

# Prisons as Welfare Institutions? Punishment and the Nordic Model

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## *Nordic exceptionalism?*

In the field of comparative penology, the Nordic countries – Denmark, Finland, Iceland, Norway and Sweden – are frequently used as an exception to the general rule. As the story goes, these societies are somehow able to resist a current global move towards growing rates of imprisonment and tougher crime control policies. Nordic prisons are seen as beacons of humanity and decency in a world of ever-increasing penal populism. In a much-discussed two-part article, John Pratt (2008a, 2008b) described the Nordic societies as exhibiting a specifically Nordic penal culture, resulting in what he called Scandinavian or Nordic exceptionalism in the penal area;<sup>1</sup> the exceptional qualities, according to Pratt, being consistently low rates of imprisonment and comparatively humane prison conditions.

Imprisonment rates are, in theory at least, simple enough to compare (if we, for the time being, bracket the headaches associated with comparing statistical figures produced by different government agencies in different countries), and several other authors have in fact done so (Cavadino and Dignan, 2006; Lacey, 2008). The novelty of Pratt's approach was that the question of prison conditions was added to the simple comparison of imprisonment rates.

Pratt's main point is that the prison regimes in two clusters of societies are systematically different. The societies making up what the authors call the Anglophone cluster – England, New Zealand and Australia – are more punitive. Their prisons are simple and austere, and their politicians are keen to be seen as credibly "tough on crime". The societies making up the Nordic cluster – Finland, Norway and Sweden – are more welfare oriented, and their prisons

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<sup>1</sup> Scandinavia as a geographical area consists of Denmark, Norway and Sweden. Danes, Norwegians and Swedes have a common cultural heritage and can understand each other's languages reasonably well. The Nordic Countries also include Iceland and Finland. Although the languages are part of the same linguistic family, most Scandinavians cannot understand Icelandic. Finnish is part of a completely different family of languages, and is, as the proverb goes, as Greek to Scandinavians, even though Greek is actually a closer relative.

are celebrated for being relatively safe and humane institutions that provide decent living conditions for prisoners or, depending on whom you ask, notorious for being soft holiday camps for murderers and rapists.

Like imprisonment rates, the quality of prisons and the conditions they provide for prisoners is of course an empirical question. Empirically, "prison conditions" can be operationalised in a number of different ways. One could focus on more objective aspects of prison life, and ask whether in-cell sanitation facilities are available or count the number of books in the prison library. Or one could choose a more subjective approach and ask prisoners what they think of various aspects of prison life. Is the food tasty? Are the prison officers decent and professional? Do you feel safe here?

The exceptionalism debate has, so far, too often revolved around the question of whether the Nordic prison systems *really* are or are not that exceptional. The discussion has often lacked the appropriate level of specificity. Pratt later expanded on the exceptionalism thesis in several texts co-authored with Anna Eriksson (Pratt and Eriksson, 2011a, b, 2012). Much of the debate has taken the less specific argument that can be found in Pratt's original 2008 article as a starting point. Here, the general argument that Nordic prisons and prison systems are more humane and decent than their Anglophone counterparts was largely held up by examples. Pratt's descriptions of the Nordic prison conditions, and in particular his choice of examples, have been criticised by Nordic prison scholars (*inter alia* Mathiesen, 2012; Smith, 2012). According to critics, Pratt was cherry-picking anecdotes to fit his thesis. He could easily have chosen alternative examples to paint a more sombre picture of the Nordic prison systems; more run-down prisons in need of renovation, and a stronger focus on the more problematic aspects of the Nordic penal culture like the frequent use of pre-trial solitary confinement. He has also been criticized for relying too heavily on scripted day visits to a small number of institutions (Minogue, 2009).

The very meaning of "Nordic exceptionalism" has developed through these texts. One might differentiate between a narrow, specific version of the exceptionalism thesis, and a wider, more general and more abstract version. The most specific version can probably be found in Pratt and Eriksson's 2012 book. Here, they operationalise the differences in prison conditions between the two clusters as follows: (1) Nordic prisons tend to be smaller, (2) officer/inmate relations are better and more egalitarian, (3) the quality of prison life is better (the quality of

the food provided, the hygienic conditions, the amount of personal space and the quality of visiting arrangements are all superior in the Nordic prisons), (4) prison officers are better trained, and (5) prisoners in the Nordic countries are more likely to be involved in education or vocational training programs that are more often directed at preparing them for life after release.

At least when seen from a Norwegian perspective, one immediately has to agree that at least two out of the five criteria are accurate. Norwegian prisons are indeed small (even though some of the smallest have been closed or will be in the near future), and the level of training would-be prison officers have to undergo is impressive compared with training regimes in other jurisdictions. The three remaining aspects – the quality of prison life, officer/inmate relations and the quality of education and vocational training programmes – may very well also favour Norwegian prisons, although a more systematic comparative analysis is probably needed before such a conclusion can be made.

In this chapter, I hope to bring this discussion a step forward. It is my thesis that the Nordic systems may be exceptional in another sense: The fact that Nordic prisons and correctional systems are understood as integrated parts of the strong, inclusive and ambitious Nordic welfare states may set them apart from similar institutions and systems elsewhere. Although perhaps not a unique quality that can only be found in the Nordic prison systems and nowhere else, this is certainly not the case in many other jurisdictions, where punishment is regarded as a last resort alternative to, not a part of, the welfare system. My ambition is not to "solve" the question of exceptionalism once and for all, but to begin an exploration of this alternative framing of the exceptionalism thesis. The main empirical example in the following is Norway, both because the Nordic prison systems and the Nordic societies exhibit important differences, making a single book chapter about all five countries difficult, and because the Norwegian context is the one I know best. I will explore how this welfare oriented exceptionalism thesis holds up when confronted with recent Norwegian research findings. Where appropriate, I will also draw on research findings from the other Nordic countries. As an introduction, I will first briefly introduce the Norwegian prison and probation system through a selection of key figures from official prison statistics.

## ***Key statistical figures***

The Nordic countries all have in common both that they regularly produce comprehensive and advanced prison statistics and that they make versions of them available for the general public. There is even a Nordic comparative correctional statistics that is available in English (Kristoffersen 2013).

As Pratt correctly argued, the Nordic correctional systems are small in both absolute and relative terms.<sup>2</sup> The Norwegian prison system had a total capacity of 3 803 prisoners in 2013 – sentenced prisoners and pre-trial detainees combined – spread out across 42 different institutions. The Danish system is somewhat larger in absolute terms with 4 091 prisoners and 52 institutions, and the Swedish is larger still, with 5 797 prisoners in 79 institutions. Even though they are all relatively small, they are gigantic compared to the Icelandic system. With its 152 prisoners in total, it is one of the smallest correctional systems in Europe.

**Table 1: Nordic prison systems; key figures. Source: ICPS World Prison Brief (accessed 10.08.2014).**

	Prison population total	Prison population rate	Number of institutions	Pre-trial detainees, % of total population	Female prisoners, % of total population	Foreign prisoners, % of total population
Denmark	4091	73	52	33.8	4.6	26.8
Finland	3134	58	30	19.3	7.2	14.5
Iceland	152	47	5	8.4	3.2	15.8
Norway	3649	72	42	28.7	5.1	34.0
Sweden	5797	60	79	24.5	5.8	31.6

Nordic prisons are in general also relatively small institutions. Most Norwegian prisons will have a capacity of between 50 and 100 prisoners. The largest institution in Norway is Oslo prison, with a capacity of only 392; a size that would make it a small to mid-sized institution in many jurisdictions elsewhere in the world. According to the Norwegian Correctional Services, the special geographical shape of the country and its low population density,

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<sup>2</sup> This statistics section is based on the Norwegian Correctional Services' year statistics (MoJ 2014), Statistics Norway's online prison statistics (SSB 2014), *Correctional Statistics of Denmark, Finland, Iceland, Norway and Sweden 2008-2012* (Kristoffersen 2013) and the International Centre for Prison Studies' *World Prison Brief* (ICPS 2014).

combined with an intention to let prisoners serve their sentence close to where they live, makes a relatively large number of relatively small prisons necessary. In Denmark, in contrast, it is possible to go from one end of the country to the other by car or train in a matter of just a few hours. The Danish Correctional Services do not have to take similar considerations, yet they still choose to maintain a relatively large number of relatively small institutions.

The average occupancy rate in the Norwegian system was 96.5 per cent in 2013, giving an average of around 3 670 prisoners in the system at any one time. Based on a national population of 5.1 million, this gives Norway an imprisonment rate of 72 prisoners per 100 000 inhabitants. The Norwegian rate is, as is the case in most jurisdictions around Europe and even the world, up, from 58 in 1992 and 61 in 2001, but should still be considered to be relatively low.

Sweden is an interesting exception to the rule. The Swedish system has shrunk in both absolute and relative numbers in recent years. Through the increased use of community sanctions, the Swedish prison and probation system has succeeded in decreasing the number of prisoners going through the prison system in a year. Sweden has also pioneered the use of home detention with electronic monitoring as an alternative to prison. This development recently resulted in Sweden permanently closing down several of its prisons.

**Table 2: New arrivals in the Nordic correctional services, relative to population. Source: KRUS (2013): 15-19.**

	Prison system; new entries in 2012 per 100.000 inhabitants	Probation system; new entries in 2012 per 100.000 inhabitants
Denmark	112	210
Finland	70	85
Iceland	73	127
Norway	147	107
Sweden	99	209

Norway has the largest number of people through its prison system per year of all the Nordic countries, relative to its population. It is in fact the only Nordic country that uses its prison system more than its probation system. Sweden has the most modest use of imprisonment of all three Scandinavian countries. The Swedish probation system however is so large that the two systems combined make Sweden the most prolific user of state punishment among the Nordic countries in both absolute and relative terms.

At the same time, the Norwegian sentencing level is on average relatively low. A total of 13 425 individuals were imprisoned for shorter or longer periods over the course of 2013. Compared to the other Nordic countries, then, a larger number of people pass through the system quicker. 28 per cent of Norwegian prisoners were released within 30 days, 62 per cent within 90 days, and 89 per cent were released within a year. The average time served in prison was only 81 days. At the other end of the spectrum, only 11 individuals were released after serving more than 10 years in prison that year. Given that the Norwegian Correctional Services as a matter of principle does not overbook its institutions, and that single occupancy cells is the norm in high-security prisons, there is at any time a waiting list of convicted people waiting to get into prison to serve their prison sentence. The number of verdicts on the waiting list varies quite a bit, but currently consists of around 1100 verdicts awaiting effectuation. People convicted of serious crimes will of course have to skip this queue; in most cases they will go straight from pre-trial imprisonment to serving their sentence.

28 young offenders under the age of 18 were imprisoned over the course of 2013. Norway does not have special legislation for young offenders and the age of criminal responsibility is 15. A recent development is that two special youth prisons – one of which is already operational – will be established to provide these offenders with a prison environment suited to their needs. 65 per cent of prisoners were 30 years or older.

In addition to the prisons, the Norwegian correctional system includes 17 probation offices around the country. It is possible to be released from prison on license after having served two-thirds of a prison sentence. Licensees become the responsibility of the probation services for the remaining sentence. They may have to report to the closest probation office at regular times, refrain from the use of alcohol and comply with any other specific conditions that have been imposed on their release.

The probation offices are also responsible for the implementation of community sanctions, the so-called program for intoxicated drivers, home detention with or without electronic monitoring, and for the writing of pre-sentence reports. A community sentence is imposed by the court and can run from 30 to 420 hours. The probation office in charge of implementing the sentence will establish the contents of the sentence in cooperation with the convict. This may consist of unpaid work as well as other activities that are deemed suitable to prevent re-offending. In 2013, the probation arm of the Norwegian Correctional Service system was responsible for 2 541 community sentences that were initiated in 2013, as well as the 1 877 people serving their sentence entirely in their own homes under a regime of supervision through electronic monitoring.

Norway does not have the death penalty, nor does it have a life sentence. The maximum length of a prison sentence is 21 years. The two exceptions to this rule are a 30-year maximum sentence for genocide, crimes against humanity and some war crimes, and the preventive detention sentence. A small number of prisoners – 84 at the beginning of 2012 – serve a preventive detention order ("*forvaring*"). This type of sentence is given to legally sane (and thus accountable) yet dangerous offenders who typically have been found guilty of serious violent and/or sexual offences. When these sentences are imposed, detainees are given a minimum and maximum sentence length. The minimum sentence length cannot exceed 10 years, and the longest possible maximum preventive detention sentence is 21 years. When the minimum sentence is reached, detainees can start to petition the courts to be released. The courts will decide whether they still pose a likely threat to society. When the maximum sentence is reached, the case automatically goes back to court for a new decision. If the courts still believes that the offender poses a threat to society, the sentence can be lengthened by five year increments, theoretically for the natural life of the offender. Preventive detention may thus work as a *de facto* life sentence, although this has not yet happened, since the sentence was only introduced in 2001.

The *forvaring* sentence has recently been the cause of much international confusion. When terrorist and mass-murderer Anders Behring Breivik was given the maximum *forvaring* sentence, the fact that Breivik might be set free after only 10 years, and that 21 years was his "maximum sentence" was seen as an example of ridiculously low Norwegian sentence levels by many international commentators. Given the potential to prolong the *forvaring* sentence

indefinitely, it remains to be seen how many years Breivik will end up serving, but that he will be released after 10 years seems highly unlikely at the present time.

### ***Welfare state prisons?***

In Norwegian law, a prison sentence is defined as a form of punishment, and thus as a penalty that is supposed to be experienced as an evil by prisoners. But in the Norwegian Correctional Service's policy documents, a prison sentence is also described as much more than that (Ugelvik, 2013). A prison sentence is supposed to quench society's thirst for vengeance, minimizing the need for vendettas and vigilantism. The use of prisons is also seen of as a form of communication where the general population is shown what can happen to those who break the law, making crime less attractive. These goals are both seen as important in the Norwegian system. But in the current correctional services policy documents, a prison sentence is first and foremost described as an opportunity, a potential arena for rehabilitation and successful reintegration back into society. Differently put, a spell in prison is supposed to change prisoners in a way as to make it less likely that they will return to the institution in the future. The goal is specified in the following vision statement:

"The goal for all our work is a convict who, when the sentence is served, is:

- Drug-free or has control over his drug use
- Has a suitable place to live
- Can read, write and do basic math
- Will have a chance on the labour market
- Can relate to her/his family, friends and society in general
- Knows how to seek assistance if problems arise after release
- Can live an independent life" (MoJ 2008: 105 ).

The end goal of the entire prison and probation apparatus seen as a whole is defined as "a safer society for all".

No prisoner shall serve her or his sentence in a higher security regime than necessary. Differently put, it is a general principle that prisoner should always be placed in the lowest security regime possible. The so-called principle of normality has a strong standing in the Norwegian system, meaning that all aspects of life inside a prison should resemble life in

society outside the prison walls as much as possible, with the obvious exceptions of the security and control measures that are necessary in institutions like prisons. Any deviation from this principle has to be based on an explicit argument.

The punishment element of a prison sentence is supposed to consist solely of the deprivation of liberty for a period specified by the courts. In the Norwegian system, no other individual right has been removed by the prison sentence; a prisoner retains the right to vote in general elections and the right to the various welfare provisions offered by the Norwegian welfare state system, including the right to free healthcare, social services and a secondary education. The general level of the welfare services is high; the country provides citizens with e.g. generous paid parental leave, a general high level of labour market security and a relatively low unemployment rate.

Governments are more or less ambitious when it comes to welfare policies and their intended impacts. The traditional Scandinavian welfare model is comprehensive, institutionalized and universal (Esping-Andersen and Korpi, 1987). The welfare schemes are (in principle at least) available to all, irrespective of social or geographical position. The level of what Rugkåsa (2011) has called "welfare ambitiousness" – the scope of responsibilities that the state assumes for the welfare of its citizens and the extensiveness of the welfare system – has been and (to varying degrees) still is second to none. This is certainly the impression one gets from Norwegian Correctional Services policy documents: The Norwegian government, including its Correctional Services, has high hopes when it comes to the goals of modifying and engineering social conditions in a way as to create a just and healthy society for all citizens, regardless of background. Compared to many other countries, where welfare oriented prisons, if they ever truly existed, are things of the past (Garland, 1985, 2001), the Norwegian welfare state stretches its safety net wide to include prisoners. Even prisoners are supposed to be the beneficiaries of the welfare state policies; even the prisons are run according to the logic of a universal right to welfare. The Norwegian welfare state runs on need, not merit or social position, and, importantly, all forms of need are legitimate. Welfare aid is yours if and when you need it, regardless of whether you have deserved it in a moral sense. Of course, a system of control and various incentives are built into the system. You cannot totally refuse to seek employment and then expect to receive unemployment benefits. But in contrast to earlier regimes and those in operation elsewhere (e.g. according to Prieur (2003) the logics

underpinning the British or French systems), there is supposed to be a welfare solution *for everyone*, even for prisoners.

In practice, this is solved through the so-called importation model. The Correctional Services imports services such as health care, education and cultural and social services from the external public welfare system on the other side of the wall. The prison healthcare system is thus part of the public healthcare system of Norway; the education department is part of the public school system. The prison librarian is hired by the municipality where the prison is located, and the prison library is part of a national system of public libraries. It should be said that the quality of these public service agencies is higher in Norway, where there is no real tradition for e.g. private hospitals or private schools, than in many other countries. A by-product of this model is that Norwegian prisoners in important ways may be said to still be included in the community outside; they are still acknowledged as citizens with important citizen's rights, even when they are serving a custodial sentence. The prison is part of the society around it. The model also gives these public service institutions regular access to the prison, making the prison accountable to a wide range of potential critics.

The Norwegian government recently established a so-called "reintegration guarantee", stating that all prisoners shall upon release, if relevant, be offered employment, further education, a suitable housing accommodation, medical services, addiction treatment services and debt counseling. The guarantee is political in character and not legal. It represents the intentions of all the various welfare state agencies to cooperate on the common objective that is prisoner rehabilitation and reintegration.

As a preliminary conclusion, the philosophy that prisons are supposed to be places for positive change is coupled in the Norwegian case with a strong welfare state system that is fully integrated into the everyday life of the prison. It all certainly looks good on paper and may very well be exceptional in an international perspective. The goal of the rest of the chapter is to confront the policy document version of the story with recent research findings.

### ***Current trends and recent research findings***

In 2002, Wacquant published an oft-cited paper entitled "The Curious Eclipse of Prison Ethnography in The Age of Mass Incarceration" where he pointed to the problematic lack of

ethnographic field studies of prison settings. At the time where they were most needed, these studies had all but disappeared, according to Wacquant. His lamentations seem almost like an echo of the conclusion of Norwegian criminologist Fridhov in her 1994 review of the Nordic prison research literature. Although she gave her review a more positive spin than Wacquant gave his paper (she concluded that Nordic prison research was "not entirely absent"), her point was very similar: prison researchers were only in a few exceptional cases actually entering into the institutions they wrote about. Following a few classic studies in the 1950s and 60s by *inter alia* Galtung (1959) and Mathiesen (1965), and with the exception of a few scattered student dissertations, Nordic prison researchers had for decades decided that prison research could best be accomplished from a distance, according to Fridhov. They focused more on constructing a robust external critique of the system (Mathiesen, 2006, 2015; Christie, 2007), than on empirical engagement with the everyday life behind bars.

This has changed only recently. Over the last ten years or so, prisons in Norway and the other Nordic countries have once again become the object of scholarly attention. In just a few short years, we have gone from knowing very little about the actual everyday life on the wings to having a number of studies of different kinds of prison regimes to build on.

First, there are now a few recent studies that in some ways resemble the classics that emerged in the 50s and 60s – the kind of comprehensive studies of specific prisons and prison wings as social systems, broadly understood – that are available. These studies focus on the social life on the wings, the interaction between prisoners and officers, and the specific (more or less local) culture that permeates the institution. They may often be read as descriptions of the differences between a prison on paper – the institutions as described in laws, regulations and policy documents – and a prison as a specific space where living and breathing people, prisoners and officers alike, try to make the best of the situation they are in. Ugelvik (2014b), for instance, finds that the prisoners he studied in Oslo prison are often preoccupied with different version of the common project of turning themselves into something else or something more than just "prisoners". Through relentless creative entrepreneurship, they bend rules and "fool the system", and thus reclaim a sense of both freedom and manhood. One common strategy is the creation and maintenance of alternative ethical systems. To counter the general moral inferiority ascribed them by the fact that they are imprisoned, they recreate themselves as men of high moral fibre through the exclusion of "immoral others" like sex offenders and police informants. According to Minke (2012), the rules are enforced even

stricter in Vridsløselille prison in Denmark. Here new arrivals have to show a copy of the official court verdict to the other prisoners before they are accepted by their peers; again to single out and exclude sex offenders and police informants from the prisoner community. These studies may be said to show how a prisoner culture in practice may be said to challenge the implementation of the ideals of the Nordic rehabilitation oriented welfare state prison.

On the other hand, recent studies of prison recidivism seem to suggest that the Nordic prison systems are doing something right. A study published in 2010 by Graunbøl et al. finds that only 20 per cent of prisoners who were released from Norwegian prisons had reoffended within two years; the lowest recidivism rate in all the Nordic countries. This has been interpreted as a great triumph for the Norwegian Correctional System. Recidivism is, however, notoriously difficult to measure. Critics have argued that the recidivism rates can be made to look different, depending on different research designs. Andersen and Skardhamar (2014) show that different designs can give reoffending rates between 9 and 53 per cent from the same Norwegian data set. If we do decide to trust the low figure (the 20 per cent triumph), what, if anything, has actually "worked" in what way to keep the remaining 80 per cent out of prison, still remains in the dark. Successful rehabilitation and reintegration remains a "black box" to a large degree, and it might be that aspects of the relatively inclusive Norwegian society that prisoners are released back into are more important than anything that goes on behind prison walls. Skardhamar and Telle (2012) find that employment post-release substantially lowers the reoffending risk.

Several studies have specifically looked at the prison as a provider of welfare services in practice. Studies have shown that prisoners have more and more serious health problems, they are more often unemployed, they consume illegal drugs more often and are more often school drop-outs than the average citizen (Nilsson, 2002; Skardhamar, 2002; Friestad and Hansen, 2004; Thorsen, 2004). The prison system is explicitly supposed to target each individual prisoner's problems. When someone is imprisoned in Norway, they are, from the point of view of the prison system, made available for intervention. Around two thirds of prisoners report illegal drug use on the month prior to incarceration in self-report surveys (Skardhamar, 2003; Ødegård, 2008). There are several specific drug treatment units in the Norwegian prison system (Mjåland, 2014). Opiate-based substitution medication is distributed. This treatment is provided by the regular Norwegian health care system. Prison-based drug treatment has increased in all the Nordic countries in recent years (Kolind et al., 2013). Special drug

treatment wings, motivational programmes and substitution treatment are all available in the prison system. However, Haugen (2013) shows that the more problematic and counterproductive aspects of prisoner culture can be found even in more purely rehabilitation oriented regimes, like the drug-treatment wing he studied. Rua's (2012) study of the prison health care system in general shows that when conflicts arise between security issues (as seen from the perspective of the prison staff), and individual health care issues, the healthcare of the individual may end up being seen as less important.

The marked increase in foreign nationals in prison has also received recent scholarly and political attention. 34 per cent of the prisoners in the Norwegian system are currently foreign citizens. The proportion is even higher among the prisoners in pre-trial detention; around two thirds of detainees are at any time foreign citizens (Ugelvik, 2014a). As detailed above, any welfare state organisation including a welfare oriented prison will to a large extent run on the notion of citizens' legal rights to welfare. In most countries, some rights and benefits are reserved for people who possess full citizenship status. This means that individuals who lack citizenship status may be denied the full enjoyment of social, political, and civil rights. An important question to ask is whether foreign national prisoners are given the same opportunities and are imprisoned according to the same standards as the Norwegian population. The answer may be complicated, given that some of the "external" welfare agencies that operate in the prisons may not discriminate between prisoners based on citizenship (e.g. the library service) while others have schemes that are reserved for Norwegian citizens only (e.g. the social services). The increases numbers of foreign nationals in prison has also led the Norwegian government to focus on return schemes where prisoners are returned – voluntarily or forcefully – to a prison in their country of origin to serve out their sentence there. A recent development elsewhere in Europe is that some countries are opening prison wings on neighbouring soil; notably, Belgium is leasing a prison facility in the Dutch city of Tilburg to cope with its prison overcrowding problem. The Norwegian government recently approached the Swedish authorities to find out whether a similar deal could be made, given that the Swedish prison system is closing down institutions that are no longer needed. The latest development is that the plan will not come to fruition; a Swedish legal amendment would be necessary to make it possible for Swedish prison officers on Swedish soil to exert penal power on behalf of the Norwegian State. The Norwegian government is however considering the possibility of sending prisoners to the Netherlands instead, where there seems to be fewer legal restrictions.

A number of studies have looked at the different kinds of regimes that can be found in the prison systems in the Nordic countries. According to Pratt, Nordic prisons are smaller than prisons in the Anglophone cluster, and they are often more open. In the Norwegian system, the ideal is that prisoners progress through the system from a high-security regime to a low-security prison and (if the sentence is long enough to allow it), finally end up in a half-way house or even serve the remaining sentence in their own homes with an electronic foot bracelet. The logic is to gradually return prisoners to their communities as far as possible already while they are serving their sentence. In open prisons, prisoners will often live in self-organized cottages and enjoy relatively unrestricted freedom of movement on the prison ground. Employing the Measuring the Quality of Prison Life (MQPL) model developed by Liebling and others (Liebling and Arnold, 2004), Johnsen and Granheim (2011) finds that the moral performance of Norwegian closed prisons is not at the standard one might expect, given all the talk of exceptional prison conditions. They do however find that smaller prisons do better at creating an environment where the prison experience is more constructive and less painful. With this background, it is ironic that several of the smallest prisons have been closed down for economic reasons in recent years. Other studies (Neumann, 2012; Shammass, 2014) have showed that these open regimes – even though they may be experienced as better in certain ways – produce their own, context-specific "pains of imprisonment". According to Shammass (2014), role confusion, anxiety and boundlessness, ambiguity and relative deprivation are among the pains regularly experienced by prisoners in more open prison regimes. A softer and more indirect form of power (Crewe, 2011) that nevertheless is experienced as constraining and that may be as or even more difficult to cope with than the harder power associated with traditional prison regimes is common in these institutions. Nordic prisons may be more "humane" in the sense that the material standard and the living conditions provided are better, but that does not necessarily mean that the prison is experienced as any less prison-like (Neumann, 2012).

A few recent studies have also looked at prison officers and their world. Basberg (1999) described in detail how the officers at a large women's prison see their work in terms of a logic of individual care as well as the more familiar logic of control and security. Ibsen (2012) shows how prison officers in a high security Norwegian prison informally create an alternative basis for discipline through the liberal distribution of favours and goods (e.g. extra telephone time) that may then be taken away if prisoners misbehave. Bruhn, Lindberg and

Nylander (Bruhn, Lindberg and Nylander, 2011; Nylander, Lindberg and Bruhn, 2011) find important subcultural differences between staff in security wings and treatment oriented wings in the Swedish system: Security wing staff are more detached and instrumental in their dealings with prisoners, and their representations of prisoners are more negative and based on an "us v. them" dichotomy. Staff in the dedicated treatment wings on the other hand talk about prisoners in a much more positive and constructive way. Staff in regular prison wings often occupy a sort of middle ground, according to Bruhn, Lindberg and Nylander.

Finally, several studies and reports have directly targeted the prisons as harm-producing institutions. The relatively widespread Norwegian use of pre-trial detention, and in particular the use of solitary confinement pre-trial, has been criticized repeatedly by international agencies like the European Committee for the Prevention of Inhuman and Degrading Treatment or Punishment (CPT). There is no absolute maximum time limit for pre-trial imprisonment in Norway. The police have to argue for continued imprisonment in front of the court on a regular basis (every four weeks in most cases). The courts decide whether to continue the detention period. In their report following the latest CPT visit to Norway in 2011, it concludes that

"Given the very harmful effects a solitary confinement regime can have on the prisoner concerned, the CPT wishes once again to express its opinion that the Criminal Procedure Act should stipulate an upper limit on the duration of solitary confinement of remand prisoners by court order" (CPT, 2011: 31).

The CPT also recommends that the Norwegian authorities redouble their efforts to provide more out-of-cell activities for pre-trial detainees held in solitary confinement to counter the adverse effects of such a regime. The CPT criticism of the Norwegian use of solitary confinement has been reiterated and strengthened by scholars (Horn, 2011). The destructive effect of solitary confinement in general as well as in the Danish prison system specifically has been discussed extensively by Smith (2006, 2008, 2012). He has also recently published a study of the destructive impact of arrest and imprisonment of a parent on children of prisoners in Denmark (Smith, 2014).

## ***Conclusion***

The neoliberal extension of the penal state and the correlative reining back of the social state described by *inter alia* Wacquant (2009) had not yet really happened in Norway. The welfare state is still going strong; in some ways, it is stronger and more multifaceted than ever. Norwegian prisons are not only thought of as a last resort when other forms of welfare state power have failed, however. The prison is also understood as an integral part of the Norwegian welfare state. The ideals of rehabilitation and re-socialization in prison fit hand in glove with the ambitious and generous welfare system of care/control that developed in the years following the Second World War (Hauge, 1996), and are still thought of as the main goals of the correctional services (Ugelvik, 2011). Whether it is correct to say that Norwegian prisons themselves are welfare institutions or that they should be described as penal institutions with close ties to the welfare state agencies may depend on your perspective. Nevertheless, prisoners in these institutions are given opportunities, resources and living conditions that are not available to prisoners in most other jurisdictions.

Do these facts in themselves make the Norwegian system exceptional? And how does it all work in actual practice on the wings? Do prisoners in fact feel embraced by a benevolent and inclusive welfare regime that wants what is best for them? Does the close connection between the Nordic correctional systems and the broader welfare systems really change anything? Does this connection in itself result in more humane institutions? The recent studies referred to in this chapter all show, in different ways, that there are important differences between policy documents and the real-life world of a prison wing. That being said it should be remembered that the Norwegian prison system (if one puts any faith in such numbers) still produce a relatively low recidivism rate somehow. The question is, perhaps, what is most exceptional, the prisons or the surrounding society with its egalitarian ethos and low unemployment rate?

Are the Nordic countries less punitive than other societies? Any punitiveness scale should include more than imprisonment rates and the quality of life in provided in prison institutions. Advanced welfare states, like the Nordic countries, will often employ other, equally intrusive, but more indirect forms of social control – perhaps even more so than other societies. A low imprisonment society is not necessarily a low social control society, and some of the alternatives to a prison sentence in the Nordic countries have been particularly draconic. From

recent Norwegian history, we could include for instance the aggressive assimilation policies forced upon the indigenous Sami population, as well as the "treatment" of vagrants in prison-like institutions for years at a time (Olsen, 2010). Norwegian history has many examples of the fact that what may be impossible to impose on offenders as a punishment under the rule of law, may still be imposed on clients or patients if rebranded as a form of treatment for their own good.

This conclusion has asked more questions than it has answered. The aim has been to introduce the Nordic correctional systems in general and the Norwegian system in particular, and to provide brief examples of recent relevant research that readers may consult themselves. The focus has admittedly been lopsided in favour of Norway. I invite readers to take up this cue and do their own similar analyses of the other Nordic countries. Seen together, such analyses may form a comparative tapestry that might bring us forward, as a collective, towards new knowledge about these prison systems that may or may not be seen as exceptions to the general rule.

### ***Acknowledgements***

I would like to thank Jamie Bennett for constructive comments on an earlier version of this chapter. The writing of the chapter has been funded by the European Research Council (ERC Starting Grant).

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