



UNIVERSITY
OF TURKU

FINNISH CIVIL SOCIETY ORGANIZATIONS IN CRIMINAL JUSTICE

Exploring their possibilities to fulfil mission
values and maintain autonomy from a
comparative perspective

Maija Helminen



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Tiivistelmä

Tämä väitöskirja tarkastelee vertailevasta näkökulmasta, millaiset mahdollisuudet suomalaisilla rikosoikeusjärjestelmän alueella työskentelevillä kansalaisjärjestöillä on toteuttaa omia arvojaan ja säilyttää autonomisuutensa. Tutkimuksen erityisenä tarkastelukohteena ovat lainrikkojen ja rikosten uhrien parissa työskentelevät kansalaisjärjestöt. Näiden kansalaisjärjestöjen asemaa tarkastellaan pääasiassa julkisen palveluntuotannon markkinoistumisen ja rikosten uhrien palvelujen institutionaalisoitumisen näkökulmista. Tässä väitöskirjassa on myös tutkittu erityyppisten kansalaisjärjestöjen mahdollisuuksia ajaa omia arvojaan kriminaalipoliittisessa päätöksenteossa lainvalmistelun kontekstissa. Väitöskirja koostuu yhteenvetoluvusta ja neljästä osatutkimuksesta. Tutkimuksen aineistona on käytetty kansalaisjärjestöjen edustajien haastatteluja, järjestöjen vuosikertomuksia sekä lainvalmistelun yhteydessä tuotettua asiakirja-aineistoa. Aineistoja on analysoitu pääasiassa laadullisin menetelmin, vaikka neljäs osatutkimus sisältää myös kvantitatiivista analyysiä. Aineistoja on kerätty Suomen lisäksi Norjasta, Ruotsista, Skotlannista ja Uudesta-Seelannista.

Ensimmäisen ja toisen osatutkimuksen tulokset osoittavat, että markkinoistumisen vaikutukset näyttäytyvät radikaaleimmin kansalaisjärjestöissä, jotka työskentelevät lainrikkojen parissa englanninkielisissä maissa. Tästä huolimatta markkinoistuminen näkyy myös suomalaisten kansalaisjärjestöjen mahdollisuuksissa työskennellä niiden omien arvopohjien mukaisesti. Tämä käy ilmi etenkin kuntien ostopalvelusopimukseen kohdistetusta kritiikistä. Kokonaisuudessaan tutkimuksen tulokset osoittavat, että kansalaisjärjestöissä on koettu hankalana toteuttaa järjestöjen arvopohjaa markkinoistuneen palveluntuotannon kontekstissa. Toisaalta tutkimuksen tulokset tuovat ilmi, että Suomessa on myös sellaisia rakenteellisia ratkaisuja, jotka edistävät järjestöjen mahdollisuuksia integroida niiden arvoja ja näkökulmia rikosoikeusjärjestelmän toimintaan.

Kolmannen osatutkimuksen tulosten mukaan suomalaisten rikosten uhrien parissa toimivien kansalaisjärjestöjen edustajat eivät kokeneet rikosuhripalvelujen institutionaalisoitumisen uhkaavan järjestöjen autonomiaa toisin kuin Norjassa, jossa rikosten uhrien parissa toimivilla kansalaisjärjestöillä on ollut verrattain vahva asema. Suomalaisten rikosten uhrien parissa työskentelevien kansalaisjärjestöjen edustajien näkemysten mukaan nykyinen trendi, jossa julkinen valta ottaa yhä enemmän vastuuta rikosuhrien palvelujen järjestämisestä edesauttaa myös järjestöjen mahdollisuuksia ajaa niille tärkeitä asioita yhteiskunnassa. Vaikka kolmannen osatutkimuksen tulokset paljastavat joitakin samankaltaisuuksia suomalaisten ja norjalaisten järjestöjen lähestymistavoissa, ne tuovat ilmi tärkeitä eroavaisuuksia suomalaisessa uhriliikkeessä verrattuna muihin Pohjoismaihin.

Neljäs osatutkimus osoittaa, että kansalaisjärjestöjä osallistetaan laajasti lainvalmisteluun kriminaalipolitiikan alueella Suomessa. Pois lukien eräät juridiikan ammattilaisten järjestöt, kansalaisjärjestöjen osallistaminen kohdistuu kuitenkin lähinnä niihin lainvalmistelun vaiheisiin, joissa merkittävien muutosten tekeminen ehdotettuihin lakiesityksiin on vaikeaa. Tutkimuksen tulokset ovat linjassa aiempien tutkimusten kanssa, joissa on selvitetty kansalaisjärjestöjen osallistumista lainvalmisteluun Suomessa.

Väitöskirjan tulosten perusteella suomalaisilla kansalaisjärjestöillä on useita mahdollisuuksia ajaa niille tärkeitä arvoja rikosoikeusjärjestelmän alueella. Tästä huolimatta tulokset osoittavat myös, että markkinoistuneet rahoitusjärjestelyt voivat jossain määrin vaarantaa nuo mahdollisuudet. Tutkimuksen havainnot herättävät myös kysymyksiä joidenkin suomalaisten kansalaisjärjestöjen 'vaihtoehtoisuudesta' ja itsenäisestä asemasta suhteessa julkiseen sektoriin. Lopuksi väitöskirjassa esitetään, että vertailevassa kansalaisyhteiskunnan tutkimuksessa luodut teoreettiset mallit eivät sovellu luonnehtimaan rikosoikeuden alueella toimivia kansalaisjärjestöjä. Jatkotutkimuksessa tulisikin kehittää teorioita, jotka pyrkivät kuvaamaan ja selittämään juuri rikosoikeuden alueella toimivia kansalaisjärjestöjä eri maissa.

Avainsanat: kansalaisjärjestöt, kolmas sektori, kriminaalipolitiikka, rikosten uhrit, vangit, vertaileva tutkimus

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Abstract

This doctoral dissertation explores, from a comparative perspective, what kinds of possibilities there are for Finnish civil society organizations (CSOs) working in the area of criminal justice to fulfil their value-based missions and maintain their autonomy. This study is particularly focused on CSOs working with offenders and victims of crime. The positions of these CSOs have been chiefly explored from the perspectives of marketization of public service delivery and institutionalization of victim support services. In addition, this dissertation has examined the possibilities for various types of CSOs to pursue their value-bases in decision-making in criminal policy in the context of law-drafting. The dissertation consists of this summary and four sub-studies. The data include interviews with CSO representatives, CSOs' annual reports as well as documentation created in law-drafting processes. These sources have been primarily analysed with qualitative methods, although sub-study IV also included quantitative analysis. In addition to Finland, data has been gathered from Norway, Sweden, Scotland and New Zealand.

The findings of the first and second sub-studies indicate that although marketization appears to have had more radical consequences in Anglophone CSOs working with offenders, marketization is nonetheless manifested in the possibilities for Finnish CSOs to work according to their value-bases. This emerges especially from the critique of service-delivery arrangements that municipalities use to purchase services from CSOs. Overall, the results of this dissertation indicate that CSOs have experienced difficulty in fulfilling their value-bases within the framework of marketized public service delivery. Nevertheless, the findings illustrate that certain structural arrangements in Finland can enhance the possibilities for CSOs to integrate their values and perspectives into the criminal justice system.

The findings of the third sub-study show that unlike in Norway, where CSOs working with victims of crime have had a stronger position than those working in Finland, the Finnish CSOs working with victims did not feel that the advancing institutionalization of victim support services would threaten their autonomy. In contrast, the developments in which the public sector has taken more responsibility for arranging victim support services is perceived to improve their possibilities to pursue causes important to them in society. Although the findings of sub-study III also reveal some similarities between the approaches of the Finnish and Norwegian CSOs, the findings nonetheless illustrate the differences between victim movements in Finland and in other Nordic countries.

The fourth sub-study reveals that CSOs are widely included in law-drafting in the area of criminal policy in Finland. However, apart from CSOs composed of 'legal professionals', CSOs are included in these decision-making processes in those stages when it is more difficult to introduce significant changes to what has already been proposed. These results are in line with existing knowledge on criminal policy making in Finland and the participation of CSOs in law-drafting.

Based on the findings of this research, Finnish CSOs working in the areas of criminal justice and criminal policy have several opportunities to use their autonomy and pursue their values. Nonetheless, the findings indicate that marketized funding arrangements may jeopardize those possibilities to some extent. The findings of this dissertation also raise questions about the 'alternativeness' and autonomous position of certain Finnish CSOs in relation to the public sector. Finally, this dissertation suggests that civil society models created in comparative civil society research fail to capture the nature of CSOs working in the area of criminal justice. Future research should therefore aim to formulate specific theoretical models for CSOs in criminal justice that explain how these organizations operate in different countries.

Keywords: civil society organizations, third sector, criminal policy, crime victims, offenders, comparative research

Foreword and acknowledgements

Writing this dissertation has been a long and challenging process. I began this endeavour full of enthusiasm. It has been fascinating to initiate research in a field that has been largely unexplored, both nationally and internationally. However, I soon became familiar with the downsides of grasping such a project as previous research was scant and it was difficult to decide where to anchor the research. Above all, I feel like I missed out on discussions with other researchers who would have shared similar interests. Completing this dissertation has required a lot of perseverance and accepting my own limitations. Although I sometimes felt like giving up, I am happy that I persevered. Despite the fact that conducting this dissertation proved difficult, it has nonetheless offered me many enjoyable learning moments and led to my discovery of many new ideas. I hope this research also provides new insights to understanding how the criminal justice system and civil society organizations function for others.

It is time to thank all those people and organizations that have supported and shaped me over the past years, thus making the completion of this dissertation possible. First of all, I want to thank my supervisor, Professor Anne Alvesalo-Kuusi. Anne has made sure that I have had the financial support to continue my research. She has provided prompt commentary on my texts, often much faster than I expected. When I encountered a problem, Anne always had a pragmatic solution at hand. This ensured that I did not become tangled in moments of frustration and anxiety. Anne has also taught her doctoral students how to survive in academia after the completion of our doctoral dissertations and has encouraged us to find ways of cooperating as well as supporting each other. This approach has been valuable not only for my research work but also to my personal well-being. Anne, I consider myself extremely lucky to have had you as my supervisor.

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Turku 9 August 2019
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List of original publications

- I Helminen, M. (2016) Nordic and Scottish Civil Society Organisations Working with Offenders and the Effects of Service Delivery: Is Pursuing Mission Impossible Whilst Bidding for Contracts? *The Howard Journal of Criminal Justice*, 55(1-2): 73–93.
- II Helminen, M. and Mills, A. Exploring Autonomy in the Finnish and New Zealand Penal Voluntary Sectors: The Relevance of Marketization and Criminal Justice Policy Environments in Two Penal Voluntary Sector Organizations, forthcoming in *The Howard Journal of Crime and Justice*.
- III Helminen, M. (2019) ‘We need to make sure that we are always something else’ Victim support organisations and the increasing responsibility of the state in supporting crime victims in Finland and Norway. *International Review of Victimology*, 26(2): 157–179.
- IV Helminen, M. and Alvesalo-Kuusi, A. (2017) Advocating the ‘Good’ Criminal Justice System. The Involvement and Ideas of Civil Society Organisations in Formulating Finnish Criminal Policy. *Retfærd - Nordic Journal of Law and Justice*, 40(2): 3-24.

1 Introduction

1.1 Background and objectives

Civil society organizations (CSO) – often also referred to as voluntary sector, third sector or not-for-profit organizations, among other terms – are fairly new research subjects in criminological research, despite the fact that they have long worked alongside criminal justice institutions, perhaps for even centuries. These types of CSOs are, for example, those working with prisoners. In the UK the emergence of these types of CSOs has been traced to the early 18th century (Carey and Walker 2002: 53), while in the Nordic context, these CSOs developed slightly later, around the mid-19th century in Denmark, Norway and Sweden (Svensson 2000: 175), and in Finland in 1870 (Huhtala 1984). These organizations have contributed greatly to the development of national penal institutions, probation systems in particular. For example, the work of the Finnish Prison Association and the Swedish associations established to alleviate the ill effects of imprisonment became at least partly incorporated into state services during the 20th century (Huhtala 1984; Svensson 2004). In effect, these types of CSOs have been particularly important for the development of care for prisoners: Svensson (2004: 61-62) has pointed out that *'the establishment of voluntary associations meant the start of an institutionalisation of help to offenders'*. It could also be said that the establishment of voluntary associations working with victims of crime has meant the start of the institutionalization of victim aid.

However, recent decades have shown that care after imprisonment in particular, has once again become a more salient task of CSOs, whereas prison and probation administrations have focused on the administration of punishments (Svensson 2004: 65; Lappi-Seppälä 2011: 304). Concrete examples of such a trend are KRIS and other peer-support associations launched at the turn of the millennium, first in Sweden, then followed by Finland and other Nordic countries (Svensson 2004: 65), as well as the establishment of the Finnish Foundation for Supporting Ex-offenders (KRITS) in 2001, which is a continuator of the defunct Finnish Prison Association (KRITS 2019). The help provided by these CSOs is similar to the work of their predecessors in the 19th century; finding housing and employment after imprisonment among other services and support.

Perhaps the most-well known contemporary CSOs working in the area of criminal justice for the lay person are the type that work with victims of crime such as Victim Support and Rape Crisis Centres, which were founded around the 1970s in countries such as the UK and the US, and later in other industrialized Western countries¹ (Gill and Mawby 1990: 76; Gornick et al. 1985: 249; Maguire and Shapland 1990: 221). The work of these CSOs consists largely of emotional, therapeutic and legal aid as well as temporary housing, which is also the case in Finland (Honkatukia 2011b: 65). In many countries, especially in the US, feminist shelter and rape crisis organizations have also traditionally had a strong social change function; they have aimed to raise awareness about violence against women and influence social structures in order to prevent violence and change the ways in which victims are treated in the criminal justice system (Gornick et al. 1985; Matthews 1994). Although many of these CSOs working with victims began as grassroots organizations, even rejecting any kind of cooperation with state agencies, today, however, services for victims have increasingly become a part of the state's responsibilities and are either provided by public sector agencies themselves or by contracting out the work to CSOs. For example, the Finnish state is currently responsible for arranging shelter services for victims of intimate partnership violence (Act 1354/2014), but the majority of these service providers continues to be made up of CSOs (THL 2018a).

CSOs can have multiple aims and functions, and different organizations may have a variety of emphases. Their organizational constructions can also appear rather diverse; some of them rely completely on the work efforts of volunteers, while others might have paid staff and receive significant funding from the state. Nonetheless, at least in theory (e.g. Anheier and Salamon 2006: 95; Salamon and Anheier 1998: 216), they should be relatively independent from the state and have their own causes and objectives as well as the ability to control their own activities. In reality, though, reconciling cooperation with the state and CSOs' own missions may not be that easy.

It is precisely this tension between CSOs' own missions and the demands set by their cooperation with state agencies that has inspired me to undertake this research and largely forms the focus of this dissertation. I am not, however, the first researcher fascinated by the challenges of cooperation between CSOs and the state in criminal justice. Much of the recent interest towards *the penal voluntary sector*²

¹ In many European countries victim support services emerged in the 1980s (Tuorila and Siltaniemi 1999: 25). In addition to the UK, other pioneering European countries that established victim support services in the 1970s include Germany and the Netherlands (Maguire and Shapland 1990: 208).

² The concept 'penal voluntary sector', which has become commonly used in the UK, is applied in this dissertation interchangeably with the term 'CSOs working with offenders', although it has been sometimes used to refer to CSOs working with victims' too.

– ‘voluntary agencies working with prisoners, (ex-)offenders, their families and their victims in prison, community and policy advocacy programmes’ (Tomczak 2017: 3; also Corcoran 2011: 33) – stems from the concern of British scholars. They maintain that CSOs could be in danger of losing their distinctiveness, ethos, critical voice and their capabilities as CSOs to respond to the needs of their clients in a flexible and meaningful manner as a consequence of the increasing marketization of the UK criminal justice system (Corcoran 2009, 2011; Maguire 2012; Mills et al. 2011; Neilson 2009; Stacey 2012: 411-412).

In referring to the marketization of the criminal justice system, these studies have highlighted a development in which private companies and CSOs have been encouraged to provide criminal justice services that have traditionally been the purview of the state, where service delivery occurs in an increasingly competitive environment emphasizing market-like practices and principles.³ The marketization of criminal justice services had already begun in the UK in the 1990s, but it accelerated when all ‘the remaining legal barriers to voluntary and private sector providers’ to undertake traditional responsibilities of probation were removed in 2007 (Corcoran 2011:37; Mills et al. 2011:197). A recent study has shown (Corcoran et al. 2018) that the marketization of criminal justice services has meant that in order to stay afloat in the competition for service delivery contracts, CSOs have had to develop their operations to become more ‘market-like’ and invest in mechanisms that demonstrate their ability to deliver the results expected by the state. While some CSOs might interpret these developments in a positive manner, these changes nevertheless mean that CSOs must adapt to the wishes of their funders. However, this can be problematic from the standpoint of CSOs’ independence. Adaptation to the demands of funders is of course nothing new for CSOs. Then again, the pressures to change may now be more imperative as CSOs compete for funding against multinational private companies such as G4S and Sodexo in the UK’s increasingly privatized criminal justice field. In many ways, CSOs are expected to hold similar capabilities to enterprises (Corcoran 2011). Nonetheless, Tomczak (2014, 2017) has questioned the relevance of marketization for CSOs working with offenders by pointing to their heterogeneity and by arguing that marketization affects only a small share of the penal voluntary sector in the UK.

This article-based dissertation is linked to these on-going debates concerning the position of CSOs in criminal justice. The perspective I offer mainly concerns the Nordic countries, and especially Finland, where the context is different from the UK and other Anglophone countries. Indeed, one of the aims of this dissertation has been to understand the contexts in which CSOs working with offenders and victims operate in Finland in relation to Anglophone and other

³ The concept of marketization is discussed in detail in chapter 3.

Nordic countries.⁴ In doing so, I have paid attention to the traditional roles of CSOs, the extent of marketization and the criminal justice environment in these countries. The main research question of this dissertation asks: *What kinds of possibilities do Finnish CSOs working in the area of criminal justice have to fulfil their value-based missions and maintain their autonomy in comparison to some Anglophone and other Nordic countries?* I answer this main research question by posing the following three sub-research questions:

- 1) Does marketization appear relevant for the autonomy and abilities of penal voluntary sector organizations to work according to their value-bases?
- 2) How are the increasing public responsibilities to offer victim support services interpreted to affect the autonomy as well as possibilities of victim support organizations to work according to their value-bases?
- 3) What possibilities do CSOs have to pursue their value-bases in criminal policy decision-making?

There are multiple kinds of CSOs that participate in criminal justice in various ways and this study cannot take them all into account. Therefore, this research is narrowed to the specific examination of CSOs working with offenders and victims of crime. Furthermore, this study mainly discusses those types of organizations that have represented the majority of the CSOs examined in the four empirical sub-studies of this dissertation: National CSOs that receive public funding. This largely excludes smaller and local CSOs from this research. Moreover, the focus of this summary chapter is on Finland, therefore the situation of CSOs from other countries examined in the sub-studies of this dissertation are not analysed in similar detail.

1.2 Criminal justice and the field of study

In this dissertation ‘criminal justice’ is understood in a broad manner and my interest in exploring the possibilities of CSOs to pursue their value-based missions in criminal justice is due to understanding the criminal justice system especially as a set of values, which guide the actions of criminal justice agents consisting of

⁴ By Anglophone countries I refer here to those countries that speak English as a native language (or where English is the native language of the majority). In this dissertation New Zealand and Scotland represent Anglophone countries. Nordic countries commonly refer to Denmark, Finland, Iceland, Norway and Sweden. In this dissertation three Nordic countries have been included: Finland, Norway and Sweden. The countries within these two groups - Anglophone and Nordic - are assumed to have a certain degree of similarity, for example, in terms of their histories, culture as well as political, social and economic conditions.

formal and informal actors (Lacey 1994; Zedner 2004: 29). The criminal justice system itself can be regarded as an expression of society's values, or morality and a way of reinforcing those values (Ashworth 1991: 11-12; Duff 2001: 80). However, rarely do all members of society share the same values and ideas of morality, but as Young (2009: 7) has expressed this, *'we live in a pluralistic society with a magical cubism of perspectives, where one person's deviancy is another person's normality and where there are numerous audiences and evaluators'*. Consequently, as pointed out by Hulsman (1986: 33) and several other 'critical criminologists' (Hillyard and Tombs 2004: 11), 'crime' has no ontological reality and the criminal justice system may better express the values of those in power in the society rather than proportionately values of all of society's members (Becker 1967). Hence, in order to understand the criminal justice system itself, it is important to examine those who are able to influence what it represents and expresses.

Furthermore, although the criminal justice system is often associated with agents such as the police, prosecution offices, defence lawyers, courts, prisons, probation offices, the Ministry of Justice and so forth, the group of agencies and people participating in defining 'crime' and how to respond to it extends far beyond the most evident actors (Lacey 1994). In Finland, as well as in other Nordic countries, municipalities and other state institutions such as those under the Ministry of Health and Welfare, are undeniably such agents. For example, the aftercare of released prisoners – such as finding housing, employment, addiction rehabilitation and other welfare services that would be needed in order to facilitate a successful return to normal society after incarceration – are largely the responsibility of municipalities in Finland. Nonetheless, municipalities have not arranged these services effectively and, consequently, the role of CSOs has become important in offering aftercare services (Karjalainen and Viljanen 2009: 8-9). In sum, in this dissertation 'criminal justice' means a loose rather than fixed system for dealing with crime and criminality in society. CSOs are agents in this system as they, for example, try to prevent crime, treat the consequences of crime and change the ways in which crime should be understood and responded to in society.

This study belongs under the broad scope of criminological research, a multidisciplinary research field that explores crime and reactions to it from different perspectives using methods from a range of disciplines such as sociology, economics, history, psychology, political science and law (Garland 2011; Nelken 1994; Rock 2007; Ugwudike 2015). Especially, if one adopts a reflexive approach to crime – that is, an emphasis on how crime itself becomes defined – there is probably an unlimited array of disciplines germane to criminology (Nelken 1994: 11). The perspective on crime and its control presented in this study stems largely from civil society research, which is also a multidisciplinary research field that studies CSOs, social movements, volunteer work, philanthropy and other

phenomena connected to civil society (e.g. Anheier 2014). Although criminologists and other scholars of law and society have traditionally tended to focus on state actors in the criminal justice system such as prisons, courts and police; non-state actors have become objects of criminological interest more and more, mostly due to the upsurge in the outsourcing of criminal justice functions (Hucklesby and Lister 2018). This has also contributed to the increased attention on CSOs' functions in the criminal justice system. Soon it may even be possible to talk about a new sub-field of criminological research, which examines crime and its control in the context of civil society and CSOs from different angles. This study is situated in this emerging area of criminological research.

1.3 Structure of the dissertation

This doctoral dissertation consists of this summary and four empirical sub-studies. Each of the sub-studies have had their particular research questions and focuses; the task of this summary is to provide answers to the above research questions by re-examining the findings of the sub-studies. The first sub-study explored the possibilities for CSOs working with offenders in three Nordic countries (Finland, Norway, Sweden) and in one Anglophone jurisdiction (Scotland) to pursue their missions while cooperating with and providing services to public authorities. The second sub-study continues from this topic by offering a more detailed comparison of whether and how the differently-marketized public service systems and criminal justice environments manifest in the abilities of one Finnish CSO and one New Zealand CSO to pursue their value-based missions. The third sub-study examines the views of representatives from CSOs working with victims of crime in relation to the increased role of the state in providing victim support services and how, if at all, this may impact the position of the examined CSOs. Finally, the fourth sub-study examines the possibilities of CSOs to participate in Finnish criminal policy in the context of law-drafting. The common thread in all of these sub-studies has been in the scrutinization of the possibilities for CSOs to bring their particular views and inputs in the system of criminal justice.

These sub-studies are presented in full at the end of this summary, which broadens the theoretical background, contextualizations, explanations on methods and data as well as presenting a discussion of the findings offered in the sub-studies. After this introduction, I present the theoretical perspectives I have used to understand the role of CSOs in society; examine how the roles of CSOs appear in practice in Anglophone and Nordic countries in general; and more specifically how the roles of CSOs working with both offenders and victims can be perceived in the countries examined in the sub-studies. Chapter 3 discusses advanced liberalism (Rose and Miller 2010; Miller and Rose 2010) and marketization, which have

offered a framework for understanding the relationship between the state and CSOs, especially as described in sub-studies I and II. In this chapter I will also examine previous research in relation to marketization and CSOs in criminal justice. Chapter 4 examines what kinds of contexts the criminal policy environments offer for CSOs working with offenders and victims to pursue their values in the countries examined in the sub-studies. This contextualization is important for all the sub-studies, however, particularly for sub-study IV. This chapter ends with a review of previous literature concerning the role of CSOs in criminal justice decision-making processes. After this, I will discuss the data and methods used in chapter 5 and, afterwards, I summarize the main findings of the sub-studies in chapter 6. Chapter 7 discusses the findings of the sub-studies in relation to the main research questions posed in this summary. The study concludes with chapter 8, which summarizes the main findings and considers the contribution of this study to future research in the scholarship of CSOs and criminal justice.

2 Civil society

This chapter conceptualizes that the fundamental role of CSOs in society can be understood to be the cultivation of values and attainment of societal change according to those values (Reuter et al. 2014: 77). I will also illustrate that in the Anglophone countries, CSOs have mostly operated through the provision of services, whilst in the Nordic countries, the representation of certain interest has been understood to be a more salient role of CSOs. Finally, I will examine the kinds of CSOs that work with offenders and victims in the countries examined in the sub-studies and discuss how the tasks of these CSOs relate to the general characterizations of CSOs in their countries. I will illustrate that in the Anglophone countries, these CSOs have a somewhat more prominent role in working on behalf of the public sector; while in the Nordic countries, CSOs operate more often in complimentary roles. There are exceptions to this generalization such as the current roles of victim support organizations, though.

2.1 Civil society organizations and their role in society

Any study that seeks to understand civil society or CSOs in criminal justice must also try to understand the meaning of the concepts ‘CSO’ and ‘civil society’. This is a difficult task and it becomes even more complicated when conducting comparative research. The difficulties stem from the heterogeneity of the actors in ‘civil society’, from the politically value-laden understandings about the roles that CSOs should fulfil in society (Taylor 2011: 4-5) and from the various disciplinary backgrounds that researchers in this area have. Therefore, when researching civil society or CSOs, one should be aware that understandings of these terms vary.

Nonetheless, some common ground is possible to find. Scholars today largely agree that ‘civil society’ refers to a sphere or ‘arena outside of the family, the state, and the market where people associate to advance common interests’ (Heinrich and Malena 2008: 7). It is also generally accepted that the key functions of the sector relate to advocacy, services and support as well as to social integration (Freise and Hallman 2014: 6), despite the fact that not every actor in the sector is engaged in all of these activities. Furthermore, this sector is often understood to consist of

more or less organised entities, which include some voluntary enterprise, independence from government and not-for-profit goals (Anheier and Salamon 2006: 95; Salamon and Anheier 1998: 216). Nevertheless, different researchers emphasize the diverse characteristics of the sector, which is also reflected in the terms used to describe it. For example, the term ‘voluntary sector’ focuses on volunteer effort, ‘non-governmental sector’ on independence from the government, ‘third sector’ on the sector’s service-provision capacity and the ‘non-profit sector’ on the absence of profit distribution (Halfpenny and Reid 2002: 535-536). In addition to these commonly used definitions in the Anglophone countries, there are numerous other names that are used to describe the sector in other languages, which again highlight certain characteristics of the sector. For example, in Swedish and sometimes in Finnish too, the sector is referred to as the ‘ideological sector’ (*ideell sektor*’ and *aatteellinen sektori*’ respectively) (Helander 1998: 37-38).

This multiplicity of the terms used to describe the sector reflects its factual heterogeneity as well as the diversity in the understanding of its purpose and nature. By factual heterogeneity, I mean that some CSOs may be almost corporate-like, national, service-orientated and perhaps be even run by paid-staff with a majority of their income derived from service-delivery to the public sector. On the other hand, others may be small, local, groups focused on campaigning, which rely on volunteerism and private donations. This plurality is demonstrated, for example, by Tomczak (2014; 2017) in the context of CSOs working with offenders in England and Wales.

In addition to this factual heterogeneity, the conceptual diversity on CSOs is great. For example, some scholars emphasize *the political* nature of civil society, which indeed has played an integral part in conceptualizing civil society from the very beginning when something such as ‘civil society’ had begun to take shape in Western thought (Ehrenberg 1999: xi; Kumar 1993). In this context, and especially in the 18th century when the idea of the modern form of the state emerged, civil society began to signify ‘the other side’ of the state, a domain that resists the intrusion of the state (Giddens 1991: 151). Thus, the notion of civil society as a counterbalance to the state developed, although it has been critiqued, for example, by Foucault who pointed out that this kind of operationalization is not viable in reality (Foucault 1988: 168-169).

Today’s understanding of civil society largely resonates with the ideas of Alexis de Tocqueville, who conceptualized civil society as mediating organizations between the individual and the state blending personal interests and common good (Tocqueville 1840/2009; Ehrenberg 1999: 162-164). For de Tocqueville, voluntary associations were crucial elements of democratic society as they taught citizens to cooperate with each other to pursue common goals. Consequently, the political

nature of civil society can be seen as referring to the democratic and interest representations functions of CSOs.

De Tocqueville's ideas have also served as a basis for understanding the role of CSOs as *generators of social integration and trust*. For example, Robert Putnam, one the most influential contemporary civil society scholars, has highlighted the importance of voluntary associations in the generation of social capital – connections among individuals that foster trust and cooperation for mutual benefit (Putnam 2000:19, 1995: 665). In this theorization, CSOs offer the possibility for individuals to develop their social skills, expand their social networks and learn skills that are needed to advance social matters that are important them. Putnam asserts that by enabling the creation of social capital, CSOs also enable functioning democracy and can be understood as 'schools of democracy' (Putnam 2000: 338).

However, civil society researchers may sometimes concentrate more on the *services and support* CSOs provide and even omit the aspects of social integration and democracy in CSOs' work. For instance, Rochester (2013) suggests that British accounts of the voluntary sector – the more commonly used term for the sector in the UK – have tended to focus overly on philanthropy, whilst pursuits for social justice and other campaigning functions of CSOs have received considerably less attention. Nordic civil society scholars, for their part, have again focused much more on the interest representation functions of CSOs and their popular movement roots, although in certain areas CSOs have had held important roles as service providers and many new social services have originated from the initiative of CSOs (Vuorinen et al. 2004: 16). For instance, earlier Finnish civil society research in the 1980s and beginning of the 1990s concentrated on denoting the special historical functions of popular movements and welfare associations (Matthies 2000: 212).

The above-discussed diversity in the understanding of the main functions of CSOs has made it challenging for researchers to theorize or find a common definition for the 'ultimate' purpose or logic of the sector. Nonetheless, Reuter et al. (2014: 77; also Wijkström 2011) argue that if one only lifts their eyes from the empirical base, it is possible to distinguish a common denominator in the various actions of CSOs, which is '*to produce, articulate, disseminate and defend values, ideas and ideology with the aim of attaining normative change*'. Reuter et al. (2014: 77) contend that this could be understood as the fundamental role of CSOs. By contrast, the primary function of state-sphere agencies is to run public administration, corporations in the business sphere to make financial profit and familial and friendship networks to produce human-to-human relationships (Reuter et al. 2014: 76; Wijkström 2011: 29). This definition is, of course, an ideal type and in reality the boundaries between the different sectors are less clear-cut and occasionally, the logics behind the different arenas can interlace (Wijkström 2011:

30). However, such an ideal type is useful for highlighting the differences in the functions of different societal entities.

In doing so, conceptualizing the ultimate purpose of CSOs closely approaches theories of social movements. In effect, social movements theorists have identified the pursuit of social change or the opposition to change as key characteristics of social movements (Della Porta and Diani 2006: 20-21; Diani 1992; Diani and Bison 2004: 284). However, social movements differ from CSOs in several ways. Firstly, CSOs are networks of several actors reaching beyond specific organizations and, secondly, the change they seek is often in direct conflict with the interests of some other actors. Thirdly, while some CSOs may be wholly focused on the provision of services, this is not the case in social movements, rather their aim is always to seek larger social change (Della Porta and Diani 2006: 20-23). Nevertheless, CSOs and social movements can be understood to share the common aim of pursuing social change according to a shared value-base, although in the case of social movements, the pursuit of this change extends beyond individual CSOs.⁵

In this dissertation, I use the idea of CSOs' as producers and disseminators of values as a starting point for analysing the roles of CSOs in criminal justice. I am aware that this definition perhaps resonates better within some contexts than in others. However, taking into account the conceptual and factual heterogeneity concerning CSOs, this is probably inevitable.

2.2 The roles of CSOs in Anglophone and Nordic contexts: 'liberal' vs. 'social democratic' model

In addition to theories that have aimed to capture the ultimate purpose of civil society and its organizations, comparative civil society research has researched the roles of CSOs in different countries according to the tasks they are involved in. One of the most influential of these theoretical models is the so-called 'social origins' theory developed in the Johns Hopkins Comparative Nonprofit Sector Project (Salamon and Anheier 1998; Salamon et al. 2017). This theory, which has been inspired by the classifications of different welfare regimes (Esping-Andersen 1990; Titmuss 1974), finds that the extent and composition of the civil society sector in each country is a result of particular political, social and economic (power) relationships among key social actors – landed elites, middle-class, peasants, workers – at critical turning points in the country's history (Salamon et al. 2017: 6-8). By exploring the history of certain countries and testing the

⁵ Rochester (2013) has also highlighted the possible usefulness of using the conceptualization of social movements to understand the voluntary sector's work.

hypotheses with the empirical data provided by the John Hopkins project, Salamon and Anheier (1998) originally developed four and later five (Salamon et al. 2017), civil society models: traditional⁶, liberal, welfare partnership⁷, social democratic and statist. The traditional pattern has been associated with countries in the ‘Global South’ such as Kenya, Pakistan and Peru; liberal with Anglophone countries such as Australia, New Zealand and the UK; welfare partnership with central Europe countries such as Belgium, France and Germany; social democratic with Nordic countries such as Sweden and Norway – Finland being categorized as ‘a borderline country’ – and a statist model with former Soviet and Eastern Bloc countries or countries in Latin America such as Mexico, Poland and Russia, where civil society activities are constrained in many ways (Salamon et al. 2017: 94, 99, 103, 108, 111). I will explore the features of the social democratic and liberal models in more depth as they have been associated with the countries explored in this dissertation.

According to Salamon and Anheier (1998: 229), the typical features of the social democratic model are a high level of publicly produced welfare services and a small role for CSOs as service providers. In the social democratic model civil society sector is, however, still large and active and mainly run by volunteers and focused on interest representation, or so-called ‘expressive’ functions. Indeed, the dominance of expressive functions such as advocacy, the representation of interest, cultural and political expression over service functions such as the provision of health and social care services is regarded as one of the key defining characteristics that differentiates the social democratic from the liberal model (Salamon et al. 2017: 25, 110). Salamon and Anheier (1998: 230) contend that the prevalence of the social democratic patterns in the Nordic civil society sectors originates from the fact that in the Nordic countries working classes have been able to exercise relatively strong political power, which has led to the preference of the public sector over CSOs in the provision of welfare services. In fact, as social democracy became the dominant political ideology in the Nordic countries, the welfare provision offered by CSOs became unpopular and associated with a class society and the charity of upper and middle classes (Amnå 2006: 3).

Undeniably, the popular movements such as the labour movement have had an effect on the nature of Nordic CSOs. Nonetheless, the popular movement roots of some CSOs has not meant that the relationship between CSOs and the state is somehow polemic, although some of the popular movements of the 19th century were conflict-orientated (Selle and Wollebæk 2010: 290). On the contrary, the relationship between CSOs and the state has been characterized as close and harmonic as a result of shared values and goals between the movements and the

⁶This model was not included to the first paper of ‘social origins’ theory (Salamon and Anheier 1998).

⁷ Called ‘corporatist’ in Salamon and Anheier (1998).

state (Kangas and Palme 2005: 19; Wijkström 2011: 34). A strong loyalty to the state and state authorities is considered to be typical of Nordic civil society, especially in Finland according to Stenius (2010: 73). Nordic societies could even be portrayed as being traditionally ‘state-friendly’, a term that has been used to describe Norwegian society, where CSOs have promoted increased government involvement rather than characterizing the state as the opposition (Morken and Selle 1995). Furthermore, CSOs have been accepted as legitimate participants in policy discussions (Saglie and Sivesind 2018: 6; Trägårdh 2010: 235).

One example that symbolizes such legitimacy and the role of CSOs in decision-making – and perhaps the importance of CSOs’ expressive functions in Nordic civil society sectors – is the position that CSOs used to have in key institutions of policy making – state committees – in Finland and Sweden (Rainio-Niemi 2010). However, at least in Finland, state committees have virtually disappeared due to demands to speed-up regulatory preparation (Rainio-Niemi 2010: 261; Slant and Rantala 2013: 20). In turn, the nature of CSOs’ participation, which now consists more and more of written consultations, has become more scattered, narrower and arbitrary (Rainio-Niemi 2010: 262).⁸ Nevertheless, a recent study discovered that Finnish interest groups still consider membership in extra-parliamentary working groups important. In reality, however, the opportunities for CSOs to participate in legislative drafting consist mainly of responding to consultations, which are not viewed as very effective means of influencing policy (Vesa et al. 2018: 252; Vesa and Kantola 2016: 17, 19).

In the UK the relationship between the state and CSOs has been described as more remote than in the Nordic countries (Kendall and Knapp 1996) and, according to Salamon and Anheier (1998), the strong position of the middle classes has led to a preference for welfare provided by the voluntary sector in liberal civil society regimes. Salamon et al. (2017: 86-87) link the advent of the liberal civil society model in the UK to the 17th century and the emergence of a wealthy bourgeoisie that benefited from the growth of trade and called for limits on government interference. This development enforced the role of charity distributed by the elite and middle classes to the poor (Taylor 2004: 126; Kendall and Knapp 1996). This *status quo* became seriously challenged only during the so-called welfare state period, when the state dominated the provision of welfare services. Yet, this period was relatively short in the UK in comparison to the Nordic countries. Thus, CSOs reassumed their roles as providers of welfare services in many areas towards the end of 20th century in the UK (Taylor 2004: 132-133). This shift in roles was even advocated by some influential representatives of the CSOs (Ibid: 129).

⁸ It should be noted, however, that the state committees tended to favor the most powerful associations (Rainio-Niemi 2010: 262).

The difference in the service and expressive functions of CSOs in liberal and social democratic civil society models is reflected in the sources of CSOs' finances. For instance, whereas public-sector funding constituted between 29 and 36 percent of the budgets of the Finnish, Norwegian and Swedish CSOs from 1995–2000, it accounted for 47 percent of funding in the UK (Salamon et al. 2004; see also Salamon et al. 2003: 34-39; Sokolowski and Salamon 2017: 149). The higher share of public sector funding implies a stronger role of service provision in CSOs.

New Zealand may also be categorized under the umbrella of liberal civil society regimes, although the history of the sector is to some extent different than in the UK. In the early 20th century, the sector even had certain Nordic traits such as a more limited role in service provision during the prime of the New Zealand welfare state (Tennant et al. 2008: 19-20). Expressive functions have also played a strong role in New Zealand's civil society sector, which is still reflected in the composition of its CSOs. This makes it more challenging to categorize New Zealand as a liberal civil society regime. (Sokolowski and Salamon 2017: 147, 153) Nevertheless, the influence of neoliberal policies – examined more closely in chapter 3 – and the state's consequent withdrawal from the function of being the main provider of welfare at the end of 20th century has denoted a move closer to a liberal civil society regime (Sokolowski and Salamon 2017: 157; Tennant et al. 2008: 26, 37).

In sum, there are some differences in the roles assumed by CSOs in the Anglophone and Nordic countries. However, the description provided here is on a very general level and as Tennant et al. (2008: 36) have pointed out, the general characterizations of certain civil society regimes may be more fitting for a certain period of time than others. Furthermore, as already noted, the social democratic model may be more suitable for describing CSOs in some Nordic countries than others. Salamon et al. (2017) contend that Finland differs from the description of the social democratic model in the sense that its share of volunteer work force is lower in comparison to the average of the other countries corresponding to the social democratic model (Salamon et al. 2017: 108, 110). The higher share of employed staff in CSOs may mark a move towards a more service-orientated civil society sector. In effect, the roles of Finnish CSOs seem to have diverted from the Nordic tradition of less service provision orientated CSOs, particularly in the 1990s and early 2000s. For example, while the Swedish CSOs as providers of social welfare services remained at a little over three percent between 1990 and 2000, the share of Finnish CSOs as providers of social welfare services increased from around 11 percent to 18 percent⁹ (Matthies 2006: 96). In 2006, Matthies remarked that CSOs have been pushed to expand their service provision to the area of

⁹ Measured by the share of employees.

standardized mainstream services (Ibid: 99) whereas traditionally the service provision of CSOs has focused on so-called special groups, for example, groups of people who have multiple persistent problems that are difficult to address through mainstream services (Vuorinen et al. 2004: 19).

Whereas Finnish CSOs have faced significant competition from private companies impacting their share in service provision negatively since this observation was made, a point which will be more fully discussed in chapter 3.2, the analysis of Cepel (2012) supports conclusions reached by Matthies. By analysing the position of CSOs in the Finnish town of Joensuu, Cepel (2012: 347) concluded that they would be more fittingly described through the liberal model of state-civil society relationships than through social democratic or complementary models.¹⁰ Also, Norwegian researchers have claimed that the use of the social democratic model to describe Norwegian civil society is misleading. Selle and Wollebæk (2010) have argued that Norwegian CSOs are not simply expressive but Norway also has a strong tradition of welfare orientated CSOs.

In effect, Salamon and Anheier (1998) and Salamon et al. (2017) have mostly relied on information about Sweden to illustrate the characteristics of the social democratic model and they have less closely examined other countries associated with this model. A further problem in understanding the character of civil society through these broad theoretical models is connected to possible local variations in the relationships between CSOs and the public authorities. These relationships are particularly important in the Nordic countries due to the tradition of strong autonomy of local authorities. In effect, Arvidsson et al. (2018) have shown that it is possible to find three different civil society regimes in Swedish cities: liberal, corporatist and social democratic. According to Arvidsson et al. (2018), in liberal civil society regimes CSOs were invited to engage in the local welfare market in order to diversify the range of actors in that market, in corporatist regimes CSOs were viewed as special kinds of partners in particular service areas and in social democratic regimes CSOs were regarded mostly as complimentary actors and subordinate to public service production.

Therefore, while the broad theoretical models of state civil society relationships in different countries are useful for illustrating some differences in the position of CSOs on a broader level, in reality, finding one perfect model to accurately describe the role of CSOs in any one country may be problematic. Social origins theory is also based on data from the 1990s and early 2000s, which may be less appropriate for describing the current roles of CSOs due to the developments that

¹⁰ Of the other Nordic countries, neither Denmark nor Iceland fit perfectly in the social democratic model either due to the fact that CSOs have had larger roles in service provision despite sharing other characteristics of the social democratic model (Hrafnadóttir 2006; Olafsson 2003: 11-12; Boje et al. 2017: 211-222).

CSOs have undergone at the turn of the new millennium. I have already touched on these changes in this chapter, but I will examine them in more detail in chapter 3.

2.3 CSOs working with offenders and victims in Anglophone and Nordic countries: ‘liberal’ and ‘social democratic models’ in practice?

The above characterization of the roles of CSOs in the Anglophone and Nordic countries could suggest that CSOs have a limited role in providing services to offenders and the victims of crime in the Nordic countries but a larger role in the Anglophone societies. By contrast, the Nordic CSOs could be more orientated towards interest representation and political work, which is to a certain extent true. For example, during the heyday of the welfare state, the role of Nordic CSOs became more limited in terms of services when certain support and services provided to offenders by Finnish and Swedish CSOs became incorporated to the state’s duties (Huhtala 1984; Svensson 2004: 62-63). However, many new CSOs working with offenders have emerged in the Nordic countries at the beginning of the 2000s. Furthermore, as elsewhere, CSOs already began to offer services to the victims of crime at the latter half of the 20th century. In this chapter, I introduce some of the main CSOs working with these groups in the countries featured in the sub-studies of this dissertation and examine the nature of their work. The purpose is not to provide a comprehensive description of the penal voluntary sectors nor the CSOs working with victims in these countries as this would require an entirely new research. Instead, I describe some of the most well-known CSOs, which have been examined in detail in the sub-studies of this dissertation.

2.3.1 CSOs working with offenders: Finland, Norway, Sweden, New Zealand and Scotland

In all the above-mentioned countries there are similar types of CSOs working with offenders, albeit with certain different emphases. For example, the Nordic penal voluntary sectors differ from the Anglophone sectors examined in sub-studies I and II in the respect that the so-called ‘peer support organizations’ play a more prominent role in offering support and services to (ex-)offenders. The first of these types of CSOs was the *Swedish KRIS* established in 1997 (Svensson 2004: 65). Similar associations were later founded in Finland in 2003 (Finnish KRIS) and in Norway in 2002 (WayBack)¹¹ (KRIS 2019). In addition, in 2009 the Swedish KRIS split and another peer support organization, *X-CONS*, was established (X-

¹¹ Information from interviews conducted for sub-study I in 2013.

CONS 2019). The Swedish KRIS and X-CONS have multiple local associations around Sweden, whereas the *Finnish KRIS* and Norwegian *WayBack* have fewer. The core activities of these CSOs form around peer support provided by ex-offenders to current prisoners or recently released ex-prisoners with the aim of helping them establish crime and drug-free lives after prison. Much of the work is based on volunteer efforts, but they also receive grant funding from the public sector and employ a limited number of staff. These Finnish and Swedish peer support organizations also provide (or at least have provided) service provisions to municipalities, which buy, for instance, drug rehabilitation or housing services from them. Interest representation and advocacy are important functions of these organizations' work as well, both at local and national levels. For instance, Swedish CSOs participate in *Almedalen Week*, which brings together political parties, public authorities, CSOs and many other organizations to discuss current political issues (Almedalsveckan 2019). Other important means for having an impact at the national level include responding to consultation requests sent by the government and at the local level, for example, by speaking at schools.¹²

KRITS – Finnish Foundation for Supporting Ex-offenders – is also one of the core, if not *the* core CSO that focuses on working with offenders in Finland. It was established in 2001 and is a continuator of the defunct Finnish Prison and Probation Association, which was a quasi-governmental association that was especially focused on aftercare and probation work (Huhtala 1984). Today, a large share of *KRITS*' work is constituted of the provision of supported housing services to released prisoners, which are bought by municipalities in southern Finland. In addition, it has support services for offenders with learning difficulties and the families of prisoners. It also coordinates cooperation between other CSOs that work with offenders. *KRITS* has a role as an interest representative as well and is regularly consulted by the government on criminal policy issues. It has very few volunteer-led activities and instead it operates mostly on paid staff (*KRITS* 2019).

Furthermore, there are support organizations for the relatives and children of prisoners in which peer support is an important element of their work such as *Buff* in Sweden, the *Organisation for Families and Friends of Prisoners* in Norway and *VAO ry* in Finland (Buff 2019; FFP 2019; VAO 2019). There are also other smaller CSOs working with offenders, though perhaps only locally, such as Christian organizations that arrange prison visitations and large, more generalist CSOs, which provide activities or services targeted at offenders in addition to their other functions. These include, for instance, the *Red Cross* and *Salvation Army* (Frelsesarmeen 2019; RedNet 2019). In Sweden the *Riksförbundet Frivilliga Samhällsarbetare* is also an important organizer of volunteer visitors in prisons and

¹² Information from interviews conducted for sub-study I in 2013.

of the so-called lay supervisors¹³ for those on probation or parole (RFS 2019). As in many countries, the exact number of CSOs working with offenders is unknown in these three Nordic countries.

The same is also true in New Zealand and Scotland; it is difficult to determine the exact number of CSOs working with offenders. However, as in the Nordic countries, in both New Zealand and Scotland, there are large generalist social service CSOs that provide services targeted at offenders as well as Christian organizations such as *Prison Fellowship* (PFNZ 2019; Prison Fellowship Scotland 2019). In addition, there are CSOs focused on the families of offenders such as *Families Outside* in Scotland and *Pillars* in New Zealand (Families Outside 2019; Pillars 2019). Furthermore, there are groups that have focused specifically on Māori clients in New Zealand (Corrections New Zealand 2013). However, the character of the ‘key’ CSOs working with offenders in these countries is somewhat different than in the Nordic countries in the sense that the majority of the work of *Apex* and *Sacro* in Scotland and *PARS Inc* in New Zealand, consists of delivering various types of rehabilitation services on behalf of authorities (Apex 2018; PARS Incorporated, 2017; Sacro 2018) and, in certain cases, even community punishments (Sacro 2019). Nevertheless, both Apex and Sacro, at least, also use volunteers and conduct advocacy work, for example, by responding to government consultations.¹⁴

This brief account of these CSOs suggests that some features of liberal and social democratic civil society models appear in their penal voluntary sectors, too. The evidence on cooperation between CSOs and prison and probation administrations in these countries further supports this view. For example, the Swedish Prison and Probation Service has specified in its 2003 guidelines for cooperating with civil society that ‘*the basic principle for cooperation with CSOs should be that work for the public good is done without payment for individual services*’ and that ‘*cooperation should rest on reasons other than economic*’¹⁵ (Kriminalvården 2003: 4). The new guidelines from 2018 do not highlight the non-economic nature of cooperation as much as the older ones do, but they still state that only those services that are customized for the Prison and Probation Service can be financially remunerated (Kriminalvården 2018: 4). Based on these views, the Swedish Prison and Probation administration may buy some services from a CSO, however, this should not be the primary form of cooperation. Nevertheless, the Swedish Prison and Probation Service distributes grants annually to CSOs working inside prisons and to ex-inmates after their release. All of these grants are

¹³ *Lekmannaövervakare* in Swedish.

¹⁴ Information from interviews conducted for sub-study I in 2013.

¹⁵ Translation from Swedish by MH.

general grants and not directed for specified purposes. In 2018 the amount of available grants was about 1, 5 million euros (Kriminalvården 2017).

The Norwegian Correctional Services also allocates grant funding for CSOs that contribute to the rehabilitation and reintegration of offenders. In 2017 the amount of available grant funding was about 325 000 euros (Kriminalomsorgen 2017). The Norwegian Correctional Services does not impose specific guidelines for cooperation with CSOs, however, in a report looking into collaboration with CSOs, it emphasized that CSOs should not perform tasks that replace public sector work but should only support the work of authorities (Kriminalomsorgen 2011: 2).

The Finnish Criminal Sanctions Agency has not made similar statements about its preference for cooperation between CSOs, prisons and probation agencies. Further, it has only briefly stated in its current strategy that cooperation with CSOs, as with other actors, will become more important in future and that CSOs are partners in creating opportunities for inmates to reintegrate into society (Rikosseuraamuslaitos 2011: 2,7). In practice, however, the services provided by CSOs in Finnish prisons are complimentary by nature and differ from what the public sector provides. The Finnish Criminal Sanctions Agency itself does not distribute grants to CSOs but sometimes will contract CSOs to deliver rehabilitative services. For instance, as explained in sub-study II, KRITS has sold specialized social services to Finnish prisons upon the request of the Criminal Sanctions Agency. Furthermore, the Criminal Sanctions Agency recently organized a competitive tendering for arranging art projects in prisons, which were then awarded to two CSOs (Rikosseuraamuslaitos 2017).

Neither the Scottish nor New Zealand prison and probation authorities have made statements regarding their preferred form of cooperation with CSOs. However, contracting CSOs to provide criminal justice services is common in both countries and in New Zealand CSOs have a long tradition of working alongside prisons and providing various rehabilitation services to them on a financial basis (Buchan 2016: 209-211; Mills 2015; Tennant 2004). For example, between 2010 and 2013, the Scottish Prison Services purchased services from CSOs worth of around 8, 4 million euros, which, however, in the British context, is evaluated as 'relatively modest in financial terms' (Garside et al. 2013: 21), and New Zealand Corrections uses results-driven contracts for partnering with CSOs (Corrections New Zealand 2013). Although contracting CSOs to deliver services for criminal justice authorities seems to be more common in New Zealand and in Scotland, this does not mean that cooperation between CSOs and prisons is limited to the purchase of services, though. For example, Scottish CSOs also provide services to prisons and local authorities with government grant funding (Garside et al. 2013: 21).

2.3.2 CSOs working with victims of crime: Finland and Norway

Norway is an exception among many countries in the sense that general victim support services are provided by a state agency – *Rådgivningskontorene for kriminalitetsofre* – and not by a CSO such as Victim Support in the UK. However, there are many CSOs that provide specialized victim support services in Norway. One of the most important types of support is provided by the so-called ‘crisis centre organizations’, which work with victims of intimate partnership violence. As in many other countries, these CSOs provide temporary housing, counselling, other support and some also offer legal assistance (Bufdir 2018a). The Norwegian crisis centres originate from the feminist women’s movement and, originally at least, were only open to women. Early on, they have received public funding from the state and local authorities, but in 2010 crisis centres became a statutory responsibility of the municipalities when the Crisis Centre Act (2009-06-19-44) was introduced. Today, Norwegian crisis centres must be open to men, too. Crisis centre services are also provided by municipalities themselves or municipal partnerships. As a result of the new legislation, CSOs providing crisis centre services have become increasingly attached to public services, which is perhaps the peak of a process that has been going on for years (Stefansen 2006). Nonetheless, many crisis centre providers are still members of the *Krisesentersekretariatet*, a CSO that is an umbrella body for crisis centres and focused on advocacy and raising awareness of violence against women (Bufdir 2018b; Krisesentersekretariatet 2017). Before 2015 there was also another umbrella organization for crisis centres, *Norsk Krisesenterforbund NOK!*, which had a more gender-neutral perspective to violence opposed to the feminist *Krisesentersekretariatet* (Laugerud 2014: 289).

CSOs are important providers of support and services to survivors of incest and sexual abuse in Norway. In 2015 there was 22 such centres around Norway, the majority of which were members of the umbrella organisation *FMSO* (FMSO 2015: 3). The help offered by these centres consists mostly of different kinds of counselling and self-help groups (FMSO 2019). The centres have a professional staff and very few, if any, volunteers.¹⁶ Among other tasks, the umbrella organization *FMSO* operates as a link between the different incest and sexual abuse centres and represents them in relation to authorities and the media (FMSO 2019). In addition to the previously discussed CSOs, other CSOs working with victims in Norway include, for example, the National Association Against Sexual Abuse *LMSO*, the National Association for Victims of Violence and Stine Sofie’s Foundation (*Landsforeningen for voldsofre* 2019; *LMSO* 2019; Stine Sofies Stiftelse 2019).

¹⁶ Interview with *FMSO* in 2014.

In Finland general victim support services are provided by *Victim Support Finland*, which is a CSO that has practical and psychological support services for victims in 31 different locations in addition to online and hotline services. Victim Support Finland also aims to influence policy, for instance, by giving statements, via memberships in different working groups and public debates concerning the position of the crime victim (RIKU 2019). Previously, funding for Victim Support Finland came mostly from grants from *Veikkaus*¹⁷ (Honkatukia 2011b; Tuorila and Siltaniemi 1999), but nowadays, after the implementation of the Victims Directive (2012/29/EU), the Finnish Ministry of Justice issued a public service obligation to Victim Support Finland for providing general victim services until 2027. Victim Support Finland employs social work professionals but also utilizes a considerable number of volunteers, too (RIKU 2019).

A large share of services for victims of intimate partnership violence are provided by CSOs in Finland as well, many of which are members of the umbrella organization, the *Federation of Mother and Child Homes and Shelters* (Ensi- ja turvakotien liitto 2019; THL 2018). As in Norway, these services consist mostly of temporary housing and other support. Before 2015 these services were bought by municipalities, which could use their discretion in deciding how they responded to the needs of victims of intimate partnership violence, however, the distribution of shelter services was uneven within the country (Laine 2010b). The responsibility to fund shelter services was shifted to the state in 2015 with the intention of making shelter services more comprehensive throughout Finland (Act 1354/2014). The Federation of Mother and Child Homes and Shelters is focused on advocacy and interest representation as well as offering information about domestic violence to different professionals. The Federation has maintained a gender-neutral approach to domestic violence (Heinänen 1992: 84) unlike shelter movements in many other countries.

Furthermore, Rape Crisis Centre *Tukinainen* provides support for victims of sexual violence in Finland, although it is a much smaller organization than the Federation and Victim Support Finland. *Tukinainen* also acts as an interest representative of victims of sexual violence, for example, by responding to consultations and training professionals working with victims of sexual abuse. It is funded with grants from the aforementioned *Veikkaus* (Tukinainen 2019). In addition to these, other important CSOs working with sexual abuse victims in Finland are, for example, *Women's Line*, *MONIKA – Multicultural Women's*

¹⁷ *Veikkaus* is a successor of the Finnish Slot Machine Association, which has had a monopoly on slot machine and casino gaming operations in Finland since 1930s (Myllymäki and Tetri 2001: 12). A considerable share of its profits are distributed to Finnish CSOs in the area of health and social welfare by a sub-section of *Veikkaus*, *STEA* (Funding Centre for Social Welfare and Health Organisations) (STEA 2019).

Association, HUOMA– Association for Families and Friends of Homicide Victims in Finland, Finland's Delfins and Pro-tukipiste (HUOMA 2019; MONIKA 2019; Pro-tukipiste 2019; Suomen DELFINS ry 2019; Women's Line 2019). Moreover, in 2017 the first public support service for victims of sexual violence was established in Helsinki and there are plans to launch more, similar support services in other Finnish municipalities, too (Lundell 2018: 39).

This description of the tasks of Finnish and Norwegian CSOs working with victims indicates that they have significant roles in providing support services for victims. In addition, the work of certain CSOs can now be considered to be more and more as work on behalf of the public sector as the public sector has taken more responsibility in arranging and funding victim support services. This trend is not unique to Finland and Norway and is present in other countries where CSOs rely on government funding and are used to fulfil national or international obligations. For example, Gallo et al. (2018: 12) note in their analysis of Victim Support Sweden that while the organization can still be regarded as auxiliary, it has recently taken on the role of substitute as well, meaning that the organization has assumed tasks that have previously been or could be provided by the state.

3 Advanced liberalism

In order to understand the political and ideological context in which CSOs operate today in many industrialized Western countries, I will now examine the idea of advanced liberalism (Miller and Rose 2010; Rose 1996, 1999; Rose and Miller 2010) and whether it is still applicable for understanding the relationships between the state and the CSOs. I focus especially on marketization, which is understood to be a particular technology of advanced liberalism (Castree 2008: 142; Rose 1996: 54, 1999: 151) as well as how it presents itself – if at all – in the civil society sectors of the countries examined in the sub-studies. The analysis of the current research on marketization and CSOs shows that marketization is particularly relevant to the CSOs in the Anglophone countries and also to CSOs in Finland where the effects of marketization appear greater than in its Nordic neighbours. After this I will look at previous research that has examined the possibilities of CSOs working with offenders and victims of crime to maintain their values and autonomy in the context of neoliberal state. This section will demonstrate the fairly recent nature of this research and that studies problematizing the relationship between public sector cooperation and the CSOs' missions have been rare in the Nordic countries, especially in Finland.

3.1 Advanced liberalism, marketization and responsabilization

I ended chapter 2.2 by stating that at the end of the 20th century there have been important changes in the relationships between CSOs and the state, both in the Nordic and Anglophone countries. By changes, I referred to the emergence of advanced liberalism – sometimes also called 'neoliberalism' – as the predominant ideology of societal rule. The idea of advanced liberalism is based on Foucault's writings on governmentality, where he argues that modern states use different institutions, procedures, tactics and so forth to make non-state actors more 'governable' and inclined to the will of the ruler in a way that respects their autonomy and individual rights (Foucault 1991; Miller and Rose 2010; Rose 1996, 1999; Rose and Miller 2010). By following Foucault's ideas, Miller and Rose

distinguished three different governmentalities in the history of the modern state consisting of particular *rationalities*, which refer to prevailing understandings about how society should be governed, for example, what are the appropriate forms and objects of politics and how should different tasks be divided between different societal sectors (Rose and Miller 2010: 273). In addition, each governmentality applies certain *technologies* meaning ‘*the complex of mundane programmes, calculations, techniques, apparatuses, documents and procedures through which authorities seek to embody and give effect to governmental ambitions*’ (Ibid: 273).

The first era of governmentality was the time of liberalism when the illusion of a totally administrated society was abandoned and the idea of civil society (which at the time included both the markets as well as those entities that reflect the current understanding of the term), an area outside of the state and politics and a counterbalance to the state emerged (Rose and Miller 2010). The popular idea then was that the sovereign should restrict its interventions on the markets as the ruler lacks the knowledge of those markets and should only secure their free operation instead (Burchell 1991: 134). According to Miller and Rose (2010: 296), the second era of governmentality arose as a response to the harms that the fairly unregulated markets of liberalism had caused to employees, for instance and to the fear created by the rise of communism. The state then adopted a greater role in regulating the markets and offering social protection to its citizens compared to liberalism. The state became the ‘social state’, or as it is more familiarly known, the welfare state. Social insurance, which collectivized the responsibility for unemployment, sickness and injuries, is one of the technologies that embody the logic of the welfare state. (Miller and Rose 2010: 295-299; Rose and Miller 2010: 288-295)

Finally, the third era of governmentality – advanced liberalism – began in modern Western states at the end of the 20th century. It consists of ways of thinking, which similarly to liberalism, regarded the interventions of the state as problematic as they hindered the free operation of the markets and economic growth, thus making citizens overly dependent on the state by eroding other forms of social support. In order for the state to govern better, it should allow more freedom for markets, communities and individual citizens to create wealth and take action on behalf of their wellbeing. The state should organize its policy in a way that enables markets to exist and restructure itself according economic logic, while ensuring the sustainability of enterprises and competition. The role of the state would ideally be only to secure a framework of law and order. This did not mean a return to laissez-faire liberalism, rather the state would have to adopt an active role as an enabler of the markets as well as supporting individuals to take charge of their own government. The ‘social state’ was now transforming into an ‘enabling’ or ‘facilitating state’ (Rose 1996, 1999: 142; Rose and Miller 2010: 295-298).

The endorsement of these ideas around the world, especially in the Anglophone countries, but also elsewhere, including the Nordic countries, has led to the use of different technologies to advance the described rationalities of advanced liberalism. Castree (2008: 142) has classified five such developments or technologies that have been used to advance freedom of the markets and economic logic in state administration: privatization, deregulation, reregulation, the construction of flanking mechanisms in civil society – meaning ‘*the state-led encouragement of civil society groups (charities, NGOs, ‘communities’, etc) to provide services that interventionist states did, or could potentially, provide for citizens*’ – and marketization. Often cited examples of the introduction of such technologies are Thatcher’s and Reagan’s governments in the UK and United States in the 1970s and 1980s, which, for example, privatized public enterprises, reduced taxes and access to social security, encouraged private enterprise and attacked trade unions and other forms of social solidarity that were seen to jeopardize competitive flexibility (Harvey 2007: 23). However, the way in which neoliberal rationality has been exercised is dependent on cultural and institutional factors that produce variable results in different nations (Bell 2011: 6; see also Clarke et al. 2007). The Nordic countries have often been considered resilient to the institution of neoliberal reforms (Abrahamson 2010: 80). Nevertheless, social benefits have gradually become less generous since the 1990s (Ibid) and at least in Finland there has been a shift from the welfare state to a ‘competitiveness state’, which implies that Finnish social policy solutions have been designed in a manner that supports economic growth (Saari 2006: 105-106). Accordingly, Finnish social policy since the 1990s has incentivized individual’s self-reliance rather than compensating income loss or providing care (Jutila 2011: 197; see also Abrahamson 2010: 82).

Another distinctive manifestation of insertion technologies typical to advanced liberalism in Finland and in other Nordic countries has been the turn from publicly provided welfare service to the use of private enterprises and CSOs as service providers through marketization. Marketization broadly refers to the intertwining of the state and markets (Aalbers 2009 cited in Hendrikse and Sidaway 2010: 2039) or ‘market-based restructuring of the state’ (Birch and Siemiatycki 2016: 177), which has profoundly altered the way in which the public sector agents regard their role and the role of private enterprises and CSOs in the provision of welfare and security to citizens. It has meant that as the state sought to reduce its direct involvement in the provision of certain services, it had begun to either privatize some of its operations or establish new ‘quasi-markets’. Secondly, marketization has meant that public agencies have adopted market-like practices and principles in the delivery and management of public goods. (Anttonen and Meagher 2013: 17; Birch and Siemiatycki 2016: 185). Indeed, although marketization usually involves competition and the use of private organizations

(for-profit companies and CSOs) for the delivery of services, it can also be seen in the practices and principles imported from the private sector to public sector management (Anttonen and Meagher 2013: 17). Such practices and principles are, for example, principles of efficiency and inefficiency and framing the markets efficiently from the beginning as they include competitive pressure leading to incentives to reduce costs and meet consumer demand. By contrast, a state without markets is regarded as inefficient. Thirdly, the principle of value for money became the primary goal of policy making above all other objectives and; fourthly, the principles of responsibility and accountability refer to the way in which market-based instruments are framed as individually liberating and inherently responsive to consumer demands. (Birch and Siemiatycki 2016: 187-188)

Perhaps the most notable illustration of these principles is the New Public Management (NPM) style of public administration, which became increasingly popular in many countries in the 1980s and 1990s. NPM emphasises clear standards, measures, evidencing of outcomes, the separation of provision and the production of services as well as the use of private sector management tools and competition in the public sector (Christensen and Laegreid 2011: 2-4; Hood 1991: 4-5; Klijn 2012: 3-4; Osborne 2006: 378-379; see also Pollit 2003: 27-28). In Finland, concrete illustrations of NPM and marketization include different outsourcing models such as different procurement procedures (e.g. open procedure procurement, direct award and framework agreements), purchaser-provider models and voucher systems (Karsio and Anttonen 2013: 97). In the case of CSOs, marketization is often evidenced in the shift from grant funding used to support basic or specific operations of the CSO (e.g. certain project) to practices where authorities purchase a certain service from a CSO on a commercial basis (Johansson et al. 2015: 1612). In the latter case, the content of the work of CSOs is more strictly defined and derives more from the needs of the funder than from the initiative of the CSO.

However, some scholars have argued that the way in which states relate to and seek to engage with non-state actors has now moved beyond the paradigm of advanced liberalism. It has been argued that instead of an emphasis on competition and markets as ways of restructuring the state, governments have adopted alternative operational logics described as governance or New Public Governance (NPG) (Larsson 2017; Osborne 2006; Rhodes 1996, 2007; Torfing and Triantafillou 2013). The focus of governance is on cooperation, negotiation and (empowered) participation with different stakeholders to improve service delivery and policy formulation (Klijn 2008: 507-508, 2012: 8-9; Osborne 2006: 381-384). Larsson (2017) has suggested that governance signals the transition from advanced liberalism to 'collaborative governmentality', with its emphasis on cooperation, voluntary participation and equal partnerships. In Finland, practical examples of

this type of collaborative governance approach could be certain ‘innovative public procurement tools’ such as alliance and payment-by-results models. In these models, the suppliers and possibly also the users of the public service participate in the design of the service rather than the service being solely defined by the buyer (Tirronen and Rannisto 2016; Valovirta et al. 2017). The eldercare service *Kotitori* in the Finnish city of Tampere is one often mentioned and researched example of a service that has been created through innovative public procurement and which is understood to exemplify the logic of NPG (Hakari and Tynkkynen 2013; Karsio and Tynkkynen 2017; Valovirta et al. 2017).

Yet, although these types of models offer more flexibility than the NPM-style contracts, they have not meant that the marketization of public services would have ceased. For example, in Finland the idea that markets offer the best way of organizing various public services has long dominated public policy discourse, which was especially so during the Sipilä government from 2015-2019. The new Finnish government formed in summer 2019 may to some extent curb the marketization of public services and favour public sector provision over the private sector. Further, it also may introduce some changes to current procurement legislation (Act 1397/2016; Valtioneuvosto 2019: 107). Nonetheless, market-based principles and practices have become institutionalized in Finnish administrative practices and national legislation ever since the first Public Procurement Act was enacted in 1992 (1505/1992), insomuch that a complete halt of marketization is unlikely in the foreseeable future.

Therefore, although a shift from NPM to NPG has been suggested and is evident in new public procurement practices, whether this means a transition from advanced liberalism to something else such as ‘collaborative governance’ is not yet clear. NPG or governance is nonetheless grounded in the idea that the state is no longer able to govern alone but needs cooperation with the private and civil society sectors as well as with private individuals (Hakari 2013: 34). In effect, Brown (2015) considers governance as a product of neoliberalism, despite the fact that it was not part of its original ideological framework. One of the main reasons for this is that governance is not about collectivizing responsibility as it was at the time the social state, but rather it is about isolating and entrepreneurializing responsible units and individuals (Brown 2015: 129).

The way in which Brown (2015) understands governance comes close to the responsabilization, first noted by O’Malley (1992, 1996: 201), who indicated that at the turn of the millennium the role of state agencies had evolved to provide ‘empowering knowledge and skills’ about how to protect citizens against crime in the area of crime prevention. Later on, Garland (2001: 124) conceptualized this as a strategy by ‘which state agencies activate action by non-state organizations and actors’ in the area of crime control. Although the notion of responsabilization has

emerged in Anglophone discussions over the past couple of decades, Nordic countries have also begun to emphasize the role of non-state actors, CSOs and individual citizens in crime control. For instance, after introducing the national crime prevention programme *Everyone's Responsibility* in 1996 (Justitiedepartementet 1996), the Swedish state began to mobilize the participation of citizens for police tasks via neighbourhood watch and night-patrol initiatives (Uhnoo and Hansen Löffstrand 2018: 2). The same trend is also found in Finland, where governments have invested a great deal of effort in local crime prevention and the activation of communities after the introduction of the 1999 crime prevention strategy, for example, via 'neighbourhood help' or 'safety walks' (Järg-Tärno and Henriksson 2016; Koskela 2009: 251). Engaging citizens and CSOs for the purpose of crime prevention continues to be a subject of considerable attention in the current Finnish crime prevention strategy (Oikeusministeriö 2016).

According to Ilcan and Basok (2004: 135), civil society organizations are in many ways appealing institutions for moulding responsible citizens as they have a history of helping those in need at a time when support from the state was limited. Today, many liberal Western governments expect CSOs to reassume their roles as service providers and caretakers of their communities' wellbeing (Ilcan 2009; Ilcan and Basok 2004). Perhaps apart from the area of crime prevention, the responsabilization of citizens and CSOs has been less visible in Finland as Finnish governments have not produced similar 'high-profile' statements about the relationship between the state and national CSOs as, for instance, the UK government has done (Koskiahho 2015). However, as Koskiahho (2015: 60) notes, Finnish-style responsabilization occurs in incremental steps within the system utilizing the increased application of dependent care as an example. Indeed, marketization and the increased encouragement of private enterprises and CSOs to participate in the provision of public services can be understood as responsabilization, too. In particular, marketization and the implementation of 'freedom of choice' models have shifted responsibility for making the 'right' choices in terms of health and social services to citizens themselves. However, there can be considerable differences in the abilities of citizens to make such choices. (Zechner 2017)

3.2 Marketization and CSOs in the countries examined in this dissertation

In general, Anglophone centralized states have introduced more rigorous measures to increase competitiveness in the public sector than the Nordic countries (Pollit and Bouckaert 2011: 51). For example, New Zealand has become almost infamous for the 'New Zealand experiment', which refers to the pure application of neo-

liberal economic theory by New Zealand governments of the 1980s and 1990s (Kelsey 1995). The consequent marketization and the introduction of competitive and tightly defined NPM-type of contracts to social services at the end of 1980s has had a significant impact on New Zealand CSOs that earlier used to be the recipients of more flexible, grant-based funding from public sector agencies (Grey and Sedgwick 2013; Nowland-Foreman 1997). While the state foresaw that contracting would bring more financial security, flexibility and better partnerships between CSOs and the state, the use of market-like practices and principles has resulted in rather opposite outcomes and led to widespread frustration and mistrust towards the state among CSOs (Larner and Craig 2005; Nowland-Foreman 1997). New Zealand CSOs have also found it increasingly difficult to advocate on behalf of their clients, especially since so-called ‘gag clauses’ have even directly prohibited advocacy (Grey and Sedgwick 2013: 13). As the report by Grey and Sedgwick (2013) and the evidence presented in sub-study II suggest, the democratic roles of CSOs appear to be currently undervalued in New Zealand and CSOs are mainly viewed as service-providers by the national government.

The latest reports from the UK have produced worrying results about the situation of CSOs, especially in relation to the use of competitive contracting. For example, the Independence Panel, which has monitored the situation of the British civil society during the past decade, has expressed continued concern that the distinctiveness and independence of the sector are in danger of being lost due to the treatment of CSOs interchangeably with the private sector, prohibitions on advocacy in public service contracts and self-censorship brought by the fear of losing funding (Civil Exchange 2016; Slocock 2017; The Baring Foundation 2015; The Independence Panel 2013). These evaluations cannot be straightforwardly equated with the situation in Scotland, where two of the CSOs examined in the first sub-study were located. Indeed, Scottish politicians have sought to differentiate their approach from that of the UK central government (Woolvin et al. 2015). Nonetheless, recent research suggests that especially those Scottish CSOs that are involved in employability services, have been subjected to rigid contractual arrangements with tight performance targets hindering the possibilities of the CSOs to pursue their own approaches to work, build cooperation and use their specialist knowledge (Egdell et al. 2016; Egdell and Dutton 2017), although some evidence has been found of a turn towards more new public governance style of contracting (Lindsay et al. 2014).

The creation of quasi-markets in the health and social care and the enhancement of competition via public procurement legislation has altered interactions between the CSOs and municipalities in the Nordic countries since the 1990s (Erlandsson et al. 2013; Niemelä 2008; Särkelä 2016). For example, almost 20 years ago Matthies (2000) already wrote that the tasks of Finnish CSOs are no longer ‘something else’,

supplementary to the public welfare services but are increasingly replacing services that used to be the responsibility of municipalities. CSOs were also seen to balance between being *‘effective, professional and competitive service provider according to economic rationality’* and an [...] *‘active part of critical civil society’* (Matthies 2000: 213-214). However, there are important differences between the Nordic countries. The role of CSOs in the provision of welfare services appears to be higher in Finland compared to the still fairly public-sector-dominated Norway and the more private-sector-favourable Sweden (Sivesind 2017; Särkelä 2016), and the Finnish and Swedish governments have promoted competition in the provision of welfare services more than the Norwegians (Szebehely and Meagher 2013). In Finland this development is currently reflected by the fact that the share of CSOs that have incorporated part of their activities – i.e. established a company for the service provision part of their activities – has gradually increased (Lindholm 2016: 6; Särkelä 2016: 50). CSOs have reported that it is difficult to succeed in the competition for service-delivery without incorporation¹⁸ (Lindholm 2017).

Therefore, it seems that at least part of the Finnish civil society sector is changing and becoming more corporate-like as a result of the adoption of marketization techniques in the public sector (see also Saukko 2012). The representatives of the Finnish civil society sector have announced their concern that the current political and economic climate, which in many ways offers preference to businesses, devalues the traditional causes and means of action of the civil society sector (Aalto-Matturi et al. 2017: 12). Nevertheless, it is important to note that Finnish CSOs still have access to grant funding from the public sector, especially through Veikkaus, which is an important contributor to small- and middle-sized CSOs (Peltosalmi et al. 2018: 104-105). The Rinne government formed in summer 2019 has also expressed its intention to develop state funding for CSOs in a way that reduces bureaucracy and respects the autonomy of CSOs (Valtioneuvosto 2019: 81).

Swedish CSOs have also become more mixed or polarized during recent years. Some organizations have become more orientated towards service provision and have adopted more professionalized means of action, while some have continued as more grassroots-types of actors. There has also been a continuing shift from grants to payments for purchased services (Johansson et al. 2015: 1612). There are, however, considerable differences in how different municipalities view and interact with CSOs, some seeing them increasingly as service providers like any other

¹⁸ However, the new procurement legislation implemented in 2017 (Act 1397/2016) has aimed at making procurement practices more flexible and favourable for small operators as well. The number of CSOs producing social services to the public sector has slightly increased recently (Puhakka et al. 2018). Yet, the possible consequences of the new legislation on CSOs are still to unfold.

actor, whilst others view them as distinctive, possessing a special partnership with the municipality (Arvidson et al. 2018). Nevertheless, the share of CSOs as providers of welfare services appears to be lowest in Sweden compared to its Nordic neighbours and it is the private sector, which has increased its share the most during the past decades in Sweden, making up around one fifth of welfare purveyors in 2013 (Sivesind 2017: 39). The share of CSOs in the welfare markets was only about 3 percent in Sweden in 2013, whilst in Norway the figure was almost 8 percent for the same year (Sivesind 2017: 39). In Finland, the share of CSOs in social services was 17,5 in 2008 (Eronen et al. 2013: 13).¹⁹ Hence, the role of Swedish CSOs as suppliers of welfare services has remained low, despite the efforts of the Swedish government to diversify the providers of welfare services through, for example, the so-called Freedom of Choice legislation (Johansson et al., 2015: 1610). It has been suggested that Swedish CSOs have felt unable to provide services according to their own quality standards and value-bases in the new system and have refrained from offering their services (Konkurrensverket 2013: 78-79; similarly also Sivesind 2017: 63).

In comparison to Finland and Sweden, the Norwegian welfare state has been less responsive to marketization-types of ideas and practices (Vabø et al. 2013). The Norwegian government has also been more attentive to reactions from CSOs concerning the effects of public procurement practices. For example, unlike Finland and Sweden, it has decided that municipalities do not have to apply the full procurement procedure proscribed in the EU procurement Directive for the award of contracts for health and social care services provided by CSOs (Vabø et al. 2013: 176), although for certain welfare services, Norwegian municipalities have used open competition, often resulting in favour of the for-profit sector (Sivesind 2017: 56). Indeed, Saglie and Sivesind (2018) have pointed out that during its history, the Norwegian state has generally made very few efforts to control the activities of CSOs, even when they have been recipients of public funding, although this might have now changed slightly and greater accountability and transparency are expected, in particular from CSOs that provide welfare services (Saglie and Sivesind 2018: 14). Interestingly, it has been suggested that at the moment the challenge for Norwegian CSOs comes not so much from the for-profit sector, as it does for example in Finland, but rather from the public sector, which may decide to expand its own activities to cover the tasks handled earlier by CSOs (Bogen and Grønningseter 2016 cited in Sivesind 2017: 54). This sounds rather

¹⁹ The shares of CSOs have been measured by the number of employees in the referred studies. The Finnish number does not, however, include education and health services and is not entirely comparable with the figures from Sweden and Norway. Unfortunately, the Finnish National Institute for Health and Welfare no longer publishes statistics on the shares of private and public sector providers of health and welfare services.

exceptional, even in the Nordic context where the public sector as a provider of welfare services has been long preferred (Ervasti et al. 2008).

3.3 Previous research on penal voluntary sector and victim support CSOs: The problem of maintaining ideology and autonomy in a (neoliberal) state

Research on the penal voluntary sector has largely emerged from the interest of British criminologists in exploring whether and how contracts with criminal justice agencies in a marketized service-delivery environment can lead to ‘mission drift’ or ‘goal distortion’ amongst CSOs working with offenders that receive state funding. ‘Mission drift’ and ‘goal distortion’ refer to phenomena in which CSOs move away from their original missions and values when pursuing funding and delivering services to state agencies (Kendall and Knapp 1996: 232). Many studies have argued that the expansion of contractual arrangements between the criminal justice agencies and the voluntary sector can lead to CSOs dismissing the real needs of their clients whilst trying to attain the goals set by their contractors. Thus, they can become unable to use their specialist skills, flexible and innovative working methods; criticize government policies and advocate for their clients; and even further the exclusion of ‘high risk’ or ‘at risk’ groups (Corcoran 2008, 2009, 2011, 2012; Maguire 2012; Mills 2015; Mills et al. 2011, 2012; Mythen et al. 2013; Neilson 2009; Vennard and Hedderman 2009).

However, Tomczak (2014; 2017) considers that much of the research on the penal voluntary sector has been excessively focused on the relevance of neoliberalism on CSOs in the criminal justice sector. By drawing attention to the agency of CSOs, she contends that a large share of CSOs work without any government funding and government stipulated contracts, hence, there is a share of CSOs that remain unaffected by marketization (Tomczak 2014, 2017). Similar observations have also been made by North American criminologists, who have asserted that despite the fact that CSOs operate in a neoliberal environment where CSOs may be responsabilized, *inter alia*, to take care of the schooling of ‘problem youth’ or prisoner re-entry, CSOs can still find ways to further their own visions and agendas (Goddard and Myers 2011; Kaufman 2015; Maurutto and Hannah-Moffat 2016; Quirouette 2018).

Nonetheless, a new study by Corcoran et al. (2018: 2) examining both CSOs working with offenders and victims has revealed how a number of CSOs in the criminal justice sector in England and Wales have adapted to competitive marketized models of service delivery, possibly ‘at a cost of their relative autonomy, localism and distinctiveness’. This research illustrates how CSOs in criminal justice have sought to become more ‘market savvy and entrepreneurial’,

for example, by detecting new ‘markets’ or ‘growth areas’. Furthermore, CSOs have started to model their working approaches in a manner similar to those preferred by their statutory agents, for example, by streamlining their earlier working methods as this was needed to survive in the commercialised and competitive funding environment (Corcoran et al. 2018: 6-7). It may well be that in the UK there is a process of polarization or the formation of subdivisions of penal voluntary sector organizations where on the one hand, there are *‘those which maintain strong social connectivity and local bases along with flexibility and innovativeness, and large institutionalised supercharities supplementing or even replacing statutory services, while in turn acquiring corporate and bureaucratic trappings’* (Corcoran et al. 2019: 15).

Whereas the previous research on the penal voluntary sector began to problematize the abilities of CSOs’ to stay true to their original aims mainly as a result of marketization, the research on feminist shelter and rape crisis centres has viewed public funding and other cooperation with state agencies as a potential problem as such (Bergen and Maier 2011: 3). Indeed, feminist rape crisis centres and shelters originally maintained that accepting funding from the government and cooperating with state institutions would temper their ability to challenge the existing societal structures that were considered to contribute to the problem of violence against women (Matthews 1994: xii-xiii). However, service provision within these agencies gradually became more and more comprehensive and government funding increased. According to Matthews (1994: 149), who studied rape crisis organizations in Los Angeles, this led to a shift from stopping violence to managing rape by which she means that rape crisis organizations became more focused on treating the after-effects of sexual violence rather than influencing its root causes. Thus, an increase in public funding was seen to lead to a struggle among the rape crisis organizations to maintain their ideology. Moreover, the bureaucratization and formalization that came along with increased public funding were seen to reduce the ability of the organizations to work in a flexible and innovative manner (Matthews 1994; Riggs 1994).

Later studies have also made similar observations: the domestic violence movement in the US had become more conservative and apolitical (Lehrner and Allen 2009) and rape crisis centres now focused on direct service provisions for rape victims, which had dampened their critiques and feminism in order to ensure public funding (Maier 2008, 2011; Williams 2016). Beres et al. (2009) have connected the similar developments in the Canadian rape crisis centres to the rise of neoliberalism, which had led to reductions in the organizations’ funding, an emphasis on individual self-help and volunteering and the denial of the gendered nature of sexual violence. Social activism in the centres had become increasingly reliant on volunteer efforts and private donations (Beres et al. 2009).

More recently, researchers have also examined the relationships between the state and CSOs providing generalist victim support services. Simmonds (2013: 214) has argued that following the decades of expanding government funding, Victim Support in England and Wales has become '*part of the paradox of the shadow state [...] by virtue of the funding it receives from the government and the extent in which its services are shaped towards that funding*' (see also Williams 2016). According to Simmonds (2013), the professionalization of Victim Support and the way in which it has come to resemble a state service may mean that it has lost its 'grassroots approach' and has distanced itself from its clients and volunteers. In their study on Victim Support Sweden, Gallo et al. (2018) have also raised the question of whether dependence on government funding has changed the nature of Victim Support Sweden. While this question needs further research, Gallo et al. (2018: 6) noted that the shift from municipal grants to cooperation agreements in some municipalities may increase the public sector's control over Victim Support Sweden's activities.

The study of Gallo et al. (2018) is one of the few Nordic studies, which has problematized the relationship between CSOs and public funding. Other such studies include McMillan's (2007) study comparing the violence against women movement in the UK and Sweden, which noted that while British rape crisis centres and domestic violence shelters regarded cooperation and the acceptance of public funding with some suspicion, Swedish organizations did not have similar concerns and even regarded public funding as a 'right' (McMillan 2007: 106, 137). Therefore, public funding was not seen as a threat to the organizations' missions. Nevertheless, the danger of possible 'mission drift' has been acknowledged amongst some Nordic violence against women movements. For example, the Norwegian shelter movement was very careful to retain its power to define the ways in which victims of intimate partnership violence should be treated, whilst demanding public funding in the 1980s (Laugerud 2014; Morken and Selle 1995). This is why the movement also resisted the Crisis Centre Act enacted in 2009, which made the provision of shelter services a statutory responsibility of Norwegian municipalities (Laugerud 2014).

The Finnish research that has touched upon CSOs' working with victims, has rarely concentrated on the abilities of these organizations to preserve their values whilst being recipients of public funding or otherwise cooperating with the state. Rather, the focus has been on the reporting of the services that these CSOs provide (e.g. Honkatukia 2011a; Honkatukia 2011b; Laine 2010b; Laine 2010a; Tuorila 2000; Tuorila and Siltaniemi 1999) or they have analysed why the response to victimization has been slower in Finland than, for instance, in other Nordic countries (Kotanan 2013; Ronkainen 2008). On the one hand, the lack of interest in the possible challenges that cooperation with the public sector may pose for certain

victim support organizations is likely to result from the lesser role that feminism has had in Finnish shelter organizations (Bergman 1999). On the other hand, the CSOs working with victims have been established in Finland later than in many other Western industrialized countries and prior research has examined the reasons for this delay (e.g. Kotanen 2013; McKie and Hearn 2004; Pehkonen 2003; Ronkainen 2008). Furthermore, the absence of problematization between public funding and CSOs' autonomy may itself be a telling example of the harmonious and trustful relationship between the state and CSOs in Finland as discussed in chapter 2.2.

4 Criminal policy environments

The previous chapter examined especially the abilities of CSOs to pursue their values in the context of service provision at the era of advanced liberalism. This chapter will examine the abilities of CSOs to pursue their values in the context of criminal policy decision-making. In order to understand these possibilities, one must look at the style of criminal policy decision-making and the kinds of issues that the criminal policy has been focused on. I will show that while Nordic countries have claimed to be ‘exceptionally expert-orientated’ and humane in their criminal policies, the Anglophone countries such as New Zealand have become known for their punitive and populist trajectories over the past couple of decades. Furthermore, I demonstrate how Finland’s current criminal policy environment has become more focused on the victim, whilst previous criminal policy was characterized as ‘offender-sensitive’ (Kotanen 2018: 1449). However, there have also been efforts to increase rehabilitation in prisons. All of these factors can have implications for the abilities of CSOs to represent the interests of their target groups in criminal justice. Finally, I explore what is known about the possibilities of CSOs to pursue their agendas in the context of political decision-making in criminal justice. As these possibilities have attracted little previous research, I will also utilize previous studies concerning the abilities of CSOs to participate in political decision-making in general.

4.1 Populist Anglophone versus expert-orientated Nordic criminal policy making

According to what has now become known as the Nordic exceptionalism thesis, Nordic countries are exceptional in the field of crime control due to their low imprisonment levels and humane prison conditions. By contrast, Anglophone countries such as New Zealand with its higher rates of imprisonment and less favourable prison conditions, have been considered as more punitive (Pratt 2008a, 2008b). Although the Nordic exceptionalism thesis has been questioned for being unduly general, lacking attention to detail and providing an overly positive picture of the Nordic penal systems (e.g. Barker 2012; Ugelvik and Dullum 2012), Pratt’s

research does point out some important differences in the ways in which offenders are treated in these countries today. Firstly, Nordic countries imprison fewer people in comparison to Anglophone countries such as New Zealand and Scotland. The current prison population rate per 100 000 inhabitants is 214 in New Zealand, 143 in Scotland, 63 in Norway, 59 in Sweden and only 51 in Finland (World Prison Brief 2018). Secondly, Nordic prisons are also notably smaller than Anglophone prisons (e.g. Department of Corrections 2018; Kristoffersen 2016: 39-43; Scottish Government 2015). As Crewe and Lieblich (2012: 194) note, smaller prison size may contribute to more empathetic and inclusionary attitudes towards prisoners.

It has been suggested that the cause of these differences is to be found in the higher levels of trust, strong welfare states and consensus politics in the Nordic countries (Lappi-Seppälä 2008; Pratt 2008a). Moreover, Nordic criminal policy, and Finnish criminal policy in particular, has been characterized as expert-orientated, meaning that for a relatively long time period, the outlines of the Finnish criminal policy were drafted by a small group of liberally-minded experts, who had close contacts with senior officials (Lappi-Seppälä 2009: 363). It has been argued that Finnish criminal justice policy represents the most expert-orientated criminal policy decision-making among the Nordic countries (Törnudd 1993: 4). This mode of making penal policy can also be described as an 'elitist model' in contrast to a 'populist model', which came to dominate in the UK and other Anglophone countries at the end of the millennium (Cavadino and Dignan 2012; Garland 2001; Johnstone 2000; Pratt and Clark 2005; Ryan 1999).

Indeed, since the end of millennium, penal policies in many Anglophone countries have become characterized by penal populism (Cavadino and Dignan 2012; Garland 2001; Pratt and Clark 2005; Roberts et al. 2002), where penal policies have been driven by the need to win votes rather than by the effort to reduce crime or promote justice (Roberts et al. 2002: 24). Among the countries examined in this dissertation, the penal policies of New Zealand became particularly populist and punitive at the turn of the millennium, which, aside from other factors, were guided by a new understanding of penal expertise that '*drew very much on personal experience, common sense and anecdote rather than social science research*' (Pratt and Clark 2005: 315). By this, Pratt and Clark (2005) refer mainly to the considerable power that groups claiming to represent victims gained in criminal policy discussions. Although the current Minister of Justice has recently indicated the political will to repeal some of the punitive legislation, it seems that changing the direction of New Zealand's penal policy will be difficult (Mills 2018). In Scotland, the crime problem has also been 'talked up' during the new millennium despite its more welfarist approach to crime and the fact that offending has decreased according to crime statistics (McAra 2008: 490).

4.2 The position of the public and the victim in Finnish criminal policy discussions

Nordic expert-orientated criminal policy is not historically unique, but it very much resembles penal policy making in the UK during the couple of decades following WWII, which were *'dominated by a small, male, metropolitan elite(s) which reflected a broad cross-party consensus on penal matters structured around notions of social support and welfare. The public was intentionally excluded...'* (Ryan 1999: 1). In effect, this 'exclusion of the public' has become somewhat of a 'hot button' in criminal policy discussions in Finland and Nordic criminologists have discussed whether or not, or to what extent, Nordic penal policies have become influenced by populism and punitive demands (Hermansson and Heber 2015; Lappi-Seppälä 2012, 2016; Tham et al. 2011). For example, 'the general sense of justice' has become an important means of justification for criminal policy (Lappi-Seppälä 2016: 71; Tham et al. 2011: 572). Lately, this pursuit of 'justice' has been used by the previous Finnish Minister of Justice Häkkänen²⁰, who initiated new legislative projects aimed at increasing penalties in order to improve the credibility and fairness of the criminal justice system (Oikeusministeriö 2018). In his assessment of the Nordic penal policies, Lappi-Seppälä (2016: 70) has argued that *'when compared with the 1970s and 1980s, crime policy has become more aggressive, more politicized and more responsive to the views and voices of the media. The role of penal expertise has diminished, being partly replaced by grassroots knowledge, influential interest groups, and politicians'*. Issues that have been seen to drive the strengthening of penal policies have been especially related to the rights of crime victims, increases in punishments for sexual and violent crimes and drug offences (Demker and Duus-Otterström 2009; Lappi-Seppälä 2016; Tham et al. 2011; Träskman 2004).

Besides politicians, some criminal law scholars have also proposed that citizen opinion should be better heard in criminal policy decision-making (Pirjatanniemi 2011: 169; Tolvanen 2015: 570). These suggestions also stem from issues related to the position of the victim and sexual offences. In effect, despite the fact that crime victims have been considered to have a relatively strong position in the criminal process in Finland – for instance, they have had the subsidiary right to pursue charges and the level of compensations from the state has been high (Honkatukia 2011b: 75, 162) – the availability of specialized support services has been low. Furthermore, Finland has been criticized for being slow to introduce new legislation that would raise punishment latitudes in certain, often gendered crimes, such as intimate partnership violence and sexual offences (Nousiainen 2010, 2018; Pirjatanniemi 2011). For example, as sub-study III illustrates, the Norwegian

²⁰ In office between 2017 and 2019.

providers of victim support services have enjoyed more stabilized and exhaustive funding than those in Finland. The reasons behind the slower development of victim support services in Finland are likely to be multiple (Ronkainen 2008); however, the fact is that the provision of specialized victim support services is still scarce in Finland compared to other Nordic countries, although provisions have been improved after the implementation of the so-called Istanbul convention²¹ and Victims' Directive (2012/29/EU) (Lundell 2018).

In addition to the lack of specialized victim support services, Finland has been reluctant to increase punishments on the basis of human rights (Nousiainen 2018; Pirjatanniemi 2011). Indeed, fundamental and human rights were long used as justifications to limit the use of criminal law in Finnish criminal policy (Melander 2002). However, certain contemporary human rights instruments, such as the Istanbul convention, require member countries to widen the use of criminal law, if this is needed for the protection of a victim's human rights. As it long was, one of the leading ideas of Finnish criminal policy has been the so-called *ultima ratio* principle with the aim of lessening the use of criminal law in society. Therefore, Finnish criminal policy experts have had difficulties in adjusting to the demands to increase its use. (Pirjatanniemi 2011: 163, 166) The slowness in the introduction of new protection mechanisms for victims through criminal law is also likely to result from the fear that toughening criminal sanctions on the basis of victims' needs will lead to such developments discussed above in the context of Anglophone countries; bypassing experts in making criminal policy, the politicization of criminal justice and the increased use of imprisonment (Kainulainen et al. 2013; Kotanen 2018: 1449).

Therefore, the needs and rights of crime victims has been a difficult topic in Finnish criminal policy and changes have mainly resulted from the demands of international human rights instruments (Nousiainen 2010, 2018). However, the crime victim now receives more attention in Finland; the support services for victims have been improved (Lundell 2018) and the Sipilä government prepared amendments that would increase punishment latitudes in child sexual abuse and strengthen the position of consent in the definitional elements of rape (Oikeusministeriö 2018b; 2019). For its part, the current Rinne government has announced that it will continue the legislative reform of sexual offences and will increase the reach of different victim support services, including shelters for victims of intimate partnership violence. In general, crime victims have received much attention in the criminal policy outlinings of the current government (Valtioneuvosto 2019). Due to the prominence of the crime victim in contemporary Finnish criminal policy discussions and the critique of the expert-orientated

²¹ Council of Europe Convention on preventing and combating violence against women and domestic violence.

criminal policy of the late 20th century, the current criminal policy environment may be increasingly receptive towards the causes of victim support organizations.

4.3 Re-emerged interest on rehabilitation in Finland

Notwithstanding the critique that Finnish criminal policy has been, perhaps overly focused on the position of the offender during the past decades (Kotanen 2018), the lack of rehabilitation and reintegration measures targeted for prisoners and released prisoners is a persistent problem in Finland (Liimatainen et al. 2017). One reason for this has been the so-called neo-classism demonstrated in the criminal policy doctrine that was adopted by Finnish criminal justice decision-makers during the latter half of the 20th century, which aimed to separate treatment and punishment in order to avoid unequal and undetermined sentencing as well as coercive care (Lappi-Seppälä 2011: 300; Lappi-Seppälä 2007: 230-233; Törnudd 1996: 82-90). According to neo-classical ideas, rehabilitation should not be part of the criminal justice system but a task for the general welfare services, which in Finland and other Nordic countries have thus far been offered by municipalities (Lappi-Seppälä 2011: 300).

Yet, in reality, Finnish municipalities, at least, have either been unable or unwilling to respond to the needs of released prisoners, which often are varied and complex (Ibid: 303; Karjalainen and Viljanen 2009). The shortage of targeted aftercare services for ex-prisoners was contributed to by the fact that the Finnish Probation and Aftercare Association – a quasi-governmental body that preceded the current Criminal Sanctions Agency, which had a significant role in arranging released prisoners' aftercare – became increasingly focused on the enforcement of community punishments in the 1990s (Harrikari and Westerholm 2014, 2015). However, the lack of rehabilitation within prisons became an issue when awareness about many prisoners' drug problems increased in the mid-1980s and 1990s (Tourunen et al. 2012). Consequently, rehabilitation became an explicit aim of imprisonment in the new Prison Law (767/2005) and thereafter the number of drug rehabilitation programmes offered to prisoners has increased (Tourunen et al. 2012).

The majority of the new rehabilitative measures, however, were cognitive behaviour programmes that focused on assessment and the treatment of risk and 'criminogenic needs' instead of solving the social challenges that prisoners faced upon their release (Harrikari and Westerhom 2014: 66, 2015: 32-33; Rantanen and Toikko 2014). Thus, CSOs such as KRITS have played important roles in introducing alternative rehabilitative measures to the penal system that are based on a holistic assessment of a client's needs and more flexible working approaches than cognitive-behavioural programmes (Rantanen and Toikko 2014: 122-123).

Often, however, the delivery of rehabilitation programmes in prisons has also been affected by budget cuts at the Criminal Sanctions Agency (Tyni 2015: 68). The Criminal Sanctions Agency currently seems to be investing more on rehabilitation by developing so-called ‘interactive work’ consisting of rehabilitative and activating communication between prison officers and prisoners on the one hand, and cooperation with municipalities, CSOs and other ‘external agencies’ on the other (Ylisassi et al. 2016; Rikosseuraamuslaitos 2018). This may suggest that in their daily work, CSOs working with offenders may have enhanced possibilities to influence and shape the practices of the penal system – or at least the Criminal Sanctions Agency is increasingly interested in cooperating with them.

4.3 The possibilities of CSOs to pursue their views in criminal policy decision making: Limited previous knowledge

There is scant research, if any at all, on the possibilities of CSOs to participate in the criminal policy decision making in Finland and internationally as well (see however e.g. Alvesalo-Kuusi and Lähteenmäki 2016; Hall 2010; Lohne, 2018a, 2018b). Indeed, criminal policy decision making processes as a whole have been overlooked in criminological research (Birkett 2017: 2; Ismaili 2006: 255; Solomon 1981). According to Ismaili (2006: 255), a reason for this may be that criminologists have focused on examining the effects of criminal justice policies rather than the processes in which they are made. Due to the lack of previous analyses, I will look at findings of some US-based studies from the 1980s in order to assess the possibilities of CSOs to pursue their views and values in criminal policy decision making.

Fairchild’s study from 1981 is one of the early studies that explored the role of interest groups in the context of criminal justice law-drafting, which is the context of policy making in this dissertation as well. Fairchild analysed findings from previous studies that had partly addressed the role of criminal justice interest groups – ‘*organizations that are entirely or partially dedicated to influencing the formulation and execution of public policy in the areas of crime and criminal justice administration*’ (Fairchild 1981: 183) – in drafting new criminal legislation in the US in order to formulate conclusions about the role and position of these groups in the making of criminal justice policy. According to the results, the groups that were professionally concerned with the outcomes of the proposed legislation had more influence than those who had a ‘social service or public interest concern’ (Ibid: 188). Professionally concerned groups referred, for example, to bar associations, prosecuting or defence lawyers, groups of law enforcement officers, corrections officials and judges. In contrast, groups such as

offenders, ex-offenders and families of offenders had less influence. Furthermore, Fairchild concluded that criminal justice legislation is generally formulated by small numbers of powerful legislators, bureaucrats and interest group representatives (Ibid: 188).

The differences in the influence of ‘lay groups’ and ‘professional groups’ in the drafting of criminal justice legislation were further researched by Melone and Slagter (1983), who analysed testimonies given at congressional hearings when the Federal Criminal Code was drafted. They concluded that modest support from criminal justice professionals was more important for the success of the proposed legislation than support by lay groups, which supports Fairchild’s (1981) hypothesis.²² However, in a study of US Federal criminal law making, Stoltz (1984; 1985) pointed out that the paramount position of professional groups is not self-evident and the ability to influence criminal policy making depends on the techniques used by interest groups.

Although the studies cited above have been conducted some 30 years ago and in the US for that matter, which differs in a policy making context from Finland, their findings suggest patterns that could also be found in Finland where there is a strong tradition of ‘expert-orientated’ criminal policy making (Lappi-Seppälä 2007: 241; Törnudd 1993: 4). However, the influence of any particular group is likely to be dependent on wider social, cultural and economic conditions (Fairchild 1981: 188). In the earlier chapters of this dissertation I have, to some extent, described what these conditions may be, especially from the perspective of CSOs working with victims of crime and offenders. Naturally, the abilities of all types of CSOs to participate in criminal justice policy making cannot be examined by using this same framework.

Finally, although the studies examining the role of CSOs in making criminal policy have been few, particularly in the context of law-drafting and Finland, the studies that have analysed the position of CSOs in legislative drafting can provide some indication of the position of CSOs in the processes of making criminal policy. Based on the findings in these studies, we know that memberships in extra-parliamentary working groups and other similar bodies especially, as well as giving statements during legislative process, are regarded as the most important ways of influencing societal decision making by Finnish CSOs (Vesa and Kantola 2016: 11-14; Vesa et al. 2018: 250). Secondly, it seems that CSOs representing various social groups such as immigrants, pensioners or students feel that they have fewer possibilities to participate in the law drafting processes, whilst alternatively, large CSOs representing economic interests are generally satisfied with their participation possibilities (Vesa and Kantola 2016: 71; Vesa et al. 2018: 242; see

²² The group ‘criminal justice professionals’ extended beyond CSOs in this study including various state officials (Melone and Slagter 1983: 43).

also Vehka 2015: 97). Nonetheless, there is likely to be significant differences regarding to what degree and what kinds of CSOs are included in decision making in different policy areas (Vehka 2015: 99-100).

5 Research design and research process

I will answer to the research questions posed in the introduction of this dissertation with four empirical sub-studies. In this chapter I explain the methodological choices used, which have been mostly comparative and qualitative. In two of the sub-studies, data has been collected with interviews and in the two other, co-authored sub-studies we have used existing documents as a data source.²³

5.1 Research questions

The overall aim of this dissertation is to answer to the question what kinds of possibilities do Finnish CSOs working in the area of criminal justice have to fulfil their value-based missions and maintain their autonomy in comparison to some Anglophone and other Nordic countries? I answer to this main research question by posing following three sub-research questions:

- 1) Does marketization appear relevant for the autonomy and abilities of penal voluntary sector organizations to work according to their value-bases?
- 2) How are the increasing public responsibilities to offer victim support services interpreted to affect the autonomy as well as the possibilities of victim support organizations to work according to their value-bases?
- 3) What possibilities do CSOs have to pursue their value-bases in criminal policy decision making?

These research questions are answered with four empirical sub-studies, each of which have had their particular research objectives. Table 1 presents the research questions, data and methods used in these sub-studies.

²³ See annex 4 for the division of work in these sub-studies.

Table 1. Research questions, data and methods used in the sub-studies.

Sub-study	RQ	Data	Method of analysis
<p>I Nordic and Scottish Civil Society Organizations Working with Offenders and the Effects of Service Delivery: Is Pursuing Mission Impossible Whilst Bidding for Contracts?</p>	<p>What kinds of effects, if any, representatives of the CSOs working with offenders in Finland, Norway, Sweden and in Scotland consider service-delivery contracts to have on their organizations' abilities to pursue their missions?</p>	<p>Interviews with eight interviewees from seven CSOs working with offenders in Finland, Norway, Scotland and in Sweden</p>	<p>Qualitative framework analysis</p>
<p>II Exploring Autonomy in the Finnish and New Zealand Penal Voluntary Sectors: The Relevance of Marketization and Criminal Justice Policy Environments in Two Penal Voluntary Sector Organizations</p>	<p>How, if at all, the political, economic and ideological transformations in the civil society and penal sectors have manifested themselves in the accounts of KRITS and NZPARS?</p>	<p>Annual reports of KRITS from 2002 until 2015 and NZPARS from 1988 until 1999; and from 2002 until 2009 and other supporting documentation</p>	<p>Qualitative thematic analysis</p>
<p>III 'We need to make sure that we are always something else' Victim support organizations and the increasing responsibility of the state in supporting crime victims in Finland and Norway</p>	<p>How do the interviewees respond to the increases in responsibility of the public sector to organise support services for victims of crime? How they reflect the role of their organizations amidst these changes?</p>	<p>Interviews with five interviewees from five CSOs working with victims of crime in Finland and in Norway</p>	<p>Qualitative thematic analysis</p>
<p>IV Advocating the 'Good' Criminal Justice System. The Involvement and Ideas of Civil Society Organizations in Formulating Finnish Criminal Policy</p>	<p>What is the volume of CSOs' participation in law-drafting projects in the area of criminal policy in Finland during 2010–2012 and in which roles CSOs participate? What kind of criminal policy do the written statements of the CSOs given in a sample of these law-drafting projects reflect?</p>	<p>Quantitative: Law drafting material from 30 law-drafting projects initiated under the Finnish Ministry of Justice between 1.1.2010 and 31.12.2012. Qualitative: 26 written statements from 19 different CSOs</p>	<p>Quantitative univariate analysis, qualitative thematic analysis</p>

5.2 Methodology

This dissertation examines the possibilities of CSOs to fulfil their values and maintain their autonomy. Therefore, by following Popper (1978), this dissertation examines objects that are products of the human mind, that is, ‘inhabitants’ of world 3. The existence of world 3 inhabitants such as CSOs, laws, prisons etc. is dependent on human thought processes unlike the existence of physical objects such as rocks, flowers or cats of world 1 (Popper 1978). The ontological position of this dissertation could thus be characterized as realist in contrast to materialist stances, which contend that reality consists of physical matters, while also being contrary to the position of idealism where the whole of reality is determined by the human mind (Niiniluoto 1999: 21-22). In ontological realism reality consist of both: entities that are independent of human minds and entities that are dependent on the thought processes of the human mind (Niiniluoto 1999: 27). Epistemologically, the adherence to realism means that it is possible to obtain scientific knowledge of both mind-independent and mind-dependent objects (Ibid 1999: 95). Hence, unlike in some extreme or radical versions of constructionism, in this dissertation I do not regard the reality that I have studied merely as a construction that is created by the researcher’s own conceptualizations and methodological choices (Elder-Vass 2012: 234-252).

In order to illustrate my approach further, I use the distinction between ‘fact perspective’ and ‘specimen perspective’ made by Alasuutari (1999: 90-124). In this research, I have followed the fact perspective, which means that I have been more interested in *what* the interviewees or documents analysed are saying rather than *how* they are saying certain things or, indeed, how they construct reality. Therefore, I do not regard my data (only) as consisting of various, ‘true’ or ‘untrue’ constructions of reality. Instead I have viewed my data as something that portrays ‘trues’ that are shared more generally in society, *despite the fact* that the way in which these ‘trues’ have been expressed and interpreted can to a certain degree vary depending on how the research has been conducted.²⁴

In effect, adherence to realism does not mean that the influence of the researcher in generating research data and interpreting data is denied. Although my aim has been to produce objective knowledge in order that the findings of this research would not be determined by my own subjective preconceptions or preferences (Haaparanta and Niiniluoto 2016, para 2.3; Peirce 1877), in all scientific research the efforts to obtain such objective knowledge are generally

²⁴ Indeed, in critical scientific realism scientific knowledge is understood as thruthlike, or fallible, meaning that knowledge which is produced by following scientific methods is regarded as knowledge that approximates truth and which, over time after critical examination and try out of theories or empirical findings can become accepted as ‘true knowledge’ (Niiniluoto 1999: 103-104; Raatikainen 2004: 72-74).

more or less successful. This is because the way in which research problems are formulated and what methods are chosen already typically stem from the subjective preferences of the researcher (or e.g. those of the benefactor). Researcher may also have preference towards certain theories over others, and often in social sciences there are several theories that can be used to understand particular phenomenon, all of which may be appropriate. Therefore, it is important to note that the perspective that the researcher has chosen is not the only one, but also other perspectives could be used to understand the research subject, too. Indeed, in order to understand a certain social phenomenon fully, it must be explored by using different theoretical frameworks and different methods. In this dissertation I have examined the possibilities of CSOs to pursue their values and maintain their autonomy especially from the perspective of marketization and mainly by acquiring data from CSOs through qualitative methods. I acknowledge that this perspective does not provide a full account of CSOs' possibilities to fulfil their values and maintain their autonomy and other perspectives are needed. One evident reason for this is that CSOs themselves are very diverse.

In spite of the fact that all scientific research is to some extent subjective, the goal of objectivity may be particularly problematic in social sciences. This is because there are often different ways in which phenomena under study can be conceptualized or measured, which are dependent on the researcher conducting the study (Tuomi and Sarajärvi 2009: 20). Recognition of this subjectivity is a common part of qualitative research practice (Hirsjärvi and Hurme 2010: 18; Laine 2010c: 34). This does not, however, mean that as long as subjectivity is acknowledged at the beginning of the study the researcher can forget about considering it later on. Instead, as Mason (2002: 5) notes, a major element of qualitative research practice should be constituted by 'self-questioning activity'. This process should involve critical reflection at each stage of the research on what is done and why, efforts to challenge one's own assumptions and recognize the extent to which the researcher's own thoughts, actions and decisions influence what conclusions are drawn (Ibid 2002: 5). I have aimed to employ this reflexive and critical attitude towards my choices throughout the whole research process. Luckily, I have not had to engage in this difficult task alone; the peer review processes that the sub-studies of this dissertation have gone through have been immensely important for challenging my own assumptions.

The enactment of reflexivity in different stages of qualitative research is important for producing valid findings and interpretations. Another important aspect of validity in qualitative research is demonstrating that the data and methods have been suitable for examining the research questions presented (Ibid 2002: 188-191). Therefore, I will now briefly explain my choice to employ mainly qualitative methods (some quantitative methods were used in sub-study IV). The main reason

for using qualitative methods such as interviews was the fact that these methods allow more flexible data collection and also a more flexible approach to analyse the data than quantitative methods. Hence, although my data collection and interpretation has been informed by previous research, I have applied methods that allow the emergence of new viewpoints and topics. Furthermore, although I will contemplate whether my findings can have wider resonance outside the samples I have collected (Mason 2002: 195) at the end of this dissertation, my purpose is not to generalize my findings in the sense of quantitative research. Rather the aim is to offer compelling and logical interpretations of the findings that may then be regarded as examples of other similar cases or situations (Alasuutari 1999: 243-244). Additionally, I decided to use qualitative methods in this dissertation as the previous knowledge of the issues that I was interested in was, and still is, very limited in Finland and in other Nordic countries. I concluded that I would gain more useful information by utilizing methods that are more data-driven than theory-driven.

My dissertation is strongly comparative, meaning that I have collected data from CSOs situated in different countries and compared the views expressed by the representatives of the CSOs not only within one country but between different countries. The fundamental motive for selecting a comparative approach has been scientific curiosity in examining how the phenomenon under scrutiny – the possibilities of Finnish CSOs to fulfil their value-bases in criminal justice – appears in relation to CSOs from other countries.

As is often the case in comparative studies, the choice of countries to be studied was firstly circumscribed by some convenience factors (Øyen 1990: 15), such as a researcher's language skills, foreknowledge of the selected countries and existing networks. Secondly, the countries and examined CSOs had to be to a certain degree 'comparable' in order for the study to be able to generate meaningful results (Creutzfeldt et al. 2016: 380). This meant that the countries needed to be somewhat similar in terms of their economic and social development (Anttonen 2005: 282). Consequently, comparing Finland with other Nordic countries that share many similarities in terms of their civil society sectors, criminal justice systems and history in general, seemed a natural choice. Thus, the other Nordic countries in this dissertation – Sweden and Norway – represent the 'most similar cases' logic of comparative research, which presumes that a similar background between the countries will allow for a more controlled explanation of the differences, should they arise, in the study (Prezeworski and Teune 1970: 32). In contrast, the Anglophone countries – Scotland and New Zealand – represent the logic of selecting the 'most different cases' (Creutzfeldt et al. 2016: 381), which are used here to further assess the possible relevance that different civil society traditions, degrees of marketization and different criminal policy environments have for

CSOs' possibilities to fulfil their value-bases and use their autonomy. Nevertheless, despite the fact that these countries have certain important differences in terms of those factors, they are still similar enough to the Nordic countries, for example, in terms of economic and social development, which enables meaningful comparison.

Deciding on comparable CSOs was, however, much more difficult than selecting comparable countries. This was due to the heterogeneity of the CSOs, which already emerges within one country (Tomczak 2014). By heterogeneity I refer to the fact that CSOs working in criminal justice have various organizational structures, focuses, aims, resources, working methods and so forth. In order to manage this heterogeneity and make sensible comparisons between these different CSOs, I therefore had to formulate certain conditions for CSOs to be included in sub-studies I, II and III. I decided to focus on CSOs that could be characterized as being some of the primary CSOs working with offenders or victims in their respective countries. This meant that they offered services on a national level, although this did not always mean that they would have local agencies in every corner of the country, but sometimes national level services might have only meant offering access to hotline or internet services.

Choosing CSOs was difficult and some organizations may look rather different from each other in the sub-studies. While these differences must be taken into account when interpreting findings of these sub-studies, I consider that the differences between CSOs from different countries are already meaningful observations as such (Anttonen 2005: 284). For example, sub-study I points out that the major CSOs working with offenders in Sweden were peer-support organizations; in Scotland, they were highly professionalized CSOs responsible for a substantial amount of service delivery to local authorities; while in Finland a mixture of these two types of CSOs provide services.

5.3 Data collection and analysis

5.3.1 Interview data (sub-studies I and III)

I conducted interviews with a total of 12 different CSOs for this study, seven in sub-study I and five in sub-study III. Interviewees in sub-study I were representatives from CSOs that mainly worked with offenders, ex-offenders or people at risk of offending. The interviewees in sub-study III were representatives of CSOs that worked with victims of crime in general or were focused on working with victims of sexual violence or intimate partnership violence. In order to gain the kind of knowledge that I could use to answer my research questions, I selected the interviewees for sub-studies I and III purposefully (Mason 2002: 124) based on my assumptions of the knowledge that the selected interviewees would have. I

identified relevant CSOs by extensively seeking out CSOs that work with offenders and victims by contacting the CSOs that I already knew were working with them and asking their suggestions about other CSOs working with similar issues. I received a total of over 140 suggestions for different CSOs, networks or other actors working with offenders in Finland, Norway, Sweden and Scotland. However, the amount of those CSOs that were namely focused on the challenges of offending and not, for instance, addictions or mental health problems, was around 10 in each country. In sub-study III, I found around 80 different Norwegian groups or organizations in total, which could potentially be categorized as CSOs working with crime victims. In Finland, the number of such CSOs was around 60.²⁵

When I identified suitable CSOs to be interviewed, I approached them with an email briefly explaining the purpose of my study and inquiring whether they would be interested in participating.²⁶ Some of the CSOs I approached did not respond, even though I contacted them several times. This was more of a problem in sub-study III and consequently, the interview sample in that study became smaller than I had originally intended. For those CSOs and interviewees that were interested in participating in my study, I sent list of interview themes²⁷ and informed consent forms²⁸ beforehand (Mason 2002: 80-82), which explained the purpose of the study, its voluntary nature and that I could not secure the anonymity of the interviewees when reporting the study; it would be easy for other people working in the same field to recognize the interviewees based on the description of the organizations and the work roles of the interviewees. This is a common problem in the so-called 'expert interviews' (Alastalo and Åkerman 2010: 383). Thus, although the identity of interviewees is often withheld in research reports, in certain cases the principle of anonymity can be deviated from with the permission of the interviewees (Kuula 2011: 201-204; Tutkimuseettinen neuvottelukunta 2009: 11). Consequently, I asked for the consent of the interviewees to use their names in the final report and all the interviewees agreed. However, in the end, I only used their professional titles or the name of their organization as providing their names did not seem necessary. In sub-study III I also sent the interviewees the final article manuscript for comments before publishing as I considered this would be important since I cannot provide the anonymity for the interviewees. I did not do this in the case of the first sub-study and on the other hand, none of the interviewees requested this. Nevertheless, retrospectively I thought that providing an opportunity to view the manuscript would be important in this type of study and

²⁵ These numbers include member organizations of umbrella bodies. Some of the suggestions I received were not CSOs but projects by statutory agencies, for example.

²⁶ See annex 1.

²⁷ See annex 3.

²⁸ See annex 2.

therefore I asked my interviewees to examine the final manuscript in the case of sub-study III.

In these types of expert interviews, the interest of the researcher does not rest on the person interviewed, but rather on the knowledge that the interviewee has about certain phenomenon or a process; the nature of knowledge possessed by an expert is different from the knowledge of a lay person (Alastalo and Åkerman 2010: 373; Meuser and Nagel 2009: 18). In the case of expert interviews, careful background work is important in order to gain meaningful knowledge (Alastalo and Åkerman 2010: 379), which is why I prepared myself for the interviews by reading the CSOs' annual reports, web pages and other documents. In both of these studies the interviews followed the form of semi-structured interviews and my interview or topic guide (Arthur and Nazroo 2003: 115) contained approximately the same questions for all interviewees, although their order and exact form of the questions asking varied depending on the interview situation. Also, for some interviewees I had specific questions based on the background work I had done. Interviews for sub-study I were carried out between September and October 2013 via Skype video-calls (3), over the telephone (2) and face-to-face (2); for sub-study III between June 2014 and October 2014 as face-to-face interviews (3), via Skype (1) and Facetime video calls (1). Interviews with non-Finnish participants were conducted in English and in Finnish with Finnish participants. All interviews were tape-recorded and transcribed verbatim afterwards. Interviews for sub-study I lasted between one and a half to three hours, and for sub-study III, from one to two hours. The number of interviewees for sub-study I was eight²⁹ and five for sub-study III.

The fact that interviewees knew they would not have anonymity in the final publications of my study may have in some cases influenced the nature of their responses, for instance, perhaps the interviewees were unwilling to elaborate on certain questions despite probing (see Legard, Keegan and Ward 2003: 168). A number of the interviews were also conducted over the telephone, which may have been reflected in the data whereby the telephone interviews were shorter than those conducted in person or via video-calls. Secondly, I also experienced problems in interaction described by Christmann (2009) in a sense that at times it was unclear whether the interviewee was still concentrating on the interview or distracted by something else, for instance, emails or someone coming to their office. The interview situation was more controllable in the video-call and face-to-face interviews, where the respondents and I were also able to communicate via eye contact and gestures. Indeed, the knowledge acquired through interviews is always knowledge that is generated in a particular situation in the interaction between the researcher and the interviewee (Mason 2002: 52; Ruusuvuori and Tiittula 2005).

²⁹ One interview was conducted with two persons from the organization.

Furthermore, as a majority of the interviews were conducted in a non-native language, this may have occasionally been reflected in the abilities of the interviewees to fully express themselves in the interview situation. If I became aware of some misunderstandings while transcribing the interviews, I thusly omitted those excerpts from the analysis or asked for clarifications via email.

5.3.2 Analysis of interviews (sub-studies I and III)

I already began to analyse the interviews tentatively during the interview phase. After each interview, I made notes about issues raised by the interviewees and about the nature of the communication. The actual analysis phase started by reading the transcribed interview data, making notes and comments on the data and by considering different kinds of ways of coding the data. Coding refers to the process in which segments of data offering meaningful information for the research question are identified and named to represent some theoretical or descriptive idea – a theme (Gibbs 2007: 38; Jolanki and Karhunen 2010: 399). Thus, I applied thematic analysis, which seeks to ‘*identify, analyse, and report patterns (themes) within data*’ (Braun and Clarke 2006: 79) in both sub-study I and III. In order to facilitate the coding process, I used NVivo version 10 in sub-study I and in sub-study III, NVivo version 11. In both studies the analytical unit in coding varied from one sentence to an idea and in both sub-studies I conducted a couple of rounds of coding as the coding framework needed to be refined.

Themes can be identified through different procedures. In sub-study III I followed the Framework analysis (Richie et al. 2003), which was also supported by features of NVivo 10. In sub-study III I applied Braun and Clarke’s (2006) step-by-step guide for conducting thematic analysis. Both of these techniques offer systematic ‘road-maps’ of moving in the analysis from raw data to a more abstract level and generating interpretations that are anchored to the data. After abstracting the data by creating elements and categories in the data, the Framework analysis uses charts, which help the researcher to compare variations in the identified themes between her research subjects. The purpose of the charts is to summarize the key points of the data in a manageable manner, while simultaneously ensuring that the connection to the original material is not lost (Richie et al. 2003: 229, 231). In sub-study III I used Braun and Clarke’s (2006) thematic method, which essentially has the same idea as Framework analysis, that is, the identification of distinct patterns but without creating charts. Hence, in sub-study III I read through the interviews several times, coded texts segments, which seemed to offer meaningful information in relation to my research questions and organised them into themes and subthemes. After creating themes, I reviewed the interview data

once more in order to ensure that the themes made sense in relation to the whole data set.

5.3.3 Annual reports and their analysis (sub-study II)

In sub-study II the research data consisted of annual reports from the Finnish KRITS and from New Zealand's NZPARS. In the case of KRITS, the annual reports were from 2002 to 2015 and in the case of NZPARS, from 1988 to 1999 and 2002 to 2009. As in the corporate world (Bhatia 2008), the annual reports from KRITS and NZPARS followed a largely similar structure in which the report began with the president's/executive manager's reflection on the past year followed by a more detailed account of different functions during the year. In the case of KRITS, we also used the executive manager's and chairperson's speeches from KRITS' 10th anniversary seminar, which discussed the work that the organization had done and what was expected from the future.

Both in this sub-study II, as well as in sub-study IV, documents have been approached as resources meaning that they were seen to construct valid descriptions of those issues that they discuss. They were not objects of our research as such, although it was important to take into account how they were constructed in order to assess their objectiveness (Scott 1990: 36-37). This was particularly important to note when using annual reports as sources of information. In fact, for organizations – such as CSOs or public bodies – documents serve as a way of representing the organization to themselves and to others, which is why they alone cannot be understood to constitute sufficient knowledge of how an organization actually operates (Atkinson and Coffey 2004: 57-58). Nonetheless, as Atkinson and Coffey (2004: 58) underscore, this does not mean that documents should be ignored as sources of information, but the researcher needs to be aware of the kind of knowledge that is possible to obtain by analysing them. For example, in sub-study II the annual reports most likely do not contain information about everything that has happened in the CSOs examined but only such information that was regarded as necessary and useful to report by the organization and its management. Therefore, such documents must be understood as socially situated products that have been created with a certain audience in mind and in which the message that the audience and the researcher discover may differ from the intention of the author (Prior 2003; Scott 1990: 33–34).

Nevertheless, after taking into account the caveats concerning documents as a source of knowledge, they offer a justified and pragmatic way of analysing how organizations such as CSOs have developed over the years and what these organizations have regarded as worthwhile to report to their various audiences consisting of, for instance, their service-users, members, staff, media and the

general public (Meyer et al. 2013: 117). Sub-study II was co-authored with Alice Mills, who was responsible for gathering and analysing data from NZPARS. Our analysis of the annual reports followed the thematic analysis road-map drafted by Braun and Clarke (2006). Thus, we first read our data to identify key patterns, which were then coded and at the end organized into sub-themes and two overarching themes.

5.3.4 Analysis of the law-drafting material (sub-study IV)

The analysed documents in sub-study IV consisted of law-drafting documents such as memos, draft government bills, consultation requests and responses to those consultations, which were produced in law-drafting projects initiated under the Finnish Ministry of Justice between 1.1.2010 and 31.12.2012. The purpose of analysing these documents was to examine the degree in which CSOs were included in the preparation of law-drafting projects in the area of criminal policy and what kinds of views CSOs pursued in them. Criminal policy is a broad concept and, to some extent, defining what criminal policy is and what it is not, is subjective. In order to limit the scope of our study, we concentrated on law-drafting projects that have been conducted under the Ministry of Justice, which prepares the majority of such legislation that relates to the ‘core’ issues in criminal policy, for example, criminalisations and criminal sanctions. Secondly, as my dissertation mostly examines the role of CSOs in contemporary criminal policy, the study was narrowed down to the most recent law-drafting projects that had either ended or were about to end soon. There were 77 initiated law-drafting projects in total between 1.1.2010 and 31.12.2012 from which I and co-author Anne Alvesalo-Kuusi chose 30 that we both considered to hold a direct relevance for criminal policy. In practice, this meant that the projects handled either criminalisations or criminal sanctions. Furthermore, when we considered how to define the most relevant projects, we also consulted criminal justice experts, for example, criminal law professors and government officials in the criminal policy department at the Ministry of Justice.

We collected all available material concerning the preparation of the 30 law-drafting projects from the so-called HARE-database³⁰ – which contained information about current and past law-drafting or other projects initiated by different ministries – and coded the verbal information concerning participation in a numerical form into a SPSS matrix. Most of the coding was done by research assistant Laura Kuitunen. The matrix had a total of 21 different variables including, for example, the participating organization (e.g. University of Turku, Criminal

³⁰ This government data-base has been replaced by a new webpage: <https://oikeusministerio.fi/hankeet-ja-saadostvalmistelu>.

Sanctions Office, Supreme Administrative Court, National Police Board of Finland, HEUNI, Family Federation of Finland) the stage of the law-drafting process (e.g. preliminary preparation, consultations) and the form of participation (e.g. working group member, written/oral consultation). In total, the SPSS matrix had 1390 rows at the end, meaning that in the 30 law-drafting projects, there were 1390 documented cases in which some stakeholder had participated in or had been invited to participate in the process of law-drafting. As explained in sub-study IV (p. 9 footnote 50), in a few cases the HARE-database was missing some documentation, or the participation of different stakeholders was not precisely documented. These ambiguities were later taken into account when reporting the results. The analysis of the SPSS matrix was conducted with descriptive statistics such as examining frequency distributions, measures of central tendency and conducting cross-tabulations.

In the qualitative section of sub-study IV, I examined the views expressed by CSOs in a further sample taken from the total sample of 30 law-drafting projects. The purpose of this part was to analyse the kind of criminal policy that CSOs support and especially whether there is support for the ‘traditional rational and humane criminal policy’ among CSOs. The qualitative data consisted of 26 written statements from 19 different CSOs in four law-drafting projects that were included in the total sample of 30 projects in this study. The four law-drafting projects for the qualitative study were selected on the basis that they handled major issues in relation to crime and contained written statements from CSOs. Having a larger sample would have been problematic as the total sample of 30 law-drafting projects included very different kinds of projects in terms of their content. Thus, in order to conduct a meaningful analysis of the sample, the qualitative part of the study had to be thematically sound. The CSOs whose statements were analysed are identified in sub-study IV, page 9, footnote 49. Also, in sub-study IV I analysed the statements thematically by applying the step-by-step guidelines offered by Braun and Clarke (2006) and by using NVivo 10 in the coding of the data.

5.4 Ethical reflections

Ethical principles in conducting research in the humanities and social sciences are normally categorized to three areas: respecting the autonomy of the research subjects, avoiding harm and privacy and data protection (TENK 2009: 4). The principle of autonomy entails that all participation in research should be voluntary and based on informed consent (Ibid: 4). In this research, this principle concerns the sub-studies where my research data consisted of interviews. I have explained earlier in chapter 5.3.1 that I aimed to respect the autonomy of my research subjects by informing the interviewees about the purpose of my research and about

the fact that I could not guarantee anonymity for the organizations nor for my interviewees. Further, I explained what I intended to do with the findings of the study. By doing this, I aimed to avoid possible harm for the CSOs. As the interviewees were aware that their organizations would appear with their own names in my studies, they could decide not to report issues to me that they considered possibly harmful for their organizations. Furthermore, the principle of avoiding harm entails that the data is analysed thoroughly and systematically and presented in a way that is respectful towards the CSOs and the persons that have participated in the research (TENK 2009:8-9). I have aimed to be particularly careful in this regard as the CSOs included in my research are not provided anonymity.

One may of course question if I might have caused some harm to my research subjects by reporting the critiques some of them expressed towards their funders. In these instances, it was sometimes difficult to create a balance between the principle of avoiding harm and producing scientifically honest research findings. Therefore, I had to ask myself whether the critique expressed in the interviews was intentional or perhaps unconsidered. The relationships between the CSOs and their funders constituted a major part of the interviews in sub-study I and if an issue with a CSO's funders was raised, it was also expressed repeatedly. I interpreted this to mean that the critique was expressed intentionally, and it was not only a matter of a 'slip up' that the interviewee did not want to reveal.

Nevertheless, retrospectively, I could have done more in order to make sure that the interviewees did not relate anything that could be injurious for their organization. For example, I could have reminded my interviewees during the interviews that I cannot provide anonymity and the findings of the study will be publicly available. In the case of the first sub-study, I could have also offered my interviewees the opportunity to comment on the draft article before proceeding to publish. I thought about this issue in the case of sub-study III and thus I sent my interviewees the manuscript for comments before publishing.

Ultimately, the responsibility for avoiding harm relies on the researcher who sometimes needs to balance between the principle of avoiding harm and the task of providing new information. I considered that the issues researched in this dissertation are important for understanding the kinds of pressures CSOs experience or have experienced, for example, in the context of marketization. I have also understood that these issues have been such that the representatives of the CSOs wanted to bring forward and bring forward to a public discussion. Providing anonymity could have protected CSOs from possible negative consequences that revealing these issues may have had, for instance, from the side of their sponsors. However, as I thought that CSOs in my study could easily be recognized due to the small size of the sectors examined, I did not want to give my

research participants a false belief that they would not be identified and therefore interviews were, in the first place, conducted without the promise of anonymity.

In relation to principles of privacy and data protection, I deleted all the recordings from my files after they were transcribed. I still possess the transcribed interviews in digital form in a memory pen in case I was asked to verify the interviews. The transcribed interview data does not include any direct identifiers or sensitive personal information about my interviewees (TENK 2009:10).

As mentioned earlier, some interviews were conducted via Skype or FaceTime video calls. The reason for choosing to use video calls were mainly practical as traveling to different countries to conduct only a few interviews would have been cost prohibitive. I also preferred video calls in relation to normal telephone calls as they enabled face-to-face interactions. Nonetheless, when using video call technologies such as Skype, the researcher may not be able to promise that the interviews will not be listened in on by third parties. This is possible, especially if certain words relating to the interest of intelligence services appear in the conversation (Lo Ioacano et al. 2016). This should be taken into account particularly if the researcher is conducting research on sensitive topics. According to Lo Ioacano et al. (2016), it is important that the researcher reminds the interviewees of the possibility that the video calls may be intercepted by third parties.

Truthfully, the possibility that third parties could listen to the interviews conducted via video calls did not occur to me when I began this dissertation project. I should have reminded my interviewees of this possibility. Yet, I do not consider this as a major problem in this particular research as my interviews did not handle confidential issues of any person nor were the issues relating to the work of CSOs sensitive. Nevertheless, if one uses video calls for data collection in future studies it is essential to consider their privacy.

6 Findings of the sub-studies

In this section I present the findings of my sub-studies by paying especially close attention to those results that relate to the main research questions of this dissertation. This chapter will show that despite the presence of diverse views on the effects of marketized service-delivery amongst the penal voluntary sector organizations examined, this issue was experienced as more of a problem for the abilities of the Anglophone CSOs to pursue their value-bases and represent the interests of their target groups than for the Nordic CSOs. Furthermore, the results will indicate that while the representatives from the Finnish and Norwegian CSOs working with victims welcomed the improvements that the expanding public sector responsibilities meant for the position of the victims, this development had created some concerns about the autonomy of the CSOs and their abilities to continue activities that have been typical for them, especially in Norway. Finally, the findings demonstrate that on a general level the abilities of the Finnish CSOs to pursue their values and represent the interests of their target groups in the drafting of Finnish criminal policy appear good. However, there are differences between these abilities amongst different types of CSOs. Furthermore, most often CSOs are included in the decision-making processes at the later stages when it is difficult to bring about significant changes to what has already been proposed.

6.1 Sub-study I: The relevance of marketized service-delivery for the Nordic and Scottish CSOs working with offenders

The first sub-study examined the perceptions that representatives from seven CSOs working with offenders in Finland, Norway, Sweden, and in Scotland had about service-delivery to the public sector and especially, how they assessed the effects of service-delivery contracts for their organization's abilities to pursue their missions. The question was then, about practices where authorities purchase services from CSOs on a commercial basis through different types of contracts opposed to non-commercial grants (Johansson et al. 2015: 1612). In a larger sense,

this sub-study brought forward different kinds of difficulties that the interviewees had recognized, if at all, in relation to cooperation with authorities.

The two CSOs that related the most difficulties in relation to service-delivery to the public sector – local authorities and municipalities – were Scottish Apex and Finnish KRITS³¹. In the first sub-study, I have referred to both of these two organizations, along with the other Scottish CSO Sacro, as ‘professional organizations’. The respondents from Apex and KRITS suggested that their service-delivery contracts with local authorities were often very strictly defined, which made it impossible for their organizations to respond to the needs of their clients in the flexible and meaningful manner that they would have hoped for. The interviewee from Apex offered several concrete examples of such cases in which the organization had found that their client would have required a completely different kind of help and support than what was specified in the contract. Although both of these representatives criticized the service-delivery contracts they had, the Finnish KRITS was comparatively in a better position in relation to its counterpart in Scotland as it also had other income, which it used, for instance, to lengthen the duration of its support for the clients beyond what had been agreed with the municipality. In general, the two Scottish CSOs in this study were much more dependent on the income deriving from service-delivery contracts with the public sector in comparison to the Nordic CSOs, which also had access to more flexible grant funding from the authorities and/or from other funders.

Additionally, the Finnish and Swedish peer support organizations did deliver certain services such as drug addiction programmes and supported housing to municipalities, but they did not report similar problems as the interviewees from the Scottish Apex and Finnish KRITS had done. The peer support organizations were likely to be much choosier about the contracts they engaged in and on what kinds of terms. For instance, the two Swedish CSOs, X-CONS and KRIS, were very clear that they did not want to employ anyone other than an ex-offender. If a contract with the municipality required certain qualifications from their personnel, they educated their own members to meet the educational criteria instead of employing people without a criminal background.

However, the findings of sub-study I indicated that in addition to the marketization of public service delivery, the so-called peer support organizations from Finland, Norway and Sweden in particular, underscored that their ability to pursue their missions was generally dependent on being on good terms with, and having credibility in the view of, the authorities. This was experienced as a particular challenge due to the fact that the people working and volunteering in these organizations often had an offending background themselves. In other words,

³¹ I have used abbreviation PFF for KRITS in sub-study I. This abbreviation is from an English translation of its name that KRITS used before, Probation Foundation Finland.

whilst these organizations had to convince their clients (or members) of being ‘one of them’, at the same time they also had to convince authorities of ‘not being one of them’ in order to prove their credibility as partners.

Based on these findings, the marketization of public service delivery was experienced as a much more relevant problem in the Finnish and Scottish CSOs in comparison to their Swedish and Norwegian counterparts that were examined within the sample of this study. Furthermore, the main problem in the service-delivery contracts related to the fact that CSOs were unable to provide the quality services that they would have wanted to within the limits of the agreements they had.

6.2 Sub-study II: The possibilities of CSOs to use their agency in the criminal justice sector in Finland and New Zealand

In sub-study II, my co-author Alice Mills and I further explored the effects of marketization on penal voluntary sector organizations’ possibilities to pursue their fundamental roles of producing, articulating, disseminating and defending values, ideas and ideology (Reuter et al. 2014: 77) by contrasting the histories of NZPARS from New Zealand and Finland’s KRITS. In addition to marketization, this study also looked at the impact of the criminal justice environment on the abilities of CSOs to pursue their values in criminal justice. The purpose of this study was to examine how, if at all, the political, economic and ideological transformations in civil society and the penal sectors have manifested themselves in the accounts of KRITS and NZPARS, which were analysed using annual reports and other supporting documentation as data.

Our analysis revealed that marketization has been an issue for the abilities of both these CSOs to work autonomously as well as employ their distinctive working methods. However, the marketization of public service delivery has clearly had a more drastic impact on NZPARS as the New Zealand government rapidly changed its funding to NZPARS from grants to competitive contracts in the early 1990s. The change from grants to contracts meant that the services NZPARS was able to provide were defined more narrowly than before and NZPARS was unable to provide some of its traditional services. In the 2000s, NZPARS was required to change its organizational make-up to a more centralized system by the government, which announced that NZPARS could otherwise lose its contracts with the government. However, the restructuring of NZPARS failed and it was forced to close down.

In comparison to NZPARS, the marketization of public service delivery has had a less radical impact on KRITS, which has not been as dependent on service

delivery to the public sector as NZPARS was. Nonetheless, the analysis of KRITS' documentation revealed that the tendency of the municipalities to favour marketized techniques for public service delivery was highly criticized by the organization. KRITS was particularly critical about the terms that municipalities used to buy supported housing services from KRITS. According to the organization, instead of more flexible 'partnership agreements', municipalities now preferred contracts and competition, which were seen unsuitable for the kind of services KRITS provided. KRITS argued that the contracts that municipalities used had, for instance, reduced the flexibility of their work, the long-term development of services and increased bureaucracy and costs. KRITS' documents also revealed that the organization did not feel that its position as a partner of the public sector was as secure as before in the increasingly marketized environment of public service delivery.

Nevertheless, KRITS was still able to access grant funding and, according to the annual reports, these grants had been essential for its ability to develop and introduce new services to the criminal justice system. This was especially apparent during the early years of KRITS. Later, around the 2010s, KRITS reported that it had encountered difficulties in integrating methods it had developed into the work of prisons. According to KRITS, this was likely due to the austerity measures that Finnish prisons were subjected to at that time. However, in the sub-study we suggested that this unresponsiveness from prisons may also reflect the change in the understanding of rehabilitation in the Finnish penal sector, that is, a move toward structured cognitive programmes.

The challenges met by NZPARS in reforming the criminal justice system were largely connected to the highly populist criminal policy environment of New Zealand. The annual reports reported that the attempts of NZPARS to campaign against the rising prison population and populist criminal policy were attacked by organizations demanding tougher punishments. In the early 2000s the New Zealand government also began to restrict NZPARS' advocacy by introducing contract terms, which forbid NZPARS from public advocacy without consulting the Department of Corrections beforehand.

Hence, according to our analysis, the punitive criminal policy environment coupled with competition for funding seriously deteriorated the possibilities of NZPARS to represent the interests of offenders and their families in New Zealand. As the Finnish criminal policy environment has still remained relatively non-populised and non-punitive, and KRITS has still had access to grant funding enabling it to do work independently of the objectives of the state, the possibilities for KRITS to pursue its values, ideas and ideology in criminal justice seem much better in contrast to NZPARS' prospects.

6.3 Sub-study III: The challenged position of the victim support organizations?

Sub-study III is located in the first half of the 2010s when victim support services were still encountering many developments, especially in Finland due to the so-called Victims' Directive³² and Istanbul convention³³, which required the state to expand the availability of support services for crime victims in general as well as victims of gendered crime in particular. Due to these international demands, this trend is not unique to Finland. In sub-study III I examined how a sample of representatives from Finnish and Norwegian victim support CSOs viewed the increasing responsibility of the public sector for organizing support services for victims of crime and how they reflected the role of their organizations amidst these changes.³⁴ In Norway the increasing responsibility of the public sector in the area of victim support services was particularly acute due to the so-called Crisis Centre Act (2009-06-19-44) in which the provision of shelter services for victims of intimate partnership violence had been stipulated as a municipal responsibility in order to strengthen the access of both female and male victims to support.

The interviews illustrated that the Finnish and Norwegian representatives regarded the responsibility of the public sector in their fields in different ways. Whereas respondents from both countries welcomed the improvements in the position of crime victims, the Norwegian interviewees were especially worried about their possibilities to continue their work in the same manner they were used to after the provision of victim support services shifts to the responsibility of the public sector. For example, there were concerns about possibilities to continue activities that are typical to CSOs such as offering low-threshold support, starting new development projects, continuing policy work and advocating for victims' rights. These concerns were connected to the Crisis Centre Act, which was seen to narrow the autonomy of the victim support organizations.

The Finnish interviewees also considered it important that their organizations could continue to receive funding for activities that are typical to CSOs, albeit the funding for the delivery of support services would grow in their budgets. These other activities were considered to distinguish them from the public and private sector organizations. Yet, in comparison to the Norwegian interviewees, the

³² European Union Directive 2012/29/EU.

³³ Council of Europe Convention on preventing and combating violence against women and domestic violence.

³⁴ Finland and Norway are not subjected to entirely similar international obligations since Norway is not a member of the EU. However, both countries have signed and ratified the Istanbul Convention, which covers similar, albeit broader demands for states concerning victim support services in comparison to the Victims' Directive (Nousiainen and Chinkin 2016: 62-66).

Finnish representatives mentioned fewer worries in relation to the up-coming public responsibilities over victim support services and the possible consequences for the autonomy of their organizations. Rather, the Finnish interviewees emphasized that more responsibility from the public sector was needed as the level of victim support services – especially shelters for victims of domestic and sexual violence – was so low in Finland.

Overall, the findings of sub-study III illustrated that despite the fact that improvements to the position of the victim and public sector's larger responsibility to take care of victims of crime were generally welcomed, these developments were also to some extent regarded as a challenge to the autonomy of these organizations and their ability to continue their work as civil society actors that are, in their own way, something other than the state or the markets, especially in Norway. The findings of sub-study III also pointed out some differences in terms of the actors that could potentially threaten the position of these traditional victim support organizations in these two countries. Thus, whereas the interviewee from the Finnish shelter organization recognized that private businesses could be potential competitors in future, the Norwegian respondents did not discuss this, rather they felt that the challenge appeared to emerge from the public sector organizations that could conceivably take over their tasks.

6.4. Sub-study IV: The role of CSOs in decision making in Finnish criminal policy

The three other sub-studies in this dissertation have examined the possibilities of CSOs to fulfil their missions from a comparative perspective and mainly in the context of service-provision. In contrast, sub-study IV focused only on Finland and it analysed the possibilities of CSOs to pursue their views in the context of policy making and, more specifically, in the drafting of laws that takes place in the Ministry before the Government Bill is submitted to Parliament. This co-authored sub-study explored the extent of CSOs' participation and the kinds of roles they had participated in law-drafting projects in the area of criminal policy in Finland during 2010–2012 and the kind of criminal policy CSOs had pursued in a sample of law-drafting projects.

The findings of the quantitative analysis illustrated that CSOs were the largest group of participants after different state authorities in our sample and they were also most often invited to participate in the preparation of the law-drafting projects (Figure 1 in sub-study IV: page 11). However, most of the actual participations of CSOs or invitations for CSOs to participate were situated in the consultation phase of the projects after the major proposals of new laws have already been drafted; in 90 percent of all instances in which a CSO had been invited to participate (n=308),

this participation concerned the submission of an oral or a written statement in response to a draft government bill. This is important as in other studies, representatives of CSOs have claimed that influencing the law-drafting projects is easier in the early stages of law-drafting (Pakarinen 2011: 40; Vesa and Kantola 2016: 19). Hence, despite the fact that CSOs were one of the most regularly involved stakeholder groups in the preparation of the examined law-drafting projects, their participation occurred at a time when it was difficult to bring about significant changes. Furthermore, when CSOs were invited to participate in working groups or similar preparatory bodies at the early stages of the law-drafting projects, these CSOs were normally organizations that represent legal professionals such as lawyers, prosecutors or judges.

The qualitative part of this study analysed written statements that CSOs had provided in a sample of four law-drafting projects. The selected projects concerned a total reform of the legislation on the enforcement of community sanctions, methods to decrease the recidivism rate amongst violent offenders, the introduction of a stalking offence and the redefinition of sexual offences and sexual harassment in legislation. The purpose of the analysis was to ascertain what kind of views CSOs were expressing in relation to criminal policy. As a result of the analysis, two main themes were identified: ‘towards penal welfarism’ and ‘justice for victims’.

The theme ‘towards penal welfarism’, which appeared in the statements given in the two first-mentioned projects describes the emphasis on increasing the individuality of sentencing and rehabilitative elements in the CSOs’ statements. The views in these statements challenged the long-standing basis of humane neo-classicism in the Finnish criminal justice policy, which has stressed the separation of punishment and treatment. Accordingly, the analysed CSOs’ statements reflected the willingness to push the more rehabilitative sentencing system further, for example, by arguing that ‘contract care’, which would enable replacing punishment with treatment, should be introduced in Finland.

Challenging views against the long-standing principles of Finnish criminal justice policy also appeared within the theme ‘justice for victims’. For example, in the project concerning sexual offences, many of the CSOs argued that criminal law should take a tougher stand on rape than proposed in the draft government bill. The analysed statements emphasized the broadening of criminal law’s response and they also indicated that human rights were used as justifications to enlarge the use of criminal law. However, almost as often as an increase in the use of criminal law was called for, better treatment for victims in the criminal justice system was also demanded, for instance, by improving access to support services. Essentially, the qualitative analysis demonstrated that as in neighbouring Sweden (Gallo and Elias 2016: 90-91), in the UK (Rock 2004) and in the context of international justice

(Lohne 2018b, 2018a), human rights have become important advocacy tools for CSOs working with victims.

The findings of sub-study IV suggest that the voices of CSOs are valued in the making of Finnish criminal policy as CSOs formed one of the largest stakeholder groups in our data. However, we did not analyse the impact of these statements. This would require further research and would enable better understanding of the possibilities of CSOs to pursue their views in drafting criminal policy. In addition, the findings showed that the most valued expertise in the process of making Finnish criminal policy is, at its 'core', the expertise of legal professionals and different state authorities as other stakeholder groups were rarely included in the early formulation phase of the law-drafting projects.

7 Discussion

This chapter discusses the findings of the sub-studies by linking them to the background and previous research presented in chapters two to five. Firstly, I will examine the findings concerning the penal voluntary sector organizations and illustrate that the findings of the sub-studies are in line with what is generally known about marketization and CSOs in these countries. I will then assess the findings of sub-study III and suggest interpretations for the divergent views of the Finnish and Norwegian representatives. I also consider the relevance of the responsabilization thesis in a Finnish context and propose that in some cases it may be difficult to differentiate between the values of CSOs and the state in the Finnish context. Subsequently, I assess the findings concerning the possibilities for Finnish CSOs to participate in policy making in criminal policy and indicate that my findings link to the previous knowledge on CSOs in Finnish law-drafting in general and the position of different kinds of interest groups in the making of criminal justice policy. I will also evaluate the meaning of different kinds of criminal policy environments for the possibilities of CSOs to pursue their values in criminal policy making. Finally, I will reflect on the appropriateness of the different civil society models in understanding CSOs in criminal justice. I will then conclude this discussion chapter by providing some suggestions for further research and by considering the limitations of this study.

7.1 Marketization and the penal voluntary sector organizations

The findings of sub-studies I and II exemplified the notion that the marketization – the intertwining of the state and markets and the adaptation of market-like practices and principles in the delivery and management of public goods (Birch and Siemiatycki 2016: 185) – had more impact on CSOs working with offenders in the Anglophone countries than in the Nordic countries. This was contributed to by the fact that the Anglophone CSOs included in the two sub-studies were highly dependent on funding deriving from service-provision to the public sector and, therefore, as the public sector has begun to employ competition and market-like

mechanisms, these have been reflected in the cooperation with CSOs. The effects of marketization identified in sub-studies I and II were mainly negative from the perspective of CSOs, although some exceptions emerged. It was reported that the tightly specified contracts diminished the CSOs' abilities to react flexibly to the needs of their clients and CSOs were unable to pursue their ethos and use their own working approaches within these contracts. The competition for contract-funding had also made the existence of some CSOs precarious and drove them to adopt more market-like ways of operating, thus increasing bureaucracy and costs within the organizations. Consequently, these effects were largely similar to what other studies from Anglophone countries have reported (Corcoran et al. 2018; Mills 2015; Mills et al. 2011).

In the case of NZPARS in sub-study II, however, the changes were even more radical as my co-author and I suggested, the organization may have gone through 'coercive isomorphism' while its successor PARS Inc underwent a form of 'mimetic isomorphism' (DiMaggio and Powell 1983). The first alteration refers to organizational change that results from formal and informal pressures exerted on an organization by other organizations that the organization is dependent on – as NZPARS was dependent on funding from the New Zealand prison administration – as well as cultural expectations (DiMaggio and Powell 1983: 150). Because of these pressures, NZPARS was required to change the focus of its services and even its organizational structure. Mimetic isomorphism refers to a process that may be suited to describe the changes in CSOs more largely today, where the demands for organizational change are not as explicit as in the case of coercive isomorphism, although organizations may mould their behaviour unknowingly in order to imitate organizations that are perceived as successful such as business organizations (DiMaggio and Powell 1983: 151-152).

The findings of sub-studies I and II would then suggest that marketization is more relevant to the Anglophone penal voluntary sector organizations than is the case for the Nordic organizations, and marketization can have substantial effects on the abilities of the CSOs to pursue their missions and use their autonomy. Nevertheless, the findings of sub-study I also indicated the heterogeneity of penal voluntary sector organizations and the fact that the effects of marketization may be interpreted differently. Therefore, it is important to underscore that marketization does not affect (or it is not interpreted to affect) the whole penal voluntary sector similarly, even within a single country (Tomczak 2014, 2017).

In comparison to the Anglophone CSOs, the Nordic CSOs in sub-studies I and II had more opportunities for receiving grant funding – derived either from the public sector or from other sources – although some of them would also deliver services under contracts to the municipalities. However, these sub-studies showed that there was variation in how the representatives of the Nordic CSOs assessed the

relevance of marketization for their organizations; marketization was experienced as more relevant and more restricting in Finland than in Sweden and Norway. Due to the limited number of CSOs included in my sub-studies, these findings cannot of course be generalized to all CSOs working with offenders in these countries.

Notwithstanding, these findings are in accordance with what is known about the relevance of marketization for CSOs in these three Nordic countries in general. For example, although it has been reported that Swedish CSOs increasingly receive their funding from providing services to municipalities (Johansson et al. 2015: 1613-1614), Swedish CSOs still have not engaged in service-provision to the public sector to the same degree as Finnish CSOs – or even Norwegian CSOs – have during the past couple of decades. Whilst the share of CSOs as providers of welfare services has remained around 3 percent in Sweden from the beginning of the 1990s until the 2010s, the share of Finnish CSOs grew from about 11 percent to almost 20 percent from the early 1990s to the mid-2000s (THL 2009; Matthies 2006: 96; Sivesind 2017: 39), although the share of Finnish CSOs as service-providers has somewhat decreased after the mid-2000s (Särkelä 2016: 42-43).³⁵ As Finnish CSOs have been more involved in the provision of public services than their Swedish counterparts, they have been subjected to more marketization of public service delivery. The contrast between Finnish and Swedish CSOs as providers of public services is interesting as in both Sweden and Finland there have been significant efforts to encourage non-public organizations to provide welfare services (Erlandsson et al. 2013; Johansson et al. 2015; Karsio and Anttonen 2013). Furthermore, CSOs have not received any significant special treatment as service providers in either of these countries as, for example in Norway, where the legislation has enabled authorities to exempt from the whole public procurement procedure when health and social services are bought from CSOs (Segaard and Saglie 2017: 84-85). Therefore, based on the findings of this dissertation, the general trends concerning marketization and CSOs in the three Nordic countries examined in this dissertation appear to also surface in their penal voluntary sectors.

Indeed, the fact that marketization was much more present in the accounts of Finnish CSOs in this dissertation compared to Norwegian and Swedish CSOs, is in line with what Matthies (2006: 88) noted over 10 years ago, which is that the Nordic CSOs are diverging in different ways from the heritage that once unified them; *‘[w]hile Finland is applying a radical course of marketization’*... [in Norway there is] *‘a strong integration of civic organizations into the public service system’*, and in Sweden *‘the relationship between civic society and welfare state appears not to be radically changing, but the negotiation of voluntary organizations’ roles is running in a way, where their particularity is acknowledged’*. This characterization fittingly describes what was found in this

³⁵ All percentages measured by the share of employees.

dissertation's comparison of the Nordic CSOs in the area of criminal justice. Namely, while marketization was present in Finnish CSOs (sub-studies I and II), in Norway the 'threat' emerged from becoming absorbed into the state (sub-study III) and in Sweden such pressures did not appear, but if anything, there has been interest from criminal justice authorities in highlighting the special role of CSOs as suggested by the Swedish Prison and Probation Service's cooperation guidelines and the amount of grants it allocates for CSOs (see chapter 2.1.2).³⁶

Furthermore, although Swedish municipalities currently purchase more services from CSOs than before and some municipalities prefer more marketized forms of cooperation with CSOs than others (Arvidson et al. 2018), Swedish municipalities have, nonetheless, also increased their grant funding for CSOs (Johansson et al. 2015: 1613-1614). In Finland the trend has been the opposite. The grants from municipalities to CSOs have slightly decreased (Peltosalmi et al. 2016: 54, 2018: 57) and there was even concerns that they might end completely if the responsibility for organizing health and social services had been transferred from municipalities to counties as a result of the health and social services reform SOTE (Brax 2018: 17, 26). However, the Rinne government elected in spring 2019 may curb these developments as it aims to 'monitor the adequacy' of state funding to CSOs (Valtioneuvosto 2019: 81). It has also announced its intents to increase the use of innovative procurement tools and place more emphasis on quality criteria in public tenders (Ibid: 107). Depending on how these proposed changes will materialize, they can mean enhanced possibilities for CSOs to pursue the kind of work that is in line with their value-bases in the context of service-delivery.

The findings of sub-studies I and II indicated, however, that besides marketization – or in some cases instead of marketization – other factors are also important when considering the abilities of penal voluntary sector organizations to pursue their missions in criminal justice. Sub-study II illustrated the relevance of the criminal policy environment for the abilities of penal voluntary sector organizations to pursue their missions, especially regarding how a highly populist and punitive criminal justice environment can hamper the advocacy functions of those speaking for offenders. It also showed how flexible grant funding can enable CSOs to introduce new elements to the practices of the criminal justice authorities that reflect the values of the organization. Sub-study I again showed that cooperation with the criminal justice system as such can be an issue when the organization had significantly different kinds of ideas about criminal justice and the treatment of offenders, and the activists in the CSOs had to mitigate their critique in order to retain access to their target groups (see also Tomczak 2017:

³⁶ However, the situation *may be* different with some Swedish victim support CSOs, as it has been suggested that local women's shelters have been subjected to marketized relationships with municipalities (Gallo et al. 2018: 2).

117). Moreover, the findings of sub-study I illustrated that these ‘less professionalized’ peer-support CSOs had to work harder in order to achieve credibility in the eyes of their public sector partners. Similar observations have also been made elsewhere (Mills et al. 2012: 401). All of these issues would be worthy of further investigation, especially in a Nordic context where the role of CSOs in the penal sector is an under-researched area.

7.2 Institutionalization of victim support services and the autonomy of CSOs working with victims

Whereas the previous research on the penal voluntary sector has debated the relevance of marketization for the CSOs’ missions, prior research on CSOs working with victims has concentrated more broadly on the tensions between CSOs’ aims and public sector cooperation (e.g. Beres et al. 2009; Lehrner and Allen 2009; Maier 2008, 2011; Matthews 1994; McMillan 2007; Morken and Selle 1995; Rigers 1994; Simmonds 2013; Williams 2016). Sub-study III was a continuation of this research tradition and focused on examining how the representatives from the selected victim support organizations in Finland and in Norway perceived the processes in which the public sector expanded its responsibility to offer victim support services. These developments over the past years are a continuation of the institutionalization of victim support services, which already began in many countries in the late 1980s (van Dijk 1988: 120).

The findings of sub-study III confirmed the earlier observation that in a Nordic context public funding or cooperation with the public sector in general was not experienced as a threat to CSOs’ possibilities to pursue their values as such (McMillan 2007: 105-107; Morken and Selle 1995), but rather, problems emerged from the fact that the public sector had increased its control over how victim support services should be offered, which in turn meant a decrease in autonomy within the organizations. However, the latter notion applied mostly to Norwegian CSOs, which had more to lose than to win in the developments that were present in Norway at the time of interviews in 2014 when compared to the Finnish CSOs. This was because the level of victim support services has been lower in Finland and the increasing role of the state was predicted to mean increases to the level of funding for the CSOs offering these services. The Finnish victim support organizations have never been in such a position as, for example, the Norwegian crisis centre organizations had. Consequently, the introduction of the statutory responsibility of municipalities to provide crisis centre services in Norway was perceived as a threat to the autonomy of CSOs working with victims, in Finland the statutory responsibility of the state to arrange shelter services was seen as more of an opportunity.

The expectations of some Finnish CSOs concerning how funds will be raised have now materialized. The funds from victim surcharges (Act 669/2015) are directed to Victim Support Finland and it receives funding from the state budget to provide general victim support services (Lundell 2018: 30-31). In the area of shelter services, the shift of responsibility from the municipalities to the state has led to longer contracts and increased the number of shelter providers, most of which are still CSOs (THL 2018b). These new arrangements have been in effect for a relatively short-time and it is difficult to say how they will develop in future. In sub-study III I proposed that it is not evident that traditional providers of victim support services will be favoured as service providers in Finland's currently highly marketized public service delivery environment, which emphasizes 'freedom of choice', competition, the diversification of service providers and where CSOs have been continuously equated with companies as service providers (Särkelä 2016). For example, in England and Wales, the position of traditional victim support organizations has become more precarious as the government decided to move to local commissioning in the provision of generic victim support services in 2014, while local Victim Support agencies have not been favoured in the new arrangement (Mawby 2016; Simmonds 2016, 2018).

Nonetheless, it seems now that the fact that the funding of shelter services was shifted from Finnish municipalities to the state may have, in fact reduced the effects of marketization on shelter organizations that were present at the time of the interviews in 2014 and the shelter providers have reported their financial situation to be more stable (Lundell 2018: 37). No private enterprises have been contracted to provide shelter services by the state thus far, but the providers consist of CSOs and municipal organizations (THL 2018b). There are, however, some private enterprises offering shelter services such as small generalist social service companies and even some security firms also have 'Safe Houses' for victims of domestic violence, but the customers must pay for their services themselves (RSP 2019; Safetor 2019).

The CSOs involved in sub-study III were very heterogeneous and had different kinds of backgrounds, which may also explain why some of them did not feel that their capacity to pursue their aims would be possibly threatened by becoming more 'attached' to the public services. In particular, the history of Victim Support Finland is interesting as it has originated largely from the initiative of a governmental body, the Council for Gender Equality, which invited a number of CSOs to discuss the need for a generic victim support service in the beginning of 1990s. These discussions led to the establishment of Victim Support Finland, which became run by seven different CSOs and was mainly funded by the predecessor of Veikkaus, the Finnish Slot Machine Association. There were plans to make the service a statutory responsibility, however, these plans never

materialized. Further, the Council for Gender Equality also considered that it would be more appropriate if the service would be operated by someone other than authorities (Tuorila and Siltaniemi 1999: 36, 39). This process could be interpreted as responsabilization (Garland 2001: 124; see also O'Malley 1992,1996: 201) or as *'the state-led encouragement of civil society groups [...]to provide services that interventionist states did, or could potentially, provide for citizens'* (Castree 2008: 142). Naturally, the choice to thrust the responsibility over the generic victim support services upon CSOs may have also been influenced by examples from other countries. Yet, although Victim Support is also run by a CSO in Sweden, the Swedish state has had a considerable role in funding it from its inception (Gallo et al. 2018). In Finland this has occurred only recently and international obligations have played an important role in this.

In effect, as Simmonds (2016: 225) has pointed out, organizing victim support through a CSO that uses volunteers to provide the support, is considerably cheaper for the state, even if it would be the main financier of the service. According to Gallo et al. (2018: 12), this kind of thinking is also in the background of the decision to fund Victim Support Sweden instead of establishing a state-run victim support service. This way in which many generic victim support organizations operate, fits well with what Ilcan and Basok (2004), leaning on Rose (1999), have described as a process whereby CSOs have taken it upon themselves to train citizens to become responsible citizens. In this task, volunteers are not recruited for their abilities to contribute social justice activism but for their personal abilities such as being caring, non-judgmental and good listeners (Ilcan and Basok 2004: 139).

The case of Victim Support Finland is not the only example of the responsabilization of CSOs amongst the Finnish CSOs studied in this dissertation. Another example links to the establishment of KRITS at the turn of the millennium when the quasi-governmental Prison and Probation Association was closed down. Afterwards, part of its duties relating to support for released prisoners were excluded from the new prison and probation authority as they were regarded to be more appropriate for a CSO that the state could provide grants to or buy services from (Government Bill 136/2000: 26). The stories of Victim Support Finland and KRITS could be interpreted as examples of the 'Finnish style' of responsabilisation that occurs in incremental steps within the system, rather than in high profile government policy programmes (Koskiahio 2015: 60).

The examples of Victim Support Finland and KRITS also raise questions about the alternativeness of the aims and values that Finnish CSOs in the area of criminal justice represent. Thus, although both of these CSOs have adopted more autonomous identities since their establishment, the Finnish state has significantly contributed to their formation. Do the aims and values of these organizations then

stem from civil society or from the state? In these two cases the answer is likely that they arise from both, which can serve as an illustration of the interconnectedness of the state and civil society in Finland (Stenius 2010: 73). Indeed, although in this dissertation I have mainly discussed the values and aims of CSOs being distinct from the state, it should be remembered that they may not always be that distinctive, especially in countries where relationships between the state and CSOs are described by harmony and proximity (Wijkström 2011). In effect, the ‘close and blurred’ border between civil society and the state, typical to the Nordic countries (Kangas and Palme 2005: 19), seems to emerge in the examination of Finnish penal voluntary and victim support organizations.

7.3 Beyond services and support: The possibilities of CSOs to participate and influence criminal policy making

While much of this dissertation has examined the possibilities of CSOs to fulfil their missions and autonomy in the context of changes occurring in the provision of public services, sub-study IV focused solely on the abilities of CSOs to carry out their missions in the framework of political decision making. More precisely, the setting analysed was law-drafting, which has been considered as a traditionally important place of advocacy among CSOs in the Nordic countries, especially in Finland (Gustafsson and Vinthagen 2013: 54; Rainio-Niemi 2010; Vesa et al. 2018: 250). The examination of CSOs’ possibilities to participate in decision making in criminal policy is important as CSOs can offer a valuable channel for ‘unpopular’ groups such as ex-offenders to have their voices heard in societal decision making, as they probably would have fewer chances to get their views across through the normal parliamentary system.³⁷ Indeed, CSOs can offer decision-makers alternative grass-root realities that cannot be conveyed through official information (Julkunen 2000: 66).

The findings of sub-study IV illustrated that CSOs are frequently engaged in the law-drafting processes in the area of criminal justice. However, their involvement occurred mainly in the consultation phase, suggesting that at this stage CSOs may have fewer possibilities to impact the general direction of a proposed government bill. This observation confirms what has been noted about the participation of Finnish CSOs in law-drafting in general; the participation of CSOs happens predominantly through consultations and not, for example, through membership in

³⁷ Although it is not evident that all CSOs have the ability to act as so-called transmission belts (Albareda 2018).

a preparatory body, perhaps apart from the so-called institutionalized CSOs and economic associations (Vesa and Kantola 2016: 19, 27).

In effect, although participation in law-drafting is generally important amongst CSOs, preparatory bodies are often considered as the most valued places for advocacy among Finnish CSOs, thus being on these bodies is highly valued (Pakarinen 2011: 32; Vesa et al. 2018: 250). The few CSOs that were included in the working groups and similar bodies in sub-study IV consisted mostly of organizations of legal professionals. Such groups are likely to be able to exercise more power in resolving criminal policy questions as they have been included to the earlier phases of the decision-making processes (Pakarinen 2011: 40, 74). The influential position of legal professionals' associations is hardly surprising, which has been noted earlier, too. By contrast, lay groups or groups representing 'lower-class interests' have been considered to have less leverage (Fairchild 1981: 188; Melone and Slagter 1983: 55).

Citizen groups that represent different social groups or causes not associated with the economy have been regarded to hold a smaller role in policy making across different policy sectors in Finland as well (Vesa and Kantola 2016: 71; Vesa et al. 2018: 242). Overall, Finnish government officials prefer to engage CSOs that represent broad societal interests, although the group of involved CSOs may have become more diversified over the past years (Vesa and Kantola 2016: 41, 44). However, as Stolz (1984; 1985) has pointed out, the leverage of professional groups is not self-evident and the ability to wield influence in criminal policy making depends on the techniques used by the interest groups. According to Stolz (1984: 105), even groups with specific interests can have significant influence, for example, by stopping a proposed legislation.³⁸ Therefore, despite the fact that the findings of sub-study IV suggest that the majority of CSOs are included in the preparation of the law-drafting processes regarding criminal policy in the later stages, one should not assume that their abilities to influence in these processes would be insignificant.

The influencing tactics of CSOs in criminal policy making naturally go beyond formal participation to law-drafting, which sub-study IV did not examine. For example, CSOs may already influence government officials before a law-drafting project is officially launched. Finnish CSO representatives have also considered this form of advocacy to be more important than participation in the actual law-drafting that starts from an official initiative (Pakarinen 2011: 40). Furthermore, CSOs may try to gain influence in criminal policy decision making through the media. Different strategies are likely to vary according to different organizations

³⁸ 'Influence' can also be understood in different ways; in Stolz's study, Congressional staff considered influence as the means of a participant's ability to '*have its concerns given serious consideration*' (Stolz 1984: 96).

and their causes. At least when it comes to campaigning for offenders, private relationships with civil servants have been regarded as the most efficient way of exerting influence, while media have even been eschewed by those advocating for law-breakers (Birkett 2017: 108, 145, 174). I suspect this observation applies to Finland as well, especially as contacts with civil servants are generally considered important or very important for advocacy amongst Finnish interest groups (Vesa et al. 2018: 250-252).

Of course, the criminal policy environment is an important determinant for the abilities of different kinds of CSOs to create influence, too. As Ismaili (2006: 265) has noted *‘in cases where a crime or criminal justice issue is in the public spotlight, elected officials are particularly responsive to public concerns and pay correspondingly less attention to views of policy professionals, including criminologists. It is therefore inaccurate to state that nonprofessional interest groups are completely shut out from the subgovernment in the criminal justice policy community’*. In this dissertation, this statement has been exemplified, for example, by the Sensible Sentencing Trust of New Zealand, which may have been more successful in shaping the recent criminal policy in New Zealand than the long-time government partner NZPARS, which found it difficult to gain influence in the populist and punitive criminal policy climate of New Zealand as illustrated in sub-study II. CSOs speaking for offenders and operating in populist and punitive contexts alike may face similar challenges as NZPARS did.

In contrast to New Zealand, Finland provides a criminal policy environment that has been considered exceptionally expert-orientated, even amongst the other expert-orientated Nordic countries (Törnudd 1993: 4). In this context, citizen opinion and ‘grassroots knowledge’ have been interpreted as bringing unwanted changes to Finnish criminal policy (Lappi-Seppälä 2016: 70) where a long-term goal has been minimizing the use of imprisonment (Törnudd 1993). In effect, such ‘democratic elitism’ normally does not regard the participation of citizen groups in policy making as a value as such (Ruostetsaari 1993: 307). However, over the past years, demands to increase the influence of citizen opinion have emerged not only from the side of politicians but also on behalf of researchers (Pirjatanniemi 2011: 169; Tolvanen 2015: 570). Furthermore, recent turns in Finnish criminal policy have aimed at meeting the ‘general sense of justice’ (e.g. Oikeusministeriö 2018), which has become a more important manner of argumentation in criminal policy decisions (Balvig et al. 2015: 358; Lappi-Seppälä 2016: 71). Also, the improvements in the position of crime victims have gained increasing attention in Finnish criminal policy during the recent years after years of debate and international pressure, which may predict increased influence for CSOs working with victims, or even those groups claiming to represent the interest of crime victims, in criminal policy making.

Nevertheless, whether these recent turns will be evidenced as changes in the composition of participants in law-drafting processes and as an increased leverage of grass-root citizen groups, remains to be investigated in future studies. At least according to sub-study IV, the ‘core’ of making Finnish criminal policy was still in the hands of different legal professionals and state authorities, which supports the thesis of the exceptionally expert-orientated nature of Finnish criminal policy (Törnudd 1993: 4).

7.4 The fitness of different civil society models in understanding CSOs in criminal justice

In chapter 2.2 I reviewed the different kinds of civil society models of the ‘social origins’ theory (Salamon and Anheier 1998; Salamon et al. 2017) in order to illustrate the differences in the roles of CSOs between the countries examined in this dissertation. I also discussed the critique of these models and indicated that the social democratic model, to which many Nordic countries have been associated with may not be suitable for describing the roles of CSOs in other Nordic countries apart from Sweden (Cepel 2012; Selle and Wollebæk 2010). In effect, the empirical findings and other observations made in this dissertation suggest that the social democratic model is not entirely appropriate to understand the roles of Nordic CSOs in criminal justice either. This is the case particularly with Finnish CSOs, yet the social democratic model neither explains perfectly Norwegian nor Swedish CSOs.

The reason why social democratic model does not quite capture the roles of Nordic CSOs in the area of criminal justice is due to their orientation towards ‘service’ instead of ‘voice’. Of course, I did not thoroughly examine all the CSOs working with offenders and victims in this dissertation but only focused on some of the most significant ones. Therefore, the suggestions I make here would require further research with a more extensive sample of CSOs. However, based on the charting of CSOs that I conducted at the beginning of this dissertation, there appeared to be very few, if any, CSOs working with offenders or victims, which would have been mostly focused on interest representation and political work instead of the provision of services, either with or without public funding. In some organizations such as in the Finnish KRITS (sub-study I and II) and in the Norwegian FMSO and NOK (sub-study III) there were further elements that contradicted with the social democratic model; whereas the strong role of volunteers in CSOs has been considered as one of the hallmarks of the social democratic model (Salamon and Anheier 1998: 242; Salamon et al. 2017: 85, 88), these CSOs relied heavily on paid staff and operated with almost no volunteers. Thus, in these respects, the Nordic CSOs examined in this dissertation may have

more common with the so-called welfare partnership model where CSOs are mostly focused on service activities with considerable public funding instead of protest and advocacy (Salamon et al. 2017: 87).

Nevertheless, some CSOs portrayed the characteristics of the social democratic model more than others. For example, while interest representation, in one form or another, was a part of all CSOs examined in this research, the role of being a critic – a feature associated to the history of the Nordic CSOs (Selle and Wollebæk 2010: 290) – was only strongly present in the Swedish peer support organizations KRIS and X-CONS (sub-study I). Indeed, the evaluations of the Nordic CSOs have paid attention to the fact that the claims concerning the role of Nordic CSOs as critics or ‘watchdogs’ of the government may base more on myths than facts, at least when it comes to the most recent decades (Matthies 2007: 64; Selle and Wollebæk 2010: 299). At least in the case of the Finnish CSOs, the relationships with the state appeared to be close and there did not appear to be great ideological differences. Further, some of the boards of Finnish CSOs had officials as members and in the case of some CSOs, the state even had contributed in the establishment of these CSOs. Furthermore, only the interviewees from the Swedish KRIS and X-CONS emphasized the importance of not hiring – at least not too many – professionals for their organizations in order to preserve their organizations’ original characters. Also, the Swedish Prison and Probation Services seems to find it important to emphasize that the role of CSOs should be something other than being a service provider to the state (Kriminalvården 2003: 4, 2018: 4). In contrast, in Finland such role has not been regarded as inappropriate (Government Bill 136/2001: 26). Overall, out of the CSOs examined in this dissertation, only the peer support organizations from the Nordic countries – particularly from Sweden – seemed to share most with the social democratic model. In contrast, the Finnish and Norwegian victim support organizations and the Finnish KRITS seemed to have most in common with the welfare partnership or liberal civil society patterns.

I also find it difficult to describe the Scottish Apex and Sacro (sub-study I) and New Zealand PARS (sub-study II) by using the liberal civil society model that has been associated with CSOs from Anglophone countries. This is due to the fact that unlike in the liberal civil society model, the share of public sector funding for these CSOs was considerable, which is typical of the welfare partnership model (Salamon et al. 2017: 84, 87). In contrast, the role of private donations that have been considered as important revenue for the CSOs in the liberal model (Salamon and Anheier 1998: 244; Salamon et al. 2017: 84, 87), was minimal amongst the Anglophone CSOs examined in this dissertation. In fact, these CSOs have long histories of being providers of statutory rehabilitation services to the government, which again has been linked to the welfare partnership model. Incidentally, the same can be said about the Finnish KRITS, whose forerunners, the Finnish Prison

Association and the quasi-governmental Probation and Aftercare Association, had considerable roles in performing statutory tasks (Harrikari and Westerholm 2014, 2015; Huhtala 1984).

In sum, the civil society models developed to understand the overall civil society sectors in different countries, based on the observations of this dissertation, fail to capture the main roles of CSOs in criminal justice. In the case of Nordic CSOs and the social democratic model, this is due to the strong orientation towards service activities in contrast to expressive functions; in the case of Anglophone CSOs and the liberal model due to the strong role of government funding opposed to private philanthropy. Consequently, the findings of this study add to the critique of civil society regimes.

However, it is worth of asking to what extent the qualities of CSOs examined in this dissertation may result from the so-called era of advanced liberalism and to what extent they only reflect characteristics that have been typical to CSOs working with offenders and victims from the day they were established. Undoubtedly, service activities have always had a strong role in CSOs working with offenders and victims (Carey and Walker 2002; Huhtala 1984; Svensson 2004). However, in the case of Nordic CSOs working with offenders, their service functions, and indeed the whole existence of these CSOs, became limited during the prime of the Nordic welfare states (Svensson 2004; Huhtala 1984). At the beginning of the new millennium these types of CSOs have reappeared. Svensson (2004: 65) has connected this to the increased emphasis on punishment and control within the Swedish criminal justice system. As a result, the need for support and care provided by the non-governmental organizations has re-emerged. Harrikari and Westerholm (2014, 2015) have shown how the Finnish probation work also went through a similar development from care to control at the end of the 20th century. This development has marked a re-establishment of CSOs working with offenders and the augmentation of their service provision in Finland, too.

The increased focus on the control and execution of community sanctions in the Finnish probation system and the closure of the Probation and Aftercare Association did not necessarily have to mean giving up on state-provided care and support that was not directly connected to the delivery of community sanctions. In spite of this, these functions became regarded as more suitable tasks for CSOs. This was probably due to a combined effect of the harshening criminal policy environment, the deep recession of the 1990s and the adoption of the NPM-style of management within the Finnish probation system (Harrikari and Westerholm 2014, 2015). The fact that the Finnish probation system gradually abandoned functions such as providing housing services and work placements (Harrikari and Westerholm 2014, 2015) has meant that these functions have begun to emerge within CSOs such as KRITS and Finnish KRIS. Therefore, at least in respect to

Finland, the current strong position of service activities within CSOs working with offenders is connected to the dismantling of the welfare state and to decisions where duties that the state did or could have provided for its citizens have been shifted to CSOs (Castree 2008: 142).

The history of various victim support organizations is shorter in comparison to CSOs working with offenders. In the Nordic countries, the first of these types of CSOs – shelter organizations – appeared in the early 1980s (Paul 1998: 22), hence, at the prime of the Nordic welfare state. The reason why the shelter services did not become an established part of the welfare state services in some Nordic countries has been explained by the ‘alternative’ nature of the feminist shelter organizations. For example, since its inception, the Norwegian shelter movement was against integrating their shelters to public services as this might have compromised the feminist value-base of the shelters (Morken and Selle 1995). Therefore, the prevalence of service functions within victim support organizations is to some extent connected to the original character of these CSOs. However, at least in Finland and in Sweden, the establishment of generic victim support services coincides with the economic regressions of the 1990s and the spread of neoliberal ideas in the respective state administrations. Hence, while there was national or international pressure to offer more support for victims of crime, organizing support via CSOs must have appeared as a more attractive choice than launching a state support service for victims (Gallo et al. 2018: 12; Tuorila and Siltaniemi 1999: 36-39). As discussed in sub-study III, the increased public responsibilities in European states to provide victim support services have, and are likely, to reinforce the service provision functions of victim support organizations even further.

To conclude, it can be said that service activities have been an important part of CSOs working with offenders and victims ever since these organizations were founded. These functions have also been reinforced during the past couple of decades, partly due to phenomena associated with advanced liberalism and partly due to the expanded public duties in the area of victim support. Due to the prominence of service provision both in the Nordic and Anglophone CSOs working with offenders and victims, the welfare partnership model may be, at least partly, more apt to describe the roles of CSOs than the social democratic or liberal models. Nonetheless, in order to examine these assumptions further and to build more nuanced theoretical model for understanding CSOs in the area of criminal justice in different countries we would need more comprehensive research into the funding sources, the role of staff and volunteers, interest representation and service functions, histories and other attributes of different types of CSOs working in this area. In the following chapter I will present some further suggestions for future research.

7.5 Paths for future enquiries: Distinctiveness and the role of CSOs in the criminal policy decision-making processes

This dissertation has illustrated that CSOs working in the area of criminal justice also operate in increasingly mixed welfare economies, which is reflected in at least some of their abilities to fulfil their value-bases and exercise their autonomy. The sub-studies demonstrated that this environment had also created a need in some of the Finnish CSOs to justify their uniqueness and advantages as service providers. In effect, understanding the distinctiveness of CSOs is perhaps more important than ever amidst the political endeavours to further competition in the delivery of public services. The analysis of NZPARS in sub-study II showed that competitive and managerialist style of service provision can pose a real threat to the survival of CSOs in the criminal justice sector or it can make CSOs adopt more business-like ways of operation and possibly at the cost of losing what is unique in them (see also Corcoran et al. 2018).

However, as Tomczak and Thompson (2019: 5) have argued, the claims about CSOs' 'special value' as service providers in the criminal justice system is still largely based on ideas and not on empirical evidence. The available research evidence on CSOs in criminal justice is also mainly grounded in Anglophone studies, whereas the effects and distinctiveness of CSOs' work are likely to vary in different contexts (Tomczak and Thompson 2019: 5). The interpretation of distinctiveness or special contribution is prone to differ depending on the country and context, too. For example, the distinctiveness of Finnish CSOs working with offenders and victims is, in a sense, still rather obvious; there are very few if any other agents carrying out similar specialized work. Nevertheless, very little is known about the value that their work can have on their members, clients, communities or society more broadly.³⁹

Therefore, I suggest that future Finnish research would try to investigate the special value of CSOs' work in criminal justice. Although my purpose was not to examine this question in this dissertation as such, certain characterizations, however, emerged during the interviews, which could then be considered further in future research. For example, independence from the statutory sector (sub-study I) was seen as important when creating trustful relationships between the CSOs and clients/members (see also Mills et al. 2012; Robinson and Hudson 2011). Furthermore, the role in teaching clients/members citizenship skills such as influencing political decision making at the local or national level (sub-study I) was mentioned. This has also been earlier noted by Kaufman (2015: 549), who has

³⁹ There are, however, some master and bachelor level theses that have explored the work of CSOs in this area (Ketolainen et al. 2008; Siekkinen 2008).

argued that the work of CSOs *‘at the margins of the penal state offers experiences of citizenship to those whom the state deems in need of further preparation to become citizens’*.

On the whole, this dissertation process made me realize the dearth of research concerning CSOs and civil society in criminal justice. One particular area where this lack of research is also striking regards the role of CSOs in the making of criminal policy. This is likely contributed to by the fact that, by and large, the entire criminological sub-field of criminal justice policy making has remained largely under-researched, although calls to increase studies in this area have already been made for decades (Ismaili 2006; Jones and Newburn 2002; Solomon 1981). Of course there are exceptions (e.g. Alvesalo-Kuusi and Lähteenmäki 2016; Birkett 2017; Fairchild 1981; Lohne 2018; Stolz 1984, 1985, 2002), but very few studies have focused particularly on the role of CSOs in decision-making processes in the making of criminal policy. In my opinion, we need more research on both the role of CSOs in formal decision-making processes, such as in law-drafting, as well as on the more informal ways in which CSOs exert influence. This would be particularly important as these informal ways of influencing such as private lobbying are also regarded as ever more significant by contemporary Finnish CSOs (Vesa and Kantola 2016: 19).

Finally, future research could also pay more attention to the kinds of values that CSOs pursue in criminal justice. This is especially important if we understand the role of CSOs to fundamentally be concerned with the production and dissemination of values (Reuter et al. 2014). Studying the values that CSOs pursue in criminal policy can tell us something about the kinds of values are seen as desirable at a particular moment in criminal justice and they can also inform us about what is considered as a ‘good’ criminal justice system at a given moment of time. The findings of sub-study IV gave some indication about the kinds of ideas that CSOs are trying to integrate in the criminal justice system at the present moment. Essentially, those values echoed the aspiration to further promote the trends that have been present in Finnish criminal policy during the past decade or so; more rehabilitation in the criminal justice system and more recognition of victims’ rights and needs.

7.6 Limitations

This research has some important limitations. Firstly, much of this research has been conducted in the context of marketization. While the current research continues to explore the consequences of marketization for CSOs working with offenders and victims (e.g. Corcoran et al. 2018; Simmonds 2018), this perspective has also been criticized by arguing that it neglects the fact that not all CSOs are

subjected to it (Tomczak 2014, 2017). It is true that marketization does not affect all CSOs in criminal justice nor in the civil society sector at large. Hence, it would be important for future research to examine the possibilities that CSOs have to pursue their missions in criminal justice by using alternative perspectives. For example, future research could explore relationships between CSOs and different authorities more broadly and assess how these relationships enable or hinder the work of CSOs.

Secondly, this dissertation has largely been performed from the viewpoint of CSOs. In order to gain a more complete understanding of the possibilities for CSOs to pursue their agendas in criminal justice, one should also examine how the partners of CSOs, for instance, prisons or other state agencies, view the inputs of CSOs in criminal justice. These actors and their attitudes towards CSOs can have an important impact on the abilities of CSOs to pursue their views and interests in criminal justice.

Thirdly, this study is unable to provide answers concerning the abilities of all types of CSOs to fulfil their value-bases in criminal justice. The focus of this dissertation has been on CSOs working with offenders and victims, which additionally have mostly been large, national CSOs, whilst there are many smaller and local CSOs working with these groups, too. It would be important that future studies also examined the work of these smaller CSOs and the possible challenges they experience in conducting their work.

Fourthly, this study did not examine the participation of CSOs in the making of criminal policy outside law-drafting, which represents one of the highest levels of societal decision making. Although participation in law-drafting is important, at least for Finnish CSOs, future research could also examine other ways in which CSOs pursue their views in the making of criminal policy. Furthermore, as sub-study IV was only a study of Finnish CSOs this dissertation cannot provide systematic analysis of the Finnish CSOs' possibilities to participate in criminal policy making in comparison to some Anglophone and other Nordic countries. On the basis of sub-study II, I have suggested that a populist and punitive criminal justice environment may weaken the abilities of some CSOs to influence criminal policy making. However, it is clear that this issue also calls for further research.

8 Conclusions

The overall purpose of this dissertation has been to explore the possibilities of Finnish CSOs working in the area of criminal justice to fulfil their value-based missions and autonomy in a comparative perspective. The comparative contexts I used in this dissertation consisted of two Anglophone and two other Nordic countries. I have focused on CSOs working with offenders and victims in particular. Furthermore, when I examined the possibilities of the so-called penal voluntary sector organizations to pursue their value-bases I concentrated especially on the relevance of marketization. In the case of victim support organizations, I paid attention on the relevance of the state's increased involvement in the arrangement of victim support services and when exploring the possibilities of Finnish CSOs to pursue their value-bases in criminal policy decision making, I narrowed my focus to the context of law-drafting.

This study has shown that marketization can also restrict the abilities of Finnish penal voluntary sector organizations to work according to their values and missions. Although marketization did not appear to have such a constraining meaning for the autonomy of the Finnish CSOs as it did for the Anglophone CSOs, its effects were present and criticized in Finland, too. However, this study indicated that Finnish CSOs' access to grant funding, mainly from the gaming company Veikkaus, can enable them to integrate new elements into the criminal justice system that reflect the values of the organization. In comparison, the Anglophone CSOs included in this dissertation largely lacked such possibilities, which made it very difficult for them to do anything outside of the service-delivery contracts with the public sector.

Therefore, although the relevance of marketization for the penal voluntary sector field has been questioned (Tomczak 2014, 2017), this dissertation shows that it can even have relevance in countries such as Finland that have been perceived to be less influenced by advanced liberalism than Anglophone countries. Furthermore, taking into account the small amount of penal voluntary sector organizations in Finland, even the struggles experienced by one organization in pursuing its mission can have important consequences for the ability of the whole penal voluntary sector to create change in the criminal justice system.

This dissertation has also indicated that the institutionalization of victim support services, which elsewhere has been interpreted as a factor that narrows the autonomy of CSOs, was not regarded as a threat for the missions of the ‘traditional’ Finnish victim support organizations. On the contrary, it was welcomed because it meant more secured funding for the majority of the CSOs. Hence, in Finland the institutionalization of victim support services denotes that the possibilities for Finnish victim support organizations to pursue their missions may be better than ever. However, this study also showed that whether the institutionalization of victim support services is perceived as a threat or as an opportunity is strongly context-dependent. In countries where a victim support movement can be characterized as strong and more influenced by feminism, such as in Norway, the institutionalization of victim support can also be perceived as a threat to the abilities of the organizations to use their autonomy and operate as CSOs. Therefore, the findings of this dissertation provide further knowledge on the differences between victim movements in Finland and in other industrialized Western countries.

Additionally, this research illustrated that the possibilities for Finnish CSOs to pursue their value-bases in criminal justice decision making also appeared to be quantitatively good as CSOs were included in the law-drafting processes in the area of criminal policy in large numbers. Yet, their opportunities consisted mostly of written statements given in the later stages of the process, which suggests that their possibilities for significant input may not be substantial. This finding is in line with the previous research concerning the influence of interest groups in criminal justice policy making and the participation of Finnish CSOs in law drafting in general.

Finally, I considered the applicability of the civil society models developed in the ‘social origins’ theory (Salamon and Anheier 1998; Salamon et al. 2017) for understanding CSOs in criminal justice. While these models succeed in describing some characteristics of these types of CSOs in different countries, they fail to do so in other respects. Therefore, I have suggested that future research should examine the applicability of these models with a larger sample of CSOs and possibly attempt to form new theoretical models to describe civil society regimes in the area of criminal justice.

This dissertation is a contribution to the fairly new research field that explores CSOs in criminal justice and a response to the call to show greater interest in analysing the ways in which CSOs – or voluntary sector organizations – can bring about change in the criminal justice system (Tomczak and Buck 2019: 16). In their own research, Tomczak and Buck (2019) have categorized and theorized the different kinds of ways in which penal voluntary sector organizations aim to change the lives of their clients or the criminal justice system as a whole. Undeniably, CSOs have the potential to change the criminal justice system in

multiple ways and this dissertation has, for its part, also illustrated some of those techniques. However, my contribution to the study of CSOs and their possibilities to create change in the criminal justice derives more from the analysis of different structural factors that can affect the agency and autonomy of CSOs. It is clear that in order to fully understand the structures that can enable or hinder the actual possibilities that CSOs have to create change in the criminal justice system, we need more research. This is needed, because as this dissertation has shown, the structures can significantly either support or curtail the efforts of CSOs.

This dissertation is a contribution to Finnish criminological, the sociology of law and civil society scholarships. Until today there has been very little, if any research on CSOs as actors in criminal justice. Although this research cannot provide all the answers to what the possibilities of CSOs to use their autonomy and pursue their values in criminal justice are, I hope this research can serve as an inspiration for further Finnish studies in the area. In any event, CSOs such as those examined in this dissertation, can be valuable to their members, clients, partners at the public sector and for the society at large, they can and do contribute to the content of 'criminal justice' in multiple ways.

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Government Bill 136/2000 *Hallituksen esitys eduskunnalle laiksi rangaistusten täytäntöönpanon hallinnosta ja eräiksi siihen liittyviksi laeiksi*.

Annex 1. Example of request to participate the study

Dear [Name and title],

I am doctoral candidate Maija Helminen from University of Turku (Åbo), Finland and You may remember that I contacted [organization's name] last autumn when I gathered information about third sector organizations working with (ex-)offenders in Scotland. Now I contact [organization's name] again, because I am interested in having Your organization in the next stage of my research.

As You know, third sector organizations are a valuable part of criminal justice and criminal policy in many countries despite they are not considered as official actors in the system. However, these organizations are often the only actors who, for example, take care of the needs of releasing prisoners and victims of crime in a society. In my doctoral dissertation I want to examine third sector organizations as actors in criminal justice and in criminal policy and understand what kinds of roles these organizations have in criminal justice and criminal policy in different countries (Finland, Norway, Sweden and Scotland); How do they understand their tasks and roles? What kinds of factors in a society influence to their roles? What kinds of relationships these organizations have with state actors? Have they experienced any changes in their roles and tasks during the past years?

I am now asking 1 or 2 voluntary organizations that work with releasing prisoners from each of the mentioned four countries for an interview and questionnaire study. [organization's name] is one of these organizations. Participation would involve an interview (max. 1-2 hours) with an executive manager or similar suitable person and possibly a questionnaire to all local offices of [organization's name]. I may also need help in finding some documentary material from [organization's name]. Due to the nature of this research, all organizations would appear with their own name in the final study; However, interviewed individuals and individuals completing questionnaires can participate anonymously. All individuals in the organization can decide themselves, whether or not they wish to participate.

The final study is intended to be published internationally. I will also distribute the results to all organizations that participated to the study in order that the

organizations can benefit from them. The study is currently financed by the Scandinavian Research Council for Criminology.

I hope you can inform me as soon as possible about Your interest in taking part to this research. After You have expressed Your interest, I will inform you in detail about procedures and schedules of the interview etc. Participation to this study is voluntary and you can withdraw from the study at any stage of the research, if you wish so. However, in order to understand the situation of third sector organizations in criminal justice, having [organization's name] as a part of my study would be very important. If you have any questions or concerns about this study, I am happy to provide You more information (see my contact details below).

I look forward at hearing from You soon!

[Contact details]

Annex 2. Consent form

CONSENT FOR PARTICIPATION IN AN INTERVIEW

Researcher's contact details:

Maija Helminen

Faculty of Law

20014 University of Turku

email: anmahel@utu.fi

tel: +358 2 333 6069

Supervisor's contact details:

Anne Alvesalo-Kuusi

Professor in Sociology of Law and Criminology

Faculty of Law

20014 University of Turku

email: anne.alvesalo-kuusi@utu.fi

tel: +358 2 333 5512

I have agreed to be interviewed by Maija Helminen for her doctoral dissertation ("The Roles of Third Sector Organizations in Criminal Policy and Criminal Justice") according to the details given in the invitation for this research (attached). The purpose of the study is to examine the understandings of third sector organizations about their roles in the area of criminal policy and criminal justice. In general, the study is connected to the discussions about the role of third sector in so-called welfare states.

I agree my interview to be recorded and I understand that providing anonymity is not possible in this research. As this is the case, I will be referred in the final study according to my title (Title of the interviewee, Name of the Organization). The interview will last two hours. My participation to this research is voluntary and I have a right to discontinue my participation at any stage of the research.

The recorded interview will be transcribed and the tape recording will be destroyed after transcription. The interview data will be used side by side with document material available from my organization. The interview data will be seen only by Maija Helminen and her supervisor (Anne Alvesalo-Kuusi). Research material will not be given to anyone external to the research without my permission.

The results of this study are intended to publish in an international journal.

I can decide here, whether or not I will give permission to archive the transcribed interview data after this research and if it can be used for further research purposes:

yes () no ()

Date and signature:

Annex 3. Example of interview themes

Themes (sub-study I)

1. Background Questions for the Interviewee
2. Personnel at Organization
 - Staff and volunteers
 - Needs and requirements in terms of staff and volunteers
3. Organization's financing
 - Shares and importance of different funding sources
 - Changes in funding
4. Board, management and local units
5. Organization's operations
 - Importance of different operations
 - Development of operations
 - Production of services
6. Organization and Criminal Policy
 - Organization's aims and views in terms of criminal policy
 - Influencing in criminal policy
 - Organization as an actor in criminal policy
7. Organization and Criminal Justice System
 - Organization as an actor in the criminal justice system
 - Co-operation in criminal justice system
 - Production of services in the criminal justice system
8. Organization and other actors

- Networks and partnerships with other actors

9. The Future of the Organization

- Situation of the Organization at the moment
- Future expectations

Themes (sub-study III)

1. Interviewee's background

2. Aims of the organization

- what kind of organization, who is it working for and what are its aims
- the possibilities of the organization to fulfill its aims and tasks
- ideological foundation of the organization
- changes in the aims and tasks and the development of aims and tasks in the future

3. Staff and board

- staff and volunteers
- role of the board/local boards
- relationship between the national organization and local organizations
- recent/expected changes concerning the organization/local organizations

4. Funding

- the financial situation of the organization in general and funding sources
- recent changes/expected changes in the funding sources
- meaning of different funding sources for the organization
- service-delivery vs. grant funding as a funding source
- the best/the worst kind of funding structure for the organization

5. Operations of the organization

- how would you describe the operations of the organization in general
- the most important/least important operations
- recent/expected changes in the operations
- are there such tasks that should not be/should become the responsibility of the organization

6. Influencing/Advocacy

- what kind of, who are involved in it, what kinds of means
- changes in the influencing work
- issues relating to criminal policy that the organization aims to influence
- obstacles/challenges in influencing and factors that ease influencing
- position of the organization in influencing

7. Organization and other actors

- cooperation in general and the most important cooperative partners
- relationship between the local organization and municipalities
- relations with other authorities/officials
- preferred cooperative partners
- difficulties in cooperation
- recent/expected changes in cooperative relationships

8. Future of the organization

- expectations in terms of future
- what would be the worst/best kind of future for the organization

Annex 4. Division of work in the co-authored sub-studies

Sub-study II

The division of work was almost equal between me and Alice Mills in sub-study II. However, we agreed at the beginning of our work that I would be the first author of the paper and would take more responsibility in designing and coordinating the research. I had the responsibility of writing background sections of the article concerning Finland, analyzing documentation from KRITS and reporting findings concerning KRITS. Similarly, Alice Mills was in charge of writing background sections concerning New Zealand, analyzing documentation from NZPARS and reporting the findings concerning NZPARS. We wrote introduction, methods, discussion and conclusions sections together and commented and edited other sections written by each other. The idea for this sub-study was also a shared effort. Alice Mills was in charge of checking the grammar of the article.

Sub-study IV

I was the first author of this sub-study and I had more responsibility over designing and conducting the study than the second author Anne Alvesalo-Kuusi. All sections of the sub-study are mainly written by me and the qualitative study was conducted only by me. The analysis of the quantitative study was a joint effort between me and Anne Alvesalo-Kuusi. Research assistant Laura Kuitunen conducted coding of the quantitative data following SPSS-matrix developed by me and Anne Alvesalo-Kuusi. Anne Alvesalo-Kuusi introduced the idea of studying the role of CSOs in the context of law-drafting.



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