

Are Nordic Countries Getting tough on crime?

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& Laws of Surveillance and Security (LOSS)



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Are Nordic Countries Getting tough on crime?

- In many western industrialized countries there has been a shift in the past decades towards law-and-order-societies.
- On the other hand, it has been rather widely accepted by legal scholars, criminologists, and other social scientists that this so called punitive turn has not been realized in the Nordic countries
- The aim of the working group is to discuss and compare recent developments in crime control in the Nordic countries: are they getting tougher on crime? Has the “refugee crisis” had impact on these developments?



Aims and questions of the WG

- To discuss what impact has the recent changed social and political context, and the refugee crisis in particular had for criminal policy and crime control?
- What kinds of reforms, or proposals for such, have been introduced on the level of politics, policy, law-making or enforcement? Who have been the targets of control?
- Presentations can focus on singular initiatives or practices and they do not have to be based on the participants own empirical research: we are also interested in presentations reflecting and summarizing other peoples' research.



Laws of Surveillance and Security: Constitutional limits,
legislative discourses and transnational influences (LOSS)

Securitization in Finnish legislation 1991-2015

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Aims of the project

- To map **the extent of security talk** in Finnish legislation
- What has been the impact of increased security awareness for the Finnish legal system?
- In which fields of law and spheres of life has this taken place? To what extent?
- Who have been the target groups, the “others” of such legislation?
- How have the bills been justified?
- Which bills did not become an act? Reasons?



Increased Security Awareness

- The Europeanization of Justice and Homeland Affairs → Common policies regarding police, border control, immigration, fighting terrorism, drugs, money laundering etc.
 - Phenomena that were earlier interpreted as matters of human rights (migrants, refugees) or care and education (the young) or leisure (travel, shopping centres) or social problems (poverty) or legitimate civil rights (demonstrations, trade union activity) are increasingly reconstructed in terms of **security threats** or **dilemmas**
 - Theoretical analyses from Copenhagen school (Weaver 1995, 1997), (Buzan et al. 1998), critical approaches to security (e.g. Bigo 2000, McDonald 2008, Hansen 2010, Stritzel 2007, Balzacq 2011)
- The problematic of the concept of security: What does it mean, what does it encompass?



What we are interested in?

- Criminal law – expansion; new criminalizations, tougher punishments?
- Police powers – expansion (incl. private security)?
- A quasi-criminal-law set of instruments and techniques is being created, alongside the criminal law system: intention to maintain a grip on the public and moral structure of different domains in society (e.g. exclusion of people from certain facilities)?
- Ie. Intensifying control, culture of control & fear, risk governance, policezation, militarization, punitiveness, exclusion, othering, stranger danger, juridization of fear



Some recent examples

- Terrorist offences 2003, 2014
- Police powers (i.e. various undercover and other unconventional methods, 2000-)
- Camera surveillance & Drug tests at the workplace, 2004
- ”Lex Nokia” surveillance of IP addresses, 2008
- Narcotics offence (cultivation or *attempt* to cultivate) 2008
- *Preparation* of certain crimes criminalized, 2014
- School act (security in schools, e. g. body search), 2014
- Age-limit for criminal liability (from 15 to 13 or 12) several initiatives
- Registering of beggars (initiative; did not pass) 2014
- Youth act 2016-17), drug testing
- http://www.finlex.fi/sv/esitykset/he/2016/?_offset=200



The Data

- All Government Bills during 1991-2015 (25 years)

- The period encompasses various important legislative moments:
 - 1) Joining the European Human Rights Convention (1990)
 - 2) Fundamental rights reform (1995)
 - 3) Accession to the EU (1995)
 - 4) Total reform of the Constitution (2000)
 - 5) Anti-terrorist laws (2003, 2014)
 - 6) Revelations of global scale mass surveillance (2013)



Analysis

Systematic content and discourse analysis of both the documents and the discussions in the Parliament

- 1) The amount and content of the initiatives: quantitative content analysis → selection of cases for detailed qualitative analysis
- 2) The discourses that construct 'the reality' (metaphors, comparisons, justifications, validations, etc.)



For additional info and international cooperation, please be in touch:

<https://www.utu.fi/fi/yksikot/law/tutkimus/projektit/kaynnissa/Sivut/loss.aspx>

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