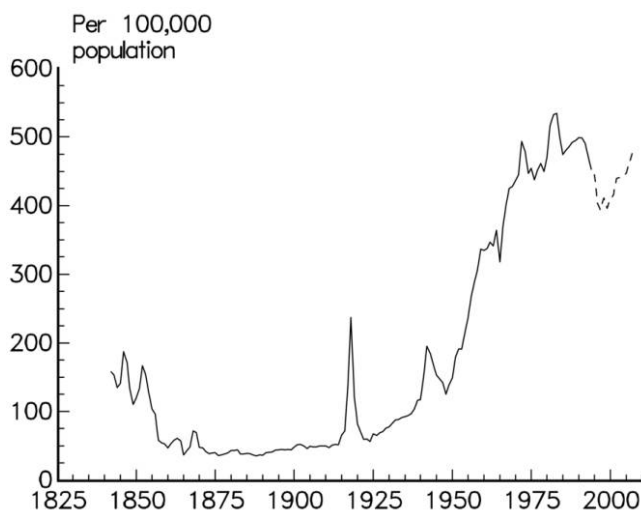


FIG. 25.—Sweden: All serious offenses. Number of convicted persons, 1842–2007, per 100,000 population. Data from 1995 are estimated. Source: von Hofer (2008), table 5.4; updated.

analyzed trends for 25 separate types of crime. The findings can be summarized as follows.

Even when all the crimes resulting in convictions are divided into subgroups and examined separately, the evidence still indicates that urbanization and industrialization did not as a rule result in any substantial increase in the level of convictions before World War II. Almost all crime types were at lower levels during the interwar period than before the First World War.

Three types of crime have steadily decreased since the 1870s: crimes against religion, defamation, and crimes against the family. At the same time, three other groups of offenses (“economic crimes”) have increased steadily: fraud, counterfeiting, and crimes associated with debts.

The use of custodial sanctions in association with non-Penal Code offenses was very rare in the 1800s. In 1885, for example, only 13 such prison sentences were recorded, whereas the corresponding number in 2005 was approximately 7,300 (47 percent of all prison sentences). These latter sentences were mainly for drug-related crimes (drunken driving, sale of alcohol and other drugs), tax crimes, and illegal possession of weapons.

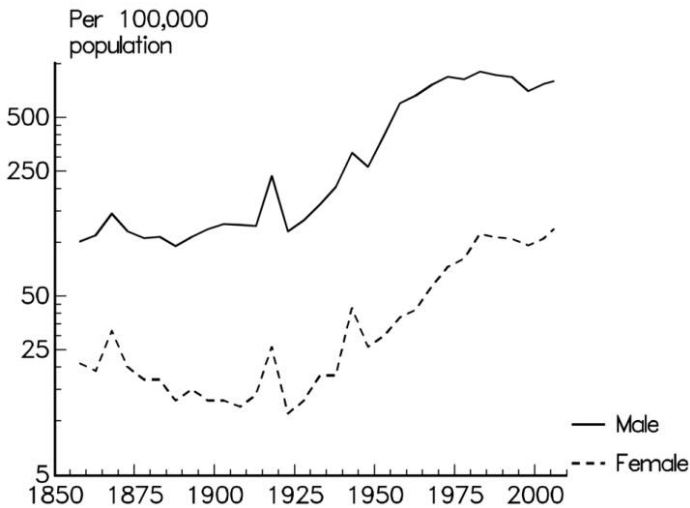


FIG. 26.—Sweden: All serious offenses. Number of convicted persons, 1857–2007, by gender (5-year averages), per 100,000 population; semilog scale. Data from 1995 are estimated. Source: von Hofer (2008), table 5.5; updated.

With a few exceptions, levels of convictions for all groups of offenses increased after World War II, the watershed for conviction trends in Sweden. In a matter of just two decades, Sweden was transformed from a country with low conviction rates in Scandinavia to one with high rates. A stable development evolved from the mid-1970s onward.

B. Specific Groups Convicted of Serious Offenses

The statistics on serious offenses also allow us to summarize some central tendencies associated with the trends in crime that result in convictions among specific groups.

Women and Men. During the period under study, convictions of women and men have largely followed the same pattern, but the total conviction rate for men is consistently much higher than for women (see fig. 26). The proportion of women among convicted persons has varied between 18 percent (1866–70) and 6 percent (1956–60), and stood at 13 percent in recent years.

A similar development—with declining female conviction rates—has been described for Norway (see fig. 27; Christie 1975, p. 288) and for

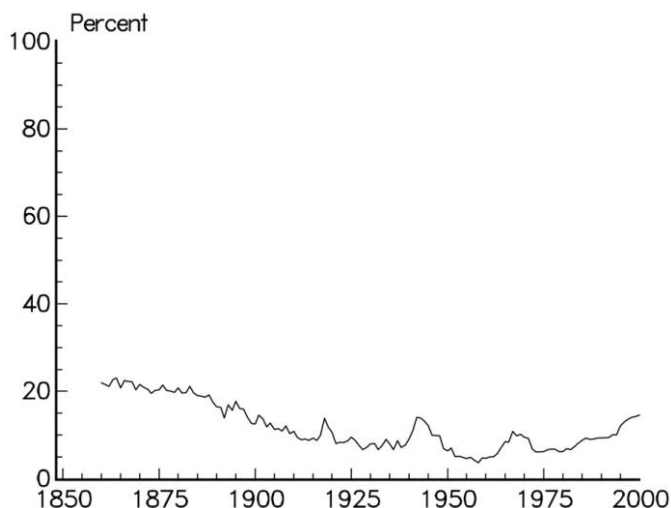


FIG. 27.—Norway: Percentage of female offenders convicted for serious offenses, 1860–2007. Source: Statistisk sentralbyrå (1995), table 8.7; updated.

Denmark (Hurwitz and Christiansen 1983, pp. 35–36) where the percentage of female offenders declined from 25 percent in 1866–70 to 7 percent by 1972.³³ This trend was upset for a brief period in World War II when the number of female convictions rose at a higher rate than the number of male convictions. The development relating to female prison inmates in Finland is likewise characterized by a historical decline. The lowest level was recorded during the 1970s (Aho and Karsikas 1980, fig. 10).

Young and Old. From a historical perspective, the focal point of the Swedish conviction rate has shifted downward through the age range. In the middle of the nineteenth century, 15–17-year-olds had the lowest conviction rate of all age groups in Sweden. In the 2000s they have the highest. This top ranking had been achieved by the 1930s—which may partly indicate a fundamental shift in the way social control is exercised over juveniles: from (relatively effective?) informal to (relatively ineffective?) formal control.

³³ For similar results as regards Toronto, 1859–1955, see Boritch and Hagan (1990). For a general overview on gender and crime, see Fagan (2002).

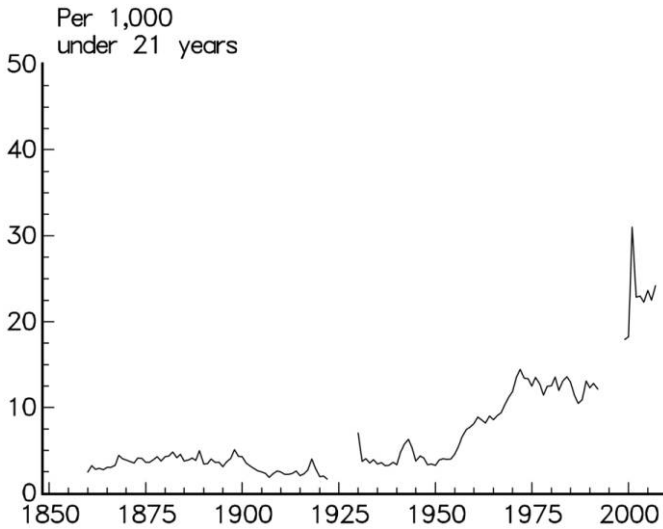


FIG. 28.—Norway: Young offenders (under 21 years) convicted for serious offenses, 1860–2007, per 1,000 of the age group. The years 1923–29 and 1993–98 are missing. Source: Christie (1975, pp. 278–81); updated.

The development is similar in Norway (see fig. 28), although the increase is delayed by about 20 years (also reflected in the general crime trend in Norway, where the increase begins later than it does in Sweden). There also seems to be a similar trend in Denmark—at least in relation to convictions for theft (Hurwitz and Christiansen 1983, p. 278).

Foreign Citizens. The presence of foreign citizens among persons convicted of serious offenses is for the most part a postwar phenomenon (see fig. 29).³⁴ Sweden and the other Scandinavian countries were all characterized by net emigration during the latter half of the nineteenth and the beginning of the twentieth centuries.³⁵ Before World War II, the proportion of foreign citizens with convictions stood at under 2 percent in Sweden. In the mid-1990s it was around 17 percent,

³⁴ See also von Hofer, Sarnecki, and Tham (1997). For international research round-ups, see Tonry (1997) and Grafl (2009).

³⁵ Finland experienced its most recent wave of emigration as late as the 1960s. This emigration was to Sweden.

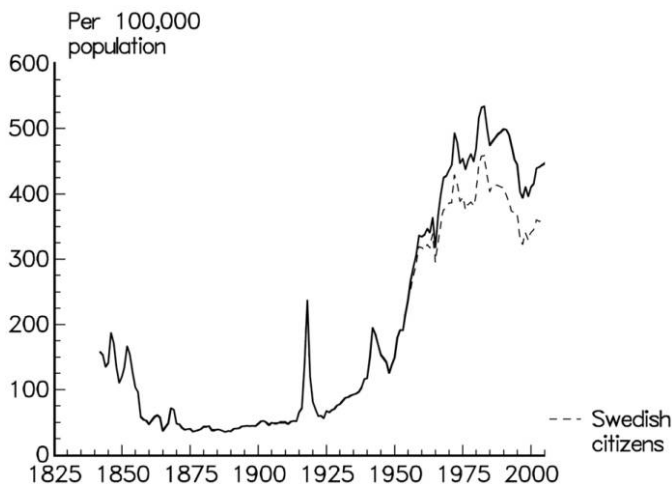


FIG. 29.—Sweden: All serious offenses. Number of convicted persons, 1842–2005, by citizenship (from 1956), per 100,000 population. Data from 1995 are estimated. Sources: von Hofer (2008), table 5.4; updated; von Hofer (1985), table 5.9; updated.

of whom 40 percent came from neighboring countries: Denmark, Norway, Finland, Russia, Poland, the Baltic states, and Germany.

In the mid-1950s, 5 percent of all persons convicted for so-called serious offenses were foreign citizens. By 1994, this had increased to 17 percent. Roughly half of this increase is a function of the demographic growth of the foreign (mostly immigrant) population in Sweden. The other half is due to the overrepresentation³⁶ of the foreign population in the criminal justice system.

The level of overrepresentation has remained more or less stable throughout the period. This stability has not been affected by the decrease in the proportion of citizens from other Scandinavian and European countries in the total non-Swedish population during the period. Stable proportions, albeit high, are also found for the most serious crimes such as homicide, rape, and robbery since the 1980s.

Denmark and Norway report higher convictions rates among immigrants with regard to violence and property offenses (Kardell and

³⁶ There is no consensus among Swedish researchers as to whether the overrepresentation is behavioral or a result of discrimination.

Carlsson 2009). The proportion of foreign inmates is today substantial in Scandinavian prisons, with the exception of Finland. According to data from the Council of Europe (Aebi and Delgrande 2010, table 3) this proportion amounts to 25 percent in Norway, 23 percent in Denmark, 22 percent in Sweden, and 9 percent in Finland.³⁷

Prior Criminal Records. In addition to the statistics on persons convicted for repeated theft offenses, somewhat sketchy data on prior criminal records (referring to the number of prior convictions accumulated by an offender) also exist in Sweden.

Until the outbreak of World War I, the number of first-time offenders increased, while the group with a prior criminal record remained at a constant and low level after an initial decrease. After World War I, both groups of offenders became larger, but the group of recidivists increased most (particularly after World War II). There has been a pronounced leveling off in the rate of increase since the 1970s, first among the debutants and later among the recidivists. This leveling off also holds true for the group with the lengthiest criminal records (see fig. 30).

Available recidivism statistics for Sweden (1917–94) and Norway (1957–89) give no indication that the penal system has produced any discernible reduction in the recorded risk of recidivism on the aggregate level.³⁸ In Norway, the statistics show clear increases. In Sweden there appears to have been relative stability, but with a marked increase during the 1940s and the beginning of the 1950s (see fig. 31).³⁹

C. Sanctions

Imprisonment was formally introduced in Sweden in 1855 as an alternative to corporal punishment, which was abolished that year as a criminal sanction for adults. The first alternatives to imprisonment

³⁷ Among other things as a result of Finland's special geopolitical position, lying close to the former Soviet Union, the number of foreign citizens living in Finland remained very low until the beginning of the 1990s. At the end of 2008, foreign citizens accounted for 2.7 percent of the Finnish population. For a general account of foreign citizens in European prisons, see van Kalmthout, Hofstee-van der Meulen, and Dünkel (2007).

³⁸ This seems to be in accordance with the body of current (cross-sectional, English-speaking) research on the effects of sanctions on recidivism (Lipsey and Cullen 2007). However, the notion of the "interchangeability of sanctions" as regards recidivism is still contested (cf. Meier [2007, p. 987] for a German-speaking account).

³⁹ For data, covering the period 1991–2003, see Brå (2009), table 6.2. No decreases are discernible holding gender and the number of previous convictions constant.

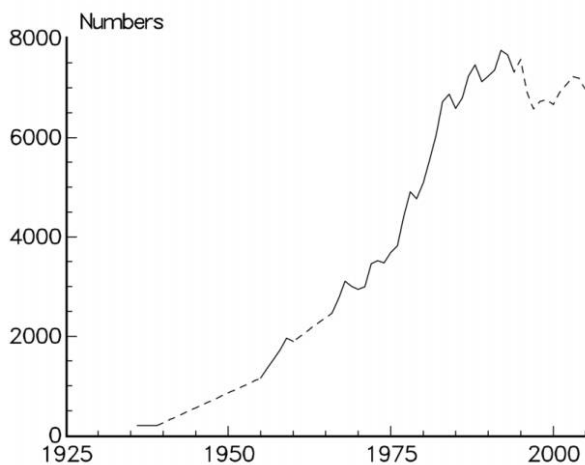


FIG. 30.—Sweden: All serious offenses. Number of convicted persons, 1936–2005, persons with six or more prior convictions. Data are estimated for 1940–54, 1961–65, and 1995–2005. Sources: Statistiska centralbyrån (1958), table 5; Statistiska centralbyrån (1967), table 5; Brå (1997), table 3.15.

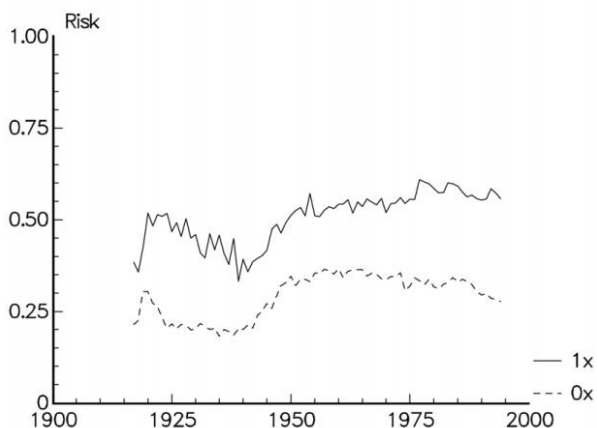


FIG. 31.—Sweden: Calculated risks of recidivism, 1917–94. 0x = zero prior convictions; 1x = one prior conviction. Separate data on two or more prior convictions are not available. Source: Compiled by the author from yearly publications; cf. Tham (1979), table 27 (1917–77).

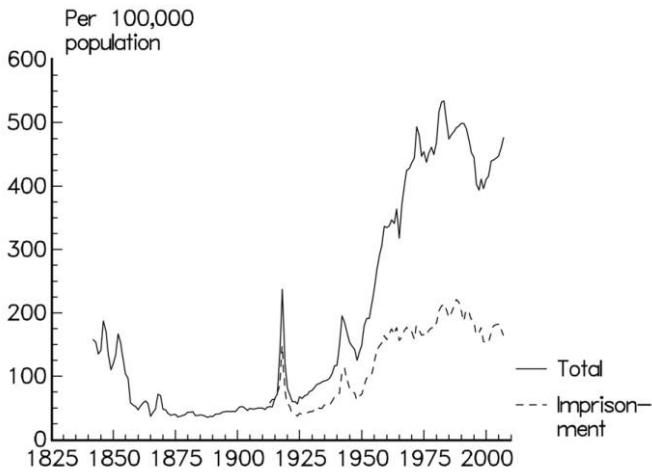


FIG. 32.—Sweden: Convictions for serious offenses, 1842–2007, by sanction, per 100,000 population. The total from 1995 is estimated. Source: von Hofer (2008), table 6.3; updated.

came in their turn 50 years later, with the introduction of the suspended sentence in 1907 and probationary sentences in 1919. Norway introduced the suspended sentence in 1894 (following the Belgian example) and Denmark in 1905. As can be seen from figure 32, much of the increase following World War II is related to noncustodial sentences (in the form of suspended sentences, probation, waivers of prosecution, special treatment for young offenders, and, since the late 1980s, civil commitment and community service),⁴⁰ which in turn is strongly connected to the deflated penal value of theft offenses.

From a historical perspective, the Swedish and other Scandinavian prison systems, in line with European counterparts, are young institutions. The prison's rise to prominence can be dated to the first half of the nineteenth century (von Hofer 1975; Snare 1992; R. Nilsson 2003). At that time, imprisonment was introduced as a substitute for the death penalty and corporal punishment. With their roots in the early modern workhouses, prisons originally functioned as a congregation point for the poor, the jobless, and the marginalized. This func-

⁴⁰ Since 1994, short prison sentences can be served at home by means of electronic monitoring, which is used today in all Scandinavian countries.

tion is still very much alive. According to recent level-of-living surveys among prison inmates, inmates still compare very unfavorably with the remainder of the population as regards their living conditions before incarceration (A. Nilsson [2003] for Sweden; Skardhamar [2003] for Norway).

From a structural perspective, the development of police-recorded criminality and the use of imprisonment (measured in terms of the daily prison population) appear to constitute two independent processes in Sweden. Even if the data shown in figure 33*a* are partially based on estimates, it is clear that the size of the Swedish prison population has not been determined by the level of recorded crime (see fig. 33*b*). Nor does the widely discussed idea of the “stability of punishment” apply to the Swedish data.⁴¹

Whether the fluctuating use of imprisonment has influenced the course of crime trends is a more difficult question to answer, but figure 33*b* suggests that there has been no effect. Clearly, before World War II there is no relationship at all. The trend in the inmate population was on the decline, while offense rates remained more or less stable. After World War II, the picture altered quite drastically, with increasing prison trends (until the mid-1960s) and soaring offense rates (until the late 1980s). In the case of theft, which determines the shape of the offense curve, a comprehensive analysis of the data over the course of the twentieth century has shown that there is no support to the deterrence/incapacitation hypothesis in a longitudinal perspective (von Hofer and Tham 1989; see also figs. 17*a* and 17*b*, above).

In Norway too the crime trends and the trends describing inmate numbers diverge markedly at both the beginning and the end of the observation period (see figs. 34*a* and 34*b*). The period 1880–1965 is characterized by a parallel and substantial level of stability, with the exception of the end of the World War I. A similar stability also appears to characterize Denmark during the period from about 1870 to 1965 (see figs. 35*a* and 35*b*).

In summary, the marked decline in the prison populations in Denmark, Norway, and Sweden during the latter half of the nineteenth

⁴¹ For a critical summary of the discussion, see Zimring and Hawkins (1991, pp. 14–37) and Killias (2002, p. 381). To bolster their case, Blumstein and Cohen (1973, pp. 203–4) and Blumstein (2007, p. 3) also used Norwegian prison data starting in 1880, although complete and contradictory data from 1814 on were available, as well as data from the other Scandinavian countries (Christie 1968, fig. 3).

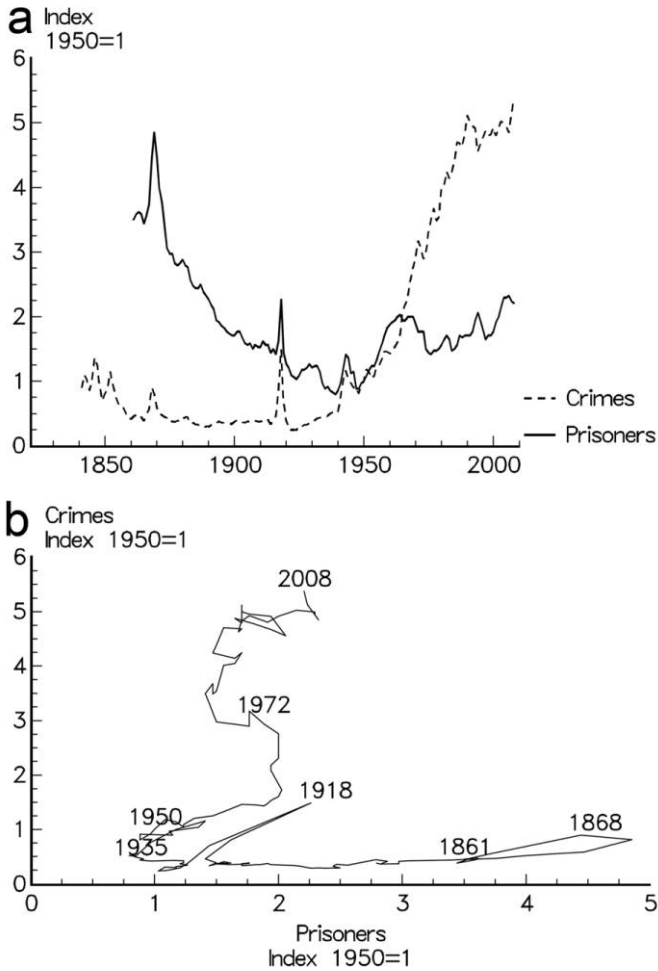


FIG. 33.—Sweden: *a*, Estimated crime curve, 1841–2008, and daily prison population, 1861–2008, per 100,000 population; index 1950 = 1. *b*, Estimated crime curve, 1841–2008, and daily prison population, 1861–2008, per 100,000 population; index 1950 = 1; shown as a Phillips-type curve. Source: von Hofer (2008), tables 3.1, 5.3, and 7.1; updated.

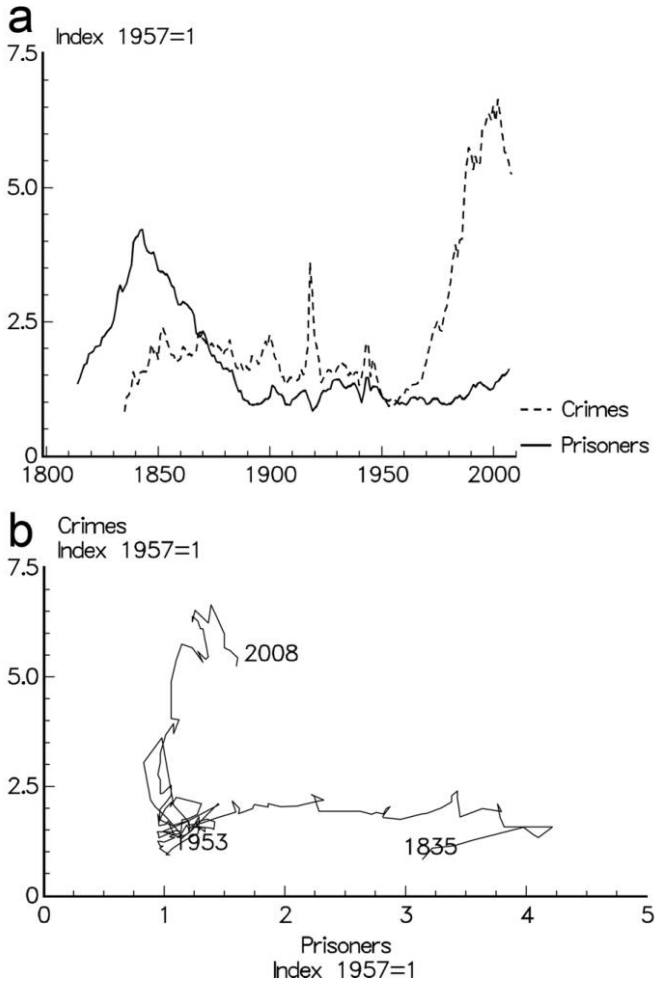


FIG. 34.—Norway: *a*, Estimated crime curve, 1835–2008, and daily prison population, 1810–2008, per 100,000 population; index 1957 = 1. *b*, Estimated crime curve, 1835–2008, and daily prison population, 1810–2008, per 100,000 population; index 1957 = 1; shown as a Phillips-type curve. Source: Christie (1975), tables 3.3.-1A and 6.2-1; updated.

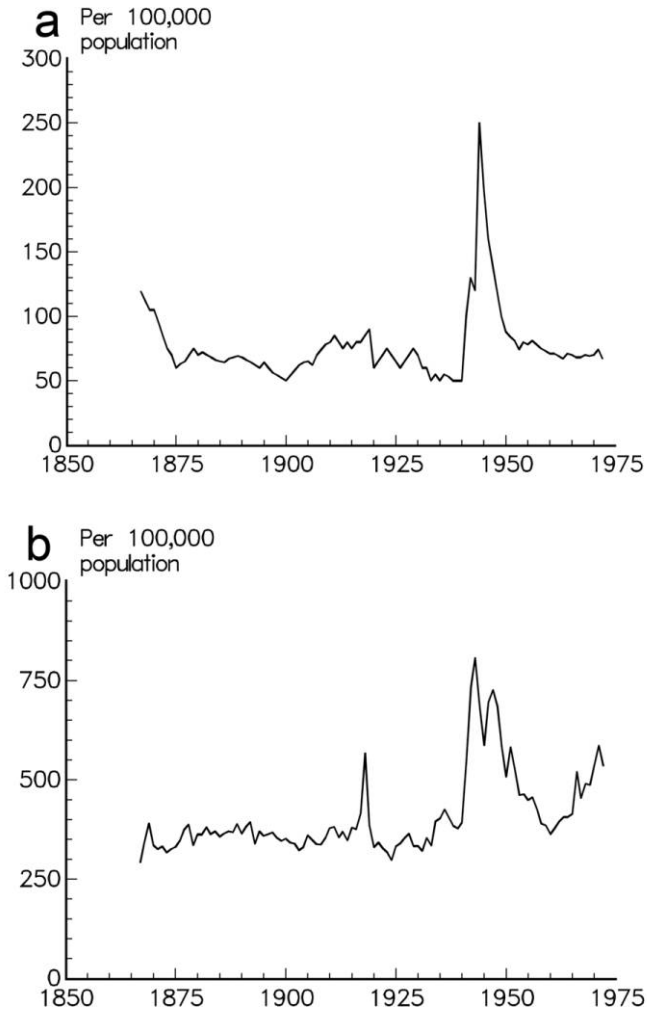


FIG. 35.—*a*, Denmark: Trend in prison inmate numbers, 1867–1972, per 100,000 population. Source: Adapted from Greve (1996, p. 35). *b*, Denmark: Number of convicted male offenders, 1867–1972, per 100,000 of the male population above age of criminal responsibility. Source: Christie (1975), table 3.3.-2.

century was not connected with concurrent increases in conviction rates. A similar picture emerged in Finland during the period 1927–66, for which data on police recorded Criminal Code offenses exist (see figs. 36*a* and 36*b*).

The Finnish prison population was, as early as the end of the nineteenth century, larger than those of its Scandinavian neighbors (Christie 1968). World War I, the civil war, and the subsequent period of repression as well as World War II, all made a major impression on the Finnish prison statistics (cf. Lenke 1980; Kekkonen 1999). The remarkable reduction in the Finnish prison population by almost three-quarters during the postwar period (see fig. 37) has been described by Patrik Törnudd (1993) and Tapio Lappi-Seppälä (2007).

In sum, all Scandinavian countries reduced their prison populations in the long-term historical perspective, and no Scandinavian country matched the increase of reported criminality after World War II with corresponding increases of their prison populations. The underlying reasons for this development are widely discussed among scholars (see, e.g., Christie 1968, 2000; von Hofer 2003*b*; Sutton 2004; Bondeson 2005; Cavadino and Dignan 2006, p. 149; Lappi-Seppälä 2007; Pratt 2008*a*, 2008*b*).

IV. Major Findings

The preceding survey and the data on which it is based support a number of generalizations. They are drawn, of course, from developments in the Scandinavian countries but possibly mirror developments in many Western countries.

1. The stable or declining conviction trends during the second half of the nineteenth century and the first half of the twentieth century are striking, particularly since they occurred despite profound changes in the social and political structure of the Scandinavian countries.

2. The proportion of women punished declined at least until the 1950s. Thereafter it began to increase. While women are less often convicted than men, the long-term conviction trends are parallel. The modern conviction rate for women in Sweden equals the male rate of the early 1920s. Male crime then was clearly defined as a social problem, whereas female crime today generally is not.

3. Young people (predominantly young men) emerged increasingly

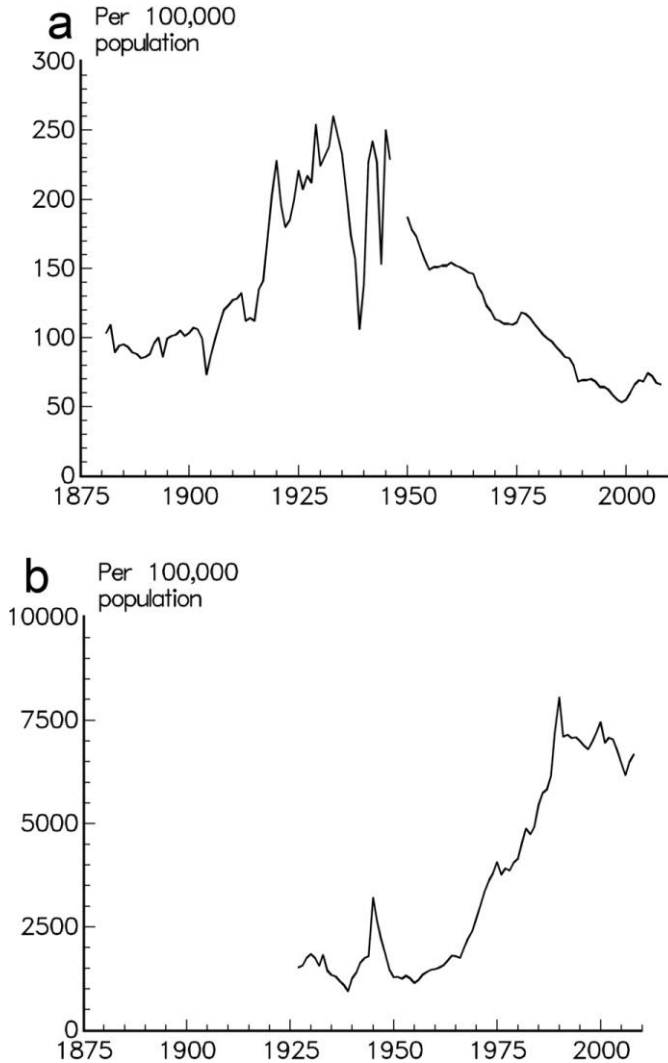


FIG. 36.—*a*, Finland: Daily prison population, 1881–2008, per 100,000 population. The years 1947–49 are missing. *b*, Finland: Police-recorded Penal Code offenses, 1927–2008, per 100,000 population. Sources: Aho and Karsikas (1980), tables 1 and 2; Falck, von Hofer, and Storgaard (2003), tables 8 and 14; updated.

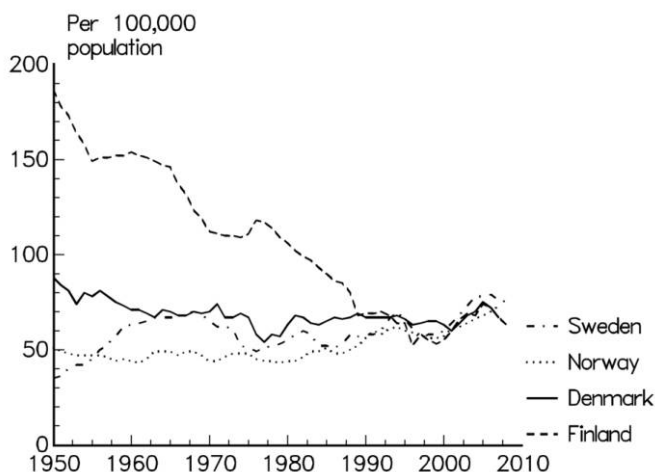


FIG. 37.—Prison populations in Scandinavia, 1950–2008, per 100,000 population. Source: Falck, von Hofer, and Storgaard (2003), table 14; updated.

clearly as a central focus of criminal law controls during the twentieth century.

4. The presence of foreign citizens among convicted persons is, for the most part, a postwar phenomenon. In all Scandinavian countries, the share of convicted foreign citizens is higher than their comparable shares in the general population. The reasons for the overrepresentation are contested.

5. Long-term data on repeat offenders are scarce in Scandinavia. Swedish data suggest, however, that the number of repeat offenders soared during a 30-year period following World War II—possibly triggered by an increased input of young offenders and exacerbated by accelerated substance use.

6. The significance of alcohol and drugs—both use and control—for the development of punishment and crime in Scandinavia cannot be overestimated.

7. In the long run, the penal value of violent offenses has been upgraded, while theft offenses have been downgraded from serious crimes to mass offending (“volume crime”). The proportion of prison inmates in 2008 who were convicted of theft offenses as the principal offense (excluding robbery) amounted to 7 percent in Sweden, 9 percent in

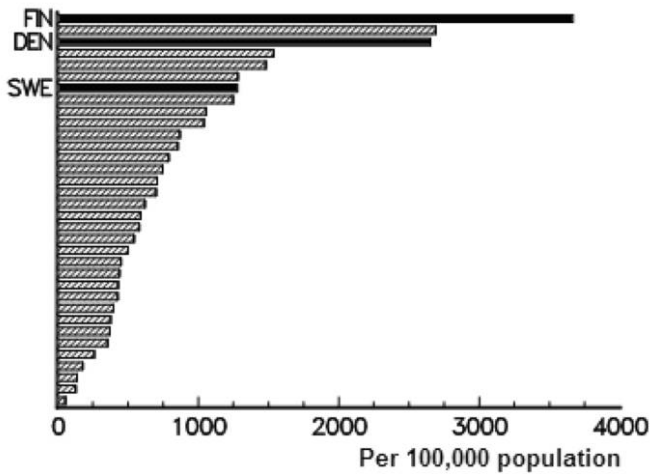


FIG. 38.—Persons convicted per 100,000 population in Finland, Denmark, Sweden, and 31 other European countries, average 2000–2003. Norway is missing. Source: Aebi et al. (2006, p. 99).

Norway, 13 percent in Denmark, and 16 percent in Finland (Aebi and Delgrande 2010, table 7).

8. The declines in the prison population that occurred in Denmark, Norway, and Sweden took place for the main part during the second half of the nineteenth century and thus long before the welfare state became established in the Nordic countries—a fact that is not properly recognized in research to date. Finland deviates from the other countries until the end of the 1980s. The reduction in the number of prison inmates in Finland subsequent to World War II is likewise remarkable.

9. The periods surrounding wars have affected trends in both the short- and long-term perspective.

10. With some degree of time lag between the countries, the period after World War II brought with it a steep increase in the level of criminal justice interventions across Scandinavia, in part a result of increases in offending, in part a result of the expansion of penal law control (regarding, e.g., motoring, violence, sexuality, drugs).

11. No Scandinavian country appears to have been able to control rising crime trends after World War II, though the Scandinavian criminal justice systems have been “good” at punishing people (see fig. 38).

The number of individuals punished is high by European standards (Aebi et al. 2006, p. 99). Both Denmark and Norway make large use of very short prison sentences.

12. Notwithstanding the introduction of a wide range of alternative sanctions to imprisonment and fines during the twentieth century,⁴² recidivism statistics (in Norway and Sweden) do not indicate that the criminal justice interventions have produced any major decline in the risk of recidivism. In Norway, clear increases are reported, in Sweden relative stability, although with a marked increase during the 1940s and the beginning of the 1950s.

In sum, there is ample evidence that traditional crime policy measures—the reliance on police and punishment—have not produced the desired effects of protecting ordinary citizens and reforming criminals. Punishing individuals who commit crimes seems to be of little marginal value as a means of preventing crime.

V. Crime Policy Implications

Advocating the use of punishment and the threat of punishment as means of crime control is commonsensical and easily understood. It is a “good story,” as Cullen, Wright, and Chamlin (1999, p. 196) have pointed out, since crime and punishment are highly emotive issues. But referring to punishment as a response to crime too often prevents any search for really effective alternative measures. Such effective alternative measures do exist, however. This can be illustrated with six examples concerning Sweden, all involving serious matters of life and death. The examples chosen relate to long-term trends in infant mortality, suicide, fatal accidents at work and on the roads, homicide, and mortality among drug addicts. In the first four cases, penal law either no longer has any role to play at all (infant mortality and suicide) or it plays only a secondary role (fatal accidents at work or on the roads), whereas penal law is still ascribed major importance in relation to the control of homicide and in the area of drugs.

If one considers trends across all six areas together (see figs. 39*a–f*), it becomes very clear how little effect is produced by general measures based primarily on punishment and the threat of punishment (i.e., in the areas of homicide and drugs). The effects of specific nonpenal law

⁴² Swedish criminal justice statistics, e.g., count at least 14 different sanction categories at present (Brå 2009, table 4.8).

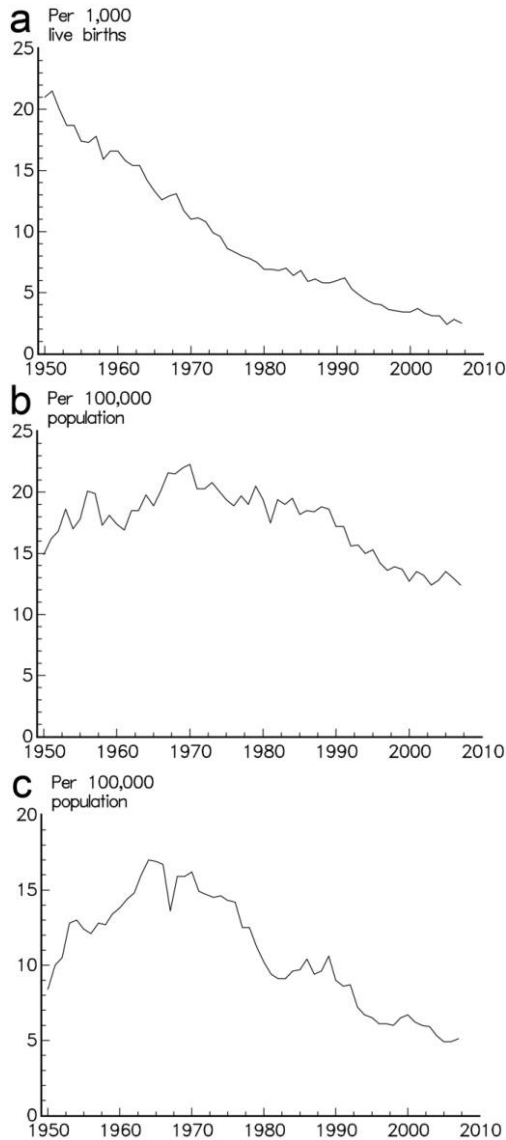


FIG. 39.—*a*, Sweden: Rate of infant deaths within the first year of life, 1950–2008, per 1,000 live births. Source: Statistiska centralbyrån (2011), table 4.30, and previous editions. *b*, Sweden: Rate of suicides, 1950–2008, per 100,000 population. Source: Statistiska centralbyrån (2011), table 20.15, and previous editions. *c*, Sweden: Rate of persons killed in road traffic accidents, 1950–2008, per 100,000 population. Source: Statistiska centralbyrån (2011), table 10.20, and previous editions.

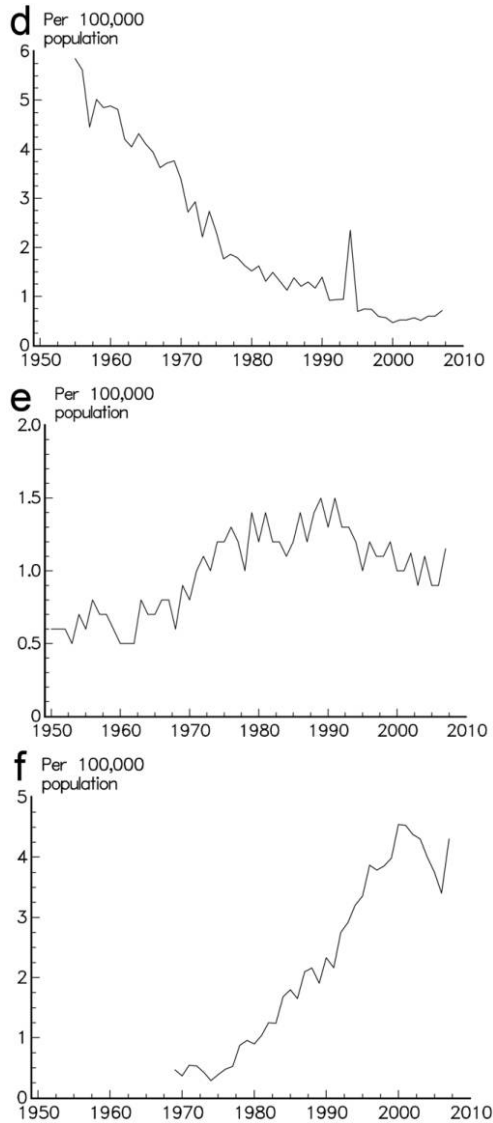


FIG. 39 (continued).—*d*, Sweden: Rate of persons killed in workplace accidents, 1955–2008, per 100,000 population. Source: Statistiska centralbyrån (2011), table 12.17, and previous editions. *e*, Sweden: Rate of homicides, 1950–2008, per 100,000 population. Source: Statistiska centralbyrån (2011), tables 20.16–17, and previous editions. *f*, Sweden: Rate of drug-related deaths, 1969–2008, per 100,000 population. Drug use is the primary or underlying cause of death. Source: CAN (2010), table 89.

measures within the childcare sector, at work places, on the roads, and in the prevention of suicide, are by contrast impressive.

One can also observe that the use of punishment is being withdrawn from many other areas of modern (Swedish) society.⁴³ For example, the labor market has long been completely free of the use of punishment. Military penal justice, which in earlier periods of (Swedish) history constituted the motor that drove developments in the field of penal law more generally, was abolished in 1986 in Sweden. The field of education has also long been free of the use of punishment and parental punishment of children has been banned. Thus the incongruous adherence to the use of punishment in the field of criminal policy is striking.

It is therefore reasonable to conclude that the use of penal law in practice has little to do with the conduct of an efficient crime policy whose principal objective is to prevent crime. The political attraction of penal law appears rather to lie in its symbolic significance and the visible exercise of power which reinforces widely shared attachments to punishment as a proper response to wrongdoing (cf. Roberts and Hough 2002, pp. 5–10).

Power is usually exercised by someone, against someone, and for someone or something. The actor's perspective in itself is relatively unproblematic in the Scandinavian countries. They are constitutional states in which the government and parliament determine the general focus of the police, the prosecution service, the courts, and the prison bureaucracies by means of legislation and financial resources. The application of this legislation is conducted for the most part (although not always) within the prescribed limits. A system of judicial and political controls exists. However, the questions for and against whom penal justice power is exercised are more difficult to answer.

In theory, criminal law applies to all. In practice, criminal law is directed primarily against men (as unorganized individuals).⁴⁴ To an increasing extent, it has also become young men—particularly after

⁴³ Compare Haferkamp (1984) and also Braithwaite's (2003) discussion of alternative strategies of regulation.

⁴⁴ Compare Martin J. Wiener (1998, p. 209, with further references): "Th[e] 'masculinization' of crime and punishment was one of the most notable, but least noticed, facts of nineteenth-century (and, indeed, western) criminal justice history." To belong to an organization—legal or illegal—appears by contrast to produce good opportunities for protection against penal law control (cf. Wheeler and Rothman 1982, p. 1422).

World War II.⁴⁵ If one looks at prison populations, the focus is still on socially disadvantaged men, both those with domestic and overseas origins. It was previously a question of poor, unemployed, alcohol dependent, vagrant property offenders (cf. Emsley 2007, p. 13). Today it is poor, unemployed, alcohol and drug dependent, homeless, violent, sex, and drug offenders (cf. Wacquant 2009). The penal law is thus still focused on the control of segments of the marginal population. The criteria for intervention have changed, however from stealing (and vagrancy) to violence, sex, and substance use. At the same time, penal justice control, which is exercised first and foremost through the use of fines, has undergone a very substantial increase after World War II. This development is of course due, to some extent, to the development in motoring, but conviction rates remain high within the Scandinavian countries even when motoring offenses are excluded (Aebi et al. 2006, pp. 99–100).

The penal justice system is thus being allowed to play an expanding role in relation to the control of the (male) population at large, while the police apparatus itself is small in Scandinavia by comparison with the rest of Europe (Aebi et al. 2006, p. 74).

The groups intended to benefit from the penal law as it is applied are to a growing extent women and children (as victims of violence and sex offenses) at the same time as the penal law is used to satisfy demands from inter- and transnational organizations (IGOs, such as various bodies of the United Nations and the European Union), national pressure groups (NGOs), and parts of the media.⁴⁶ The latter groups' significance is particularly prominent in the area of drug policy. Thirty percent of prison inmates in Norway and Sweden today have been convicted of drug offenses, and 24 percent in Denmark (Aebi and Delgrande 2010, table 7). Only Finland stands out, with 16 percent, which is mainly⁴⁷ explained by historical geopolitical factors.

Drugs probably constitute the largest single crime policy problem in the Scandinavian countries today (Träskman 2004; Kinnunen 2008; Stene 2008). That the drugs phenomenon has been defined primarily

⁴⁵ But see also John Muncie's illuminating "Histories of Youth and Crime" (2009, chap. 2).

⁴⁶ Unfortunately, the decision-making process in criminal policy is an underresearched area in Scandinavia.

⁴⁷ See also Törrönen (2004) as to the rather pragmatic position of Finnish newspapers on drug policy questions. On Finnish crime media research in general, see Smolej and Kivivuori (2008).

in moral and penal law terms (and not in terms of *realpolitik* as harm reduction) constitutes the crux of the matter. The Scandinavian countries (with the exception of Denmark) have been countries with powerful moralistic temperance movements, whose ideology lay very close to the values of the (U.S.) American drug policy that came to dominate the international scene (Bruun, Pan, and Rexed 1975, p. 132; Kinnunen 2008, p. 136).⁴⁸ A drug policy that instead defines drug dependency as a public health problem would naturally reduce the level of penal law repression substantially. But the “War on Drugs” or, rather, the “War on Drug Users” (Jepsen 1996) is likely to continue for some time, because it is difficult⁴⁹ for politicians and pressure groups to concede that what they have established as “right” in fact can be “wrong.”

In 1956, the influential Swedish *Strafflagberedningen* (Criminal Law Committee) observed that “it must be emphasized that the possibilities of penal policy to prevent crime in many ways are limited and that the presence of crimes does not depend only on, or even substantially on, shortcomings in the penal legislation. It is a misconception, when many . . . seem to think that by reforming the sanction system one might stop an increase in the number of offenses. This goes against all experience” (*Strafflagberedningen* 1956, p. 28; English translation by Janson 2004, p. 436). Thirty years later, the Finnish Criminal Law Committee in 1986 wrote in the same spirit that the criminal justice system is not society’s only “or even principal” instrument for controlling behavior (Törnudd 1996, p. 176). Nevertheless, the penal codes have prevailed as a pivotal means of Scandinavian criminal policy.⁵⁰

The main lesson that can be drawn from the preceding historical analyses of criminal justice statistics is that the criminal justice systems in Scandinavia generally have not offered efficient ways of controlling the development of crime in the twentieth century: many types of tra-

⁴⁸ Compare Tonry’s discussion of a conceivable link between “protestant fundamentalism and intolerance” and temperance movements and moralistic crusades against drugs and crime in the United States (Tonry 2009, pp. 382–84). In the current internal Swedish debate, the fight against drugs is used as an argument to justify the presence of Swedish troops in Afghanistan (Tolgfors 2009; Bildt 2010; Tolgfors is the Swedish Secretary of Defense and Bildt is the Swedish Secretary of State).

⁴⁹ But not impossible; see, e.g., the statement by the Latin American Commission on Drugs and Democracy (2009) and now also the Norwegian commission report on drugs (Stoltenbergutvalget 2010).

⁵⁰ Compare Bohm (1986, p. 199) for possible reasons from a leftist perspective.

ditional crime soared and modern crimes sprawled despite the criminal justice systems' significant growth in size and scope.⁵¹ The salient point for this failure seems to be that “doing justice” and “being efficient” became muddled. The labeling of unwanted behavior as “crime” inevitably triggers a series of processes that aim to “do justice,” irrespective of whether they are efficient or not. This happens because crime is defined through punishment,⁵² but punishment does not by default prevent crime—neither in its deterrent nor in its norm-strengthening guise. Thus a politician who wants to reduce unwanted behavior or events should look in the first place for means of prevention other than those offered by the criminal justice system. Punishment is the deliberate infliction of harm. Harming the offender is intended, but punishment also harms citizens and society at large—given all crime that the reliance on the ritual use of punishment did not prevent.

APPENDIX

The Phillips Curve

The Phillips-type curve is a graphical technique to add a third, temporal, dimension in a two-dimensional space, that is, the dependent variable (Y), the independent variable (X) and time (T), by *connecting* the observations (x, y) in consecutive order (t). This is a handy way to screen for contingencies over time, when theory predicts the direction of the relationship (positive or negative). The technique was used by William Phillips (1958) in “The Relationship between Unemployment and the Rate of Change of Money Wages in the United Kingdom 1861–1957.” Phillips described an inverse relationship between money wage changes and unemployment in the British economy over the period examined.

Needless to say, this graphical technique is a screening tool only. It visualizes the temporal covariance between X and Y , but it cannot handle the importance of other variables which may also independently account for the covariance of X and Y .

In the present essay the Phillips-type curve is used to study the relationship between indicators of punishment and crime. According to deterrence or incapacitation theories, there should be a negative relationship between the use of punishment and crime: more punishment yields less crime and less punishment more crime.

Looking at figure A1, one may perhaps discern an overall negative relation-

⁵¹ Unfortunately, systematic scholarly analyses of the growing powers of criminal justice institutions are lacking in Scandinavia.

⁵² See, e.g., the Swedish Penal Code (chap. 1, sec. 1): “Crime is an act for which punishment as stated below is provided by this Code or by other codes or laws.”

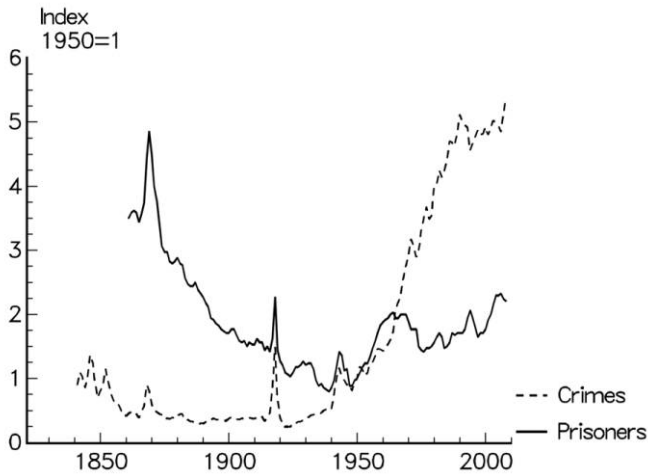


FIG. A1.—Sweden: Estimated crime curve, 1841–2008, and daily prison population, 1861–2008, per 100,000 population; index 1950 = 1. Source: von Hofer (2008), tables 3.1, 5.3, and 7.1; updated.

ship between punishment (number of prisoners) and crime (number of convictions): when the number of prisoners is high, crime convictions are low and vice versa. However, looking at figure A2, the Phillips-type curve, and following the observations in a temporal order from 1861 to 2008, one clearly sees that there is no negative relationship whatsoever. When nonzero relationships are discernible, they are positive (see, e.g., 1861–69, World War I, 1935–63, end of period). In conclusion: in a bivariate frame of reference, the number of prisoners has not determined the number of crime convictions. Instead, the number of convictions has determined the number of prisoners. This result is expected in a criminal justice system—such as the Swedish system—that is based on the rule of law.

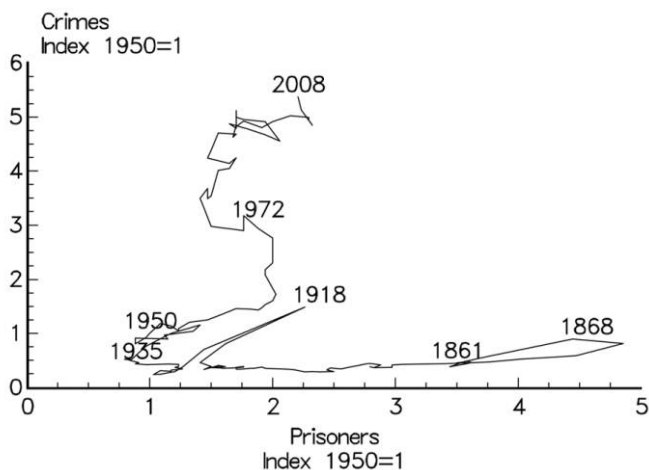


FIG. A2.—Sweden: Estimated crime curve, 1841–2008, and daily prison population, 1861–2008, per 100,000 population; index 1950 = 1; shown as Phillips-type curve. Source: von Hofer (2008), tables 3.1, 5.3, and 7.1; updated.

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