

The co-constitution of heroin crime

Narratives of smugglers and dealers meet the
judicial practices

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To the smugglers and dealers who shared their story

Acknowledgments

Initiated by the SIRUS researcher, Anne Line Bretteville-Jensen in 2005, this study was part of a larger project about the drug market in Norway. This, and other projects, have generated knowledge about the economical aspects of intravenous drug use, and estimates of the numbers of such drug users in Norway. However, knowledge about the dealers and importers of heroin was relatively slim in Norway. Therefore, SIRUS wanted to conduct a study that could contribute to the understanding of the heroin market's division of labor, actors, and development.

To complete the study, Bretteville-Jensen contacted professor Per Ole Johansen, at the Department of Criminology and Sociology of Law at the University in Oslo, who recruited me for the job. Professor Per Ole Johansen and Anne Line Bretteville-Jensen supervised the first two years of the study, which resulted in the publication of a SIRUS report. This part of the study was partly financed by the Norwegian Ministry of Justice and Police. I want to thank Per Ole Johansen for opening the door to SIRUS for me, and for his support and guidance throughout the first part of this study.

After the report was published, I developed the study resulting in this dissertation, which focuses on what happens when the heroin smugglers and dealers' stories are presented in court. The central questions are: What types of stories do the heroin smugglers and dealers tell? How can these stories be analyzed? What happens to these stories under judicial scrutiny? Do any of the offenders' narratives influence the court? In other words, when the judges issue punishment, do the defendants benefit from having their stories told?

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Oslo, February 2010

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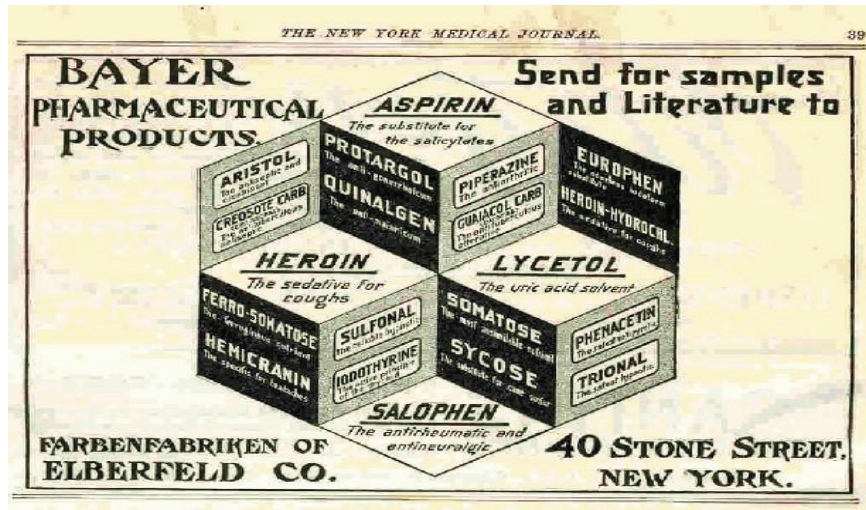
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1. Introduction

Why heroin smugglers and dealers?



A Bayer ad for heroin from the New York Medical Journal

When heroin was commercially introduced in 1898 by the Bayer Company, it was as a prescription-free cough suppressant. Ironically, a year later the Bayer Company introduced aspirin, as a prescription drug (Fernandez 1998 p. 25). Today, dealing and importing heroin can lead to a maximum penalty of 21 years within the Norwegian legal system. According to British social scientists, Tom Carnwath and Ian Smith (2002 p. 1), no drug has been more argued over and legislated against; no drug has been more subjected to misinformation and moral panic than heroin. More than any other drug, heroin is associated with death (overdoses), stigmatization and criminality. Thus, heroin is truly a drug from which “myths are made.”

In my view, heroin is a drug which lends itself perfectly to the study of how “truths” are constructed, and more importantly, what implications these different “truths” have for the people involved in heroin dealing and smuggling. According to Ian Hacking (2000 p. 6), most social constructionist approaches are based on the following principal: “X need not have

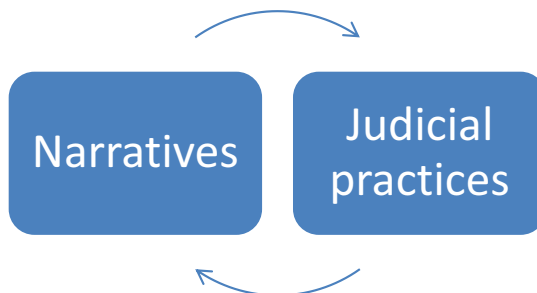
existed, nor need it at all to be as it is. X as it is at the present, is not determined by the nature of things, it is not inevitable.” In this dissertation, I will use a social constructionist approach, making my first mission to clarify what this study’s X is. In other words, what is it in this study which I view as not inevitable? This study’s X is as follows: “understandings of heroin smugglers and dealers.” Given the historical fact that heroin was introduced as an over-the-counter drug, it seems rather obvious that a heroin dealer in 1898 wouldn’t be described in similar terms as a heroin dealer today, nor understand him or herself in light of the same classifications. Thus, to introduce the notion that the category for heroin smugglers and dealers is a social construction, which is defined and given meaning within its historical and social context, does not seem like a very novel idea. However, specifying connections between how a social category is defined, and the individual’s self understanding within that category might hold more promise.

Hacking (2000 p. 105) tells us that one of the valuable insights from a social constructionist approach, is that we can, and do, make up people or “human kinds.” For Hacking, this making up people happens through a “looping effect” that occurs between culture and cognition, or to put it another way, between everyday practice and classificatory practices. To specify, once a social category gets classified and becomes an object for knowledge, control and punishment, the members of that category will tend to react and respond to such treatment. The reaction will tend to create new identities for the social category. In this way a “looping effect” is initiated in which classifications and knowledge create each other.

In this dissertation I will focus on the “looping effect” between the stories told by heroin smugglers and dealers and the juridical practices. This is not to claim that this is the only “looping effect” in operation that produces an understanding of heroin smuggling and dealing. However, I will argue that it is a highly potent one.

The feedback loop between the offenders’ narratives and the judicial discourse can be illustrated as follows.

Figure 1. The feedback loop between narratives and the judicial practices



The realization that such a feedback loop might be in play between the judicial practices and the heroin smugglers and dealers' stories slowly dawned on me during the first part of this study, when I was focusing on the organizational aspects of the heroin market.

SIRUS' mission was to uncover information about individuals who are serving sentences for heroin felonies, and to expose details about their lives and experiences with smuggling and dealing heroin. Moreover, experienced police officers who had generally worked on drug cases, and specifically heroin cases, were interviewed about the heroin market and its development. Through these different sources I was able to elaborate on issues related to heroin trafficking, and its organizational aspects and development.

One surprising finding in the initial stages of this study was that images of the heroin market and its development were described similarly by the offenders and the police. The image of the heroin market that was expressed by these very different sources can be summed up as follows: the heroin market is divided between the non-ethnic Norwegians, on the one side, who run the importation of heroin and deal in large quantities, and on the other side, the ethnic Norwegians who themselves are heroin users and deal heroin in small quantities.

The development of the heroin market was explained like this: There were small quantities of very expensive heroin in circulation in the 1970s. The first dealers/smugglers were ethnic Norwegian heroin users, who travelled to the Netherlands and Denmark to obtain the drug. There was still relatively little heroin traffic through the 1980s. However, ethnic Norwegian

dealers/smugglers began to obtain heroin from Thailand, in addition to the Netherlands and Denmark. They smuggled small quantities of heroin in their body cavities. As the 1980s progressed, new groups of non-ethnic Norwegians, such as the Turkish and Pakistanis, established themselves in the heroin market, using more specialized smuggling equipment such as hidden storage compartments in cars.

In the 1990s, even more perpetrators asserted themselves in the heroin market, in particular, people from the former Yugoslavia (such as Kosovo Albanians). The price of heroin declined throughout the 1990s, so a new system of division was introduced, which led to significantly larger user dosages. The ethnic Norwegian users/dealers, who had previously smuggled heroin into Norway, began disappearing from the market. The main reason for this was that they could not compete in price with the non-ethnic Norwegian groups, who supplied larger quantities of heroin. In the 2000s, the price and quality of heroin continued to fall. Both the police and the offenders stressed that heroin smuggling in Norway had become internationalized and organized. However, the retail dealing was still fairly unorganized, and the markets were open and unregulated. Any single group faced difficulties in maintaining a monopoly position of control, supply, and prices (Snertingdal 2007).

Instead of feeling at ease, citing the similarities in the stories given by the offenders and the police, I felt uncomfortable, and very curious to discover more about how the “truths” of heroin smuggling and dealing were created. To elaborate, first, it was obvious that the image of the heroin market was created out of the registered heroin crimes, in other words, what was known by the authorities and registered by the police. Second, and closely interrelated with the first point, the police were building their understanding of the heroin market on information from the same sources as I did, and, in many cases, even the exact same people. Seen from this perspective, it would have been surprising if the offenders had told a completely different story than the police about the heroin market.

This line of thought set me on to the idea of studying the interconnectedness between the stories told by the offenders and the judicial practices. To study this, I wanted first to delve deeper into the stories told by the offenders, and particularly their motivation and explanation for their illegal activities. Would the explanations and motivations be similar for ethnic Norwegians, dealing small quantities of heroin, to those given by the smugglers or importers of large quantities of heroin? I also wanted to determine what the offenders’ stories revealed

about their social identities, and their expression of personal responsibilities. Next, I wanted to find out how the judicial practices with their specific logic and rhetoric, ratified and legitimized a certain understanding of heroin crimes, and how this, in turn, affected the stories that the heroin dealers and smugglers told. In other words, I set out to understand the in-depth stories told by the offenders and the judicial discourse and their interwoven existence.

Why the offenders' stories?

Following are three reasons why I believe the offenders' stories are important to study:

- (1) Through the offenders' stories different understandings of heroin smuggling and dealing are created.
- (2) The offenders' stories are vital because they emphasize that the offenders have different orientations toward past and future criminal activity.
- (3) By identifying different narrative structures, I can identify patterns in what type of people tell what type of narrative, and study whether any of them is a successful narrative in court.

First, the offenders' stories are important because through them perceptions of heroin smuggling and dealing are created. In analyzing the offenders' stories, I draw extensively on the works of narrative scholars such as Donald Polkinghorne (1988), Paul Ricoeur (1984, 1991) and Jerome Bruner (2003). A central assumption in these contributions is that language does not have an innocent and transparent function in knowledge creation. Rather, the rhetorical and narrative structures constitute, that is, impose form upon, that which they are intended to give meaning. Language then filters and organizes every experience we have, and translates it into meaning. Seen from this perspective, the narrative can be studied as a source where different interpretations of heroin smuggling and dealing are created.

Moreover, I touch base with previous studies on drug smuggling and dealing in analyzing the offenders' narratives. Fundamental contributions include: Street level dealing, Edward Preble and John Casey (1967), Michael Agar (1973, 2002), Phillippe Bourgois (1995), Bengt Svensson (1996, 1997); Smuggling and upper level dealing, Patricia Adler (1985), Peter Reuter et al. (1989, 2008) Nicholas Dorn et al. (1992, 1998, 2005), Geoffrey Pearson and Dick Hobbs (2001), and Damián Zaitch (2002). My primary interest in these studies is to identify how drug dealers and smugglers previously have been described, and what types of explanations were given for drug smuggling and dealing.

My intention is not to discover whether any of these results are more fitting than others for analyzing the heroin smugglers and dealers in this study, but to demonstrate how these criminological and sociological findings are socially embedded. Hence, I will look at ways in which the offenders utilize these findings in their narrative constructions and elaborate what consequences could contribute to the offenders' expressions of motives and personal responsibilities. Additionally, and as importantly, I will investigate how these different narratives are received in court.

Second, the offenders' stories are vital because they emphasize that the offenders have different orientations toward past and future criminal activity. My main inspiration in analyzing the narratives is previous empirical narrative studies done on crime, addiction, and illness with major contributions from: Crime, Patricia O'Connor (2000), John P McKendy (2006), Loise Presser (2008); Addiction, Dorte Hecksher (2006), James McIntosh and Neil McKeganey (2000); and Illness, Arthur Frank (1997). These narrative studies on crime and addiction share two common assumptions, which are also basic to my research. First, people tell stories about themselves to make sense of their lives. Second, deviant narratives, similar to deviant identities, promote deviant actions. Therefore, the significance of the offenders' stories is how they evaluate their past and future actions, their sense of personal responsibility, guilt, and own reform potential.

Third, the reason for studying the offenders' stories is that by identifying different narrative structures, I can identify patterns of who tells what narrative and determine whether any of the narratives are successful in court. It is important to recognize that none of the aforementioned narrative studies of crime focus directly on the judicial practices. Although these studies identify different accounts given by offenders, they neither identify how these different narratives manifest themselves in judicial procedures, nor do they ask whether any of the accounts is a "winning" story in court.

Similarly, these previous studies do not offer detailed examinations of judicial practices, or the use of logic and rhetoric in drug felonies. According to Iver B Neumann (2008 p. 11), "There is always the possibility that a lack of extant studies of a given phenomena may be the result of well placed and well deserved neglect." Next, I will argue the relevance of studying judicial practices in relation to the offenders' narratives.

Why the judicial practices?

Following are three reasons why I believe the judicial practices are relevant to study:

- (1) Through the judicial practices different understandings of heroin smuggling and dealing are evaluated and made legitimate.
- (2) Judges determine motives in heroin felonies, and hence, include some narratives told by the offenders and exclude others.
- (3) By identifying arguments that the judges used to punish heroin smuggling and dealing, I can identify ways in which offenders in heroin felonies are labelled, and discuss whether any of the narratives told by the offenders produce a stigmatization process.

First, the judicial practices are important to investigate, because through them the heroin trade is evaluated. In my analysis of the judicial practices, I am strongly influenced by Norwegian contributions to the sociology of law made from scholars such as Vilhelm Auber (1972), and Thomas Mathisen (1984). These contributions share two assumptions, which are also central to this study. First, a sociological interpretation of the law differs from a judicial one, where the former represents the internal perspectives of the legal sciences, and the latter represents an external approach to the empirical characteristics and consequences of law¹. Second, the judicial practises are not understood as an objective practice, in the sense of finding the only truths in different cases; they are understood as a result of specific interests that are historically and culturally sited. Hence, a main objective in a sociological approach to the legal practices is to show how these practices can sustain inequality. For the purposes of this study, it is important to investigate how the different selection mechanisms in the court system establish different outcomes, and what consequences this might lead to for the offenders. In other words, the judicial practices validate certain perspectives on heroin smuggling and dealing, and discredit others. For the offenders on trail this is not only about the elevated issues of ideas of heroin smuggling and dealing, but a concrete matter of how hard and extensive they will be punished.

¹ The definition of the sociological approach to law has its historical roots in Max Weber's writings. Weber, who was trained as a lawyer, formulated the basis for the sociology of law as an external approach engaged in a theoretically-driven empirical study of law to examine the characteristics of existing systems of law including cause and effect, and functions and objectives of the intuitions and practices of law (see Deflem 2008 p.1).

Second, judicial practices are important to study because the decisions handed down by judges draw lines between motives in heroin felonies, and thus include some narratives told by the offenders and exclude others. Therefore, motives are a crucial concept in this study. In conceptualizing motives, I draw on contributions both from within the internal perspective of law represented by Johannes Andenæs (1965, 1999) and from the classic sociological contribution of Alfred Schutz ((1932) 1967). My intent is to draw attention to the distinctions between these two ways of conceptualizing motives. I wish to further investigate how the judicial definition of motives led to various consequences for the offenders in heroin felonies. I intend to show that the selective functions of the courts are connected to what types of motives are viewed as legitimate by the judges. Moreover, drawing on contributions from sociologists C. Wright Mills (1940), Stanford M Lyman and Marvin Scott (1989), I understand that judicial practices with their specific rhetoric and logic establish a “vocabulary of motives.” This means that different motives are given varying degrees of credibility by the judges, defining what types of narratives are considered relevant in court and, just as importantly, what types are deemed irrelevant.

Third, the judicial practices are important to study because by identifying what arguments the judges use when punishing heroin smugglers and dealers, I can clarify ways in which offenders in heroin felonies are labelled. This helps to illuminate whether any of the narratives told by the offenders results in a stigmatization process. In analyzing labeling and stigmatizations, I draw on, on the one side, a deterrence perspective as understood in contributions from Andenæs (1971, 1977), and on the other side, a labeling perspective as expressed in the classical sociological contributions from Howard Becker (1963). Moreover, influenced by John Braithwaite’s (1989) theory of re-integrative shaming, which combines elements from both deterrence theory and labeling theory, I investigate further whether any of the offenders’ narratives can be construed as expressions of a stigmatization process².

This study’s research questions

In light of the aforementioned arguments for the relevance of this study, I can describe the research as follows:

² The mentioned narrative studies of crime (O’Connor 2000, McKendy 2006, Presser 2008) do encapsulate discussions about labeling and stigmatization, however they do not elaborate the specifics of the judicial rhetoric and arguments in relation to the accounts given by the offenders or include discussions of whether stigmatization processes might differ as an effect of different sanctions placed upon offenders.

How do heroin smugglers and dealers present themselves and their illegal activities? What explanations and motivation do they give for their illegal actions? What types of representations of personal responsibility and guilt, along with expressions of “agency” are found in their narratives?

In what way do the offenders’ narratives manifest themselves in the judicial practices? What characterize the heroin cases in the appellate court? What type of judicial argument is used when issuing punishment? How are the narratives of the offender mirrored in the judge’s argument?

The structure of the thesis

In Chapter 2, I present the data foundation of this study and, evaluate these sources of knowledge and the reason for their selection. Moreover, I address what type of knowledge can be generated from these sources and their strengths and weaknesses. In evaluating the qualitative interviews, I discuss prison as a context for the interviews, and the concepts of rapport, neutrality, objectivity and reflexivity. In evaluating the court decisions as sources of knowledge, I discuss what type of base the court decisions make for descriptions and analysis of the heroin cases within the judicial practices. I also illustrate how the court decisions can shed light on the judicial logic and rhetoric in heroin cases, and hence illuminate the types of narratives authorized by the judicial practices.

In Chapters 3 and 4, I present this study’s theoretical approach, beginning with a short introduction to previous studies of heroin smuggling and dealing. A striking characteristic of the literature on this topic is that it is divided between studies done on street-level dealing and those on upper-level drug trafficking. In my presentation of previous studies, I follow this duality to emphasize how drug dealers and smugglers have previously been characterized and explained. In Chapter 4, I elaborate on this study’s theoretical and conceptual framework, synthesizing and integrating insight from narrative analysis and cultural studies. In the summary at the end of the chapter, I evaluate this study’s theoretical approach in relation to previous studies by discussing the question: What can narrative analysis contribute to the study of heroin smuggling and dealing?

In Chapters 5 through 9, I present and analyze four different narratives found within the smugglers' and dealers' stories. These are as follows: The Victim of Social Injustice, The Victim of Organized Crime, The Victim of Addiction and The Entrepreneur Narrative. These four narratives are presented in order in each chapter. To begin, I analyze the structure of the different narratives and present their beginning, middle and end. Next, I turn my attention to the type of plots and motivations that can be located in the different narratives. Finally, I explore the type of agency expressions, reform potential and personal responsibilities expressed in the narratives.

In Chapter 10, I explore the ways in which the offenders' narratives manifest themselves in the judicial practices. To accomplish this, I provide descriptions of what characterizes the heroin cases in the appellate court from 1995-2005. Then I examine what characterizes the judicial logic and rhetoric in these court decisions. Finally, I analyze how the narratives of the heroin smugglers and dealers are mirrored in the judges' arguments in these court decisions.

In Chapter 11, I summarize this study's findings and bind the different treatises of this dissertation together.

2. Methods

This study is based on 24 qualitative face-to-face interviews with imprisoned heroin dealers and smugglers, and two interviews with heroin dealers outside of prison. Further, this study is based on statistics generated on the basis of all the heroin cases in the appellate court from 1995 through 2005, and a document analysis of a sample of appellate and Supreme Court decisions. In this chapter I evaluate these sources of knowledge and the reasons for their selection. I will also address the type of knowledge that can be generated from these sources, and hence their strength and weaknesses.

In evaluating the qualitative interviews, I will discuss prison as a context for the interviews and the concepts of rapport, neutrality, objectivity and reflexivity. In elaborating on these concepts, I place this study within the philosophy of science. In discussing the interviews, I stress their ability to shed light on the offender's self-presentations, narratives, explanations, and motivation for their illegal activities. Hence I emphasize these sources of knowledge as a means of understanding the offenders' negotiations regarding their deviant identities.

In evaluating court decisions as sources of knowledge, I will argue the following two points: 1) They can provide a description of the types of heroin cases that are dealt with in the legal system. 2) They can shed light on judicial logic and rhetoric in heroin cases, and, therefore, illuminate the types of narratives that are ratified and authorized by the judicial practices and those that are not.

About the sample of interviews

All of the interviews were conducted from November 2005 through March 2006. Moreover the prison interviews were carried out in four different prisons in the central eastern region of Norway. The sample can be described by using the heroin smugglers and dealers' own descriptions of the tasks they had been performing in the heroin trade and/or their charges by law enforcement. There are five females and twenty-one males. Thirteen of them are ethnic Norwegian and thirteen belong to other ethnic groups. There are two bosses represented in the sample, both of whom are non-ethnic Norwegian males, one living in Norway, the other a citizen of another country. Furthermore, there are three couriers, two male and one female, all

of whom are non-ethnic Norwegian. Two of them are citizens of other countries and one lives in Norway. The sample includes four receivers and holders of heroin, all of whom are non-ethnic Norwegian males living in Norway. The largest category in the sample is comprised of the retail dealers, which includes 13 offenders, four of whom are female. Among the retail dealers there is only one non-ethnic Norwegian, who also lives in Norway. The table below gives an overview of the different research participants according to the duties they performed in the heroin trade and their gender and ethnicity.

Table 1. Sample of gender, ethnicity and duties preformed in the heroin trade.

	Female	Male	Ethnic Norwegian	Other ethnic groups
Bosses (2)	0	2	0	2
Couriers (3)	1	2	0	3
Receivers and holders (4)	0	4	0	4
Wholesale dealers (4)	0	4	1	3
Retail dealers (13)	4	9	12	1
Total (26)	5	21	13	13

Two of the research participants were, as mentioned earlier, interviewed outside of prison. Both of the drug dealers are know by the police, and have previously been arrested for dealing heroin. I drafted these dealers when working as an interviewer in a SIRUS study among intravenous drug users in Oslo (see Bretteville-Jensen 2005). I conducted the interviews at SIRUS's office building after making appointments with the dealers³. The following methodical reflections also refer to theses interviews.

The prison as a context of the interviews

It is important to assess the strength and weaknesses of the prison as a context for interviewing since 24 out of the 26 interviews in this study were conducted here. Criminologists have often based their research studies on interviews with convicted offenders and elaborated on the limitations of these interviews. In such cases, the prison interview is often compared and contrasted to an ethnographical street approach. The central argument

³ Later in this chapter, I will describe how I obtained access to the prisons, and how the offenders' in jail were drafted for this study.

made by the criminologists is that the street is a much better place to study crime than the prison. As early as the 1960s, Polsky (1967 p. 116) made the following claim which illustrates this point: “We can no longer afford the convenient fiction that studying criminals in their natural habitat, we would discover nothing really important that could not be discovered from criminals behind bars.” Other criminologists such as Richard Wright and Scott Decker (1997) argue that the accounts given by offenders in jail are distorted because of the prison environment. Hence, prisoners will try to present themselves in the best possible light, because they are worried that the information that they give to the researcher will influence their chances for early parole, regardless how much the researcher guarantees otherwise. Further, Wright and Decker (1997 p. 4) argue that most criminal behavior is a direct result of the pressure and or temptation on the streets, and that prisoners are removed from that pressure; hence, they respond quite differently as to how they would have reacted on the street.

I agree with Wright and Decker in that there is an obvious difference in studying heroin dealing and smuggling through extensive field work, getting the “insider perspective,” and observing how heroin smuggling and dealing is done in practice, rather than studying heroin dealers and smugglers through singular prison interviews. Moreover, I understand the prison as the end station of a long process of legal procedures. Thus, I would argue that the prison and the presiding court cases and sanctioning influence the offender’s’ stories. Interviewing offenders in prison about crime could “push” these previous sanctions to the center of the offenders’ stories. Hence, the aim of the stories would be to explain how and why they ended up in prison. The accounts they give for their previous actions are often strongly influenced by their legal defense⁴. Contrary to Wright and Decker, I do not perceive these accounts as a disturbance that should be reduced or kept at a minimum to generate the “true” knowledge about heroin crimes, but I will argue for making these accounts and narratives the focal point of the analysis, and further study the interconnectedness of the narratives with the judicial practices. The main point of my argument is that the prison context and the way the interviews were conducted brought the offenders’ explanations and motivation to the forefront of their narratives. Moreover, focus on the offenders’ explanations and motivation for their

⁴ However, I did not find that it was a central element in the offenders’ narratives that they were trying to present themselves as “reformed” criminals wanting an early parole. Rather, the offenders were giving justification and excuse accounts of their previous illegal actions.

illegal actions is rarely the main center of attraction in an ethnographical approach⁵. Still a question remains: Would the offenders have given different accounts and justifications for their illegal activities if they had been interviewed on the outside?

The highly influential ethnographer Michael Agar (1977 pp.148-149) claims that ethnography has a bias of studying human behavior in natural contexts rather than in isolated interviews; hence, they communicate that “the truth can only be found on the streets.” Additionally, Agar asks what the differences are in the knowledge about drug users/dealers which is generated on the street or in the joint. To answer this question, Agar gives a literary review of the ethnographical fieldwork on drug users/dealers that is done both on the street and in prison (or other instructional settings), and finds that these study results are surprisingly similar. Thus, the drug users/dealers in prison and on the street tell very similar stories about themselves and their lives. However, Agar finds that drug users/dealers in prison tend to overestimate their own success as “streetwise.” Thus, they downplay the more quiet-paths of life on the street and their more unsuccessful missions. Quite contradictory to Wright and Decker (1997), who stress that the offenders need to portray themselves in the best possible light in terms of mainstream values to get an early parole, Agar (1977) claims that the offenders try to portray themselves in the best possible light of the street culture values and norms. However neither Agar nor Wright and Decker discuss what effect labeling and repeated sanctions have on the offenders’ stories. I will argue that the sanction process does influence the offenders’ narratives.

Similar to Agar, I found that there were striking similarities in the stories told by the retail dealers I interviewed inside prison and the two retail dealers I interviewed on the outside who had previously been sanctioned. Further, the narratives told by the retail dealers had striking similarities with previous ethnographical studies of street level dealing. For example, most street level dealers claimed that they dealt drugs to finance their own drug addiction (see Agar 1973, Bourgois 1995, Hanson 1985, Reuter, MacCoun & Murphy 1990, Lalander 2001 and Hoffer 2006)⁶. However, there are few ethnographical studies done on the top levels of drug smuggling and wholesale dealing; hence, the knowledge about heroin smugglers generated outside of a judicial context is rare, making this kind of comparison impossible. One way of construing this is that the stories told by the retail dealers are more established narratives than

⁵ I will return to this argumentation in the theory chapter.

⁶ These contributions will be presented in the theory chapter.

the narratives told by the heroin smugglers. This is not problematic in itself, but, if this leads to a legitimization of the low level dealers' stories and a suspicion toward the top level smugglers stories, it becomes more problematic. This might become more problematic if the differences in legitimization run together with ethnicity, where low level heroin dealers are ethnic Norwegian and the top level smugglers are non-ethnic Norwegian, and if these offenders' stories are met with a different attitude within the judicial practices.

As a conclusion to why there were similarities in the knowledge generated both on the street and in the prison, Agar (1977) stresses the close relationship established between the ethnographer and research participants. Hence, the ethnographical key feature should not be that of a street setting approach, but that of establishing rapport. Although I agree that it is important to establish a good relationship with the research participants, I do not agree that this is the only explanation as to why it is possible to find similarities in the offenders' stories. I will argue that the similarities in stories also have to do with those explanations that are established as culturally available motivations for drug crimes. Further, in establishing these culturally available motives, the judicial practices and discussions play a significant part.

Rapport, neutrality, objectivity and reflexivity

In evaluations of qualitative interviews the great majority of method discussions are centered on four ideals—rapport, neutrality, objectivity and reflexivity (see for example Gadamer 2007 (1960)), Haraway 1988, Harding 1991, 2006, Alvesson and Sköldbberg 2000, Silverman 2006, Rapley 2006, Presser 2008). Moreover, the concepts of rapport and neutrality are often discussed in connection to the interviewer-participant relationship, whereas the concepts of objectivity and reflexivity are often discussed in regard to interpretations and analysis of qualitative data. In this method chapter I will discuss the concepts of rapport and neutrality in regard to the prison interviews and the concept of objectivity and reflexivity in relation to the interpretation and analysis of both the prison interview and the court decisions.

The first concept, rapport, refers to the researcher's ability to establish a suitably relaxed and encouraging relationship, where the research participants feel at ease. Hence, the interviewer must communicate trust, reassurance and even likeability (Rapley 2006 p. 19). Although rapport is an implicit factor of a successful interview, James Holstein and Jaber Gubrium

(2002) have pointed out that it is a surprisingly ill-defined concept, and that there are few methodological precedents of how to talk to research participants. I will address the issue of rapport by discussing the following questions: Why did the offenders want to talk to a researcher? What were the frames of the interviews? What did the offenders want to talk about? And How did we talk? Throughout this discussion, I will integrate relevant ethical considerations and reflections.

The second idea, often discussed in the method literature in regard to interview conduct, is neutrality. Tim Rapley (2006 p. 19) argues that interviewer neutrality has been seen as either an “essential practice” or a “bad practice.” On one hand, researchers who argue that it is an essential practice, stress that if the interviewer is not neutral, she will bias the interviewees’ answers. The researcher then acts as though the goal were somehow to get rid of interpersonal effects to get at the truth, which would be evident if interpersonal characters of the interview did not interfere. On the other hand, researchers who argue that interview neutrality is a bad practice stress that it creates a hierarchical, asymmetrical relationship in which the research participants are treated as objects.

In regard to my understanding of the concept of neutrality, I am inspired by Lois Presser⁷ (2008 pp. 35-36) who argues for an interactive perspective in understanding her interviews with violent offenders; hence she understands the stories of the offenders as “co-authored” by her. However, Presser (2008 pp. 38-39) points out that the stories the offenders tell are not created in the interview context alone. The researcher’s influence on the narratives is only one of many social influences. I agree with Presser, and, additionally, I would point out that the offenders use an established vocabulary of motives when talking about their illegal activities. Similar to Presser, (2008 pp. 38-39) I will discuss the influence of my words and actions, insofar as I created different opportunities for the offenders to make certain self-presentations and emphasize certain motivations and explanations for their illegal activities.

The third and fourth ideas often discussed in method literature are the concepts of objectivity and reflexivity, which are closely interrelated. The concept of reflexivity is not a new issue within social science but developed as a response to the idea of objectivity as assuming a researcher’s position of distance, disinterestedness and impartiality. The most influential

⁷ I will return to Presser’s contribution in the theory chapter.

writers on reflexivity are found within the feminist philosophy of science (e.g., Haraway 1988, Harding 1991, 2006). Drawing extensively on hermeneutical (Gadamer 2007 (1960)) insights, feminists have further developed these ideas within different research traditions such as post structuralism (Haraway 1988) and standpoint theory (Harding 1991, 2006). Donna Haraway (1988) has argued that reflexivity is the key activity in studies which require not only acknowledging the specificities of the research positioning, but critically engaging with that positioning to analyze assumptions and conceptual frameworks which inform/influence the inquiry.

Similarly the social scientists Mats Alvesson and Kaj Sköldberg (2000 p. 5) claim that reflexive research has two basic characteristics. The first attribute is that all references to empirical data are the result of interpretation; and secondly, reflection is an activity that turns the focus inward to the researcher's use of concepts, scientific theories, and meta-theories. The underlying assumption of the reflexive approach is that empirical material does not simply mirror social reality, but is mediated through the interpretations of the researcher, and thereby constructed. Hence, the purpose of the reflexive method is not to find "one truth," but to highlight the construction of the study object and the multiplicity of interpretations, to make explicit insights regarding ambiguity and to discuss the dominant theoretical views. The reflexive method then involves reflecting on and making explicit the mechanism by which the interpretive process shapes the inquiry outcomes. I will address the issue of reflexivity when elaborating on analytical strategies.

Why did the offenders want to talk to a researcher?

In national and international literature based on interviews with offenders, it is argued that it is easy to recruit research participants. The offenders often want a visitor and have a need to talk, and welcome everything that can break the monotony of the everyday life in prison. It is reasonable to believe that this affected the offenders' willingness to talk to me and let me interview them. The strategy for recruiting research participants could also have affected the offenders' willingness to talk to a researcher. The research participants in this study were chosen with the purpose of finding individuals who could tell stories about the Norwegian

heroin trade. Thus, this study is based on a purposive sample,⁸ which is a sample that starts with a purpose in mind and is thus selected to include people of interest and exclude those who do not suit the purpose. To conduct interviews in Norwegian prisons, one needs permission from the regional correctional service. Therefore, I applied for permission to conduct the interviews at the regions of interest, and hence the prisons of interest. In the application I gave a description of the project research questions and aims, which were to find out what offenders who serve sentences for heroin felonies want to tell about their life and their experiences in importing and dealing heroin. Furthermore, through this information, I indicated that we would discuss questions about the organizational aspects of heroin dealing and smuggling.

In the letter to the correctional services I asked for help to localize and make contact with individuals who were serving heroin convictions and who might be willing to be interviewed. When the permit from the regional correctional services was granted, it was the prison guards and “local contact” at every division in the different prisons who contacted the prisoners and asked if they wanted to be interviewed. This may have resulted in the offenders feeling obliged or even pressured to cooperate and allow themselves to be interviewed. Therefore, keeping in line with the Norwegian ethical guidelines for social science NEHS⁹ (2006 p. 13) and Guideline Number Nine regarding free consent, I started all interviews by stressing the voluntary aspect of the interview and that the research participant, without giving any reason, could withdraw from the interview at any time.

One aspect of recruiting the research participants with the help of the correctional services as a “middleman,” and with the researcher totally cut off from the prisoners, is that it can open up opportunities for misunderstandings¹⁰. Although I had sent written information to both the prison staff/guards and the prisoners about the project, some of the offenders were poorly

⁸ Purposive sampling is best used with small numbers of individuals, which may well be sufficient for understanding human perception, identity, motivations and explanation; hence, the power of purposive sampling lies in selecting information- rich-cases for analysis related to the central issues being studied (Silverman 2006 p. 129).

⁹ The National Committee for Research Ethics in Social Science and the Humanities (NESH) was formed in 1990, and has drawn up guidelines for research ethics in the social sciences, law, the humanities, and theology. The first version of the guidelines was published in 1990, and was revised in 1999 and 2004 (Skilbrei 2003 p.26, Neumann Basberg 2007).

¹⁰ The cooperation with the correctional services has been very diverse, from very good cooperation at one prison to a total rejection of the project at another prison. The point is that when the researcher is situated on the outside of a closed system, it is necessary to find a contact person on the inside who takes an interest in the project and has time and power to make the practical arrangements for the interviews. In one of the prisons I found a contact person like this.

informed and/or misinformed about the project and my goals. Few offenders had read any written material. Some prisoners wondered why I had contacted just them. One offender thought that he was going to talk to his defense lawyer, and one thought I was a visitor from the Ministry of Justice and police that he had waited a long time to meet. Although these gross misunderstandings are the exceptions in this study, I started all the interviews by presenting myself and the project, and discussing how I had located the research participants. Further, I stressed the voluntariness and the confidentiality of the project.

However, I did not inform the research participants that the interviews were going to be used to analyze their self-presentation and their narratives. According to the NEHS Guideline Number Eight (NEHS 2006 p. 13), all research participants should be informed about the aim of the research, so that they can develop an informed opinion about the purpose of the study before giving their consent. The reason the participants were not informed about the focus on self-presentations and narratives was that these research questions sprang from the research process itself. In a qualitative research process it is not uncommon that new issues and research questions develop throughout the study. The flexibility, exploration and open-endedness of the qualitative method often necessitates that research questions be reformulated and made more precise throughout the project. Hence, the flexibility that is inherent in a qualitative approach might present a conflict with the ideal of a detailed informed consensus. One way of avoiding this problem is for the researcher to stay in contact with the research participants throughout the research process, and, if necessary, contact them again to clear new agendas. Due to safety and practical reasons, I have not stayed in contact with the research participants. To locate the participants today would involve large practical problems; some would have been let out of prison, others would have moved to other prisons or institutions, and so on.

Is it reasonable to believe that the participants would have withdrawn from the interview if they had been informed that I was going to study their self-presentation and their narratives as well as the organizational aspects of the heroin trade? Ideally, they should have been given this information and the possibility to withdraw from the interview, and it is possible that some of the participants would have done this. More likely, however, the offender would not have withdrawn from the interview. When participants talk about their illegal activities, it is inherent in the issue that their stories will be evaluated. Thus, when they agree to talk about

their illegal activities, it is reasonable that they accept that their stories are subject to evaluation.

However, none of the offenders withdrew from the interview. Some of the prisoners stressed from the start of the interview that they only had marginal knowledge about the heroin trade and wanted to talk about their own court case. Further they claimed that they had been forced or tricked into the heroin trade or that they had been convicted on false premises. Others claimed that they would tell their story if it could help others. That some offenders stressed their marginal involvement in the heroin trade from the beginning of the interview might also have had something to do with the way the interview was framed.

What was the frame of the interview?

I was always alone with the offenders during the interview, and we were locked inside the visiting room of the prison. The visiting rooms of the different prisons varied in their architectural structure, but I always tried to be seated across from the offenders so I could maintain eye contact and look at them while they talked. After approval by the research participants, I tape recorded all of the interviews. The interviews lasted from two to five hours, with an average of three hours. All interviews were conducted in Norwegian, except two, which were conducted in English. The non-ethnic Norwegian offenders had good Norwegian and English skills, and the interviews were not hindered by language problems.

The start of the meeting was used for framing the interview. In the beginning of the interview I was concerned with balancing an interest in how the activities of drug smuggling and dealing is done in practice, with an openness toward what the offenders wanted to tell. Thus, from the beginning of the interview, I stressed my concerns, heroin smuggling and dealing. At the same time it was important to show my curiosity toward their stories and present myself as non-judgmental. I talked a lot at the start of the interview, which gave the offenders a chance to evaluate me and my sincerity. At this point of the interview I experienced some of the offenders as “on guard,” and others as outright suspicious. Some prisoners sat leaning

backward with their arms folded, staring at me with an intense and piercing gaze that I interpreted as, “Who are you and what do you want?”¹¹”

An important issue is that if I had planned only to collect life stories from the onset, I probably would have entered the field in a more curious way regarding the issue of the offender’s illegal actions. However, I wanted to talk to individuals who presumably knew something about the heroin trade, which was my preliminary interest, and by following the ethical guidelines and informing the participants about my research interest, I could have set the stage for a moral confrontation which has parallels to the offenders’ previous court cases. Hence, I framed the interview in a way that made the offender’s explanations and motivations for their illegal activities more explicit than I would have by focusing on their life stories. Thus, I started my interviews by asking the following question: “Could you tell me about your relationship to heroin?”

By comparison, Presser (2008 p. 49) states that she received consent from the offenders to do her interviews, but she does not elaborate on the reasons why she obtained this consent or how she introduced her research¹². Moreover, Presser (2008) began her interviews by asking the very general question: “Tell me about your life.” Some of her offenders responded, “What do you mean the crime?” Presser (2008) answered, “What you like.” I, on the other hand, focused on the offender’s relationship to heroin, which in many cases brought the offenders thoughts directly to their previous court case, but in other cases, the offenders would start to talk about their own experiences using heroin. A central question remains: Would the offenders have told different stories and accounts of their illegal activities if I had framed the interview in a broader manner? I would argue that it is likely that a more open approach would have led to less resistance from the start of the interview with the offenders, and hence would have made rapport easier to establish. However the framing of the interview made the offenders’ motivation and explanations explicit from the start. Further, when the offenders started to tell their stories, I assumed a position of asking probing questions that were in line with their stories.

¹¹ This preliminary suspicion and resistance among the offenders might also be linked to the fact that they had received little information prior to meeting me.

¹² However, Presser (2008 pp. 92-93) does discuss that she cued the interviews toward the judicial discourse, where she emphasizes that she focused on the sanctions the offenders had experienced and not the crime in itself, and thus avoided direct moral confrontations.

What did the offenders want to talk about?

In preparing the interviews, I had made a detailed interview guide with open-ended questions. The themes in the guide were inspired by other studies on heroin dealing and organized crime and included issues such as general trends in the heroin market, general trends on the import of heroin, division of labor, values, contacts and relationships in the heroin market, trust and the establishment of trustworthiness, money, betrayal and violence. However, in meeting the first offender it became clear that he had his own agenda for what and how he would talk. He would, as he explained, tell his own story. I put away the interview guide and let the offenders tell their stories. Laying aside the interview guide helped me to establish rapport with the offenders, because I showed sensitivity toward their explanation and need to tell their stories in their own way.

When I allowed the offenders to tell their story, it was a story about how they ended up in prison, with a strong emphasis on the moral explanation of why they acted the way they did. Other social scientists that have done studies on imprisoned offenders such as Patricia O’Conner (2003) and John P. McKendy (2008)¹³ have argued that prison populations are “silenced” in the sense that imprisonment not only involves physical confinement, but also discursive and ideological confinement. Thus the opportunities the offenders have to tell their stories are officially ratified and severely restricted. Hence, O’Conner (2003) and McKendy (2008 p. 496) argue that the open-ended qualitative interview provides an unusual opportunity for prisoners to report, reflect, and relate their stories. Parallel with O’Conner (2003) and McKendy, (2008) I would argue that the imprisoned heroin dealers and smugglers are “silenced,” and by interviewing them, I provided an opportunity for them to tell their story. However, all heroin smugglers and dealers might not be officially “silenced” in exactly the same way, in the sense that some of the narratives told by the offenders could be better known and accepted as truths than others, and, hence, I view it as an important scientific and ethical issue to point out this difference. In other words, if some of the offenders’ explanations are viewed as credible, and other offenders stories are viewed as unbelievable or illegitimate in court, and if there are systematical differences in how the offenders’ stories are given legitimacy which reproduces inequality, it is an important issue both scientifically and ethically. Being sensitive toward stories which are silenced in the public sphere also corresponds with the ethical guidelines (NESH 2006) which stipulate that the social scientist

¹³ I will return to more detailed presentation of these contributions in the theory chapter.

has a special obligation and loyalty toward marginal groups, by presenting members of such groups and their life in a non- stigmatizing way.

Further, McKendy (2008) argues that a striking characteristic with his prison interviews was the offenders' "joy in expression." Quoting Pierre Bourdieu (1999 p. 615) McKendy (2008 p. 497) states:

It even happens that, far from being simple instruments in the hands of the investigator, the respondents take over themselves. The density and intensity of their speech, and the impression they often give of finding a sort of relief, even accomplishment, convey, along with everything else about them a joy in expression (Bourdieu in McKendy 2008 p. 497).

Similarly I found the offenders in this study eager to tell their story in their own way, conveying a "joy in expression."

How did we talk? The importance of humor

A key issue in a successful interview is for the researcher to establish rapport with the research participants and create a good atmosphere. In my interviews humor was an essential part of how rapport was established, and often served the function of reducing the moral tension which was inherent in the subjects under study. Hence, the offenders "joy of expression" not only found an outlet in an eagerness to tell their story, but it was also expressed in the telling of jokes, the use of self-irony, and black humor.

Despite its seemingly non-serious intent, humor is filled with social significance. Hence, most of the time the humorous twists of the offenders' stories were not out of context, but a way of conveying meaning. Sometimes the offenders would use humor to take the edge of the serious issue at hand and create a distance to what was being discussed. At other times humor was used to sustain and create a light atmosphere in the interview. The following story told by an ethnic Norwegian retail dealer serving a long sentence, illustrates the first point:

"You can say that my criminal career started when I was four years old, and my father pushed me through a ventilation hole, so that I could run around to the front and open the door for him... he, he, he. My father stole everything he could lay his hands on. But he is a clumsy thief, and he doesn't manage much. The last thing I heard about my father was that he had taken a taxi to and from a burglary...he, he, he. And this I am

being told when I come in here (the prison) he, he, he. It was so embarrassing that I did not know what to say and do. My father doesn't always succeed in his arrangements, but you can't act very proud when you hear that your father has taken a taxi to and from a burglary...he, he, he."

In this quote the offender is expressing a distance to his upbringing and his criminal father, by making fun of his father's lack of success as a thief. I remember thinking when the offender told the story, what choices did he have if his father introduced him to breaking and entering when he was only four years old? However, instead of continuing a story about his upbringing and directly blaming his father for his own criminal activities by coming right out and saying so, the offender twisted the story in a humorous way, describing his father's incompetence as a thief. Hence, the offender is presenting himself not primarily as victim of his upbringing, but as a more successful criminal than his father. By encouraging the use of humor in the interviews with eye contact, laughter, and smiles, I gave the offenders an opportunity to present themselves as entertaining storytellers. Hence, I gave recognition, not only to the issue of what was talked about, but also to the offenders as storytellers and as capable mediators.

Humor provided the offenders with a wider repertoire in their storytelling and thus for presenting their social identities. Often the humor would refer to the buying and selling situation, where the offenders either portrayed themselves as smart by fooling or cheating someone else, or they portrayed themselves as the ones being cheated. At other times the humor was used to address power relationships, often with a sting toward the authorities, police, and the judicial system. Hence, the humor was a strategy in both presenting themselves and as a means to support their own arguments and accounts. The following quotation, from a non-ethnic Norwegian serving a long sentence, illustrated this:

"I know of a case where an old X (Eastern European) called a friend to ask him to supply him with four car tires. And then the old fellow keeps nagging on and on about those car tires. What happened was that his friend was arrested with four kilos of heroin, the old fellow is jailed for nine years because he was nagging on and on about those car tires...he, he, he. He serves nine years without knowing anything about heroin or drugs. But he was convicted, that poor fellow, because the police claim that it's highly probable that he was involved in the heroin deal. What do they (police) know really, when they tap phones and it is being said, "I want to have four car tires." The police say they were talking in codes, and then you are being convicted no matter what."

Similar stories to this one, were told by the heroin smugglers to illustrate, in a humorous way, the sensitivity and bias of the police investigation methods, and hence introduce the possibilities that the offenders could have been wrongly charged. In this respect, the humorous stories also brought attention to the offender's previous police investigations and court cases.

Although humor was welcomed in the interviews, I tried to keep focused and took the lead if I experienced that the interview was becoming too fleeting, too humorous, or straying too far from the issue. Either I would stop and say that I needed to sum up the interview so far, or I would say, "This was fun, but what I am really curious about is..." In this way I tried to stay in control of the interview, and, at the same time, recognize the importance of acknowledging the offenders as able and skillful storytellers.

The male offenders

A central concern in 21 of the prison interviews is that they were meetings between a female researcher and male offenders, and 12 of these interviews were conducted with non-ethnic Norwegians males. A central question became: How does the social distance between the male offenders and me influence the interview, and what type of options for self-presentation did this social distance create? In the method literature, the issue of social distance has been described as both good and bad. On one hand, Jody Miller and Barry Glassner (2004 p. 134) argue that social distance can be good in so far as it facilitates a situation in which the research participants feel like experts in their social worlds, and, hence, make an effort to make explicit knowledge which has been taken for granted, either by sustaining it or rejecting it. On the other hand Miller and Glassner (2004 p. 135) argue that social distance can lead to suspicion, which might result in stereotyping, judgmental behavior and stigmatizing. Similarly I would argue that my "outside" position caused the offenders to make many of their arguments explicit and at the same time the social distance between the offenders and me also led to suspicion and hostility.

First I will give an example of how the social distance between the offenders and me may have brought new information to light. In the ethnographical literature on drug dealing, mostly conducted by male researchers with emphasis on street life and the subculture, the

violence (see Agar 1973, Katz 1988, Sandberg and Pedersen 2006), hustling (see Preble and Casey 1967, Agar 1973) and coping (Preble and Casey 1967, Agar 1973, Bourgois 1995, Lalander 2001, Sandberg and Pedersen 2006) of everyday life of a drug user/dealer is often given precedence to an understanding of the drug user/dealer's other significant relationships (see also Stephens 1991 p. 95). It is, therefore, interesting to note that in my prison interviews all the offenders stressed the importance of their close relationships. The male offenders stressed their relationships to their parents, females (wives and girlfriends) and children. Some of the offenders talked intensely about their relationship to their parents, children, wives and mothers, and the meaning and influence these relationships had on their activities in the heroin trade. One example of this was the prisoners who used their breadwinner status as an explanation of why they became involved in the illegal activity. Another example was the offenders who dwelled on the moral dilemmas they faced when they were hiding their criminal activities from their wives or girlfriends, or trying to protect their closest relations from dangerous situations that followed their illegal activities. The point is that when these issues became apparent in the interview, it might have been a result that the offenders were talking with a female researcher, which gave them an opportunity to present themselves as good husbands, boyfriends, and fathers.

Second, the social distance between the offenders and me also created problems of resentment and hostility. As mentioned earlier, qualitative interviews in prison can offer special opportunities to marginalized individuals to tell their stories. However, as Michael Schwalbe and Michelle Wolkowicz (2001) argue, an interview with a female researcher and a male research participant can be construed as both an opportunity and a threat. It is an opportunity in that the participants get to present themselves however they wish; it is a threat because the researcher controls the interview and can ask questions, which validates the participant's presentation of himself. By being very active in the interview, some men try to get a compensational control over the interview to assert their masculinity.

I would argue that all the interviews with male prisoners carried with them this ambivalence between possibility and threat. Its clearest expression is found in the interviews with prisoners who claimed that they were wrongly committed. One way of interpreting this is that these interviews enhanced the issues of defense, stigma negotiations, and moral justifications. To illustrate this I will describe the opening of an interview. The man was in his late 40s and this

is how he described himself: **“The police say that I am a big mafia boss, but I am a simple carpenter from X (Eastern Europe).”**

The prisoner is already sitting in the visiting room when I enter. He is sitting farthest out on the couch, with his elbows leaned against his knees and with a peering gaze that goes straight through me. The way he is sitting and looking at me gives me the feeling that he is ready to dive forward. His looks and posture make me nervous, and I turn away from him and toward the prison ward who has followed me into the room. The ward looks over my head at the offender and says: “You should have had an alarm, shouldn’t you?” I say “no thanks” to the alarm, because to ask for an alarm after I have seen who I was going to interview would be to admit that I was afraid of him. The interview could only work with trust, something a need for an alarm would not enhance. I watched as the prison ward closed and locked the door, with my back turned away from the offender. I took a deep breath before I turned around. I smiled and reached out my hand to say hello. The offender’s face was frozen, and he didn’t take my hand. I am thinking, dear God, this will be a tough interview. How are we going to find a common ground (Field notes 2006)?

This was my toughest interview with the offender’s obvious resistance and suspicion. That which “saved” the interview was humor. The offender had a raw, but pertinent and intelligent humor. He would tell his story about how he got mixed up in a heroin case and sentenced on circumstantial evidence. The style he used was that he would tell his story, stop, and ask me questions like, “Do you believe me? Or “What do you believe of what I have told you?” The interview took form almost as a mental competition, where my position became to find holes in his story. My probing question was of this type: “Could it have happened in this way?” “How did you manage this concretely?” “If X, so Y?”

According to Steinar Kvale, (1997) the researcher can build the analysis into the interview by clarifying the research participant’s different statements. In this style of interviewing the issues that are talked about are constantly evaluated and validated throughout the interview. Applied to this study, and in light of Kvaes (1997) understanding, I challenge this offender’s story and others in similar interviews, by looking for logical flaws in the argument and confronted the offender with these. At the same time the offenders were evaluating how quick and sharp I was in finding holes in their stories and acknowledged good challenges to their stories with smiles and other gestures of approval. The point is that the position I took in these

interviews resembled that of a prosecution attorney. I will elaborate this position later in the text.

When I situated myself in a prosecution position, I opened up for the anger and frustration these offenders felt toward the Norwegian police, court of law, and the Norwegian authorities in general. The point is that when I challenged the offenders' stories, I enhanced their excuses and justification accounts; hence, it made their explanations for their illegal activities even more explicit.

The female offenders

Five female offenders (one courier and four retail dealers) were represented in the interview material. The interview with the female courier will be presented later in the method chapter. Similar to the male offenders, I experienced the female dealers as "on guard" at the beginning of the interview. In addition to the introduction round, we engaged in "small talk" about their life in prison and their conditions for serving their sentence. The female offenders were also curious as to who I was and what I did when I was not a researcher, and I answered their questions openly. Raply (2006 p. 23) defines the concept of reciprocity in the interview context as: "the exchange of personal-biographical-emotional experiences." Further, Raply (2006 p. 23) argues that when the researcher engages in reciprocity by disclosing some aspect of herself, the research participants will feel more at ease and this will lead to rapport. I found that engaging in small talk with the female offenders made them relax, and we could start the interview.

The female retail dealers told their stories in a similar fashion as the male retail dealers, where they integrated their dealing careers with their own drug consumption. Several studies have shown that female drug users often support their addiction through prostitution (File 1976, Rosenbaum 1981, Bretville-Jensen 2005) However, the female retail dealers, similar to the male retail dealers, stressed that they sold heroin to finance their own addiction. Further, the women emphasized that drug dealing was a better money making alternative than prostitution. Hence, the female dealers presented themselves in a similar way to the male drug dealers, by focusing on heroin dealing as a means of financing their addiction.

In her study of female gang members Jody Miller (2001) observed that the female research participants would use the interview to “talk back” at gender stereotypes. For example, the female gang members denied the occurrence of “sexing in,” a practice where the females are required to have sex with multiple male gang members to gain entry to the gang.

Similarly, the female retail dealers in this study can be construed as “talking back” at the gender stereotype when they stressed that they were drug dealers who didn’t want to have anything to do with prostitution. Furthermore, the female drug dealers also “talked back” at the understanding of females in the drug subculture as subordinate to men and financially dependent upon them. For example, one of the female drug dealers said that she was dealing heroin together with her boyfriend, and she stressed that they had a good relationship and were equal partners in the heroin dealing. She emphasized that she had been dealing and using drugs for a longer time than he had. However, not all of the female retail dealers talked back at the gender stereotypes. For example, one of the female retail dealers spoke about her negative relationship to men both within and outside the drug subculture and told about physical, psychological, and sexual abuse. She did not use the interview to challenge gender specific roles of the heroin subculture.

Confidentiality and anonymity

A challenge in making the interviews anonymous is how detailed I can be in describing the offenders without giving away their identity. In the following analysis, I will emphasize the offenders’ anonymity, which means that certain factors are kept out of the analysis to protect the offender’s real identity. To protect the prisoners, identity information about where they are serving their sentence is not given. Neither is detailed information about their court cases or their nationality and/or ethnic group. By giving too much detailed information about the offenders, individuals who know the milieu might be able to identify the offenders, and people “who talk” are often met with negative reactions in the drug culture.

One problem with the question of anonymity is addressed by Charles L. Bosk ((1979) , 2003). In Bosk’s study of an institution he had few informants, and he chose to make one of his female physicians into a male physician to protect her real identity. This resulted in the fact that Bosk overlooked important power structures in regard to the differences between males

and females in his analysis. Hence, Bosk did not discuss that this physician could have been a victim of gender discrimination in regard to not getting a leadership position. In his 2003 version of the book, Bosk confronts his preliminary way of making the data material anonymous, and discusses its shortcomings.

This example brings attention to the fact that the way the researcher makes the data material anonymous can have consequences for the analysis of the data material and the conclusions one draws. In the following analysis I will not trade the gender of the research participants; however, in relation to the question of anonymity, I will not refer to the real ethnicity of the offenders except to point out the categories ethnic Norwegians, and non-ethnic Norwegians. Further, all the offenders have been given new names. With the names that I have chosen, I make a distinction between ethnic Norwegian names and non-ethnic Norwegian names. However the non-ethnic Norwegian names refer to ethnicity because they are used by different ethnic groups. It is important to recognize that the chosen non-ethnic Norwegian names do not refer to the offenders' real ethnicity, besides referring to the difference between ethnic and non-ethnic Norwegians. This way of categorizing the offenders can enhance the difference between the two categories, and simultaneously hide important differences within the categories. One such difference is that the category of non-ethnic Norwegian is made up of citizens of other countries as well as Norwegian citizens with an ethnic minority background. I will point out the relevance of this in my analysis.

The issue of confidentiality becomes even more important in this study, because this thesis is built on prison interviews that have previously been used to discuss the organizational aspect of the heroin trade. According to NESH (2006 p. 18) Guideline 15, the reuse of data material, can only occur without consensus from the research participants if the material is made anonymous. Hence, I did not keep a list with the identity of the research participants throughout the whole research process.

Analysis Strategies: Pre-knowledge and reflexive method

*“The more the informal interview is controlled by the informant, the less the ethnographer knows how to deal with it.”
(Agar and Hobbs 1982)*

Scholars have pointed out that qualitative researchers have a great deal of power in their sampling of stories without any formal system of accounting for how representative they are (see for example Presser 2008 p. 51). A central question in relation to this is whether or not the researcher only selects and reports those participants, observations, and stories that support the claims that she wants to make, and thus are informed by the researchers pre-knowledge. A way of dealing with this problem is by reflecting on how one's interpretations and concepts influence the analysis of the data material. Hence, a key issue in the reflexive method is how to control the interpretive possibilities without letting them control the researcher. Alvesson and Sköldböck (2000 p.150-151) describe two different strategies that the researcher can use to control her interpretations. First, the researcher can strive to attain mental blankness (*tabula rasa*), and to approach the content of the data material in a “neutral” way. Second, the researcher can develop a wide repertoire of theories, allowing for creative interpretation of the data material. According to Alvesson & Sköldböck, (2000 p. 251) both of these strategies have their drawbacks which can be described as either “naïve ignorance or well-read scholasticism.”

Whether the researcher has read extensively or not, one answer to the question of how to deal with pre-knowledge is given by the German philosopher Hans-George Gadamer's (2007 (1960)) principle of hermeneutics. According to this hermeneutical principle, the pre-knowledge of the researcher should not only be seen in a negative light, and as the closing point for interpretation, but rather as that which opens us up to new possibilities of understanding. Further Gadamer (2007 (1960) p. 265) argues that there is no neutral position of interpretation and that all interpretation carries with it a prior understanding that is taken for granted¹⁴. All interpretation is partly about projecting meaning onto an object which the

¹⁴ Arne Johan Vetlesen (1999) claims that Gadamer expresses a dual understanding of language. On the one hand language is the unavoidable medium for understanding either oneself or the other. On the other hand it is an imperfect medium for the same understanding. It is imperfect because our understanding always contains something more than what we at any time can express in words, hence it is always a challenge to find the words that convey our understanding and express it to others. In my academic work I identify strongly with this hermeneutical experience of the reoccurring need to be explicit, to find the right words that convey the meaning of something I have already understood, and the always present feeling of not quite succeeding.

object itself does not intrinsically have. Drawing on Edmund Husserl's phenomenology, Gadamer (2007 (1960) pp. 247, 269) maintains that the projection of meaning is always rooted in our own situation, and, therefore, it goes beyond the observed facts. The example Husserl used to explain this projection was that nobody can see all sides of a three dimensional object, so we invent the third side out of the two sides we see. In other words, we prejudge the object we are trying to understand before knowing all the facts. The total sum of our pre-knowledge (fore-structure) makes up our horizon.

Thus, Gadamer (2007 (1960) p. 299) claims that even if the projection of meaning is rooted in the interpreter's own situation, it does not mean that interpretation is a subjective process. On the contrary, our pre-knowledge is connected to the way in which the object has been understood and interpreted before us, and has its roots in how that object has been interpreted historically. The interpreter's horizon is thus socially, culturally, and historically sited¹⁵.

To interpret is required to enter into a hermeneutical dialogue with the data material (text). This is accomplished by actively playing out individual pre-knowledge by asking questions of the text. Hence, the hermeneutical dialogue is always a dialectic process between what is alien and familiar, between pre-understanding and understanding, and between parts of the text and the text in its entirety. In other words, my pre-knowledge forms a point of departure for the dialogue with the data material (text) and a starting point for reflecting interpretations, thereby establishing a starting point for the reflexive method. According to the hermeneutical principle, the researcher has to actively use his or her pre-knowledge, and take a risk to enable understanding. It is the presence of our pre-knowledge that makes us capable of a dialogue with the data material. Subsequently, as our pre-knowledge become apparent to us, often through a break with our expectations, it can also become the focus of our reflection.

¹⁵ Gadamer's view of tradition has been questioned from two different angles. First, by Jürgen Habermas (in Krogh, 2006 p. 262) who argues that Gadamer's hermeneutics does not give any guidelines to study systematically distorted information, because it does not teach us to separate between acceptable and unacceptable authorities/traditions. Habermas's answer is to critically study different traditions and discuss which of these is legitimate. In other words, critical reflection is contrasted to acceptance of tradition. Second, Gadamer's view of the collective held agreement of prejudices within a society or culture has been questioned by post-structuralists and post-modernists that stress diversity within culture.

Toward a narrative analytical framework

Here I want to examine my pre-knowledge and how the early interpretations of the data material informed the narrative analytical framework that I am developing in this thesis. An issue that occurred early in the interviews was how to deal with offenders who claimed that they did not know anything about the heroin trade, but who wanted to talk about their court case, often with a story about how they had been fooled or tricked into committing a crime and/or how they were wrongly convicted of a crime. One alternative, and my first idea, was to ignore these interviews, label them as unsuccessful, and remove them from the analysis¹⁶. However, upon further examination, these interviews became very useful, because they exposed the positions that I, as the researcher, took in the interviews and my pre-knowledge in the interpretation of the offenders' narratives. To illustrate this I will use an example.

Two interpretation positions: Defense and prosecution

When the woman entered the visiting room, my first thought was that this must be a mistake. She was an elderly woman with grey hair and she looked like a "grandma type." What on earth was her role in the heroin trade?

Ivana's story:

"I am 58 years old and come from X (Eastern Europe). I am a dentist by profession and had my own private practice. I was married and had two children. I was politically active with a high position within a famous party. What happened was a tragedy. I had ordered a holiday trip to Norway, because I wanted to see your beautiful country. I had never been to any Scandinavian country, but I had heard that it was very lovely. Two days before my departure I had a patient—a man over seventy years old—and I told him about my planned trip to Norway. Casually, he asked if I would be kind enough to take a packet with me and give it to a relative of his in Norway. The relative would pick up the packet in my hotel in Oslo. He was a good patient and I agreed to bring the packet with me. I forgot the whole conversation until the patient showed up at the airport on departure day holding a bag. I was surprised when I saw the bag. I had agreed to take a little packet not a bag, but I eventually took the bag with me. At the airport in Oslo I was arrested by the police. The bag I was carrying was full of old clothes, but had a secret compartment containing a packet of five kg of heroin. Then the

¹⁶ In their study of the middle-market in England biased on prison interviews Pearson and Hobbs (2001), chose to remove two interviews from the analysis, when the offenders denied any knowledge of drug trafficking. But they did include three cases in which the individuals said they had been only marginally involved, such as couriers.

nightmare began, I was sentenced to X years for couriering heroin. I tried to commit suicide in prison, because I could not live with the shame.”

Ivana cried through most of the interview. I was strongly affected by her story, and I experienced her sadness and despair as real. At the same time I sensed that she was “holding back” information. Her crying became stronger and she took her glasses off to dry her eyes on the few occasions when I challenged her story with questions like: “Did you look in the bag?” “Was the bag heavy?” “What happened to the old man that gave you the bag?” I felt uneasy putting pressure on Ivana, and said some clumsy, although intentionally comforting words to her instead. I was not there to play the role of the police or to investigate a crime, so I did not challenge her story further. My thoughts were that this was a problem for the analytical stage.

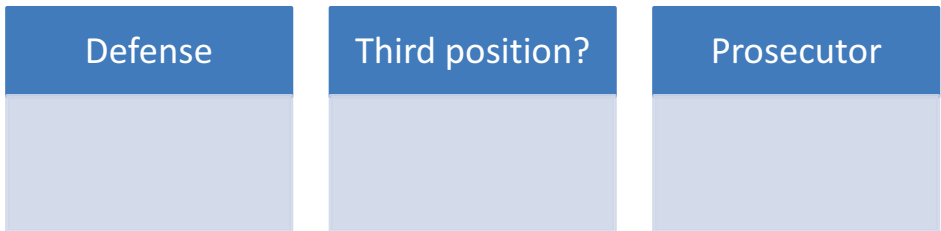
As an analytical starting point in the context of the interview, there were two competing interpretations. The first interpretation lies close to Ivana’s narrative and self-presentation. She was kind and gullible and only wanted to help a good patient. Consequently, she was tricked and exploited in a brutal way. When I interpreted her story like this, I saw her as a victim. According to Gadamer’s hermeneutics, I did not start my interpretation of Ivana’s story from scratch, but I placed her in an already established category of victims. It is the concept of victim which was active in me when I interpreted her story in this way. There are attributes which Ivana possesses that make it easy to place her in the role of a victim, including the fact that she is a mature woman. If this interpretation is used to analyse the heroin trade, I might conclude that criminals in X (Eastern Europe) recruit their couriers by deceiving them into carrying heroin. They choose vulnerable and gullible people that run a small risk of being caught by customs officers.

In the other interpretation, I challenged Ivana’s narrative. To follow the hermeneutical principle, I challenged Ivana’s story by actively asking the questions that her story raised for me. The same attributes that make Ivana a believable victim also make her an ideal courier. An older woman is not as suspicious as others when she passes through customs. On the other hand, if she is a professional courier, what is her relationship to the sender of the heroin? What was the motivation for her accepting the job? Was she forced? Did she or any other family member have a gambling debt or other kind of debt? These questions arise from my existing knowledge about organized crime and can be found in my perspectives on how illegal activities are organised. They can also be argued as arising from common sense: Is it possible that people who want to export large quantities of heroin would choose such a

random procedure? Would the sender of the heroin take such a risk with that amount of money? Is it possible that couriers are recruited with no prior contact and established relationships? If I use this kind of interpretation, this would mean that in X (Eastern Europe) professional couriers are recruited from high social positions. The reasons people accept this kind of proposal vary, but there is always a relationship to the criminal underworld. The grip that the sender of the heroin has on the couriers makes it impossible for them to speak, even if they are caught in the act.

In both these interpretations Ivana is understood to be a courier. The key factor is her intention, and whether it is reasonable that she knew or did not know that the heroin was placed in the bag. Although I can argue that this is a sensible question, it is also a question that points to guilt and a legal perspective. To elaborate, these two interpretations can be seen as representing the perspectives of the defense and the prosecution; where the first interpretation will follow Ivana’s narrative (the defense perspective), and the second will be closer to the perspective of the police (the prosecution’s perspective). The question is: Is it possible to emancipate the narratives and the researcher as an interpreter from a defense or prosecution perspective, and thereby gain insight into the illicit drug trade? Or is it possible to develop a third position of interpretation?

Figure 2. Interpretation positions



In developing a third position of interpretation I recognise that the offenders’ stories have been tried and tested in court and they have had a long time to think about how to present their stories in a comprehensive and clear way. In other words, I stress that the context of the interview is not the context in which the crimes were committed, and the fact that the offender has been sanctioned does affect the offenders’ narratives. This is particularly evident in the

offenders' explanations and motivations for participating in heroin smuggling and dealing. However, I do not try to neutralize or zero out this effect, but make it the focal point for analysis.

My main argument is that qualitative interviews do not simply mirror social reality, but are constructed through the interpretations of the social scientist. It then becomes vital to make explicit how this construction is done. Hence, the analytical potential of the prison interviews is not to give descriptions of the organizational aspects of heroin smuggling and dealing, but to analyse how different perspectives on heroin crime are constructed and reconstructed. Within the judicial practices, it is the judges who occupy the position in the middle of the prosecution and the defense. In establishing a third interpreter position which differs from the judges' position, I am inspired by Max Weber's definition of a sociological approach to the legal practices, which is, as previously mentioned, an external, theoretically driven empirical approach that studies the characteristics of existing systems of law (See Deflem 2008 p. 1).

To elaborate on Ivana's story, my aim is not to discover whether Ivana is telling the truth or not, but to examine what characterises her story, in relation to her expressed motivation and expressions of personal responsibilities. Further I will compare Ivana's story to the other heroin smugglers and dealers' stories, to identify key narrative patterns within the offenders' stories. Then I will turn my attention to the judicial practices and ask whether any of the offenders' stories, such as Ivana's story, are believed in court, and additionally if there are any patterns in the types of stories that are credited or discredited in court. Moreover I will ask, given the specific judicial logic in heroin felonies, what exists in Ivana's story that could be interpreted as adjusted to this logic, and what consequences could this, in turn, lead to for Ivana's rehabilitation potential? One way of studying how different perspectives on heroin crimes are constructed, then, is by focusing on the offenders' narratives about themselves and by studying how the judicial logic and rhetoric produce an understanding of heroin crimes. In addition, it facilitates the analysis of how these different perspectives produce and reproduce different understandings of crime, guilt, and power, and study the co-constitutive role that the judicial practices play in ratifying, justifying and legitimatising different understandings of heroin crimes. In the theory chapter I will elaborate on a narrative approach and its concepts; here I will give a description of how I arrived at the different narratives in the stories told by the offenders.

Getting to the story, four steps

I transcribed all the interviews myself, and kept a notebook of field notes which I wrote in before and after the interviews. Some of the analyzing work started while I was conducting the interviews; therefore, it is impossible to draw a clear line between the analytical stage and the conducting of the interviews. However, I will put forward four different steps in the analytical process.

First step—breaking up the stories

Because my preliminary interest and research question were connected to the organizational aspects of the heroin trade, my first coding of the data material was according to my original interview guide. I organized the interviews after what the offenders had said about how they were recruited into drug smuggling and dealing, their networks and contacts, their testing and use of drugs, and so on. Coding the data material in this way made me feel very uneasy. My major concern was that by cutting up the offenders' stories to address certain issues I was missing the point of the narratives. It was not that the offenders had not talked about the different subjects I was addressing; rather I felt that I was missing the real aim of their stories, which was to give explanations of why they ended up in prison. Although this preliminary coding of the data material was rather tentative, it started my reflection process of how to use the interviews in a more fruitful way, and it familiarised me with the interview material.

Second step—finding coherency

Acknowledging that I was cutting up the stories and destroying their central meanings, I laid out all of the 26 interviews and identified the narrative structure in all of them by applying the concepts of a narrative beginning, middle and end part. In this process I followed the chronological order of how the offender had told their stories. A striking characteristic of the offenders' stories was their consistency. Not only were the offenders coherent storytellers, in many cases the stories were told in a monological form, so identifying these different parts was surprisingly easy. However some interviews were not that clearly structured, and I would use a time line to construct the beginning, middle and ending of the story. For example, a retail dealer could start the interview by describing his or her introduction to drugs; then talk about his everyday life as a drug dealer; then talk about his first injection, and so on. In identifying the narrative structure in these interviews, I would organize the story according to how the events were described by the offenders to fall in time, and which events followed the

others. However, in these cases I did not follow the order in which the events were told in the interview.

Third step—identifying four different narratives

After having identified the narrative structure in all of the interviews, I compared them to see how many different narratives I could identify with a similar structure. I identified four different narrative structures, which had a similar beginning, middle and end part. In this comparison process it also became clear to me that some of the offenders told more than one narrative. I address this, and show what types of narratives are combined in the analysis.

Fourth step—finding the plot

After identifying the four narrative structures, I went back to the stories and applied the concepts of plot, motivation, agency-expression, and personal responsibilities to identify how the offenders addressed these issues within the different narratives. These concepts are driven from within a narrative theoretical approach, which gives a rich conceptual tool box for studying the interconnectedness between language and social identity¹⁷. By applying these concepts, I could delve deeper and in greater detail into the individual stories, looking for ambiguities and tensions within the different narratives. My main concern and motivation for doing this was that putting forward four narrative structures gave a rather frozen and stable picture of the offenders. By applying these concepts the connection between the offenders' narratives, expressed motives, and the judicial practise understanding of intentions also became clear to me. In analysing the prisoner narratives I used the following analytical schema.

Schema 1. An organizing schema for the narrative analysis of the prison interviews

Narrative	Number 1	Number 2	Number 3	Number 4
Beginning				
Middle				
Ending				
Plot and Motivation				
Agency-expression				
Personal responsibilities				
Collective representations				

¹⁷ In the theory chapter I will elaborate a narrative approach.

I will return to a completed version of this organizing schema in the summary at the end of Chapter 9.

About the sample of Court Decisions

To analyze the court decisions I have used a two-step process: production of statistics and document analyses. The statistics are used to address the question: What types of heroin cases are dealt with in the Norwegian legal system? Moreover the document analysis is used to address the questions: What are the central judicial logic and rhetoric in heroin cases? And In what way are the offenders' narratives mirrored in the judges' argumentation? In the following I will describe and evaluate the sample used to discuss these questions. In order to situate and evaluate the sample, I will first give a description of the Norwegian judicial procedures.

The Norwegian judicial procedures

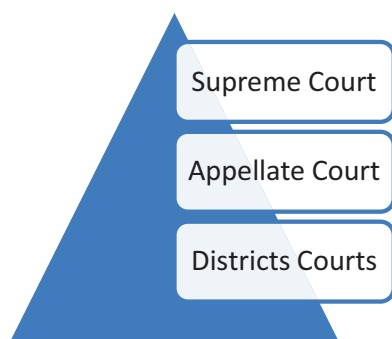
According to the Norwegian Court of Justice (2007) a crime or a felony is initially judged by the districts courts. In the district court the presiding judge falls in two different categories. Either the case is heard by only one expert judge, or the case is heard by a court composed of two appointed lay judges (representatives of the people) and an expert judge. The single judge's proceedings are often used in cases where the defendant has confessed to the crime. The single judge then decides the punishment. In the district courts the defendant may be considered guilty or not guilty, and if found guilty, he or she will be sentenced. If the first level verdict and sentencing is unsatisfactory for the defendant, he or she might appeal to a higher court.

In Norway the courts of appeal are divided into six appellate districts. These are as follows: the Borgarting Court of Appeal in Oslo (hereafter LB), the Eidsivating Court of Appeal in Hamar (hereafter LE), the Agder Court of Appeal in Skien (hereafter LA), the Gulating Court of Appeal in Bergen (hereafter LG), the Frostating Court of Appeal in Trondheim (hereafter LF) and the Hålogaland Court of Appeal in Tromsø (hereafter LH) (see The Court of Justice 2007).

The courts of appeal produce a new decision called the appellate decision. This decision maintains or alters partially or entirely the previous decisions. There are three different possible compositions of the courts of appeal. First and in the most severe cases, the case is judged by a jury consisting of five males, five females and three expert judges. Second, the court can be composed of three expert judges and four lay judges. The third composition consists only of three expert judges. This third composition is commonly used when the appeal is about the interpretation of the law, the proceedings and in cases where the maximum punishment that can be given is six years. In the sample of heroin cases the second type of composition is the most common; in other words, the court is typically composed of three expert judges and four lay judges. However, there are also examples in the sample of larger cases held in front of a jury, where the whole case is retried (see The Court of Justice 2007).

The Supreme Court is the nation's highest court of justice. The decisions made here are final verdicts and cannot be appealed (hereafter RT). The only exception is if the case can be tried at the Court for Human Rights in Strasbourg. The Norwegian courts system can be illustrated as following:

Figure 3. The Norwegian courts of law



The statistics

The statistics of the Norwegian court system produced by SSB (Statistics Norway) gives an overview of the extensiveness of drug crimes within the judicial system. For example, in 2005 the largest crime category in the criminal statistics in Norway was drug felonies (Stene 2008). Further, the Norwegian criminologist Reid Stene (2008) shows there has been a huge growth in drug felonies from the middle 1990s to the early 2000s. This increase in drug felonies has been described as the most radical change in the criminal statistics in the last 25 years. Hence,

offenders in Norwegian prisons are often serving sentences for drug felonies. In 2005, 32 percent of all inmates in Norwegian prisons had drug crimes as their prime felony (Stene 2008).

The Norwegian criminologist Cecilie Høigård (1996 p. 75) argues that criminal statistics should not be read as an indicator of the actual level of crime within a society, because of the hidden statistics of crime; rather the statistics should be read as a yearly report from judicial systems and their practices. Further Høigård (1996 p. 78) claims that if one wants to study how the judicial system reacts to certain crimes, or, for example, how female or male offenders are met with reactions within the judicial system, the researcher does not have to consider the question of hidden statistics. Similarly to many criminologists, I read the criminal statistics as an indicator of the way the judicial system operates. Moreover my aim in producing the statistic is to find an indicator of how the judicial practices deal with heroin cases, not as a means of generating knowledge of the accurate level of heroin crimes.

Although the criminal statistics give an overview of the extensiveness of drug felonies in the judicial system, the SSB's statistics do not offer any insight into drug cases based on specific drug substances and do not answer questions regarding the type and the amount of drugs with which the offenders are charged. Neither do they answer if the offenders were convicted for possession of drugs, drug dealing, importing, and so on. My aim is to study the specifics of heroin smuggling and dealing cases in Norway, because I am interested in finding out the following: 1) What types of heroin cases are dealt with within the judicial system? 2) How much heroin is involved in these cases, and what type of punishment is meted out in different cases? 3) Are there any patterns in the cases, such as mostly ethnic Norwegians punished for possession/small scale heroin dealing and non-ethnic Norwegians punished for heroin smuggling and position/dealing of large quantities of heroin?

To get an overview of the heroin cases in the judicial system, I have coded and organized all the court of appeal decisions in heroin cases from 1995 to 2005. There are two different reasons why I have chosen to focus on the appellate court decisions. First, appellate court decisions establish precedents for judicial practice. Second, appellate court decisions are available as judicial references through the electronically archived law database. I have located the heroin cases in the Norwegian "Law Data," which is an electronic database that

organizes judicial precedents. Law Data gets its data material from the journals *Norsk Retts Tidene* and *Rettens Gang* (See Lundberg 2008 p. 34).

By using the search query “heroin,” I located all cases where heroin was mentioned in the electronic database. In the first selection process I wanted to draw a line between heroin cases and other drug cases. I did this by first filtering out cases which only referred to previous heroin cases but which actually involved charges for other drugs such as amphetamines, cocaine, hashish and so on. Second, I also removed cases which included small amounts of heroin and large amounts of other drugs, and where these other drugs laid the foundation for the judges’ argumentation and issuing of punishment. The main reason for this selection process was that I was interested in the specifics of heroin cases within the appellate court¹⁸.

The total number of heroin cases found was 459. A central question then becomes: How representative are the statistics of appellate court decisions for the heroin cases in the judicial system within this time period? To specify, how would the statistics of the heroin cases change if I had used a sample of heroin cases from the district courts or the Supreme Court instead? If I had chosen to focus on the district courts decisions, the total number of cases would increase, because not all heroin cases get appealed to the appellate court. Therefore, using a sample from the district courts, I would have been able to give a total view of all the heroin dealing and smuggling cases in the time period. However the district court decisions are not easy to access because they are not available through a centralized archive. Furthermore, these decisions do not set a judicial precedent.

Moreover one might ask: What type of cases get appealed to the appellate court, and are certain types of cases either overrepresented or underrepresented in the appellate court compared to the district courts? I would argue that there would have been more small cases, involving only one defendant in the district courts, because larger cases involving longer penalties often are appealed either by the prosecution or the defense. Hence, the large cases involving more than one defendant are overrepresented in the appellate court as compared to the district courts.

¹⁸ This does not mean that all the heroin cases only include heroin. Some of the cases include other drugs as well, but the sample is based on cases where heroin is the primary drug of concern in the judges’ argumentation.

If I, on the other hand, had created statistics out of the Supreme Court decisions I would have gotten a sample with very few cases. Although these decisions set the final judicial precedents and are the legal binding documents in the specific cases, the sample would have included too few cases to generate any knowledge about trends within judicial practices. Thus the Supreme Court decisions are important to illuminate the judicial rhetoric and logic, but too few to generate any trends.

Coding the appellate court decisions

I have organized the appellate court decisions along the following lines: case numbers, number of offenders, gender, ethnicity, amount of heroin, and length of the punishment. It is important to recognize that I have coded the decisions at a case level, and thus not at an individual level. One consequence of this is that the statistics are lacking information about some of the offenders. To specify, out of the total of 459 heroin cases, 372 involved only one offender; hence the cases and the individuals are identical. However, in 87 cases there is more than one offender. In these cases I coded the ethnicity and punishment of the boss (longest punishment). On an individual level, this means that the statistics are lacking information about the ethnicity and length of punishment for 160 offenders¹⁹. One consequence of coding the data material in this way is that it creates a more consistent image of the relationship between the amount of heroin and length of punishment than what exists in these cases. To elaborate, if I had included information about the missing 160 offenders, the variation between the amount of heroin and length of punishment would have been larger. For example, in a case where three offenders are convicted for smuggling two kilos of heroin, one person could get ten years, whereas the other two could get seven years in prison. In other words, by including this information the amount of heroin in each case would stay constant whereas the length of punishment would not.

In coding ethnicity, I only used two categories, ethnic Norwegians and non-ethnic Norwegians. Ethnic Norwegians are Norwegian citizen and non-ethnic Norwegians are residents and citizens of other countries than Norway or Norwegian citizens with other ethnic

¹⁹ I know this number exactly because I made a note of how many offenders where in the 87 cases, and whether they were male or female.

origins. By using only two categories important similarities and differences among the offenders with different types of ethnical background are not included²⁰.

However determining the ethnic origins of the offenders was rather problematic. The court decisions generally inform us about the offender's citizenship, especially if the offender is a non-Norwegian citizen. However, there is no standardized way in which the judicial decisions describe Norwegians citizens with an ethnic minority background. Moreover, all the court decisions were made anonymous by removing the offenders' real names, so reading ethnicity through the offenders' names was impossible. Although time consuming, I went through all the cases with Norwegian citizens looking for formulation in the text that would have given hints as to the minority status of the offenders. Sometimes the judges would state that the offender came to Norway as a refuge or immigrant and the year in which this happened. Other times the judge would use formulations such as association with or member of the Kosovo Albanian milieu. However sometimes the judges would use diffused formulations, such as the offender only speaks Spanish. Given the vagueness of formulations and information in the court decisions, I decided to only use two categories, ethnic Norwegians and non-ethnic Norwegians instead of trying to identify the offenders' ethnicity any further. However, I could have overlooked some offenders with a Norwegian citizenship, but with a minority background; hence I may have underreported the non-ethnic Norwegians²¹.

Document analysis

The statistics that I made of the appellate court decisions could only provide an overview of the characteristics of the cases within the appellate court. Thus, the statistics do not provide a tool for investigating evaluations and rhetorical arguments made by the judges. I wanted to combine the statistics with a document analysis of a sample of appellate court decisions. My main purpose for choosing a sample for a document analysis was to find the central judicial logic and rhetoric in heroin cases, and hence, address the following questions: What do the judges consider to be mitigating and aggravating circumstances in heroin felonies? What type of motivation for heroin crimes are emphasized by the judges? Are certain types of

²⁰ In comparison the statics of crime (SSB) use the following three categories in addressing ethnicity; Western immigrants, non-Western immigrants and unregistered foreigners.

²¹ There is also a large possibility that there are mostly non-ethnic Norwegians among the 160 offenders that are not shown in the statistics, because the large cases involving more than one offender often were cases with only non-ethnic Norwegians.

explanation given by the defendants considered legitimate and others illegitimate? And how is an understanding of legitimate and illegitimate accounts interconnected with judicial logic and rhetoric?

To answer these questions and based on the overview of the appellate court decisions, I have pulled a purposive sample of 100 cases for a document analysis. To obtain a wide selection of cases, I based my selection on the following principle: cases from all the different appellate courts, from every year, with variations in the amounts of heroin and length of punishment. Additionally, I have chosen cases that deal with almost the same amount of heroin, but vary largely in punishment given to the offenders.

Moreover, I have followed these cases through to their final verdict in the Supreme Court. Out of the 100 cases in the sample, 55 cases were not appealed and the final verdict was set by the appellate court. However, 45 cases were appealed to the Supreme Court where 32 cases were either refused or rejected. In only 13 cases were the appeals heard or the verdict changed. My main argument for following the cases through to their final verdict in the Supreme Court is that the appellate court's verdict is not legally binding and holds no legal precedence if it is changed by the Supreme Court. Thus the Supreme Court decisions serve as a correctional practice, and hence are central references in understanding the judicial logic and rhetoric.

In an evaluation of the sample it is important to ask the following questions: How representative are these 100 cases and their following Supreme Court decisions for the rest of the heroin cases within the judicial system in this time period? Are the samples large enough to find the central judicial logic and rhetoric, hence the central judicial representations of motive, intention and guilt in heroin cases? In other words, what is keeping me from only choosing the cases that support my argument and overlooking others that would have given another image of the judicial logic and rhetoric? I will answer these questions by describing a three-step process of how I arrived at the central judicial logic and rhetoric in the court cases.

Getting to the judicial logic three steps

First step – Finding the intertextual links

The most salient feature of a structured legal text, such as the appellate court decisions, is that they are highly formulaic and/or stereotypical. Appellate court decisions tend to follow a

predetermined structure that changes little over time. Moreover, all appellate court decisions are introduced by giving the following information: case number, legal authority, date published, keywords, summary, proceedings, parties, and authors. To illustrate this I will give an example from one of the court cases:

Figure 4. Example of the introduction of an appellate court decision LB- 2000-2347

LEGAL AUTHORITY: Borgarting Appellate Court, decision DATE: 2001-01-18 PUBLISHED: LB-2000-2347 KEYWORDS: Criminal law, Drugs, § 162 third section SUMMARY: A 44-year-old man was convicted to prison for 12 years for importing 4,399 kilos of heroin from Sweden to Norway. It was found that he was only a courier. He was arrested with a routine check at Svinesund. References: The general Civil Penal Code § 162 PROCEEDINGS: Halden District Court Nr 00-00320M- Bogarting appellate court LB-2000-2347 M/02. Appeal to the Supreme court. Appeal denied presented HR- 2001-00358 PARTIES: The public prosecuting authority (Public prosecutor Kim Sundet) against A (Defense attorney Ole Petter Drevland) AUTHORS: Judge Anne Lise Rønneberg. Judge Jan Hein Eriksen. Four lay judges
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A common recognition in the method literature concerning document analysis is that no documents stand alone, but they are all interrelated. Therefore, it is important to understand how different documents interrelate in order to analyze them. Moreover, Paul Atkinson and Amanda Coffy (2004 p. 67) state that documents are linked through the elementary but significant principles of sequence and hierarchy. Appellate court decisions are like other documents, intertextually linked through both sequence and hierarchy. In the introduction to the appellate court both sequence and hierarchy are given by the placement of the cases. Hence, within the judicial practices, the hierarchy and sequences of a decision are pre-given. Further, the way it is organized in the electronic database makes it easy to follow the cases through to their final verdict. After following the decisions through to their final verdict, I made a list of all the central judicial references within the heroin cases. The most common references in heroin cases are the § 162 of the Norwegian general Civil Penal Code²².

²² I will present § 162 of the Norwegian general Civil Penal Code in Chapter 10.

Second step—Finding the central judicial argumentation

Appellate court decisions give explicit references to the judge's argumentation, because they are evaluating and deciding cases which have already been tried in district courts. Further appellate decisions are relatively short texts. Many decisions in heroin felonies only include two to three pages, whereas others have eight to ten pages of texts. The average length of the documents in the sample was four to five pages, which gives a concise image of the judges' evaluations. Hence, locating the different arguments in the cases was not difficult. I followed the simple process of first organizing the decisions in accordance to what section of paragraph 162 they referred. Second I looked for similarities and differences in the way the judges argued in these cases, falling under the different sections of the law. I identified four general patterns in the judged argumentation.

How representative are these four main arguments for the rest of the heroin cases within this time period? To specify, would there for example be cases where poverty or need for money were seen as legitimate motives for heroin felonies by the judges, or aggravated heroin felonies where the argument of "general deterrence" and "danger of spreading" was not used by the judges? Given the strict formality of the judges' argumentation, I find it highly unlikely, and if these cases existed within the appellate court decisions in this time period, I would expect that these cases were appealed and later rectified by the Supreme Court, as some of the examples in my sample show. This also shows the importance of following the cases through to their final judicial verdict in the Supreme Court.

However, it is important to recognize that aspects which could have influenced the judges to reach their verdicts might not be present in the written documents. For example, when the judges argue that personal factors of the offenders should not be given any weight in the decisions, I cannot rule out that personal factors were not relevant for the judges in their evaluation during the trials. These personal factors could have shifted the judges' sympathies in one direction or another. Further, some of the judges' evaluations could be based on values which are not legitimate within the judicial practices, and hence, would not be written up in the decisions, although they were important in the evaluation process.

Third step—Locating the narratives in the judicial decisions

According to the ethnographers of the legal discourse, John Conley and William O'Barr (1990 p. 197), the law historically has been unwilling or unable to incorporate the voice of

everyday language into its logic and rhetoric'. Hence, they claim that lawyers spend most of their time trying to understand problems that start in everyday language and transform it to meet the requirements of legal language. Legal documents, then, must include only material that is legally relevant. But, at the same time the best judicial arguments takes the form of persuasive stories that engage the reader, elicit sympathy and establish the moral rightness of the verdict, while appearing to do nothing other than dispassionately report the facts (see also Day Sclater 2007 p. 100) .

The argument of Conely and O'Barr's draws attention to the fact that legal documents, such as the appellate court decisions, are written in a style which differs from everyday language. Everyday language is, of course, what characterize the heroin smugglers and dealers' narratives. Following this logic, one central question becomes: When the appellate court decisions represent the judges' voices and their reasoning, how are the offenders' voices and explanations mirrored in written appellate court decisions?

I found the narratives of the offenders in the judicial decisions by identifying the judges' understanding of motives, intention, and guilt, and how this understanding was interconnected with the judicial argumentation by studying the different arguments relevant for issuing punishment. Moreover, I compared this central understanding of motives, intention and guilt to those expressed in the offenders' narratives. To elaborate, in some cases the defendants' accounts were made relevant and given weight by the judges, whereas other explanations that the defendants gave were deemed irrelevant or not at all believed. Hence, what the accused claimed in court could be evaluated by the judges as irrelevant, mitigating or aggravating circumstances, and, therefore, mentioned in the written documents.

Moreover, there was a tendency in the appellate court decisions that if the judges argued for a lenient punishment, the offenders' explanations would be quoted and commented on by the judges, whereas when the judges were arguing for a harder punishment, less attention was given to the defendants' accounts. For example, if the judges evaluated personal factors irrelevant to the case, the explanation of the accused was seldom referred to in the appellate court decisions, except for short references, such as, "The offender has claimed that he was in a difficult economical situation at the time of the crime." The point is that the accused stories are mirrored in the written appellate court decisions, although most attention was given by the judges to the defendants' accounts if the judges were arguing for a lenient sentence. In

analyzing how the offenders' narratives are mirrored in the judges' argumentation I used the following analytical schema:

Schema 2. An organizing schema for the analysis of the court decisions

	Narrative 1	Narrative 2	Narrative 3	Narrative 4
Use of § 162				
Judicial argumentation				
Relevance for issuing punishment: Mitigating and aggravating circumstances				
Motives				
Guilt				

This organizing schema will be presented in a completed version in the summary of Chapter 10.

3. Previous studies: Introduction

This theory section is divided into two different parts. In the first part I provide a short introduction to previous studies on drug smuggling and dealing. The national and international literature that contributes to understanding the specifics of heroin dealing and smuggling is rather limited, so I have chosen to focus on literature that deals with drug dealing and smuggling in general. As mentioned in the introduction, my main interest in these contributions is not to find out whether any of them are more fitting than others for analyzing the heroin smugglers and dealers in this study, but to demonstrate how the criminological and sociological perspectives are socially embedded. In the second part I elaborate on this study's theoretical and conceptual framework, synthesizing and integrating general insights from narrative analysis and cultural studies. Finally, and in light of the previous two sections, I will address the question as a summary: What can narrative analysis contribute to the study of heroin smuggling and dealing? By elaborating on this question, I will position my study's theoretical approach in regard to previous studies.

A striking characteristic of the literature on drug dealing and smuggling is that it is divided between studies done on street-level dealing (Preble and Casey 1967, Agar 1973, Svensson 1996, 1997, Bourgois 1995, Lalander 2001 and Sandberg and Pedersen 2006) and on upper-level drug trafficking (Adler 1985, Reuter and Hagga 1989, Dorn et al. 1992, Dorn et al. 1998, Pearson and Hobbs 2001, Zaitch 2002). Hence, individuals from both levels of the drug market rarely appear in the same studies. Moreover, the studies on street-level drug dealing and the upper-level trafficking often use different methods, perspectives, and theoretical approaches. Thus, these studies generate quite different and rather oppositional images of the people involved at different levels in the drug market. Following this duality, I will first present central contributions from street-level drug using/dealing before I turn my attention to contributions to the upper-level drug dealers/traffickers.

Street-level dealing: A subcultural approach

Street-level research on drug dealing use is often conducted through ethnographic field work in the subculture of drug dealing and use. Here this approach is represented with contributions from Edward Preble and John Casey (1967), Michael Agar (1973, 2002), Bengt Svensson

(1996, 1997) , Phillippe Bourgois (1995), Philip Lalander (2001), and Sveinung Sandberg and Willy Pedersen (2006). This subcultural approach is very effective for gaining an understanding of patterns of thought and practice from the insider's perspective and charting the spatial, social and economic factors that influence drug use/dealing. Moreover, I have identified three key research questions addressed in the literature, which are as follows: 1) What characterizes the drug dealer/user, 2) What characterizes the subcultures of drug dealing/use?, and 3) what are the necessary requirements for the deviant subculture to develop?

What characterizes drug users/dealers?

Michael Agar (2002) argues that most ethnographical research into crime and drug use undertaken from a subcultural perspective has been stimulated from a desire to counter professional and academic descriptions of drug users/dealers as psychological failures, characterized only as defectors. In their classical paper "Taking Care of Business" from 1967, Edward Preble and John Casey were two of the first academics to dispute the notions that heroin use/dealing is an escape from life. Moreover, Preble and Casey (1967) argue that the image of the heroin user/dealer as a failure does not address their ability to adapt to life on the street. Hence, Preble and Casey (1967) argue that drug users/dealers are highly skillful, knowledgeable and adaptable. The following quotation illustrates this point:

The heroin user walks with a fast, purposeful stride, as if he is late for an important appointment--indeed he is. He is hustling (robbing or stealing), trying to sell stolen goods, avoiding the police, looking for a heroin dealer with a good bag (the street retail unit of heroin), coming back from copping (buying heroin) looking for a safe place to take the drug, or looking for someone who beat (cheated) him-- among other things. He is, in short, taking care of business (Preble and Casey 1967 p. 4).

Far from characterizing them as social and psychological failures, subcultural ethnographic studies provide narratives that illuminate the skillful dexterity of heroin users/dealers. Since the days of Preble and Casey, there has been a substantial amount of research that has shown that the use/dealing of heroin can be viewed as a commitment by the user to a well-defined lifestyle of which drug use is only a part (Agar 1973, Hughes 1977, Rosenbaum 1981, Johnson et al 1985, Stephens 1991, Svensson 1996, 1997, Lalander 2001). A central question

then becomes, “With what types of skills and knowledge does the subculture provide its members?”

In Sweden, Bengt Svensson (1997) argues that the competence achieved in the subculture of heroin use is not convertible to other social contexts. This is mainly because the knowledge of the drug user/dealer primarily is knowledge about drugs; hence, this competence becomes an intensive which locks the drug user/dealer in the subculture where it is given credibility and acknowledgement. In Norway, drawing extensively on the work of Pierre Bourdieu and his concept of cultural capital, Sandberg and Pedersen (2006) introduce the concept of “street capital” to conceptualize the knowledge and competencies of cannabis dealers on the street in Oslo. Parallel to Svensson’s (1997) argument, Sandberg and Pedersen (2006) emphasize that although “street capital” is necessary to be a successful dealer, it is not easily convertible to other social contexts; rather, this form of capital would in other contexts, be viewed as stigmatizing.

Applied to this study, and as mentioned in the method chapter, all the heroin dealers in this study have been sanctioned, and most of them were interviewed in prison. An important question then is what similarities exist between the stories told by the imprisoned offender and the image generated through the ethnographical literature.

What characterizes the subculture of drug use/dealing?

*“Heroin users commonly say. I have no friends, only associates.”
(Preble and Casey 1967 p. 8)*

A main argument in the subculture theories is that a subculture often develops norms and values that are opposed to conventional norms and values. Further, these are learnt through socialization with the other members of the subculture. To understand this process of socialization, subculture theorists draw on insight generally from cultural sociology and specifically from symbolic interactionists²³. The classical contribution to the insight that drug use is learnt behavior, and hence contradictory to understanding drug use as a result of internal, individual predispositions — is described in Haward Becker’s (1953) paper

²³ I will present central contributions from the symbolic interactionists later in the text when I elaborate the concept of “self.”

“Becoming a Marijuana User.” In this paper Becker (1953) explains the process of becoming a marijuana user as an unfolding sequence of steps that lead one to a commitment and participation in a deviant career. Moreover, Becker argues that such an identity occurs over time:

No one becomes a user without (1) learning to smoke the drug in a way which will produce real effects; (2) learning to recognize the effect and connect them with drug use (learning in other word to get high); and (3) learning to enjoy the sensations he perceives (Becker 1953 p. 242).

By stressing the socialization process as it occurs within the group, subculture studies of drug use/dealing often include analyses of group rituals in taking drugs (see Svensson 1996 and Lalander 2001). Moreover, Lalander (2001) argues that these rituals strengthen group solidarity and give the members a shared meaning. Hence, the rituals are held together by a common perspective, with a base of rejecting mainstream values. However, one critical point exists in defining a subculture in terms of shared oppositional values: How homogeneous is the subculture, and do the members share the same values and live by them?

The solidarity among heroin users/dealers has been questioned by quite a few scholars. As far back as 1967, Preble and Casey stressed that the subculture of heroin use in New York was a rather loose association of individuals, not a socially coherent group. Hence, they state:

The economical pressures on heroin users today are so great that they pray on each other as well as on their families and on society at large. An addict with money runs a good risk of being *taken off* (robbed by other addicts) (Preble and Casey 1967 p. 8).

Similar trends have been reported from the Norwegian subculture of heroin use. Nikolay Johansen (2002) describes the subculture of heroin use on the streets of Oslo as a culture with the distinctive features of deception, disloyalty and betrayal. In this context it is hard for individuals to show their vulnerability, because they believe they might get taken advantage of. As an example of the weak loyalty among drug users, Johansen (2002) describes what he calls buddy-theft. Although there are norms in the subculture that stipulate that it is wrong to steal drugs or money from each other, it happens regularly that drug users either steal from each other or trick each other in the dealing situation.

In Sweden, Bengt Svensson (1997 p. 222) describes the aspects of the heroin subculture as “sociality without solidarity.” Sociability is expressed through a ritual use of heroin and the intensive “here and now” attention of the drug users. However, Svensson (1997) stresses that although there exists some type of solidarity among the heroin users, by a common suspicion and hatred toward mainstream values and norms, there is no internal solidarity among the drug users, because they cannot trust one another.

Applied to this study, in what way do the imprisoned heroin dealers and smugglers express their values? Do they express conventional or subcultural values? And in what way might their expressed values be connected with their previous experience of being sanctioned?

What are the required opportunities in order for a subculture to develop?

In the classical sociological explanation of crime and the development of subculture, this development is viewed as a collective response to a low position within the social structure (Merton 1957, Cohen 1966, Cloward & Ohlin, 1969). The status frustration which labour-class youth feel when the legal means to meet their ends are not available is resolved through the prestige gained within the deviant subculture (Cohen, 1966). Similarly, Preble and Casey stress the poverty of the slums and the lack of legitimate means of earning money as a background for entry into a deviant subculture:

Given the social conditions of the slum and their effects on family and individual development, the odds are strong against the development of a legitimate, non deviant career that is challenging and rewarding (Preble and Casey 1967 p. 22).

In more recent years the legacy of the early subcultural theories has been further developed by scholars such as Philippe Bourgois (1995). Bourgois (1995) did an outstanding ethnographic study of social life in inner-city America, where he studied street-level drug dealers in one of the toughest neighborhoods in East Harlem. The main argument that Bourgois makes is that the number of drug dealers or crack houses is an indirect result of the lost jobs in Harlem. Thus, Bourgois states that many of the unemployed in the inner-city are not successful in finding work because they lack the skills of working efficiently with people with whom they do not already have an everyday relationship, something that factory jobs provided. Hence, the factory jobs that moved out of the inner cities left large minority groups without a

collective workplace where everyone knew their tasks and how to complete them. The current availability of jobs within the inner city is mostly within the service sector. These jobs are individualized jobs where independence is required rather than a group effort. The jobs pay little and are not generally respected. This tends to lead many people within this community to become involved in the drug economy.

Hence, from this perspective an explanation for the development of the subculture is found within a social system that excludes marginalized groups. Similarly, Richard Stephens (1991 p. 40) argues that subculture theories emphasize the social context of heroin use/dealing; however, they do not utilize individualistic explanations for heroin use/dealing. Moreover, Stephens claims that an ethnographical approach stresses a nonjudgmental attitude toward heroin use and does not rely analytically on concepts generated by the judicial practices and discourse or the medical practices. Similarly, Agars (2002) argues that ethnographical studies on drugs have had no policy implications. This raises the question of what type of policy implications it is possible to draw from an approach that does not utilize individualistic explanations for heroin use/dealing; hence, incorporating conceptualization of individual motivations and personal responsibilities is not central within this approach.

However valuable these structural explanations undoubtedly are, they raise some interesting and important questions for my study: What happens if these cultural/structural explanations are used on an individual level by offenders to explain themselves and their actions? How, then, should these accounts be understood? What types of expressions of agency and personal responsibility would they involve? Moreover, are there any sociological ways to conceptualize motives which do not rely on a biological understanding of individualistic predispositions? On a macro level, is the judicial and medical discourse not central in understanding how heroin smuggling and dealing are conceptualized and co-constituted and for understanding how the heroin dealers and smugglers describe themselves? If these frames of reference are not central when the offenders are out on the street, what happen when they are arrested and sanctioned?

Subculture theory and the labeling theory link

Although the mentioned subculture approaches often distance themselves from the judicial and medical perspectives on drug use and dealing, there is a connection between the

subculture approach and the judicial practices found within the labeling theory. The classical sociological contribution to the labeling theory is represented in Howard Becker's book (1963) *Outsiders*, which was inspired by Lemert's *Social Pathology* (1951). Becker describes a three-step labeling theory. The first step is the primary deviation: the breaking of the law. Second, the act is labelled "deviant" by an authoritarian figure, the agents of social control. This labeling influences the person's identity, and, in turn, pushes the individual further down the path of a deviant career. The third step happens when the individual enters a subculture. A key point in Becker's theory is that the deviant, when reaching the third step, has accepted his or her label, and made the deviant status his/hers master status. One of the greatest contributions of the labeling theory is that it further explains how subculture development is possible. An elegant description of the connection between subculture and labeling theory is given in the following quotation from John Braithwaite:

We need control theory to bring young offenders to the doorstep of the criminal subculture (primary deviance); stigmatization (labeling theory) to open the door, subcultural and learning theory to maintain the lair as a rewarding place for secondary deviants to stay in; and opportunity theory to explain how such criminal subcultures come to exist in the first place (Braithwaite 1989 p. 16).

The point Braithwaite is making is that labeling could lead to stigmatization which fosters subculture development, because the labelled individual could search for, or at least be drawn to others who have similarly been rejected by the wider culture. Applied to this study, I will raise the following questions: Are all heroin smugglers and dealers labelled in the same way? In other words, are they given the same master status? Do any of the stories told by the offenders reveal a stigmatization process which could further exclusion, foster subculture development and hinder integration?

Upper-level drug trafficking: An organized crime perspective

I have identified two common features in the literature on upper-level drug dealing, here represented by contributions from Peter Reuter and Hagga (1989), Nicholas Dorn et al. (1992), Patricia Adler (1985), Geoffery Pearson and Dick Hobbs (2001), and Damián Zaitch (2002). First, most studies on upper-level drug dealing/trafficking are driven by an incentive to understand how this activity is organized (Reuter and Hagga 1989, Adler 1985, Dorn et al.

1992, Pearson and Hobbs 2001, Zaitch 2002). Second, these studies often rely on the perspective of the law enforcement agencies, police, judicial sources or interviews with imprisoned offenders (Reuter and Hagga 1989, Dorn et al. 1992, Pearson and Hobbs 2001). Hence, these studies are often also done in cooperation with these law enforcement agencies (Reuter and Hagga 1989, Dorn et al. 1992, Pearson and Hobbs 2001). Moreover, when these studies are based on interviews with imprisoned offenders, the stories that the offenders tell are not primarily used to illuminate the offenders' social identities or labeling effects; rather, the information gathered, is used to discuss how the upper-level drug dealing and trafficking is organized (Reuter and Hagga 1989, Pearson and Hobbs 2001).

To illustrate the difference in the perspectives, in the "organized crime perspective" the prison experience is described as a key generator for individuals to form new networks (Reuter & Haage, 1989 p. 38; Pearson and Hobbs, 2001 p. 30). Serving sentences may help individuals to locate new opportunities and business contacts. Within the labeling theory the prison experience is understood as a lengthy, degrading process of labeling, during which the prisoners internalize the label of "deviant" placed upon them by the agents of social control (Lemerts 1951 and Becker 1963).

As mentioned in the method chapter, there are very few ethnographical studies based on upper-level drug dealing/trafficking. I have found no ethnographical studies based specifically on upper-level heroin dealing and trafficking. However, I will present two ethnographical studies. The first was made by Patricia Alders (1985) and based on field work among marijuana and cocaine traffickers in the U.S., and the second is Damian Zaitch's (2002) fieldwork among Colombian drug entrepreneurs in the Netherlands. It is important to recognize that these contributions primarily focus on how the upper-level drug dealing/trafficking is organized; however, they also address the following two questions which are relevant for my study: (1) What characterizes upper-level drug dealers?, and (2) What is the connection between upper-level drug dealers/traffickers and ethnic minorities?

What characterizes upper-level drug dealers/traffickers?

Whereas the subculture theories borrow their framework from general sociology (symbolic interaction and cultural theory), upper-level drug dealing and trafficking borrow theirs from

economics. Moreover, economic logic stipulates that illegal business is based upon the same principles as legitimate business, and hence should primarily be studied as economic phenomena. Conceptualizing upper-level drug trafficking/dealing through economic concepts often leads to an understanding of the drug dealers/traffickers as “business criminals” driven by a search for profit.

Based on a review of upper-level drug dealing/trafficking literature, Nicholas Dorn et al. (2005 p. 35) describe three different types of drug dealers/traffickers. First, there is the “politico-military,” who is characterized by having an aim of restructuring the political field, or achieving and maintaining a dominate position in the existing political structure. Second, there are the “business criminals,” who are not motivated by ideology or politics but, on the contrary, only seek profit. Often these criminals are described as entrepreneurs with an innovative quality in their economic operations, elements of rational calculations and an irrational, aggressive aspect which finds expression in the “animal spirit” of accumulation of wealth. These business criminals often constitute the “core group” operating through the years²⁴. The third category is described as “adventurers,” who are individuals involved in the drug trade at various positions and “drift” around looking for opportunities to earn money.

In comparison to the subculture theories which stress the lifestyle aspects of drug dealing/use, hence generating an understanding of the drug dealers as individuals in search of meaning and respect, organized crime studies generate an understanding of upper-level drug dealers/smugglers as motivated by profit. Moreover, whereas the subculture theories generate explanations of drug dealing at a contextual/structural level, the organized crime perspective generates explanations at an individual level where the profit motive is understood as the driving force. However, one important question is raised: Is the drug traffickers’/dealers’ desire for money in any way understood as connected to blocked legal opportunities to earn money?

One answer to this question is given by Patricia Adler (1985), who has given a vivid account of the world of wholesale dealers and smugglers, based on six years of fieldwork and

²⁴ The differences in characters one and two are connected to another important discussion within the organized crime perspective, which is whether this type of organization should be understood as a monopolistic family organization (character one) or as a network of competing entrepreneurs (character two). The most influential exponent of the network/entrepreneur perspective is Peter Reuter (1983). Reuter (1983) argues that although it is a widespread myth that organized crime is run by monopolistic family hierarchies, the best way to understand organized crime is as a network of competing entrepreneurs.

interviews in an elite Southern California community of dealers. Adler argues that entry into a life of deviance is not the result of blocked legitimate opportunity structures or the result of failures within conventional communities. Rather, Adler argues that the attraction and subsequent commitment to careers as illicit entrepreneurs are motivated by the pleasure of hedonistic indulgence fostering alienation and the turn to dealing/trafficking. The following quotation illustrates this argument:

While these dealers and smugglers are businesslike in their occupational orientation, profit motivated, and rationally organized work behavior, they are fundamentally committed to drug trafficking because of their uninhibited lifestyle it permits them to lead. They therefore act rationally for the ultimate end of living irrationally. This then is a study of a subculture of hedonism whose members have revolted against conventional society's rationalism and repression in order to induce the impulses of their brute being (Adler 1985 p. 3).

The lifestyle Adler describes consists of jet-setting, private planes to Las Vegas to gamble, flashy clothes and jewelry, heavy spending and partying. However, the upper-level dealers/traffickers in Adler's (1985 p. 84) study are a homogeneous group consisting of mostly white, middle-class males with a low degree of prior criminality. One central question then is how fitting is this image driven from white middle-class, jet-set subculture for understanding upper-level drug dealers and smugglers with an ethnic minority background. To rephrase the question, "What is the connection between upper-level drug dealers and traffickers and ethnic minorities?"

Upper-level dealing/trafficking and the ethnic minority link

In Western Europe and the U.S., organized crime has for decades been synonymous with minorities and immigrants, such as the Sicilian mafia, Colombian and Mexican cartels, Chinese tongs and triads, and so on (see Zaitch 2002 p. 19). Given this fact, Franck Bovenkerk (2001 p110-111) raised the question whether the connection between organized crime and ethnic minorities is socially relevant and ethically acceptable to study. In answering this question, Bovenkerk gives three theoretical reasons for further researching this link. First, he stresses that there are political and geographical factors that make such a link possible. For example, he states that weak states have often fostered organized crime. Second, Bovenkerk stresses the relevance of the classical sociological explanations of deviant subcultures as

blocked opportunities; hence, ethnic minorities often have fewer available opportunities than the ethnic majority. Third, he argues that organized crime thrives within the seclusion of ethnic minorities.

One way of construing this is that interest in the connection between ethnic minorities and organized crime has fostered a renaissance of Merton's (1957) "strain theory" also within an economic perspective where cultural/social expiations by large are deemed irrelevant. Given an economic perspective, it would be the market (price and availability) that determines the nature and dimensions of the criminal activity, not the individual's ethnicity or other social factors. However, it is important to recognize that Bovenkerk (2001) is discussing organized crime in general; one important question then is how the relationship between ethnic minorities and upper-level drug dealing/trafficking is described in contemporary Western Europe.

One answer to this question is given by Reuter and Paoli (2008), who argues that the relationship between ethnic minorities and drug trafficking is a "touchy subject" which is avoided by social scientists out of fear of reinforcing cheap and distorted stereotypes popularized by media. Moreover, drawing extensively on Bovenkerk's (2001) framework, Reuter and Paoli (2008) state:

Many academic researchers accept the view of law enforcements agencies that Turkish and Albanian groups dominate the import and wholesale of heroin and Colombians dominate the import and wholesale trade of cocaine²⁵ (Reuter 2008 p. 20).

Further, Reuter and Paoli conclude:

Consistent with popular assumptions, we find that some ethnic groups are disproportional present in some segments of the drug markets. In particular, they dominate the import and high-level wholesale trade of heroin and cocaine (Reuter 2008 p. 31).

²⁵ I find it problematic that Reuter and Paoli (2008) under-communicate that the researchers to whom they are referring (for example, Fijnaute et al. 1998, Pearson and Hobbs 2001 and Blickman et al. 2003) and the law enforcement agencies are basing their conclusions on the same sources (criminal statistics, court transcribes, legal documents, imprisoned offenders, and so on). In other words, given their similar sources, it would have been strange if they did not agree on the conclusion.

However, Reuter and Paoli (2008 p. 20) give two modifications to the image that some ethnic groups dominate the wholesale and trafficking of cocaine and heroin in Western Europe. First, there are examples of drug importing occurring in groups that consist of individuals with diverse ethnic backgrounds and of groups from different minorities working together. Second, Reuter and Paoli (2008 p. 20) claim that some intra-European importation of drugs is carried out by individuals not belonging to the mentioned groups.

In regard to Colombians dominating the cocaine supply in Western Europe, Zaitch's (2002) ethnographical study is of relevance. Zaitch (2002 p. 290-291) found that Colombians were engaged in all levels of the cocaine business: transport, import, wholesale distribution, and retail dealing. Moreover, Zaitch argues that his findings cannot support an understanding of Colombians' involvement as "ethnic mafias" or "transnational cartels." The main reason Zaitch gives for this is that the Colombians have no enclave economy where illegal and legal ethnic business coexist. However, in explaining the Colombians' involvement in the cocaine trade, Zaitch stresses their immigrant status and their blocked opportunities to earn money legally.

Applied to this study, my point of departure regarding the prison interviews, as elaborated in the method chapter, is not to view the offenders' stories as mirroring the social reality of heroin smuggling and dealing. Hence, my main interest is not to test the validity of the statement that certain ethnic minorities dominate the upper levels of heroin dealing/trafficking, but to find out what types of narratives are told by different offenders, what these different stories say about the offenders' identity formation, and moreover how these stories are ratified in court. To elaborate on an individual level, will the heroin smugglers and wholesale dealers explain their involvement in terms of a profit motive, or will they stress their problematic minority status? And how are these accounts to be understood? What types of expressions of agency and personal responsibilities do they involve?

Similarly, on a macro level, my interest in producing statistics of the court decision is not to prove that certain ethnic groups dominate different levels of the heroin market, but rather to study how the judicial practices produce and reproduce certain understandings of heroin crimes and how this is connected to the types of cases that are represented within judicial practices.

4. Narrative analysis: Introduction

“What does a grand theory have to do with qualitative research? At the epistemological level, a grand theory of substance use calls for an alternative approach, one that is less about testing hypotheses and measuring things and more about modeling discovered patterns at multiple levels and showing their interconnections.”

(Agar 2002 p. 256)

In this section I elaborate this study’s theoretical framework. First, I address key assumptions in narrative analysis to illuminate how language constitutes, that is imposes form upon, that which it intends to give meaning. Moreover I raise specific question of how this could affect the stories of the heroin smugglers and dealers. Second, I elaborate some central concepts in narrative theory, and show how these concepts are relevant in this study. Thirdly, and to further explore the potential of narrative theory, I investigate how narrative theory has been applied empirically in studies of illness, crime and addiction. Here I argue that narrative analysis gives a rich conceptual toolbox for studying the interconnectedness between language and social identity, and gives comprehension to collective and/ or cultural components of identity constructions. Fourthly, I investigate the potential of connecting a narrative theory to the judicial practices through the concepts of plot and motivation.

Key assumptions in narrative analysis: The importance of language

Narrative analysis is a form of content analysis developed in literary studies. In social science it is commonly applied to the study of how humans construct and maintain meaning and understanding in their lives. Over the last decade, there has been growing interest in narrative analysis within studies of both crime and addiction. A central assumption in narrative analysis is that human existence is shaped by, and takes place in, a “linguistic milieu,” where the narrative form gives meaning to people’s lives and comprehension and order to the “flux of experience” (Polkinghorne 1988 p. 155). Drawing extensively on hermeneutical and phenomenological insights, the American psychologist Donald E. Polkinghorne (1988 p. 14) argues that narratives perform significant functions in our lives. At the micro level, people develop a narrative of their own lives, which enables them to understand who they are and where they are heading. Thus, the narratives serve as a lens through which the apparently independent and disconnected elements of life are seen as related parts of a whole.

A related argument has been made in the sociology of culture by Paul DiMaggio (1997 p. 263), who argues that there have been parallel developments in sociology and psychology which demonstrate that we have mental structures and that these structures mould the way we interpret, remember, and respond emotionally. The question is whether the presence of these mental structures or lenses suggests that we do not perceive the material world or ourselves in a direct way.

The sociologists Eviatar Zerubavel (2002 p. 230) and Wendy Griswold (2004 p. 27) both use Plato's "Allegory of the Cave" to illustrate the relationship between perception and the material world. In Plato's allegory, men are shackled and can only see the shadows cast on the cave's wall by fire. These shadows are their reality. The argument Zerubavel (2002) and Griswold (2004) make is that being a member of a society means seeing the world through a special mental lens, which is not naturally given but which is learnt through socialization. If one accepts that we do not perceive the material world, or ourselves, directly but that our perceptions are mediated through signs, symbols, and texts (representations), the question arises: What are the implications of this insight for empirical studies? In Plato's allegory one of the prisoners escapes into the sunlight, and he sees that the shadows are not reality but illusion. The escaped prisoner becomes the model for a philosopher, one who has had the truth revealed to him. Is the role of the social scientist similar to the mission of philosophers, to uncover truths and point out the illusions of perception?

Representations and power

*"Social problem exists primarily in terms of how it is defined and conceived in society."
(Blumer 1971 p. 300)*

The Norwegian social scientist Iver B. Neumann (2002 p. 34) argues that by acknowledging that people's perception of the world is mediated through representations, two sets of social data become available to the social scientist: the representations themselves and the power relationships that shape them. When I try to understand at the individual level how heroin dealers and smugglers perceive themselves, it then follows that there are no aspects of self-understanding that are not mediated through representations. The most influential exponent of this view is the French philosopher Paul Ricoeur (1991), who consistently rejects any claim for a direct transparency of the self to itself that would make self-understanding independent

of any kind of representations and pre-knowledge of the world. Further, Ricoeur (1991 p. 15) claims that in the final analysis, self-understanding coincides with the interpretation given to these mediating terms.

When I try to understand, at a macro level, how a category like “heroin smugglers and dealers” is defined, this perspective implies that this definition is always a social process involving power. In addition, the way a category is defined affects the members of that category’s self-concept and their moral standing within society. Zerubavel (2002) argues that social classifications are social constructions learnt through socialisation; they differ from culture to culture and from one time period to another. The point is that social classifications always express power relationships and generate debate. Moreover, Zerubavel uses the public debate on drugs to illustrate that the social boundary between illegal and legal drugs is a result of different political and social interests. Drawing extensively on the work of Herbert Blumer (1971) a similar point is made by Stephen Hilgartner and Charles Bosk (1988), who argue that there is competition and selection in the public discourse over which social problems should be given attention. Their basic argument is that social problems exist in terms of the way they are defined and conceptualised in society. Consequently, any declaration about a social problem is based on a specific interpretation, or view of reality, chosen from among different possibilities.

In relation to this study, a central question is whether there has been a shift in the public debate and in the practices of policy making regarding heroin in Norway. In line with the ideology of zero tolerance and the war on drugs, it was formerly common to view heroin users and dealers only as criminals who deserved punishment. However, today the ideology of harm reduction is winning ground and is becoming an established paradigm for policies and programmes aimed at reducing the health-related, social, and economic damage caused by drug use without insisting on total abstinence (Skretting 2007). Harm reduction initiatives in relation to opiate addiction cover programmes such as needle exchanges, supervised injection techniques, establishment of needle rooms and so on (Andersen & Järvinen 2007). According to The International Harm Reduction Association (IHRA) (2008), harm reduction is based on a pragmatic public health approach, which is principally aimed at preventing infectious diseases and other serious health hazards associated with drug use (see Tammi 2005 p. 386). In all national contexts where harm reduction approaches have been adopted, the trigger event was the HIV epidemic and related public fears (Tammi 2005, Olsen and Skretting 2006). In

Norway, a needle exchange program was established in 1988, in which free needles were distributed to the injecting users. This was directly related to the HIV epidemic, and the fear of the HIV virus spreading throughout the drug population (St. Meld. 16 (1996-97)). Moreover, a trial project with methadone to HIV-positive injecting drug users was started in 1992, and in 1994 methadone supported treatment for established intravenous drug users became available. Further, in 2004 the first supervised injecting site was established in Oslo (Ot.prp. nr 59 (2008-2009)).

Harm-reduction measures are based on the universalistic ethos of human rights, which stipulates that changing human behaviours must be a cooperative process that takes into consideration the dignity of the individual. Therefore, harm reduction avoids moralistic, stigmatized and judgmental statements about the “substance users and use.”²⁶ The latest addition to the programs inspired by harm reduction in Norway is Drug Courts, a system by which drug addicts, if they approve, can be sentenced to treatment rather than prison. The Drug Courts started in 2006 as a three-year pilot project in Oslo and Bergen. Moreover, the Drug Courts model is intended for people with severe drug abuse; hence, the offenders’ motivation, wish to participate, willingness to cooperate, and clear understanding of their situation are important elements in order for the courts to function (Ot.prp. nr 81, 2005 and Inst.o. nr 128, 2004-2005).

As mentioned in the method chapter, there has been an enormous growth in drug felonies in the period from 1990 to 2000, indicating that a criminal control approach to the drug problem is still active and expanding. In other words, has there been a shift in the view of heroin addicts from criminals in need of punishment to ill individuals in need of treatment? Moreover, the heroin dealers and smugglers in this study have all been sentenced to prison; consequently, a central question then is what types of representations of deviance, normality, sickness, and health are found in their narratives.

The arguments made by the cultural sociologists, Polkinghorne (1988 p. 153) claims that, at a macro level narratives give cohesion to beliefs and transmit values. Thus, cultures do provide

²⁶ The sociologists Grazyna Zajdow (2005:186), Ditte Andersen and Margaretha Järvinen (2007:237), and Astrid Skretting (2007:277) have all questioned “the self-evidently correct” notions of harm reduction, where harm reduction is presented as the humanistic and sensible alternative to a moralistic, abstinence-oriented zero-tolerance policy, without crucial reflection about the paradigm itself.

specific types of narratives for adoption by their members in their meaning-making process. These narrative schemas are carried and transmitted in the culture by ideologies, myths, and drama. Notwithstanding the complexity of the influence of a biographical story (self-narrative), there are striking similarities in the way in which heroin addiction has been described in ethnographical research and in semi-biographical fiction and the way in which Norwegian heroin dealers talk about their lifestyle and addiction.

One of the classic books in the semi-biographical genre is William Burroughs' *Junky*, which was first published in 1953 under the pseudonym of William Lee²⁷. Jill Jonnes (2001 p. 227, 230) analyses the image of heroin use in both the American media and semi-biographical books and points out that the Beat Generation, and in particular Burroughs' *Junky*, moved heroin addiction out of the black jazz scene and into the white world. *Junky* can be read as a manual for heroin use. It gives detailed instructions on how to use heroin and describes the life of an addict. As Burroughs ((1953) 2002 p. XVI) proclaims, "Junk is not, like alcohol or weed, a means to increased enjoyment of life. Junk is not a kick. It is a way of life." Further, Burroughs ((1953) 2002, pp. 153-158) even included a glossary, or rather an English-addict dictionary, for "jive talk." In the glossary he introduces phrases also used by Norwegian heroin dealers, such as "cold turkey," "hooked," "shot," and "fix." It is important to recognize that this does not mean that ethnic Norwegian heroin dealers have read *Junky* and adopted the lifestyle described in the book, but rather that Burroughs' descriptions and phrases have entered the social rhetoric of heroin addiction.

It seems clear, therefore, that narratives of heroin smuggling and dealing can be interpreted as cultural objects. Griswold (2004 p. 13) defines a cultural object "as shared significance embodied in form." Moreover, Griswold (2004, p 14, 24) argues that cultural objects are created by individuals, but it is not until they enter the "circuit of human discourse" and are given a shared meaning that they become cultural objects. By viewing the narratives of the heroin dealers and smugglers as cultural objects, the structural and/or collective elements of the narrative are brought into focus, and subsequently the following questions become relevant: What are the collective representations of heroin smugglers and dealers? How do the heroin smugglers and dealers use these representations in their self-narratives?

²⁷ *Junky* was published 14 years prior to Preble and Casey's (1967) contribution; the similarities between them are striking.

The sociologists Nina Eliasoph and Paul Lichterman (2003 p. 736) claim that collective representations exercise a strong social force. At the same time, collective representations can be ambiguous and have diverse meanings in different contexts. Similarly, while emphasizing how people use collective representations, Polkinghorne (1988 p. 153) claims that although the content of each person's life narrative is unique, it often shares the features of a general plot outline. By applying a narrative analysis, this general plot outline can be identified and studied.

Central concepts: Narrative, story and plot

In the book *Narrative Knowing and the Human Sciences*, Polkinghorne (1988 p. 13) defines narratives as “a kind of organizational scheme expressed in story form.” The narrative form describes a sequence of events divided by temporal markers: a beginning, a middle, and an ending. In many cases the chronological order of events is referred to as the story²⁸ of the narrative, whereas that which gives meaning to, and binds the elements of the story together, is referred to as the story's plot.

When the narrative being told is a biographical story (self-narrative), the analytical distinction between story and plot draws attention to the fact that the meaning of different events is created in hindsight. Similarly, Ricoeur (1984) argues that we do not experience time at all directly or consistently. Hence, the temporal markers on which narratives rely are second-order constructions that impose order on something which, at the time it was lived, was experienced as elusive and vague. Furthermore, the sequence in which events occur can often make a stronger impression on the listener than the events themselves. In this case, the sequence determines the listener's emotional and psychological reactions to a plot.

When this is applied to the narratives of the heroin smugglers and dealers, it becomes apparent that their stories do not simply reflect their prior actions or their “genuine” experience of these actions, but rather the stories are told in hindsight, where the meaning of different events is created and different events are given preference to other events. I will use an example to clarify the distinction between story and plot and to highlight the importance of the chronological order of events. In this example, a heroin courier tells a story in which event

²⁸ I will use the concept of story and the concept of narrative synonymously in this text.

“A” (meeting of acquaintance) is followed by event “B” (smuggling heroin across a border). The concept of the story refers to the chronological order of events A and B, whereas the concept of the plot refers to why A led to B. In this case, the plot could be given numerous meanings: helping a friend or a family member, being manipulated, being tricked, and so on. If the chronological order of events A and B were switched so that the heroin was smuggled across the border and then the courier met up with his acquaintance, the meaning ascribed to the event would be quite different. Maybe the courier had brought the heroin across the border on his or her own initiative and would try to distribute the drug among his or her acquaintances.

How is narrative analysis applied in empirical studies?

Making sense and “identity talks”

The American sociologist Arthur Frank (1997) combines classical sociological insights with narrative analysis to study different ways of talking about illness. Frank (1997) makes the basic argument that people tell stories about their illness in order to make sense of their suffering and their lives, and that through the act of storytelling they find healing²⁹. Moreover, Frank (1997) emphasizes the social elements in self-narratives. First, stories of illness are social because they are being addressed to an individual, and the reactions of that listener shape the stories that are being told. Even when the stories are created through an internal reflective process, where we reflect about how we appear to others, how we are, and the choices that we make, Frank (1997) argues that the thought process is directed toward a listener. Sometimes we have a specific person in mind, and other times the “listener” is a “generalized other”³⁰. Drawing on insights, generally from symbolic interactionists, and specifically from Erving Goffman ((1959) 1992 pp. 252-253), Frank (1997 p. 55) views the self as an effect of the storytelling. It is the story that constructs and changes the self. From this it follows “that the stories of illness are not the illness itself, but can become the experience of illness” (Frank 1997 p. 22).

²⁹ It is difficult to do justice to the depth and complexity of Frank’s (1997) insight into different aspects of healing in a short summary.

³⁰ The “generalized other” is a concept developed by Georg Herbert Mead ((1934) 1962) and refers to the attitudes of the group or society to which individual belongs. The ability to take the perspective of the generalized other is essential in developing a self in Mead’s perspective.

The self is a concept of great significance in both narrative analysis and symbolic interactionism. The primary insight of symbolic interactionists is that the human self is a construction built on the reactions of others toward an individual, not the discovery or release of some innate “I” (Conf. Griswold 2004 pp. 61-63). Consequently, the self is subject to change as these responses, inherently variable and inconsistent, change in character. To develop a stable self, a person needs to synthesize and integrate somewhat diverse social responses. One central and highly influential contribution to the symbolic interactionist’s understanding of the self is Charles Horton Cooley’s ((1904) 1964) concept of “the looking-glass-self.” Cooley argues that we learn to see ourselves as others see us, through a three-step process. First, we think of how we appear to others. Second, we imagine how others might react toward us. Third, we develop some self-awareness, feelings of pride or shame³¹, as a result of others’ judgments.

To elaborate on the interconnectedness between the concept of self and narratives, Polkinghorne (1988) claims that humans recognize their own selves when they speak about themselves and when they hear others talk about them. Thus, Polkinghorne (1988 p. 151) proposes that “the self is a concept defined as the expressive process of human existence, whose form is narratives.” The use of the narrative form then integrates individual human existence into a collective whole by considering it as an expression of a single unfolding and developing story.

Second, Frank (1997) argues that self-narratives are social in nature because the storyteller always uses a culturally acquired repertoire in his or her storytelling. Hence, Frank (1997) identifies three basic narratives: restitution, chaos, and quest narratives. These narratives vary in regard to plot, self-story and moral responsibility. Although Frank (1997) identifies these three different narratives, he argues that only the restitution and quest stories qualify as “real” narratives. In the chaos narrative, the storytellers drown themselves in their own pain and suffering and consequently do not manage to give the stories a narrative form with a beginning, middle, and ending. Further, he argues that the most common narrative is the restitution narrative, with the simple plot of “Yesterday I was healthy, today I’m sick, but tomorrow I’ll be healthy again” (Frank 1997 p. 77). However common this narrative is, Frank (1997) is critical toward its widespread use because “the wounded storyteller” has adapted the

³¹ Goffman ((1963) 1990) developed Cooley’s understanding of the social emotions and added embarrassment and humiliation as shames variations to the list of social emotions.

technical expertise, for example, physicians' concepts and perspectives about themselves. This might lead to what he calls the "colonization" of medical practices and discourses on the stories of illness. The quest narrative takes the form of a journey, where the storytellers use suffering in order to gain new insight into their lives by overcoming the challenges that the illness brings and finding healing. In this narrative the storytellers present themselves as heroes in their own stories.

Applied to my study, the concept of self as it is construed from a symbolic interaction perspective and also by Frank (1997) draws attention to the rather obvious fact that the narratives of the heroin dealer and the smugglers were told to me as a researcher. Hence, as elaborated in the method chapter, the framing of the interview, the contact, rapport, and dialogue between the offenders and me inform the stories being told. Second, it is not the first time the offenders have told their stories. The offenders have previously tried out their narratives on inmates, prosecutors, defense attorneys and social workers, and thereby integrated or rejected the prior responses into their storytelling. Furthermore, parts of their stories have been tested in court. Inspired by Frank's (1997) study, I am interested in how different rhetoric, in particular legal rhetoric, shapes and moulds the narratives of the heroin dealers and smugglers. Moreover, I find Frank's (1997) insights inspiring and profound, but I am left wondering what makes a person choose one narrative over the other. Is it coincidental that one person tells a restitution story and another tells a quest story? Are there certain social factors, such as gender, age, ethnicity or class that make an individual more prone to tell one story over the other? Or is the choice of narrative related to the context in which the story has been told, so that, for example, one person tells a quest narrative in one context and a restitution narrative in another context?

This point is important because I am interested in what makes the heroin smugglers and dealers tell one of the four narratives. I have already implied that this might vary with the ethnicity, but it might also vary with other social factors. An interesting study that elaborates on how narratives are embedded in the social situation is Snow and Anderson's (1987) fieldwork in Texas among the homeless. By applying a symbolic interaction perspective with a focus on how the homeless create meaning in their lives, the researchers identified three different narratives related to how they adapted to their lives on the street: distancing, embracement, and fictive stories. Distancing involves the homeless' removing themselves from the rest of the people on the street by pointing out that being homeless was only

temporary and did not represent their real selves. This narrative was commonly told among those who had been homeless for a relatively short period of time. Contrary to the distancing narrative, the embracement narrative involved acceptance and attachment to the social identity of being homeless. These stories were commonly told by people who had lived for a long time on the streets. Fictive storytelling accounts for fantasizing about the past, present, and future.

In addition to being a central reference on the issue of how self-narratives change with social factors (e.g., time spent on the street), Snow and Anderson's (1987) research is relevant because they emphasize the importance of "identity talks." Before this study, social scientists had assumed that the homeless were preoccupied with basic survival. However, it was found that even though the homeless have a low social ranking and might not even know from where their next meal is coming, a big part of their activity involves "identity talks" (conf. Griswold 2004, p 64). This point also applies to the heroin smugglers and dealers. They are imprisoned and have a low social ranking, and the stories about themselves may be the only resource over which they have control. At the same time, the offenders have had a long time, some of them in isolation, to reflect on their choices and actions.

Narratives of crime

*"Only the weakest willed take on the self suggested by the state, the clever wear it only as a veil and the stubborn resist as best they can."
(Duguid, 2000 p. 200)*

Narrative analyses of crimes are often based on qualitative interviews with imprisoned "violent" or "dangerous" individuals (Green, South and Smith 2006; Patricia O'Connor 1995, 2000; and McKendy 2006; Presser 2008)³². Two central questions in these studies are the following: 1) How do the offenders respond to the majority culture's evaluating, judging, and stigmatizing their actions and their lifestyle? 2) Have the offenders internalized two sets of oppositional moral values, one belonging to a subculture and the other belonging to

³² I will return to these contributions later in the text. Moreover these studies are influenced by the symbolic interactionists' view of the self and the labeling theory. As mentioned earlier the concept of labeling refers to the linguistic tendency of the authorities to negatively label others deviants or criminals, which further creates and maintains stigmatization.

mainstream culture? If this is so, how do the offenders neutralize or justify their criminal actions?

Applied to this study I will discuss how the heroin smugglers and dealers respond to the labels placed upon them. Moreover, I investigate whether the heroin smugglers and dealers' narratives refer to both conventional and/or drug culture values. Additionally, I explore whether the heroin smugglers and dealers neutralize their criminal actions, and in what way this neutralization might be embedded in the offenders' narratives.

Neutralization techniques

Volkan Topalli (2005), Gill Green, Nigel South and Rose Smith (2006), and Loise Presser (2008) draw on general insights from labeling theory, and Gresham Sykes and David Matza's (1957) "techniques of neutralization" state that offenders have internalized mainstream values. Further, this theory stipulates that the offenders understand that breaking the law is wrong, and consequently they perform "self-talk" to reduce feelings of guilt before they break the law. Green, South and Smith (2006) identify a vocabulary of motives that is part of the "techniques of neutralization." In this vocabulary there are two key narratives: 1) "Not my fault" (for example, I have done these actions because of bad influence from friends, a troubled youth, and a difficult childhood) and 2) "Good at heart" (for example, although I have done bad things, I am a good person; I have been good to a brother, sister, and a friend). A central argument for Green, South and Smith (2006) is that neither of these narratives articulates a form of personal responsibility or agency, but is rather an expression of a self that only responds to others' actions and evaluations.

Topalli (2005) bases his study on offenders "on the street" and argues that these offenders project a self-image consistent with the norms of the subculture. Moreover, he argues that the "techniques of neutralization" also should include strategies for breaking the subculture's norms and values. To clarify, if in fact, the offenders have internalized two conflicting sets of values, and are expected to break with the subculture's norms and values, do they then need to use "neutralization techniques" to avoid feeling shame and embarrassment when breaking the subculture norms? Topalli analyses narratives about "ratting" and "showing mercy" and shows that offenders do feel shame and guilt if they break the norms of the subculture.

Loise Presser's study (2008) is based on interviews with men who have been sanctioned for committing murder, rape, or assaults and hence have been labelled "dangerous men." Presser identified three key narratives in her data material: the reformist narrative, stability narrative and elastic narrative. In the reform narrative the storyteller portrays a change in regard to his previous criminal activity. However, the stability narrative does not include references to any type of reform; on the contrary, the protagonist expresses that he acted with regard to moral principal, either because he has behaved mostly decently, because he follows subculture norms, or both. The elastic narrative is the most common in Presser's (2008) study and is characterised as a combination of the reform narrative and the stability narrative.

Coherent or fragmented view of culture

A parallel debate as to whether criminal offenders have internalised two sets of values and the connections between these values and the individuals actions are found within the general literature of the sociology of culture. In the sociology of culture, the connection between values and action has been debated for years. It was formerly common to view culture as a coherent set of values and norms that the members of society internalised through socialisation and which guided their actions. Ann Swidler (1986 p. 274) and Griswold (2004 p. 42) apply Max Weber's *switchman* metaphor to illustrate this view of culture. In the switchman metaphor, Weber describes the individual's interest as the engine of action and the individual's values as those which define the destination and the means of getting there. In recent decades, sociologists of culture have adopted a view of culture as fragmented, consisting of more than one set of coherent values and norms (Swidler 1986, Schudson 1989, Sewell 1992, Griswold 2004). The point of relevance here is that when the culture within a society is viewed as fragmented, it allows for a view of the strategic use of culture to serve an individual's own ends. Culture is then viewed as "a set of skills or tool kit" (Swidler 1986 p. 257), as "complex rule-like structures" (Sewell 1992 p. 18), or "an ambiguous set of symbols applicable for knowledgeable actors seeking their own ends" (Schudson 1989 p. 153).

In relation to my study, the question arises: Do the heroin dealers and smugglers express deeply internalised values in their narratives, or do they choose explanations and motives from the tool kit of culture? On one hand, I find it plausible that the heroin smugglers and dealers have internalised different and oppositional moral values and that breaking these

norms leads to emotional responses, for example, embarrassment, shame, and guilt. The reason for this is the amount of time, intensity and emotional involvement that the heroin dealers and smugglers display when they dwell on the moral aspects of their lives. In addition, I find it sterile and almost dehumanizing to view the offenders as making purely rational choices without the influence of emotions such as love, happiness, embarrassment, guilt, humiliation, anxiety, obsession, prejudice, and hatred. After all, it is these emotions which make us human.

On the other hand, the motivations and explanations which the heroin dealers and smugglers give for their own illegal actions could be interpreted as motives that have been chosen from the tool kit of culture. However, it is important to recognize that the heroin dealers and smugglers do not choose the social situation into which they are born. As the Norwegian anthropologist Thomas Hylland Eriksen (2006 p. 31) pointed out, “nobody chooses their parents or their mother tongue.” Further, Hylland Eriksen argues that a dedicated emphasis on cultural diversity often involves overlooking or downplaying the importance of class-related issues.

Cognition and the expression of agency

Interrelated with the debate of the connection between values and actions lays a similar debate about whether culture enable or restrain individuals’ actions and thoughts. Paul DiMaggio (1997) elaborates on this issue, and he describes two different types of cognition: automatic and deliberate. Automatic cognition is characterised as being “implicit, un verbalized, rapid, and automatic” (DiMaggio 1997 p. 269), whereas deliberative cognition is “explicit, verbalized, slow, and deliberate” (DiMaggio 1997 p. 271). Moreover, DiMaggio argues that when humans use automatic cognition, they rely heavily on culturally available schemas in their interpretation. Hence, in automatic cognition there is a strong element of how culture moulds thought and actions. Further, he argues that people shift into deliberative modes of cognition when they solve problems or are strongly motivated to find new ways of dealing with their experiences. A related concept to DiMaggio’s automatic cognition is found in the Hungarian philosopher Michael Polanyi’s ((1966) 2000 p. 4) reference to “the tacit dimension.” Polanyi wrote that we should acknowledge that “We know more than we tell.” Tacit knowledge refers to pre-linguistic knowledge composed of sensory information and images that can be applied in an attempt to make sense of something. To translate this into

language and categories is problematic. It is like seeking to render something which, for the most part, is enacted outside of the realm of awareness and which is ambiguous and subconscious.

In relation to my study, at one level of interpretation all the narratives of the heroin dealers and smugglers can be construed as expressions of deliberate cognition. This is because the narratives are the result of a story-making process, where some events have been edited out and other events given importance. Hence, the meaning of the different events has been added in hindsight. At another level of interpretation, I would argue that the offenders often displayed automatic cognition in the interviews. Due to the absence of frequent pauses or a slow reflective approach, I sometimes got the feeling that the offenders were retelling a story which they had told many times before. The point is that a narrative can be interpreted as deliberate cognition, because it is verbally expressed and has been thought through. Some narratives have been told so many times by the same person that they become automatic in expression. At the same time, I would argue that deliberate cognition also involves the use of schematic knowledge in the form of established vocabularies of motives.

Another related question which is addressed in narrative analyses of crime is how agency is expressed verbally and in what way the offenders express personal responsibility for their illegal actions. Patricia O'Connor (1995, 2000) and Johan P. McKendy (2006) analysed the language structure of offenders' self-narratives to elaborate different degrees of personal responsibility. Both researchers assessed that to claim personal responsibility for one's actions is the first step toward a different lifestyle and also the starting point for a therapeutic dialog. O'Connor (1995, 2000) focused on expressions such as, "I do not know what made me kill him." She saw the placement of the verb and the breaking of the story frame as identifying the different grammatical and linguistic constructions of agency and personal responsibility in the offenders' narratives. Influenced by the American philosopher Charles Taylor, these studies define agency as:

An agent not only as partly responsible for what he does, for the degree to which he acts in line with his evaluations, but also as responsible in some sense for these evaluations (Taylor 1985 p. 28).

There is a distinction in the use of the concept of agency in narrative studies of crime and in the sociology of culture. In narrative studies of crime, the concept of agency draws attention

to the personal responsibility that is inherent in the human ability to reflect on our own actions. In the sociology of culture, for example, in Sewell's (1992 p. 21) work, the concept of agency draws attention to people's knowledge and creative use of cultural schemas. Applying this perspective, heroin dealers and smugglers are not only responsible for how they act but also for the way in which they evaluate their own actions. At the same time, the question is how creatively can they use different motives and explanations for their illegal actions.

O'Connor (1995, pp. 430-431) analysed the reflexive nature of the different utterances of offenders. From these different utterances, she developed a continuum of personal responsibilities that run from claiming agency ("I killed him"), to problematizing agency ("It might be my instinct that made me kill him"), to deflecting agency ("I had no choice; I had to kill him"). Additionally, O'Connor argues that when the offenders place themselves in this continuum, they establish themselves as humans expressing different degrees of agency. Thus, claiming agency is a position that permits a therapeutic dialog and acts as the starting point for rehabilitation. McKendy (2006) studied what he calls "narrative debris": pauses, false sentences, and switches between different story frames. He used this to show how difficult it is for the offenders to present themselves as victims and while simultaneously expressing their agency and taking responsibility for their actions.

Applied to this study, these questions arise: What type of agency expressions are found within the heroin smugglers and dealers different narratives? Do different types of agency expressions reveal different types of personal responsibilities? Additionally, what can different personal responsibilities reveal about the heroin smugglers and dealers' reform potential?

Narratives of addiction

***"Junk takes everything and gives nothing but insurance against junk sickness."
Burroughs ((1953) 2002 p. 125)***

The social scientists Dorte Hecksher (2006), James McIntosh and Neil McKeganey (2000), and Vilma Hänninen and Anja Koski-Jännes (1999) all apply narrative analysis to study changes in social identity, from addiction to non-addiction. An important assumption in these studies is that for treatment and rehabilitation to be successful, a person with an addiction needs to reconstruct his or her view of self. These constructions of new identities are analyzed

through a narrative approach to their stories of recovery from addiction. Hänninen and Koski-Jännes (1999) were strongly influenced by Frank's (1997) study of illness, and they constructed five different key narratives that describe the different roads out of addiction: "the AA story," "the growth story," "the co-dependence story," "the love story" and "the mastery story." Further, Hänninen and Koski-Jännes (1999 p. 1847) argue that the different narratives identified in the data show that there are a variety of problems that lead to addiction. Similarly, there are many different roads to recovery. Hecksher (2006) is influenced by Hänninen and Koski-Jännes (1999), nonetheless, she identifies four alternative narratives of recovery. Moreover, Hecksher (2006) is, to a larger extent than Hänninen and Koski-Jännes (1999), concerned with which narrative will prove stable over time. In other words, which narrative will lead to continued non-addictive behaviour? Oddly enough, considering the inspiration of Frank's (1997) studies, neither Hecksher (2006) nor McIntosh and McKeganey (2000), nor Hänninen and Koski-Jännes (1999) initiate a critical discussion of the medical discourse and practices which influence the different narratives.

Applied to this study, some interesting question can be raised: How do the heroin dealers express their agency in relation to their experience of their own addiction? Do they express themselves as rational and responsible individuals, or do they express themselves as controlled by their hunger for heroin? And in what way are their experiences of their addiction connected to the issue of dealing drugs?

The offenders narratives and the judicial practices link: Plot and motivation

"The different reasons men give for their actions are not themselves without reasons."

(C. Wright Mills 1940 p. 904)

The aforementioned narrative framework gives a rich conceptual toolbox for studying the interconnectedness between language and social identity, but how can a narrative approach help to investigate the feedback loop between the offenders' narratives and the judicial practices? I will elaborate on this question by bringing attention to the concepts of plot and motivation.

In narrative theory, as mentioned earlier, plots are construed as the intention of a narrative (Polkinghorne 1988 p. 13). In other words, a plot is that which shapes and gives a story its

central meaning. Similarly, Paul Ricoeur (1991 p. 167) defines the plot as “the intelligible whole that governs a successions of event in any story.” A central point for Ricoeur (1991) is that the plot’s function is to connect the different events being told into an integrated story. A parallel argument is made by social psychologist, Jerome Bruner (2003 p. 41), who argues that the drive behind telling a biographical narrative is to express some type of agency, in the sense that the storyteller describes how autonomous events are created and bound together through his or her intent. In this case it is the storyteller’s motivation and intentions that cause different actions. The opposition to an agency-driven narrative is what Bruner (2003 p.41) labels “victimicy.” This is a narrative in which the storyteller constructs a victim self, a self which only responds to the agency of someone else or to the circumstances in which they are compelled to live. Applied to this study, and parallel to the mentioned neutralization techniques, the offenders tell victim narratives, where forces beyond the storytellers’ control drive the story forward. The question is raised: If the plot of the offenders narrative constructs a victim self, can it be said to contain a motivation or intent for criminal activities?

In his classic contribution to sociology, Max Weber defined motives as a “complex of meaning which appears to the actor himself or to the observer to be an adequate ground for conduct” (Weber 1964 p. 98-9). Applying Weber’s definition of motives, what would be the adequate ground for conduct seen from both the offender’s and the observer’s point of view? Would their views be similar, and are the offenders not viewing themselves from an observer’s point of view when they are retelling a story about their past? Weber’s definition of motives has met substantial criticism. One of the most influential criticisms came from Alfred Schutz ((1932) 1967). Embedding his most basic sociological concepts in a phenomenological understanding of consciousness, Schutz’s main project was to get to the temporal process by which actors build up the meaning of their actions. Thus, Schutz ((1932) 1967 p. 86) argues that Weber does not adequately differentiate between the context of meaning which the actor subjectively feels is the ground for his or her actions and that context of meaning which the observer supposes is the ground of the actor’s behavior.

To deal with the temporal issues of motives, Schutz ((1932) 1967 p. 89) introduces two different concepts: “in-order-to motives” and “because-of motives.” In planning a future action, Schutz argues that a person relies on the reflective act of projection. Through such reflectivity, the person imagines a project as completed in the future. This establishes the in-order-to motive of that person’s action. By contrast, a person’s because-of motives consist of

social and historical factors that influence the decision to embark upon the project. These social factors can only be discovered by hindsight through the act of investigating those past factors that preceded the past decision. To illustrate the difference in because-of motives and in-order-to motives, Schutz uses an example drawn from the study of deviance:

But suppose I say that a murderer perpetrated his crime for money. This is an in-order-to statement. But suppose I say that the man became a murderer because of the influence of bad companions. This statement is of an order quite different from the first. What our second statement does is to take a past event- namely, the murder --and connect this with an event still further back in the past, namely, the influence of bad companions.[...]The difference, then, between the two kinds of motives as expressed in our two statements is that the in-order-to motive explains the act in terms of the project, while the genuine because-motive explains the project in terms of the actor's past experiences (Schutz (1932) 1967 p. 91).

Schutz's distinction between two different motives draws attention to the temporal aspects of motives. Moreover, Schutz's work on motives has been criticized for containing some "crucial ambiguity" (see Bernstein 1976 and Campbell 1996). The sociologist, Colin Campbell (1996 p. 105) questions whether actors need to be aware of their because-of motives before they can be construed as motives. Further, Campbell (1996) points out that Schutz might confuse intentions with in-order-to-motives. Applied to this study, it is important to recognize that all of the offenders' stories are constructed in hindsight, so that their in-order-to motives are difficult to access. This does not imply that offenders, in everyday life situations, do not have in-order-to motives or intentions, only that these are challenging to access. One way to access in-order-to motives or intentions would be to ask people their intentions before or during the process of the act. Another way to access these motives would be to ask people to draw distinctions between what they think at different times. In the latter case, the individual would still be answering from a retrospective point of view. In other words, what happened in the minds of the offenders at the time of their illegal actions is interpreted from the point of view of the here and now. Notwithstanding the many fine distinctions that could be drawn between the concept of in-order-to motives and the concept of intention, I put forward that in narratives of drug crimes, they are referring to the same issue: What was going on in the mind of the offender at the time of the alleged crime?

The main point is that when the offenders see themselves in light of their because-of motives, they see themselves through a result of their socio-economic deterrents and downplay the in-

order-to motives. This is important because in a court of law, the establishment of the offender's intent is crucial.

Johannes Andenæs (1965 p. 192) argues that a fundamental principle in judicial logic is that a crime needs to have both a mental and a physical element. The concept of *mens rea*, which is the Latin term for "guilty mind," refers to a person's awareness of the fact that his or her conduct is criminal; hence, there is a mental element. The concept *actus reus* refers to the act itself; hence, there is a physical element. In other words, to be guilty of most crimes, a defendant must have committed the criminal act (*actus reus*) in a certain mental state (*mens rea*). For example, the *mens rea* of transporting heroin would be to knowingly carry the heroin across the border, whereas carrying heroin unknowingly across the border would not constitute a crime.

Lyman and Scott (1989 p. 149) argue that there are two specific problems when a successful prosecution rests on showing that the deviant actors intended to commit the crime and foresaw the consequences of that act. First, with reference to Schutz's ((1932) 1967) understanding of motives, the problem is the establishment of the intent of the defendant at the time of the act. The problem here is that the courts must detach the act's purpose and its consequences. Failure to recognize temporality often leads to misinterpretations of action, as when a court assumes that the outcome of an act may have been its motive without considering the actor's in-order-to motive. Due to unforeseen events, the motive may have been adjusted or may have led to results contrary to those intended. Second, there is a span of consequences for which the defendant should be held responsible. Hence, Lyman and Scott (1987 p. 145) argue that the courts must deal with the "mind-reading problem of intent." Judicial logic, by insisting on *mens rea*, opens its practices to the problematic situation of ascertaining and evaluating the defendant's motives and intention. The judicial rhetoric (law) can be construed as an inventory of intentions, which are in fact excuses or justifications for alleged crimes (Lyman and Scott 1987 p. 154).

Applied to this study some central question become: What types of motives do the heroin dealers and smugglers express? Do they express in-order-to motives or because-of motives for their illegal activities? Are different motives embedded in different ways, in different narratives? How are different types of motivations related to different types of agency expressions in the offenders' narratives? And are any of the offenders' motives, manifest in

the judicial practices and viewed as legitimate, whereas others are evaluated as illegitimate by the judges?

Summary: What can narrative analysis contribute to the study of heroin smuggling and dealing?

In light of the two previous sections and as a summary, I will elaborate here on the following question: What can narrative analysis contribute to the study of heroin smuggling and dealing? I will base my argument on the following five points: (1) Narrative analysis brings the construction of identity to the center of the study. (2) Narrative analysis provides a rich conceptual “toolbox” for studying the interconnectedness between language and social identity. (3) Narrative analysis gives comprehension to collective and/or cultural components of identity constructions. (4) Narrative analysis in combination with a conceptualization of motives provides a base to study the interconnectedness between the offenders’ narratives and the judicial practices. (5) Narrative analysis offers a limited understanding of social practices.

Narrative analysis brings the construction of social identity to the center of the study.

By applying narrative theory, I take for granted that identities are socially constructed and do not aim at proving this point; however, I seek to clarify in what way this construction is achieved. A central assumption in narrative studies of crime is that offenders’ identities (for example, heroin dealers and smugglers) promote illegal behavior, and similarly offenders’ narratives endorse offending behavior. The process of sanctioning is here viewed as a central element in this process. A narrative approach shares an understanding of social identities as constructed with a street-level ethnographical approach to drug dealing, and it draws upon the same classical sociological theories to understand this process. However, where the aforementioned street-level drug studies often understand this identity formation within the frames of the subculture, these narrative studies on crime, illness, and addiction seek wider frames of references for this process, such as subculture and conventional norms and values, institutionalized practices, and ideologies. Compared to previous studies conducted on upper-level drug dealing/trafficking, which primarily focus on how this activity is organized, a narrative approach gives a totally new contribution, because issues of identity formation are not explicitly addressed in relation to upper-level drug dealers/traffickers.

Narrative analysis provides a rich conceptual “toolbox” for studying the interconnectedness between language and social identity.

By applying concepts such as “story,” “plot” and “temporal markers” to the stories told by heroin smugglers and dealers, different narrative types can be identified, which might vary in regard to expressions of agency and personal responsibilities. Thus, the narratives that the heroin dealers and smugglers tell can be interpreted as negotiation of identity and as management techniques that minimize stigma, disavow deviance and stress the inherent normality of the offenders as individuals. A narrative approach shares a focus on the symbolic aspects of interaction with the street-level drug-dealing studies mentioned above; however, the subculture theories emphasize structural explanations for the development of subcultures and hence do not provide conceptualizations of motives and personal responsibilities.

Compared to the studies done on upper-level dealing/trafficking, a narrative approach represents an epistemological rupture because the stories told by the offenders and the other judicial sources such as criminal statistics and judicial decisions are not viewed as mirroring the social reality of dealing/trafficking, but used to study identity formations and how different “thrusts” about heroin dealing and smuggling are created and recreated.

Narrative analysis gives comprehension to collective and/or cultural components of identity constructions.

Although individuals create their own stories, they do so on the basis of a culturally available and established repertoire for storytelling. Thus, when heroin smugglers and dealers give explanations for their illegal activities, they draw on a culturally established “vocabulary of motives.” Hence, a narrative approach is useful in addressing the question of how individuals use this repertoire in their storytelling and moreover how this “vocabulary of motives” gets established through institutional practices. Compared to a traditional ethnographical approach, which commonly aims at understanding drug use/dealing in the light of subcultural values and norms, a narrative approach aims at grasping wider frames of reference, collective representations, and a broader institutionalization of different narratives.

Narrative analysis in combination with a conceptualization of motives provides a base to study the interconnectedness between the offenders' narratives and the judicial practices.

By conceptualizing motives and drawing on contributions from narrative theory, general sociology and the internal perspective of the law, I can further investigate how the judicial definition of motives leads to various consequences for the defendants in heroin felonies, and explore in what ways the selective functions of the courts are connected to the types of stories and motives which are viewed as legitimate by the judges.

Compared to the previously mentioned ethnographical studies, which often stress a distance from the judicial perspective, this narrative study aims at understanding the interplay between the offenders' narratives and the judicial practices. In the ethnographical approaches the judicial practices are often taken for granted, as the framework, which surrounds the field of drug dealing, make the activity illegal, and hence could further stigmatize the drug dealers. However, the mentioned ethnographical studies does not offer any detailed studies of the specifics of the judicial logic and rhetoric' in drug felonies, or how judicial logic could differentiate between different drug dealers and smugglers' stories. Moreover, this could affect the punishment issued in drug felonies and the possible stigmatization process of various sanctions placed upon drug dealers and smugglers. Hence, the ethnographical studies, based on the drug dealers' lives on the street, do not contribute to the knowledge of what happens when the drug dealer gets arrested and sanctioned, which are of essence in this study's narrative approach.

Compared to the mentioned studies done on upper level drug dealing/trafficking, which rely on judicial sources to study the organizational aspects of drug crime, this narrative approach focus on how the judicial practices establish "thrust" and "knowledge" about drug crime, hence, how the judicial practices' knowledge generating is connected to the type of stories that are told by the offenders in drug felonies, and how these stories are ratified by the judges. Moreover, the sanctions placed on the offenders could affect their narratives and social identities.

Narrative analysis offers a limited understanding of social practices of heroin dealing and smuggling.

If one seeks to give a detailed and broad analysis of how heroin dealing and smuggling are done in practice, a narrative approach does not offer much support, because it exaggerates the symbolic and communicative aspects of human actions and interaction at the expense of understanding the social practices of heroin dealing and smuggling. Although a narrative approach can bring attention to the process of strategically used narratives by heroin smugglers and dealers and the processes of stigmatization as a result of sanctions placed on the offenders, it does not aim to provide evidence as to how heroin smuggling and dealing is done in practice. Thus, narrative analysis is often based on qualitative face-to-face interviews, written/spoken biographical stories, and/or documents/texts. Describing in breadth and detail how drug use and dealing is done in practice is the supreme strength of the aforementioned ethnographical approaches. Paradoxically, the upper-level dealing/trafficking studies discussed above, which seek to understand the organizational aspect, seldom use an ethnographical approach; instead, they base their knowledge on sources generated from within the judicial discourse.

5. The offenders narratives: Introduction

I have identified four key narratives in the data that vary in regard to structure, agency-expression and personal responsibilities. The narratives fall into the following categories: victims of social injustice, victims of organized crime, victims of addiction and entrepreneurs. I plan to first present each narrative type in four different chapters, beginning with their narrative form. Secondly, I will discuss the different motives and plots found in each narrative. Thirdly, I will elaborate on how different expressions of self found in these narratives relate to personal responsibilities.

By labelling the stories as victim's narratives, I want to draw attention to the different ways in which the offenders discuss their deviant identities. When they offer explanations for their illegal activities, they are trying to ease their situation, with the goal of maintaining or restoring their own sense of personal worth (see also Mills 1940, Lyman and Scott 1989). According to the *Oxford Dictionary* the concept of "victim" is given three central meanings. First, it refers to a person who is acted upon by a force or agent outside of him or herself. Second, the concept of victim refers to persons who have been treated unjustly, subjected to hardship and oppression. Third, the concept refers to persons who have been tricked or duped. These three definitions correspond to the central meaning and self- constructions expressed in the three victim's narratives. By highlighting the victim self constructions found in these narratives, the context of the interviews is also brought into focus: the prison and prior police investigations, court cases and sentencing.

The moral confrontations, police interrogations and long court cases that the offenders have experienced are the events that constitute the stories being told. Moreover, these sanctions and moral confrontations might "force" the offenders to tell coherent stories about themselves that are adapted to the logic and rhetoric of the legal system. In developing a general narrative theory, Polkinghorne (1988 p. 153) argues, "People strive to organize their temporal experiences into meaningful wholes and to use the narrative form as a pattern for uniting the events of their lives." This general notion of people wanting to create meaningful, coherent stories about themselves might be amplified when the storyteller meets the judicial discourse and practices. Obviously, when one's creditability is being judged, it becomes important to

keep one's story straight. This is even a demand in most court cases. A similar point has been made by the sociologists Stanford M. Lyman and Marvin B. Scott (1989 p. 150) who argue: "The language of law -- like a magical incantation -- creates the illusion of consistency and coherence."

A striking characteristic of the offenders' stories, as mentioned in the method chapter, is their consistency. Not only were the offenders coherent storytellers, in many cases the stories were told in monologue form. The transcripts of the interviews are a good illustration of this. The offender's words would often fill up a whole page, and I would only get in small follow-up questions like: "Yes?" "No?" or "And then what happened?" One question then becomes: Does this expressed coherency imply that the offenders only told one out of the four narratives? Or did they combine elements out of the four different narratives? It is important to recognize that all the stories of the offenders are unique. Moreover, in most cases the offenders only used one style of narrative, but, at other times, the offenders would switch between two different accounts. For example, the narrative of the victim of social injustice was told in combination with that of the victim of organized crime.

One might ask why then, at the risk of downplaying the uniqueness of the individual's story, do I put forward these four key narratives and suggest that individual stories will somehow fit one type or another? I would argue that the benefit is two-fold. First, by elaborating the forms of the different accounts, four new generalist narrative structures are put forward. Second, identifying four different narratives makes it possible to address the questions of why and how the narratives have been constructed.

To clarify, if the offenders have told stories of excuses and justifications in court, they continue to retell these stories while they are serving their sentence. On an individual level the three victim narratives identified in the data material can be interpreted as stories, which is part of the offenders' negotiations to restore their spoiled identities and reduce their feelings of guilt. These narratives can also be construed as strategic arguments constructed from the culturally established "vocabulary of motives" with the aim of reducing one's own culpability. It is not in itself problematic that the offenders tell stories of justifications and excuses. However, seen from a governmental point of view, relating victims' narratives

makes rehabilitation difficult, because it is argued that the first step toward a different lifestyle and the starting point for the therapeutic dialog is claiming personal responsibility. Seen from a governmental viewpoint, telling victim narratives is problematic, because they obscure personal responsibilities and hence, the offender's rehabilitation potential. Additionally, it is problematic if the reason offenders give victim accounts is partly found within the judicial system itself, its logic, rhetoric and the way the offenders have been sanctioned. Interpreted from this point of view, the judicial system creates its own subjects, who are not capable of rehabilitation. This, of course, is contradictory to the purpose of the judicial system.

6. Victims of social injustice

I have labelled the first style of narrative “victims of social injustice.” These offenders tell of how they ended up in jail as a result of their immigrant backgrounds and difficult integration history. Furthermore, this is a story about how the Norwegian government has failed the immigrant population, and how the police have made the situation worse by targeting and investigating, specific groups of Eastern European immigrants. Additionally, immigrants living in other Western European countries tell a similar story, where their immigrant status has made it difficult for them to integrate and to find good jobs. Generally speaking the couriers, receivers and holders tell “victims of social injustice” narratives. In the following I will elaborate on the structure of the narrative; its beginning, middle, and end by using parts of the interviews with Nizam, Mario, Fazal and Ivo. In the presentation of the narratives, I will follow the chronological order in which the stories were told in the interview. All four offenders are serving sentences of more than eight years. Both Nizam and Fazal are in their forties and serving sentences for transporting heroin. Nizam came to Norway as a refugee from an Eastern-European country; Fazal originally came from the same geographical area, but went as an immigrant to another Western-European country. Thus, Nizam is a Norwegian based courier, whereas Fazal claims he had never been to Norway before he was arrested at the border. Ivo and Mario are in their thirties and serving sentences for possession of large quantities of heroin. Both Ivo and Mario came to Norway as Eastern-European immigrants. The structure of the narrative can be illustrated in the following way:

Figure 5. The beginning, middle and end part of the victim of social injustice narrative



The structure of the narrative

Beginning: Outsider

The beginning of the narrative of social injustice is marked by the event of coming to Norway or another Western country as an immigrant or refugee. The offenders describe this as a difficult situation because, they did not know the language, did not know other people and did not have jobs. This is how Nizam starts his story:

“I was a refugee, and if the state had made a priority of me when I came, I would not be sitting here today. I came to Norway in 1989, so I am a Norwegian citizen. In the beginning we were two people that sheared an apartment. But I was really young then, only nineteen years old [...]. You sit and drink coffee or you workout, and then you go home. And outside of that you do not have contact with others. And out in the streets you do not have much contact with others either; maybe saying hello. I have never had much contact with Norwegians, only other immigrants. It means that you become outside of society, and when you are outside society, you start to reflect around integration. But if the society does not want you, you will not end up integrated. I did not manage this because I was young, naïve and did not know how to make contact with others. Of course, everybody thinks it’s nice the first time they speak with you, especially when you talk English, but when you tell people that you are from the East, a distance develops, and people pull away from you. In the beginning I did not find this so difficult, but when you experience it again and again, it becomes really difficult. You are being blocked by society, and when that happens, well, you find other friends. And those other friends or that network, well you go (down) stupid and bad roads.”

A central issue in the victim of social injustice narrative is to establish the storyteller as an “outsider.” This topic is stressed from the beginning of the narrative, and the offenders emphasized the role of the government, which they claim is not taking its full responsibility for the immigrants or refugees. Because the immigrants and refugees were not given adequate help from the government, it made it even harder for them to find a decent job. Whether they have recently arrived or not, many members of ethnic minorities have a low social and economic position within their Western- European host societies and are often not well integrated. When the offenders telling the victim of social injustice narrative describe their problematic integration, this problem is not only connect to blocked opportunities to earn money, such as it is expressed in the classical sociological explanations of development of deviant subcultures (See Merton 1957, Cohen 1966, Cloward & Ohlin 1969), but also as a problematic integration into the Norwegian or Western-European “way of life.” Thus, the offenders are expressing that they felt exclude culturally and socially. The offenders also stress that they feel isolated from the rest of the population, because they do not speak the

local language, and often felt ostracized in social situations. The same subject is found in the opening of Ivo's story:

“Well I came to Norway in 1999 and started working in 2000. And in the beginning it was real hard work because,...because I did not get much help from the government. I started with construction work, and I did not know many people. The Norwegians were not really friendly or easy to come in contact with. I worked Monday through to Friday. At the same time, I had a Norwegian course Monday to Thursday, and, well, I only manage to grab something to eat before I went to school after work. But the job was not very well paid so I started working in a security company as a doorman at a nightclub, because it was hard to live off the wage from the construction work.”

Both Ivo and Nizam describe how difficult it was to establish contacts with Norwegians in the beginning. Fazal, who was an immigrant in another Western-European country, starts his storytelling in a similar manner:

“I was sent to my fifteen years older sister in X to get a better life. She and her husband could not have children. It was difficult. The family was isolated and had little contact with the local people in X. But it got better after a while and I got a job in a factory. I liked the job.”

The central purpose of the opening events of the narrative is to launch the storyteller as agents struggling to integrate and find jobs. This situation is made difficult by a lack of support from the government and the local people. Compared to the classical sociological explanations of development of subcultures, the victim of social injustice, in addition to emphasizing blocked legal means to earn money, also stresses cultural and social exclusion. Nizam voices this argument clearly when he claims that the state had a responsibility toward him as a refugee, not only to help him economically and materialistic, but also to socialize him into Norwegian culture.

Middle: Increased monetary demands

The middle part of the narrative of social injustice is marked by an event that makes a difficult situation even worse. It is an event or set of events which increases the monetary demands on the storyteller. Nizam continues his story:

“When I got married my problems became bigger and bigger, especially the economical situation. The first seven or eight years in this country, I did not do anything wrong. It was only politics and studying. But when I got married and we had our first child, the thought about alternative ways of supporting the family occurred. And to be honest, you have to help the people at home with money too. They have paid for you coming to Europe, so then you have to pay back. That is only reasonable. You have to pay your debt-; it is not a traditional debt, but you owe your family something. So they expect that you pay them. It is no specific way that you pay, but because it is family, you have to pay more. They might have sold a house or a car to send you to Europe, so you have to pay them. So in a sense you get an unnecessary responsibility for them sending you here. All the time it is about money. And if you get a job here, it is not a good paid job. It is a cleaning job, a job at the take-a-way shop, or a restaurant job or a job in the commune. And if you work, it is hard to study, and then you will never get a better paid job. You are stuck. And on the top of that, you do not speak the language well enough either. You end up using one hour on something that demand two hours. And it is difficult to combine work and school. You need money both for your family here and the family down there.”

Nizam describes the difficult spiral of monetary demands coupled with the lack of opportunities to earn money, which peaked when he got married. Hence, Nizam uses his breadwinner responsibility as an explanation for why the pressure for money increased. One way of interpreting this, following Merton’s strain theory (1957), is that ethnic minorities, sometimes even before reaching Norwegian or Western European ground, are wanting the same status symbols as native Norwegians or Western Europeans of the same generation, but they are lacking the means to fulfill their dreams. However the need for money expressed by the offender is far from the excessive need for money and status symbols describe in Adler’s (1985) ethnographical study of wholesale drug dealers and traffickers. The offenders express a need of money which is connected to making ends meet. Hence, the monetary demands from the family both in Norway and abroad is also a central issue in Ivo’s story:

“It was not a real job, only a temporary job, until I could find something better. And then it happened; the security company I was working for went bankrupt. And I went to the employment exchange to apply for unemployment benefits. But there they inform me that my boss has only paid tax for me for two months, but he has taken it (taxes) off my wages the whole period. As an immigrant, what can I say? As an immigrant, you just have to sit there and shut up. I tried all that I could, but I could not find a job and live a normal life. It took many months before the process of bankruptcy ended, and I could prove that he (the boss) had pulled tax off my wages the whole time that I had worked for him. But in those months it was hard to survive. I easily help others, but for me it is hard to ask for help. So that is when things started to move in the wrong direction. So I was a bit desperate. But I did meet my girlfriend that I am planning to marry. It is true love. We did not have problems in our relationship but we had problems with the economy. It was hard for us. At the same time my parents in (X) were also struggling

with economical problems. That was also hard. When I visited my parents I realized that something tragic had happened. Everything was okay with my father and brother, but my mother was lying in bed, and I could hardly recognize her. Yes, she was a different person; she was that sick. I know that my mother is sick and need medication, and, of course, I do not tell them about my problems in Norway. My father has a job, so they can manage everyday life, but not anything extra like medicines for my mother. They did not have money [...].”

Similar to Ivo, who talks about the experience of having monetary demands from his family and getting laid off from work and, thereby, having acute economical problems, Fazal continues his story:

“My real problems started when I got laid off from the factory. I tried and tried to get other jobs. But I was refused everywhere. At the same time I meet my new wife and she is ten years younger than me. We wanted to start our family. My wife became pregnant, and we got a new baby. But I had no way of supporting us.”

The central meaning of the middle part of the narrative is to establish how a situation went from bad to worse, when monetary demands increased. However this need for money is not expressed as an exaggerated need for status symbols or excessive spending, but as being able to pay ones bills and provide for the family.

Ending: Taking the offer to earn money illegally

The ending of the narrative of social injustice is marked by the event of getting and taking the offer to earn money illegally.

Nizam: “Of course you can say that the immigrants that are involved with politics are not involved with drugs, but there are people that are in politics, that think about profit, because they need money for their organizations. And they have contacts down there (where the drugs come from). And, of course, you are picked out because you live in Norway. And you do not have contact with others or friends so you do not know what other people do. That is how I got the offer.”

Nizam claims the offer to earn money illegally came through contacts in his country of origin and through his political activities. He points out that he accepted this offer, because he was in acute need of money. Although Nizam does not came right out and say it, he is portraying a heroin import that has parallels to the earlier mentioned politico-military type, which is characterized by having an aim of restructuring the political field (see Dorn et al. 2005). However, Nizam does not deny the knowledge of the heroin. He explains his role in the

heroin trade as a courier who invested money and owned part of the heroin consignment. Ivo claims that the offer to get involved in drugs came through an acquaintance:

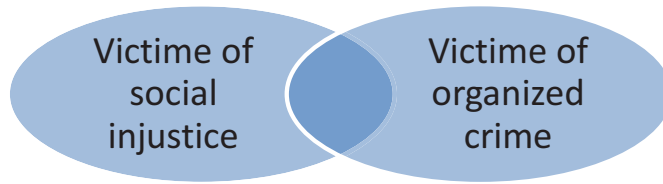
“And then the offer came. It was from one that I know from before; he was a (X) too. I had met him a few times at X (the local club) and he had given me some cocaine. When I met him, I told him that A (his girlfriend) and I were looking for a smaller and cheaper apartment, because we did not have much money. And I asked if he either knew about a cheaper apartment or somebody that could live with me and A to cover owner expenses. And then he came with the offer, if I could keep some amphetamine for him. Of course, I did not want to keep it in the apartment, but I had a garage. So I said yes to keep a deposit of amphetamines. But it was really bad drugs, as he said. It needs to be dried, and repacked. So I thought for a while, and then I said yes. I was supposed to get 10, 000 kr (Norwegian crowns) for the job.”

A central point in Ivo's story is that he only said “yes” to amphetamine. He explains later that he agreed to store hashish, but he did not agree to store heroin. The denial of the knowledge of heroin is also central in Fazal's story:

“I took contact with everybody I know and told them about my difficult economical situation, friend and friend's friend, and through the local club for X. Through an acquaintance I got the offer of transporting a packet of hashish through from Germany to Demark in my own car. I accepted. So I brought my wife and two-month-old child. My wife did not know anything. I only told her that we were going on vacation.”

The ending events of the narrative explain how the storyteller got involved in the drug trade. In all of the offenders telling victims of social injustice narrative, the offer to earn money illegally came through contacts within the offenders' own ethnic groups. However the image they create of how this is “organized” is different. Ivo and Fazal stress that the organizer was business oriented, whereas Nizam claims that the organizers were connected to political activity. In the case of Fazal and Ivo, the offer to transport and hold drugs does not mark the end of their stories. However, it marks the point in which, they switch to another telling frame; they start telling the narrative of a victim of organized crime. In other words, the end point of the narrative of social injustice marks the starting point of telling the narrative victim of organized crime for both of them. It can be illustrated in this manner:

Figure 6. Relationship between two narratives



In the next chapter I will return to the victim of organized crime narrative, and the rest of Ivo and Fazal's stories.

Plot and Motivation: Failed integration

*“The different reasons men give for their actions are not themselves without reasons.”
(C. Wright Mills 1940 p. 904)*

In narrative theory, and as mentioned in the theory chapter, plots are construed as the intention of a narrative (Polkinghorne 1988 p. 13). Moreover, plots that are not agency driven can be construed as a narrative where the storyteller constructs a victim self. This is a self which only responds to the agency of somebody else or to the circumstances in which they are compelled to live (Bruner 2003 p. 41). As expressed in the story told by Nizam, Mario, Fazal and Ivo, the plot of the narrative of victim of social injustice can be construed in that the failed integration and exclusion from the legal labor market led to criminal activity. In other words, there were forces beyond the storytellers' control that drove the story forward. One question then remains: If the plot of the victims of social injustice narrative constructs a victim self, can it be said to contain a motivation or intent for the criminal activities?

Following Schutz's ((1932) 1967) concepts as introduced in the theory chapter, the question becomes: Are there any because-of motives or in-order-to motives expressed in the narrative? In the narrative of social injustice, the offenders are underlining their because-of motives, i.e. their problematic integration history. Hence, the offenders are using their because-of motives consciously in constructing a retrospective story. But what about the acute need for money that the offenders expressed? Can this be interpreted as an in-order-to motive? I would argue

that the acute need for money gets its meaning from the previous events told in the narrative. As mentioned in the theory chapter, the sequence in which events occur in a narrative can often make a stronger impression on the listener than the events themselves. Hence, the acute need for money draws its meaning from the previous events that described the offenders' difficult situations as immigrants. The main point is that, when the offenders see themselves in light of their because-of motives, they see themselves as a result of their socio-economic deterrents and downplay the in-order-to motives. This is important, because in a court of law, the establishment of the offender's intent is crucial.

As mentioned in the theory chapter, the establishment of the defendant's intention at the time of the act is of great importance, in deciding whether or not he or she acted with a criminal intent (*mens rea*—"guilty mind") (See Andenæs 1965). The court must establish what was going on in the mind of the offender at the time of the crime, and show that the defendant intended to commit the crime and foresaw the consequences of that act. In the victim of social injustice narrative, the offenders, by focusing on their because-of motives, highlight their explanations or *the reasons* for their deviant actions, and downplay their criminal intent at the time of the act. However, as C. Wright Mills (1940) has pointed out, to offer reasons or accounts for one activity requires a vocabulary of motive to guide one's self-presentation.

Agency-expressions: Responding and respectable self

As previously mentioned, the main self-expression found in the narrative of social injustice is a responding self. This was a common feature in the stories told by Nizam, Fazal, Mario and Ivo. The following quote from Mario elaborates this concept:

"A hungry stomach thinks about food; that it needs to be fed. And if you are hungry, and somebody gives you food, you accept and are happy for the offer. This is only a metaphor that I use. It does not mean that we were hungry; everybody in Norway can eat, and we got a welfare system. But we see that there are so big differences between people. Of course it is important with differences, but the differences are between Norwegians and immigrants, and that is way it is so easy for the immigrants to get involved in these things and not only drugs. The problem is that the immigrants don't have contact with Norwegians."

Mario explicitly blames his lack of integration and, thereby, his status as an immigrant for his involvement in the heroin trade. Mario, then, stresses his social and cultural exclusion,

alongside an economical disadvantage. A similar self-expression is found in Nizam's story, but he develops the argument even further by arguing that he did not get a fair trial because of his immigrant status.

“Here in Norway you have the heaviest punishments in Europe. And yet people are lined up to serve their sentence. But it is not much crime in Norway, because you are only four million people. But if you play it guilty and say that you have done something wrong, they help you, at least the first time. But if you are serving a ten-years sentence, you only get problems and you get hatred. We are human; we have feelings, no matter what stupid thing we have done. But here in Norway, immigrants do not get a chance. There is no immigrant in the juries, so they (the jury) do not understand who I am. All they know is that they (the police) have taken heroin from me, and they think I am the worst. But if it had been an immigrant on the jury, he might have thought about what kind of life I have had here in Norway, and he can talk about that and I might get a lower punishment. For Norwegians it is different. Then they (the jury) just know more about that person. That they are sick, because they are addicts; that they have had a problematic childhood, and all that.”

In this quote Nizam express a high awareness of the important role that the judicial system plays in legitimizing some narratives and discrediting others. Hence, he makes the connection between the account given by the offenders for their deviant behavior and the judicial practices influenced on them. Later in the interview, when I challenged Nizam's understanding of his immigrant status, he moved his explanation from his ethnicity to an argument of marginalization that cut across ethnical lines.

I: “When I hear you talk, I am thinking that the group you describe is without ethnic Norwegians, but where are the Norwegians?”

Nizam: “Yes, of course, the Norwegians are important. Norwegians are our main customers. The people that invest money in the heroin import are also Norwegians, but what Norwegians are we talking about? It is Norwegians in the same situation as us; it is the Norwegians with problems. It is not only that they use heroin; we are talking about the real explanations of the problems now.”

I: “Maybe you think this is a dumb or naive question, but I ask anyway. Why is it easier to establish contact and integrate yourself with criminal Norwegians than with law-abiding Norwegians?”

Nizam: “I do not think it is a dumb question but an interesting one, and it is because criminal Norwegians are outcasts. They have experienced problems maybe from childhood, with abusive parents or growing up in foster homes. They are in the same situation as us immigrants. The only advantage they have is the colour of their skin. But when you look at standards of living, the way they talk, dress and act, we are similar. They are on the same level as us. We have our different playing fields in the heroin trade, but it is easy for us to cooperate. As the French philosopher Bourdieu said: It is our habitus that makes it easy for us to cooperate and communicate. I know at once if a

person is bourgeois or not, and if it's going to be easy or difficult for me to connect with him. We are in the same boat, immigrants and criminal Norwegians."

Nizam had studied sociology prior to his arrest, and was studying criminology in prison. His argument maintains a clear parallel to the classical sociological explanations of crime and deviant sub cultures, as a collective response to low position within the social structure (eg, Merton 1957, Cohen 1966, Cloward & Ohlin 1969). However, there is an obvious contradiction when Nizam uses the victim of social injustice narrative. On the one hand he projects himself as a victim of circumstances, but on the other hand, Nizam presents himself as a well-educated man who builds a sophisticated argument drawing on sociological explanations of crime. He also has the cultural capital to quote Bourdieu in an interview with a social scientist. Doesn't this make it possible for him to connect with individuals from a wide range of social backgrounds? The point being that when processes of marginalization and exclusion, based on either class or ethnicity, are used on an individual level, they generate victim selves. When the offenders express a self which only responds to their social circumstances, their individual choices and moral responsibilities either vanish or are reduced.

The type of argument that this is can be questioned. Does it imply that offenders are only responsible for their crimes if they, themselves, are self-made? Did they cause themselves to be the kind of persons that they are? Obviously, the offenders did not make themselves; are they, therefore not responsible for their deviant acts? I would argue that all humans are a product of their culture and environment. So does this mean that no one is ever responsible for anything? Does this mean that to be truly responsible in a way that allows justified punishment for actions, humans must be the ultimate sources or the first causes for the choices they make? But how can we be? How does judicial logic understand, intentions, motives and guilt? Does the judicial logic invite, from the offenders, a limited understanding of responsibility which stipulates that humans are responsible for their choices only if they cause their choices, and nothing or no one else contributes to the causes? The point here is that the judicial logic, through its focus on mens rea (guilty minds) opens up negotiations of valid /invalid intentions and mitigating circumstances when deciding on one's culpability and punishment, which strongly affects the stories the offenders tell.

Parallel to expressing a responding self, the offenders who tell the victim of social injustice narrative also express a responsible self. Primarily, this is expressed as a responsibility

toward family members. As expressed in the comments of Fazal, Ivo and Nizam there was additional stress placed on them by their families' expectations for money. Additionally, both Fazal and Ivo used a lot of time in the interview to project themselves as a good husband and / or boyfriend. Similarly, they both expressed different ways in which they tried to shelter their wife/ girlfriend from their illegal activities. In the following quote Ivo is talking about how, right before he got arrested, he had to balance the demands from his girlfriend, and the others in his network while the police were on his heels:

"In the meantime A (his girlfriend) had left her job in a kindergarten and was in a shop where there was some meat on sale. And she wanted to shop some more meat if I could come and get her in the car. So I say yes. I need to get to the garage because I have already said that I was going to meet that other man there. I do not like it; I had to deliver two packets (of drugs) and meet this man that I do not know at all, and I felt that I was been pulled into something I did not know anything about. But I thought it was better to get rid of the one packet, one less packet on my back. And there was a lot of thoughts, "buzz." What should I do? Well, I pick up A, and, of course, I helped to carry all her shopping bags into our apartment and help her put the groceries away. At the same time, I know that the man had come (to pick up the drugs), and that time was running out. And then A asked: "What are you doing later? Can you drive me to town, to visit my mother?" (claps his hand and grins) I am fucked. Outside sits a man that I do not know, waiting for a drug delivery, and she asks if I can drive her to her mother! But we cannot go to the garage. How do I get out of this one? Of course I say, "Yes I can drive you!" Because, otherwise, I have to answer why I cannot drive her to her mother. Fuck, fuck."

Labelling offenders as criminals, as court cases and presiding punishment does, casts the offenders into deviant identities. One way of interpreting the self expressions found in the victim of social injustice is as part of the process of identity negotiations which the labelled criminal initiates. Hence, in the offenders' narratives, they are trying to reestablish a socially acceptable identity by referring to themselves as either victims of social circumstances or good husbands, boyfriends and sons.

In sociology the concept of "vocabularies of motives" was first introduced by C. Wright Mills (1940) to capture the language used by people to describe their motivation and their "account" of their actions. According to the sociologists, Austin Sarat and William Felstiner (1988 p. 737), Mills' examination of the vocabularies of motives "link the study of linguistic behavior with social structure; it related the attribution of motives to the interests, patterns of power and social positions that give rise to particular ways of talking about social relations and planning human action" (Sarat and Felstiner 1988 p.737). The concept of "accounts," then,

refers to a culturally established process by which the labelled deviant can be removed or avoided.

Mills' ideas have been further developed by Lyman and Scott (1989 p. 134), who argue that there are two types of accounts: excuses and justifications. These two concepts are defined as follows:

Excuse is an admission that the act in question was bad, wrong, or inept, coupled with a denial of full responsibility. A justification is an admission of full responsibility for the act in question, coupled with a denial that it was wrongful (Lyman and Scott 1989 p. 135).

Further, Lyman and Scott (1989 p. 155) point out that accounts not only restore the individual's ego, but also restore that set of social identities that humans present in everyday life. Similarly, Pogrebin et al. (2006 p. 498) have argued that negotiations of accounts are really negotiations of identity, management techniques that minimize stigma. Accounts, then, serve as a management technique, which minimizes the threat to identity.

Applied to the narrative of social injustices, this technique can be interpreted as an excuse account. The offenders do not dispute that the act of dealing in large quantities of heroin is wrong; rather, they offer explanations as to how and why they ended up in such a position in their previous experiences-- their status as immigrants. The victim of social injustice narrative eases their situation, and restores dignity by pointing out the injustice of their situation. The main point is that the narrative disavows deviance, and stresses the inherent normality of the offenders as individuals.

Personal responsibilities: Not guilty

A central point for Mills' (1940) was to capture the ways in which people talk about their motives, particularly in social contexts. Motivational talk is usually part of a wider ideology. So that, for example, certain stated motives will be much more successful in some contexts than in others. Hence, motivational statements are relative. A parallel argument is found in Lyman and Scott's (1989 p. 153) contribution, where they argue that individuals who come from marginalized groups need to express their presentations in front of the holders of

power. Further, they claim that punishments are most likely in those situations where they cannot successfully negotiate their accounts. As mentioned, a central context of the offender's stories is the prison and their previous court cases. Their emphasis on excuses can be construed as a means of negotiating their culpability. Broadly speaking, it is as if they are still in the court room delivering their defense. There is, however, a distinction to be drawn between guilt as a legal concept and guilt as a moral concept. Andenæs (1965) has argued that the two concepts usually follow one another, but not in all cases. For example a person can act in line with his/her conscience, but still break the law.

A central question then becomes: Is the offering of an excuse account an indicator that the offenders do, or do not experience moral guilt? One on hand, the victim of social injustice narrative places the responsibility of the crime on the social structure and away from himself. This could be interpreted as dissolution of personal responsibility. On the other hand, the need for expressing an excuse account could be interpreted as an expression of guilt. Sigmund Freud ((1930) 1962) argues that guilt serves to effectively regulate social behavior. If people did not feel guilty, they would be much less likely to care about hurting other's feelings or damaging their property. Regardless of whether guilt or shame is consciously felt by the offenders, they may offer accounts in the hope of lessening what could be the attributes of a deviant identity.

The question of guilt is further important because a central question with labeling theory (shame theory) is whether shaming provokes offending, hinders it or has no effect at all (see Presser 2008 p. 146). Seen from this perspective, the expression of guilt is interconnected with the offenders' potential for being reformed. On the one side John Braithwaite (1989) extended the labeling theory by arguing that labeling/shaming increases crime in some circumstances and reduces it in others. Moreover, he argues that shaming increases crime when no effort is made to reintegrate the offender back into conventional society, hence, when the offenders are rejected or informally labelled on a long term basis. However labeling can reduce reoffending if efforts are made to reintegrate punished offenders back into society. This requires a type of labeling which makes the offenders feel a sense of shame or guilt for what they have done, but are eventually forgiven and reintegrated into society. On the other side, James Gillian (1997) believes that labeling/shaming offenders can lead to violence, because the shamed person seeks to get rid of shame and attain justice; hence shaming might lead to reoffending.

One important question then become: Are there any signs as to a reformed offender expressed within the victim of social injustice narrative? Following Presser's (2008) concepts as introduced in the theory chapter, of reform, stability or elastic narrative. I would argue that the victim of social injustice narrative can be construed as a stability narrative, because it does not include references to any type of reform. On the contrary, the storytellers express that they acted with regard to moral principal, because for the most part, they behaved decently, and when they did not it was because of an unjust social and economical situation.

7. Victims of organized crime

***“I am gonna make him an offer he can’t refuse.”
(The Godfather, Francis Ford Coppola)***

I have labelled the second type of narrative as victims of organized crime. This narrative describes accounts of how the offenders ended up in jail, because they were tricked, lured or manipulated into the heroin trade. The concept of organized crime, as elaborated in the theory chapter, often refers to criminal activity of some duration with a type of organization that has the capacity to exert violence and /or corruption (Dorn et al. 2005). Hence, this is a story about how the heroin trade is controlled by people outside of Norway, people associated with liberation struggles and guerrilla warfare, who also control different governments and the police through bribes and force. Moreover, there are some striking parallels between the victim of organized crime narrative and the organized crime perspective described in the theory chapter. Broadly speaking this narrative is told by the bosses, couriers, receivers, and holders, and can be told in combination with the narrative of social injustice. In the following I will elaborate the beginning, middle part and ending of the narrative by using part of the interviews with Boris, Kamil, Adrian, Fazal and Ivo. Additionally, Ivana, whom I introduced in the method chapter, also told a victim of organized crime narrative. Boris, Kamil and Adrian are based in Norway, and they are all serving sentences of more than eight years for possession of large quantities of heroin. Boris and Adrian came to Norway as immigrants from Eastern-Europe and are both in their forties, whereas Kamil came as an immigrant to Norway from the Middle-East and is in his early twenties.

The structure of the narrative

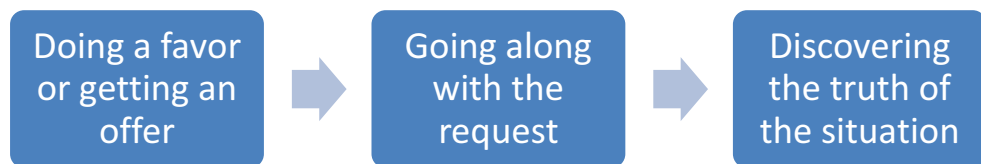
Boris, like Ivana, told a condensed story, which I will use to elaborate the different parts of the narrative. This was his story:

“I had a guest, a boy, staying with me, and one day he asked me to drive him to Drammen. I came to Norway in 1995, but that boy only arrived two months prior to us getting caught. He came through a friend of a friend of a friend. That is how it is arranged. It is like this when you live in Norway; some come unannounced because they are friends or relatives. So he asked me if I would drive him to X, where he was meeting a woman. Well, I drove him there and waited for him, and we both got arrested without knowing anything about what happened. He had gone into a hotel to pick up a bag with five kilos of heroin. [...] But when we got to court, he (the young boy) claimed that I

knew that he was supposed to pick up a bag, but not that it was drugs in the bag. But he did not say anything about a bag. All he said was that he was supposed to meet a woman. He also claimed that the bag was supposed to be full of gold, and that I knew about that gold, and that this was the reason he was staying with me,-- to sell that gold. He probably thought that I would confirm his story about that gold, but I did not. I did not know anything. I believe that this has happened many times. I had no clue about anything; I did not even have a mobile phone or nothing. But I got convicted and got X years.”

The structure of the victim of organized crime narrative can be illustrated as follows: Event A: doing a favor or getting an offer-- Event B: going along with the offer or requested favor; and -- Event C; discovering the truth of the situation.

Figure 7. The beginning, middle and ending of the victims of organized crime narrative



One can compare this narrative structure to the structure of the victim of social injustice narrative, which emphasized the beginning of the narrative, whereas this narrative structure introduces an altering event as an ending. When Event C is introduced it changes the meaning of the previous events. The following elaborates further on this narrative structure.

Beginning: Doing a favor /getting an offer

The beginning of the narrative of victims of organized crime is marked by the event of being confronted by a contact to do a favor. In Ivana’s story, she was requested to do a favor for a patient; in Boris’s story, it was a request from a young boy who had come to stay with him. A similar story is told by Kamil that explains that he got involved in the heroin trade by an act of

friendship, and that he became part of the operation because he trusted the man in charge, a guerrilla-leader from his country of origin.

“I was contacted by a man I know well. He was a guerrilla-leader. When he was a leader he did not have any money, because he lived out in the mountains. We liked him a lot because he was a central man in our party. But when he came to Norway, he started to import heroin. He used his honor, and people trusted him so when he asked me, I let him store eight kilos of heroin in my house. He is so good at what he does, and he has so many contacts, and he knows almost all X (ethnic group) here in Norway.”

When the victim of organized crime narrative is told in combination with the victim of social injustice narrative, the event of being given the offer is not marked with doing a favor, but a need for money. As expressed in Ivo's and Fazal's stories, they asked for help from people they knew, because they had an acute need of money. That is how they claim that they got the offer to earn money illegally.

Middle: Going along with the request

The middle part of the narrative of victims of organized crime is marked with the event of going along with the mission, but on false premises. In the case of Boris and Ivana, they claimed that they had no knowledge of the heroin or any other drug. In other words, they were completely unaware of being involved in a heroin deal. Kamile, on the other hand, knew about the heroin, but claims that he had no financial interest in the heroin. Further, he claims that he did not get paid for the storage of the heroin. Similarly, Fazal continues his story about how he was going along with the offer made to him in Germany to transport hashish:

“[...] In Germany I am given a packet, with instructions on where it is to be delivered in Denmark. The packet was flat, and taped over. I could feel that the packet smelled so I taped over the packet with my own tape. Then I put the packet in a shoebox and make a bed for my son over the shoebox. When we arrived in Denmark, I got new instructions. It was from the same man that had met me in Germany. The new instruction is that the packet is going to Norway, and that the receiver is going to meet me at the central station in Oslo. I only get one phone number to call.”

The man giving instructions in Fazal's story is a character of mystery. He shows up, and gives new instructions so that Fazal is kept in the dark about the real aim of the mission. The unknown man serves the function in Fazal's story as a support to his claim of having limited or misguided information. (This is similar to Ivana's story, when the patient turned up at the airport holding a bag). A similar point is made by Ivo when he relates the story of how the

man in charge made him the offer to store amphetamines, and later contacted him again with an offer to store hashish:

“And he called me when I was out, so I say okay, only if you stop nagging me. And then I meet him at X. It is not far to drive from Y. And then he says that a consignment of hashish has arrived, and that the person that was supposed to keep it is not answering his phone, so can I please take it to my garage? “No, sorry,” I say. I don’t want to change my garage into a storeroom for you and your drugs. I already have too much drugs there already. Maybe it is better to look after hashish than amphetamines, but I already have the amphetamines, so, no. But anyway, we agreed. We went and got the drugs right out of the arriving car that came from Sweden. The drugs were transported in by a specially built car-seat, and packed in with tape in a flat packet. I thought it was hashish, it looked like hashish slabs.”

Both Fazal and Ivo claimed to have thought that they were in possession of hashish, not heroin. Both claim to have been misled to believe so by the man in charge.

Ending: Discovering the truth

The ending of the narrative is marked by the event of reliving the horrible truths about the others involved. In the case of Boris’s and Ivana’s stories, this meant discovering that they had been manipulated to get involved with drugs. In the case of Kamil, it meant that the man he had trusted and believed in would not step forward and take the fall with him when he was arrested. Instead, the man in charge would claim that he knew nothing. In the case of Ivo and Fazal the ending is when they realize that they were in position of heroin, not hashish.

Ivo: “[...] And then I realized that they (police) were after him and that is how the investigation developed. And I understood what a big fish he was. And then I talk about the amphetamines, and the police ask what was in the other bag, and I answer hashish. So, I told the police everything about the hashish, like I have just told you, how it all happened. But then the police say, in that bag there were no hashish; it was heroin. “What do you have to say about that?” My legs like this (he stands up and shows that he falls down). I got a shock; I had to go out for ten minutes. And I was so afraid, what should I think? When a person can trick me like that, he might be able to do other stuff to me too. I was so afraid, and I realized that this meant a heavy punishment. I was fooled. There were so many thoughts. It went buzz in my head. Ten, fifteen minutes, I could not come to my senses. I was afraid for my life, my future, for everything. Do you understand?”

I: “Uh huh.”

Ivo: “Afraid, tricked, it really hurts; afraid and in shock. The police tried to talk to me, but I felt that we were through. They showed me a picture of the man, but I said that it was not him and stuff like that. I was sitting thirteen weeks in isolation thinking: Shit, fuck, I was fooled. Shall I give up? I do not know what the police are thinking. Accept

everything? Keep my mouth shut? I am not a big fish, and all of a sudden I am in a situation where I might get sentenced twelve to fifteen years. [...] I should not have been convicted of heroin. I should have been sentenced for hashish, but how could I prove that? He (the boss) denied everything. I was convicted on circumstantial evidence. I am angry at that man, and I become more and more angry with him. He tricked me. But he denied everything.”

The ending of the victim of organized crime narrative, is told with great emotional display. One way of interpreting this emotional display is that the offenders are still negotiating their culpability, and by expressing their shock and amazement they underline the effect of the event in their narrative which changes the previous events. Similar emotional display is found in the ending of Fazal’s story:

“We get stopped at the border by customs, and they find five kg of heroin in my car. I am in shock. Heroin! I had no idea. (hitting his head) It was so stupid. That is when I understand that I have been fooled, and I lay all the cards on the table and cooperate with the police. I called that person in Oslo, like it was decided in Denmark, but when the police came to the central station, he did not show up. It is no wonder. I was ten hours late, and they are not stupid either.”

The central meaning of the ending event of the narrative is to launch the event that alters the previous events, so that the storyteller shows how he or she was manipulated or misled into the heroin deal.

Plot and motivation: Tricked and fooled

As expressed in the stories of Boris, Ivana, Kamil, Ivo and Fazal the plot of the victims of organized crime narrative can be interpreted as: I was tricked or manipulated into the heroin trade. Similarly to the victim of social injustice narrative, this plot also constructs a victim self, but one who only reacts to other people’s actions, not primarily to the social circumstances. A significant question remains: Are there any motivations expressed in the victim of organized crime narrative? Or to follow Schutz’s ((1932) 1967) concepts, are there any because-of motives or in-order-to motives expressed in the narrative?

Boris, Ivana and Kamil all expressed an in-order-to motivation, which has nothing to do with a criminal act in their story. Hence, they claim that they acted in a gullible sense and thought that they were performing acts of friendship. This understanding is completely altered in light of the last events of the narrative, when it turns out that each had been fooled by a very

manipulative person. Additionally, this can also be interpreted as accounts which totally deny any form of criminal intent or “mens rea.” However, in the case of Fazal and Ivo, they do not claim total innocence, but that they were tricked into transporting and receiving heroin which they had not agreed to do. It seems clear, therefore, that the offenders are negotiating their culpability, right down to the length of their punishment, which would have been dramatically reduced if the court had believed their stories; in other words, had they been sentenced on the grounds of hashish instead of heroin.

Agency- expressions: Responding self

Similar to that of the victim of social injustice narrative, the central self expression found in the narrative of victims of organized crimes is a responding self. It is a self which denies the knowledge of a crime. As it is expressed in the following quote from Boris:

“I had no clue about anything; I did not even have a mobile phone. I got convicted on that and got ten years.”

Parallel, and somewhat contradictory, to the denial of the criminal act in question, the victims of organized crime narrative endorse a traditional understanding of how drug crime is organized: a mafia like organization with one central boss who controls everything. Furthermore, this is an organization, which, for the most part, is controlled from outside of Norway. As previously mentioned, both “politico-military” oriented and business oriented organizers are mirrored in the offenders’ accounts. The main point is that the victims of organized crime draw on a common understanding that drug crimes are organized in mafia-like structure. At the same time, the storyteller denies any involvement with that organization. This is expressed in the following quote from Boris:

“Yes, yes, they convict you because you are an X (ethnic group). It is not that I am completely innocent, that I have never done anything wrong. And I have been in contact with people that are not so good people. But that is the way X (ethnic group) are. We know a lot of different people. The mistake is not here; it is down there. The police should be more concerned with the people down there; it is they who send the drugs. Sometimes the police know who the senders are, but they do nothing. They claim they don’t have any authority, but they do. [...]: Yes the X (ethnic group) refuse to talk. But sometimes they talk too, and especially if it is drug case, like heroin; then they often give

the police a hint. They say that the main problem is in X but they do not dare to name names. That is mortal danger, and do you know why?"

I: "No."

Boris: "Because the police do not do anything about it. If the police had arrested down there, the people would have been willing to talk. But they feel so uncertain; if they talk, it is an open road. I have an example. If you name a person down there, and then he knows, he will not institute a search, for he will turn up here, and he can do what he wants with people."

I: "Concretely, what does he do then?"

Boris: "Violence, killing, or whatever. If the person that has talked is from X, he will most likely be killed. So that is the reason why people do not dare to talk. The police can do nothing. They do not have that power."

There is a contradiction in Boris's story; on the one hand, he claims that he does not know anything about the heroin trade, but on the other hand, he gives accounts as to how the heroin import is organized. This leads to the paradox that the victim of organized crime narrative, draws on the common understanding of organized crime, which also, to a certain degree, denies its existence³³. Moreover, and parallel to the victim of social injustice, the victim of organized crime offers accounts that can be interpreted as excuse accounts (see Lyman and Scott 1989 p. 135). This is because the offenders do not deny that being in possession of large quantities of heroin is wrong, but they do deny their own responsibility in the alleged criminal acts. In other words, they are negotiating their deviant identities with a narrative that denies any knowledge of heroin.

Personal responsibilities: Not guilty- The others did it

It might seem like a contraction to ask about the expression of guilt in a narrative that primarily is a story about an innocent offender. However, the offenders are in prison, and claiming their innocence still leaves the question as to how they ended up there and who was to blame. As mentioned previously, the basic argument that the offenders use is that they were fooled or manipulated by the others involved. A central issue in the narrative of organized crime is how and in what way the offenders talk about their cooperation with the police. Kamil, Boris and Ivana are all vague about their cooperation with the police. However, both Fazal and Ivo claim that "they laid all the cards on the table" when they got arrested.

³³ This is further important because similar narratives to this one are used as sources to gather knowledge about the upper levels of drug crime by the law enforcement agencies and many scholars working within an organized crime perspective.

The question of whether or not to cooperate with the police can be illuminated through the prisoner's dilemma. The economist, Robert Axelrod (1984), argues that this puzzle illustrates a conflict between individual and group rationality. Hence, a group whose members pursue rational self-interest may end up worse off than a group whose members act contrary to rational self-interest. The puzzle can be described like this: Two offenders have been arrested and are placed in separate cells. They are both given the same offer by the police. They may choose to remain silent or confess. If one confesses and the other accomplice remains silent the police will drop all charges against the one who talked, and the accomplice will do serious time, and vice versa. If both confess, the police get two convictions, and the offenders will have early parole. If both remain silent, the police will have to settle for shorter sentences.

The problem with the prisoner's dilemma is that if both offenders were purely rational, they would never cooperate, and both would lose. My main interest in the prisoner's dilemma is not whether or not the offenders acted with pure self-interest, but rather in what ways cooperating with the police influences the narratives being told. First, by cooperating with the police, the offenders are expecting a reduced punishment, which might be a reason why some of the offenders feel betrayed by the police, when they receive heavier sentences. Second, cooperation with the police opens the offender to blaming the others involved and marginalizes their own involvement. In other words, the judicial practices directly influence the stories being told. Third, and parallel to the victim of addiction narrative, whether or not the offenders constantly feel guilty or not, they offer excuses that mitigate their spoiled identities.

Following Presser's (2008) concepts of reform, stability or elastic narrative, one can ask if there are any indicators and/or expressions of a reformed offender within the victim of organized crime narrative. On the one hand, I would argue that if the stories the offender tell are interpreted as "true," they were actually fooled, tricked or manipulated into the heroin trade. This narrative suggests that this will never happen again in the future. Hence, that they have learnt their lesson never to be that stupid again. On the other hand, if the narrative victim of organized crime is construed as a way for the offender to reduce his/her own culpability, the narrative gives no clues to a reformed offender. Contrary, it suggests, that the offenders are capable players of the "judicial game." Hence, the victim of organized crime narrative can be construed as an elastic narrative, giving hint to both a reformed offender and a stable one.

8. Victims of addiction

“If as a judge of rarities, I were asked what I should consider the greasiest literary curiosity, I am inclined to think that I should respond: The man who can furnish a new idea on the subject of Temperance.”
(P.T. Barnum 1850, in Levine 2000)

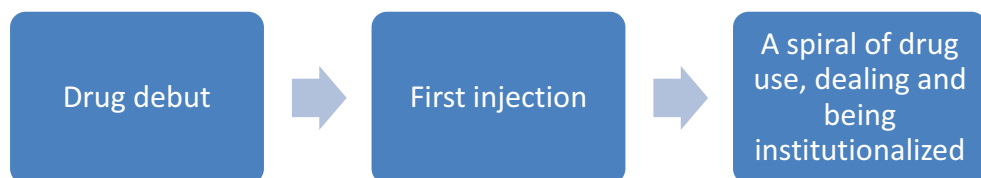
I have labelled the third narrative as victims of addiction. This narrative describes accounts of how the offenders ended up in jail because of their own drug addiction. As mentioned in the theory chapter, there is a substantial amount of literature on the subculture of drug use and dealing. Similarly, the notion that heroin addicts deal heroin to finance their own addiction is well documented within the ethnographical literature on street drug dealing (for example, Agar 1973, Bourgois 1995, Hanson 1985, Reuter, MacCoun & Murphy 1990, Lalander 2001 and Hoffer 2006). However, the ethnographic literature primarily portrays the heroin user /dealer as knowledgeable, skillful and resourceful individuals. The story told by the imprisoned offenders shares these characteristics, but it also stresses the offenders as addicted to heroin and this addiction's importance for the offenders' involvement in drug dealing.

Furthermore, and as mentioned in the theory chapter, there is a substantial amount of narrative analysis on addiction (see Hecksher 2006, McIntosh and McKeganey 2000, Hänninen and Koski-Jännes 1999). The main focus in these studies has been on different roads out of addiction and how prior addicts reconstruct their social identities through storytelling. However, the victims of addiction narrative do not focus on recovery from addiction; rather the narrative establish what it is like to live with a heroin addiction and how drug dealing is an integrated part of this lifestyle.

The victim of addiction narrative is, hence, a story about regularly and frequently buying quantities of heroin ranging from ten to fifteen grams, and selling in smaller quantities of one to five grams and user-doses. Broadly speaking, this narrative is told by the ethnic Norwegian retail dealers. Most of the offenders, telling either the victim of social injustice narrative and / or victims of organized crime narrative, used drugs regularly, including smoking opium daily. Ivana and Kamil were the exceptions, both claiming that they had never taken any drugs. Although the offenders talked about substantial drug use, none of them told the narrative of victims of addiction. I will elaborate on the structure of the narrative by using part of the interviews with the following ethnic Norwegians: Henrik, Johannes, Rakel, Andrine, Magne,

Vinsten, Gard and Emil. They are all serving sentences ranging from eight months to two years for heroin dealing. All of the offenders were also previously sentenced to prison for drug dealing. The structure of the victim of addiction narrative can be illustrated as follows.

Figure. 8. The beginning, middle and ending of the victim of addiction narrative



The structure of the narrative

Beginning: Drug debut

The beginning of the victim of addiction is marked with onset of drug use. All of the offenders telling the victim of addiction narrative embedded their careers as dealers in their own drug use. Therefore, the beginning of the narrative is about how and why they initially became involved in drug use. This is how Henrik, a 38 year-old drug dealer and debt collector, begins his story:

"I had no friend or real friends before I turned seventeen. Because we came from the same type of upbringing, mine was very turbulent, while his mother was very religious, very religious, to the extreme, and my mother had liked a lot of alcohol and that neglecting stuff that comes with that. If you are only concerned with you and yourself; it was a real common denominator between us. The cry that we both had for love, caring, and empathy when we first met was a basis of a very good friendship. And we clicked at once, and we had been drinking some years, before we started smoking some joints. And it was all very innocent in the beginning, but then it became problematic to drink every day. And I remember that we started to sniff some glue, but that was, by no means, my thing. But you notice quickly if your friend is injured by solvent or not. So I told him off a couple of times, and he started to drink the glue. He was standing in the bathroom with hallucinations, and he with that religious background, he saw the devil himself in his own face and he tried to tear off his face. I heard those horrible screams from the bathroom, and found him trying to tear his face off, and we had a longer conversation after that, then. "What the fuck do we do now?" We cannot drink, because then we cannot behave ourselves. We cannot sniff glue, because then you will die, so we smoked joints for a couple of more years until he showed up with amphetamines. [...] That is

when we started to use and deal amphetamines. It was still a couple of years before we tried heroin.”

The quote from Henrik illustrates how the offenders talked about their entrance into the world of drugs. In most cases they tell that it all started “innocently” with smoking hashish, which escalated to harder drug use and dealing. Like Henrik, eight other offenders stressed their problematic upbringing in the beginning of their stories. It is common knowledge that problematic drug use is associated with a difficult upbringing and a problematic life situation (see Skretting and Skog 1989 and Lauritzen et al. 1997). I would argue that this is such a well established “fact,” that five of the offenders made a point of their “normal” middleclass upbringing. Similar to the female dealers whom I argued, in the method chapter, used the interview to “talk back” at gender stereotypes, these five dealers can be construed as “talking back” at the well established fact that low social status and heroin use and dealing belong together. An example of this is how Visten opens his story:

“I did not come from a troubled home with parents drinking, hitting and all that. I came from a normal home. They have been good to me all the time. They have been really supportive, especially my mother. We were a group of friends that started using hashish. I started to deal it after a while. I just wanted to try everything, and it was fun in the beginning.”

Whether or not the offender stresses a problematic childhood, the central meaning of the beginning of the narrative is to institute the storyteller as somebody with a long history of drug use and dealing, starting with hashish and moving on to harder drugs.

Middle: First injection

The middle part of the victim of addiction narrative is marked by the event of injecting heroin for the first time and becoming a fulltime junkie. This is how Johannes describes this episode.

“I shoot my first injection long after I had started with heroin. I used heroin for three years without shooting up. I smoked it and sniffed it; it was much easier to stay in control then. Until that day, when I did not have a choice. If I wanted it, I had to shoot it, because I had traveled some kilometers to get hold of it, and when I got there, it was only leftovers left, cotton cleaners that junkies use to clean with and it is pretty strong. He offered me a dose of it and sat the first hit on me. And I thought, it is awful to admit

it, but I thought, why I have not done this before. And after that I was more or less a full-time junkie.”

A similar story was told by Vinsten:

“It all started with us (some friends) trying to get over our hangovers, and we tried hashish but it did not help much. We liked to lie on the couch getting high on Sundays after a long weekend of drinking. Well, I had seen people hooked on heroin, street people, but I thought that that could never be me. And I have tried to inject amphetamines and liked it, so I thought I could try injecting heroin too. And I have to admit it was the best thing I ever did.”

Johannes and Vinsten did not start to deal heroin until after their first injection; until then they claim that they had only been dealing amphetamines. In most cases the offenders stressed that they did not deal heroin until they were injecting it themselves. However, there is a strong ambivalence in the offender’s relationship to the virgin injection of heroin. First, all of the offenders, telling a victim of addiction narrative, used strong emotional expressions when they talked about the virgin injection. They claimed, similar to Johannes and Vinsten, that it was so good that they did not know why they had not tried injecting heroin before. Second, they all claimed that it was taboo to inject somebody for the first time. It was such a taboo in the drug use culture that people could be met with heavy sanctions if they gave somebody that first injection. This is Johannes’ reflections on the subject of the virgin injection:

“To give someone their virgin shot is a mortal sin, and that is not very understandable. I certainly do not understand it, but you can be killed for doing that.”

I: “To inject somebody?”

Johannes: “Yes, for example my girlfriend; it was one of my mates that gave her the virgin shot because he did not know, and then she told him afterwards. He became so frightened that he went into hiding, because he believed that I would take him. But eventually I got hold of him and told him that he could relax, and I said that she had to take responsibility for it herself. This is just an example. It is completely unintelligible for people on the outside. I do not know why it is like this, but it could have something to do with the fact that we know what a hell it is to live like a junkie and to give somebody their first shot is like inviting them in to hell, you know? But then there is other things that kills those assumptions, so I do not know.”

I: “What is it that points in the other direction; what is it that kills the assumption?”

Johannes: “Yes, well our environment is so brutal, it is so cynical; there are nothing called friendships. Friendship only follows the dope. If I as a dealer have a lot of good dope, then I have plenty of friends. But in the second that I run out, they are gone. It is that cynical. It is so cynical that if people do well, then we do not like it. It is as we are reminded about what we, our selves, do not manage to do. When people are in institutions, we talk a lot about rumors that people have fallen back out, even though

that is not very interesting. It is like we want to drag them back. So it is strange that shooting the virgin shot is the cardinal sin, when we do not really care about each other at all.”

I: “This is so interesting, because it seems like there is a border there then, but how is this for the person that injected oneself? Does one blame that person that gave oneself the first injection?”

Johannes: “No I have never heard that, and that is a bit strange, because you would think so. But it is not like that, I have never heard anybody blame the person that injected them the first time. Following logical thought, you would end up there. So it might be the reason why I do not get this at all. [...]But I understand it well enough so I have never injected anybody.”

If the heroin dealers only wanted to project an image of themselves as cynical businessmen, why would they have scruples about the first injection? Wouldn't injecting somebody for the first time be a perfect way of recruiting new customers? I would argue that the virgin injection taboo, like the rest of the victim of addiction narrative, downplays the economical aspects of heroin dealing and focuses on the lifestyle aspect of being addicted to heroin. However compared to the image created through the street level ethnographical studies, the addiction to heroin is stressed in the victim of addiction narrative, whereas in the “street” ethnographical studies, the addiction itself is not that strongly emphasized.

Moreover, the offenders do not portray their involvement in the drug subculture as motivated by a search for respect or for money, but as a means to financing their addiction (illness). One interpretation of why the offenders stress the importance of their addiction is the context in which the story is being told (prison). Hence, claiming one's addiction can be construed as a way of negotiating one's deviant identity, which might be more noticeable when interviewing offenders in jail than out on the street. Furthermore, the offenders' ambivalent relationship to the first injection is mirrored in their ambivalent expression of their own heroin addiction. This ambivalence is clearly expressed in the following quote from Emile:

“It is a love / hate relationship. I love it (heroin) because it means more than everything, my kids, my girlfriend, everything; and I hate it, because it means more than everything.”

The central meaning of the middle part of the narrative is to launch the point of no return after the first injection of heroin, and how interconnected one's own addiction was to dealing heroin.

Ending: A spiral of drug use, dealing and being institutionalized

The ending of the narrative is not marked by one singular event, but rather a cluster of events which can be described as the beginning of a never-ending story: a spiral of drug use, struggling to avoid abstinences, dealing heroin, and being institutionalized (treatment and prison). In the following quote Magne describes what it is like to deal heroin from his apartment:

Magne: "It is hell; a lot of stress and bother all night. No, it is not okay! People stay to test the goods and they overdose. Well, it is not many that die, but I often have to pull people back (to life), to say it like that. It went well, but it is not cool, not at all. Yes, it is really bad when people show up hysterical and only want to get in, but now I do not accept that kind of bullshit. I can't stand it, as a matter of fact. But I had it like that before, and then people were invited in to shoot up before they left again. And people are so greedy, especially the ones that live on the street, and they are afraid of not getting enough. And perhaps they are accustomed to using a quarter or two quarters, but my drugs are much stronger than what they are used to, and then it ends badly."

I: "Yes, that sounds like a very stressful life."

Magne: "Yes it is; 24-hours services with a lot of nerves, to say it like that, a lot off stress and a high intake off drugs. At the same time you need to keep your head leveled and that is not easy. To be sick is not an option. You have to start early in the morning, so that you can shoot up, and you become so numb from that, that you need to sit on the couch and drift for an hour or so. And then people start to come, and then you don't have time to sit there and relax if you are going to run your store. And then you stress around until night. It goes in fits and starts: in the morning, it is a rush, and in the evening there is a rush. During the day they are out getting money. You have to try to divide your day after that."

It is not only heroin dealing that is expressed as stressful for the offenders. It is also the situation of buying drugs. In the following quote Johannes describes the stressful event of going to another town to buy heroin to take back to his hometown for dealing:

"If I travel to Oslo and buy heroin and get rat poison, then I have been fooled and lose. The consequences are huge. The whole deal has gone to hell. I do not have any dope for myself. I have used up all the money I had for this. The consequences are enormous. If you go to the shop and buy a commodity and it is not like it should be, then you have a lot of options, and it has limited consequences for you. Therefore, we always test the drugs on our self when we buy; we also want a hit, though. In that test setting, it is very important that you don't inject too much, because if you do, in the worst case you will wake up naked and broke. It has never happened to me, but to a friend. For my part, I have been so intoxicated on my way home that I have no idea where my drugs are when I am one the train back to X. And then you try to shoot up on the train, and you are really stressing out with enormous veins, and then it is easy to inject too much. And then the drugs do not want to stay in the spoon, because the train is shaking so much.

And you end up shooting too much. And that has happened to me, and I have returned home without any money or drugs. Very funny!”

A central issue, in the end part of the narrative, is to clarify the economical aspects of dealing heroin when one is addicted to the drug. This is expressed as the problem of how to “get the shop to go around” without ending in debt or being tempted to use too much of the “goods” oneself. This is how Rakel expressed this problem:

”People are so sick, and they beg for drugs, but it is impossible to give away to everyone, because then you will land on your ass. I used to divide the heroin like this: This I can use, and this I cannot use. I tried to get the money for more drugs, before I used up what I had, so that I was always in advance.”

The offenders’ claim heroin dealing is made even more problematic because the dealers know themselves what heroin abstinence is. In ethnographical studies this has been interpreted as an indicator of solidarity among the heroin users/dealers. One the street of Denver Lee Hoffer (2006 p. 29) describes a heroin dealer this way: “A real heroin dealer used the drug and knew what it meant to be dope sick. A real heroin dealer could empathize with the customer in this way because he has been in the same pathetic position.” Therefore, the dealers know what their customers are going through and how desperate they can become.

Andrine: ”You cannot be too kind, something I am, though. Because I feel very sorry for people when they come and are sick, because I know very well what that is like. I have been in situations where I would do anything for a medical certificate (user dose). People can become so desperate. They can say: “take my jacket, take my trousers; I can fuck you, whatever, as long as you give me a dose.” It is so cynical. I try not to be too kind, though. I know what I have to shoot and give away before I go bankrupt. And luckily, do I manage to frame it. Otherwise I would have landed on my ass. What nice customers we have.”

A common feature in the victim of addiction narrative is the downplaying of the profits of the heroin dealing. Heroin dealing is described as a business that barely makes it because it is always in danger of going bankrupt. This is due to the interconnectedness between the use of credit, violence, and consumption. As Simen explained, “The near death is to buy user doses on credit.” Hence, the giving and receiving of credit and how chains of credit develop are a central element in the victim of addiction narrative. This is how Henrik, the debt collector, talks about the use of credit and violence in the culture:

“You need to have the money! And you need them to avoid the same treatment yourself. It is the nature of the game. Either you pay or you get pain. The money cannot be absent, because then there are fifteen others that stops, because it is one that does not pay. And on heroin it is so much more brutal than other drugs. [...] I have quite a few guns, but first and foremost horrific knives. I know that when you see one of those knives then you will respect them more than a gun, to say it, like it is. And it has been a necessity that I can pull out the most scaring knives that you can imagine. That is how I stop the other five or six people in the room, and not only the one that I am talking to. The others would not have been as frightened by a gun. People have seen too many guns on TV or otherwise, that they have lost some of their effect; they do not scare people as much as they used to. But if you on the other hand, pull out a blade with lots of extra ornaments, and with a “Franklin Mint” look; then you make a hell of an impression on everybody in the room immediately. I have to admit that the thought of being cut to pieces instead of getting a bullet wound cannot be measured up against each other in relation to how scared to get. And what scares people most in any situation is what you do to yourself, in your own thoughts, while you are in the situation [...].”

As with other aspects of the victim of addiction narrative, the violence in the drug subculture is well documented (see Svensson 1996, 1997, Bourgois 1995, Lalander 2001, Sandberg and Pedersen 2006). Another issue that highlights the lifestyle aspects of heroin dealing and downplays the profits is that the offenders stress how their customers often pay with other things than money. In most cases these are stolen goods. Although the offenders claim that they prefer cash, they stress having vast amounts of stolen goods, as expressed in the following quote by Vinsten:

“At my house there are not many honest (paid for) things: The TV is not honest, the stereo is not honest, and even the couch and the porcelain are not honest. When you deal dope, they pay with everything; they pay in nice watches and nice jackets and everything.”

Additionally to dealing in stolen goods one female dealer talked about trading sex for heroin:

Andrine: “The other dealers always want money or something else. In that way it is an advantage to be a woman; it is not okay, but it is okay anyway.”

I: “What are you thinking about now?”

Andrine: “No, most of the dealers are men, and they are single, so they want to get laid. So then you just have to offer yourself, if you don’t have money. Then they might throw a dose (of heroin) in your face, when they are fed up listening to your nagging, and then you must fuck them. It is better to sell your body than...No, I don’t know how to say this properly.”

Andrine and Rakel both claimed that females had an advantage because they could trade their bodies for heroin, whereas two of the other female dealers expressed that this was a

humiliating and degrading act. The point is that the central meaning of the ending of the victim of addiction narrative is to show how heroin dealing becomes integrated into the lifestyles of the heroin users. The economical and profitable aspects of the dealings are downplayed whereas the stress, cynicism, and brutality of the drug culture are amplified.

Plot and motivation: Financing one's own habit

*“No one knows what junk is until he is junk sick.”
Burroughs ((1953) 2002 p. 99)*

Similar to the previous two victim narratives, the plot of the victim of addiction narrative constructs a victim self. However, it is a self that changes throughout the narrative. In the two previous victim narratives, the self created through the story remained constant, whereas in the victim of addiction narrative, the “real” victim is created after the first injection of heroin. This is the case regardless of the storyteller’s childhood. After the first injection, the plot of the narrative, that which drives the story further, can be summed up in the following sentence uttered by many offenders: “I deal heroin to finance my own addiction.” One question becomes: What type of motivation does the narrative encapsulate? Or to follow Schutz’s ((1992 1967 p. 89) concepts, does the narrative express an in-order-to motive or a because-of motive?

One way of interpreting the narrative, is that it is an in-order-to motive in that the offenders deal heroin to get money. However, there are two important issues here. First, the offenders claim that they do not deal heroin for profit, and second, the reason that they deal is to get money so that they can buy heroin to avoid heroin abstinence. In other words, money in itself is not present as a motivation for the drug dealing, whereas addiction is. At the same time, there are individual differences in how much emphasis that the offenders telling victim of addiction narrative place on their because-of motives, i.e. social and economic deterrents that led to the addiction. For example, Gard is the offender who talks about the most extreme adolescent years, describes a childhood where he was sent to eight different institutions, from the ages of eleven to sixteen. He directly links his use of heroin to his own upbringing and views his addiction as self-medication:

”Heroin tempers the post stress. A lot of what I experienced as a child for example a slap across the face that came unannounced and quick when I was sitting at the breakfast table, has got stuck as blocks inside me. When Mother shouted; “what are you doing now?” She was a bitch full of nerves that sat and terrorized her kids. And then it became a lid out of it, which makes all experiences difficult to verbalize. Heroin tempers it; it works here (He points to his stomach).”

However, compared to the victim of social injustice narrative, which placed a lot of emphasis on the beginning of the narrative and the socio-economic deterrents of the illegal acts, the victim of addiction, emphasizes the ending events of the narrative. The ending describes the spiral of one’s own drug consumption and dealing to finance this addiction. One way of interpreting this is that addiction (almost self-explanatory) becomes the because-of motive for heroin dealing, and not those socio-economic deterrents that lead to the addiction in the first place.

Agency-expressions: Responding self

Similar to the previous two elaborated narratives, the central self-expression found in the victim of addiction narrative is a responding self. Primarily, this is a self responding to the demands of heroin addiction. Moreover, the offenders relating this narrative do not deny their criminal intent (*mens rea*) i.e. dealing heroin. However, they do deny the legitimacy of labeling their lifestyle as criminal. As expressed by Magne:

“What we do is not criminal; we only do it because we need the money to buy drugs, because otherwise we get sick.”

Whereas the previous two victim narratives can be interpreted as excuse accounts, the victim of addiction narrative can be construed as a justification (see Lyman and Scott 1989 p. 135). The offenders do not deny their involvement in drug dealing; however, they do deny that dealing drugs to finance their own addiction is wrong. The following quotes illustrate this:

Henrik: “It is no talk about me feeling any responsibility when I am hooked on heroin. It is all consuming. You do not have the possibility to take responsibility when everything is on instincts. And if that means knocking people down or just pulling money from the cashier on the deck if I have to, because you become so shortsighted that everything is about the next 20 seconds instead of the next minute. You shall have your next dose, and that’s that. And you almost expect people to understand that.”

A similar argument is found in Johannes story:

"We who live with buying and dealing drugs have a low morale. Although we do not consider what we do as wrong; buying and selling dope. So well, there are boundaries between what is right and what is wrong, but it is completely different boundaries. To knock down an old lady is wrong, but to knock down an ambulatory man is not necessarily wrong. To rob a shop is not very wrong, but to rob an old couple on a farm is wrong. So you have rules, but they are so different from the rest of the society."

As mentioned in the theoretical chapter, many contributions in criminology focus on different ways in which offenders downplay or neutralize their deviance. A central discussion in relation to this is whether offenders are bound by the codes of the street or by conventional norms. The most influential contribution in this discussion is Sykes' and Matza's (1957) techniques of neutralization. Based on interviews with imprisoned offenders, Sykes and Matza argue that the offenders have internalized mainstream values. Moreover, this theory stipulates that the offenders understand that breaking the law is wrong and consequently they perform "self-talk" to reduce feelings of guilt before they break the law. Volkan Topalli (2005) has extended the neutralization theory to the study of street offenders' decision making. According to Topalli, street offenders protect a self-image more consistent with a code of the streets rather than a mainstream orientation. Furthermore, the offenders also use neutralization techniques when they break the norms of the street. Topalli's basic point is that offenders who have not been institutionalized offer street code identity, whereas the offenders who have been institutionalized are more likely to project identities which refer to conventional values.

Applied to this study, all of the offenders have been sanctioned, yet, I would argue that the narratives identified in the data refer to both conventional values and drug culture values. To elaborate, the two first victim narratives which I interpreted as excuse accounts refer to a conventional framework, because neither of them denies that being in possession of large quantities of heroin was wrong. However, the victim of addiction narrative, which I have interpreted as a justification account, refers to oppositional values of drug use and dealing. Three central points' can be made. First, a normative framework that refers to oppositional values of drug use and dealing (or codes of the street) is highly apparent in narratives told in a prison context. Further, the offenders who referred to a street culture normative framework, were those who had been institutionalized (prison and treatment) most frequently. Second, when the offenders refer to the oppositional values of drug use and dealing, they also express that they are aware of the conventional values, as in the quote of Johannes where he kept

referring to what is like for us on the inside, and this is what it might look like from the outside. Third, and as previously mentioned, all the narratives are told retrospectively, and they offer the offenders' reasons and negotiations for their criminal identities. These narratives cannot be used as examples of "self-talk" before their criminal act, but they can shed light on how the offenders' talk about themselves and their crimes after repeated moral confrontations.

Personal responsibilities: Not guilty-ill

How the offenders connect issues of addiction to drug dealing also has consequences for how the offenders express their responsibilities. On one hand, they present themselves as totally controlled by their hunger for heroin and angst toward abstinence, but on the other hand, they present themselves as responsible and rational individuals. This ambivalence between two extremes, totally controlled by their addiction or rational and responsible, is embedded in where the offenders, at any given time are in their own intoxication. This is how Johannes explains it:

"Addiction creates unpredictable people. It creates much instability in the life of all, and everybody knows that. I know that other junkies is as unstable as me, because sometimes we are recovered (frisk), sometimes we are sick; at other times we are high. On top off that we have problems with the police, paying the rent, our family; everything is problematic. That is what addiction does."

To be a heroin addict is described by the offenders, as in the quote from Johannes, as moving between three different stages: "junk sickness" (withdrawal) - "recovered" (enough heroin in the body not to get sick) – and "intoxicated." They talk about themselves as totally controlled by their addiction when they are "sick" or "intoxicated," but as rational individuals when they are "recovered." Additionally, the "recovered stage" is described as the ideal period for dealing heroin.

Drawing extensively on phenomenological and symbolic interactionistic insights, Alfred Lindesmith (1968) developed an account of opiate addiction that distinguished between the

physical reactions of withdrawal and its phenomenological experience³⁴. Lindesmith argues that opiate addicts first must experience withdrawal, then he or she must develop a concern over that experience as such, and then he or she must engage in drug use, taking opiates repeatedly to eliminate or avoid withdrawal. The point being that when withdrawal is interpreted as a form of addiction, the perceived (and felt) need for more drugs grows. Similarly, in the victim of addiction narrative the withdraw experience, or the prospect of withdrawal, causes the offenders to repeatedly use heroin to avoid it. This is further important because when the offenders interpret their withdrawal symptoms as a need for more drugs, they are conceptualizing their experience in terms driven from the medical discourse, and perceive themselves as sick. This image of heroin dealers and users as ill is contradictory to the image which is stressed within the street level ethnographic studies, where drug users / dealers experience of their addiction is toned down, in favour of other lifestyle aspects within the subculture.

When the offenders talk about their addiction they use words referring to a health discourse, such as, “sick,” “recover,” “health certificate,” “medicine” and so on. In other words, they describe themselves and their addiction as an illness. As mentioned in the theory chapter, Frank (1997) put forward three key narratives of talking about illness: restitution, chaos, and quest narratives. Frank’s basic argument is that people talk about their illness to make sense of their suffering. The victim of addiction narrative projects the storyteller as an ill person, but it is important to recognize that this narrative is not only told to make sense of the offenders suffering or illness, it is a narrative that is told in negotiation with their deviant identities. It is a narrative that is being told to make sense of why they ended up in jail, not why they became addicted or ill in the first place. However, the way in which the offenders express their addiction can be interpreted in light of Frank’s key narratives. He argues that the most common narrative is the restitution narrative, with the simple plot of: “Yesterday I was healthy, today I’m sick, but tomorrow I’ll be healthy again” (Frank 1997 p. 77).

In most cases the offenders telling a victim of addiction narrative, talked about their addiction in terms of a restitution narrative, where the three stages of healthy, sick, healthy correspond with how the offenders talk about their addiction. There is one important alteration; it is not a

³⁴ In other words, Lindesmith (1968) showed the relevance of Becker’s theory “becoming a marijuana user” as a social learning process, for becoming addicted to heroin.

chronological series of events which ends with health, but a chronic circle where the heroin functions as the medicine which is needed not to get sick. However common the restitution narrative is, Frank (1997) is critical towards its widespread use because “the wounded storyteller” has adapted the technical expertise e.g., the physicians’ concepts and perspectives on themselves. This might lead to what he calls the “colonization” of the medical practices and discourse on the stories of illness. This is particularly problematic if the storyteller is chronically ill, or there is no treatment for the illness. The point being that the restitution narrative does not offer any meaning that will help make sense to someone who is chronically ill.

Following Presser’s (2008) concepts of reform, stability or elastic narrative, one can ask if there are any indicators and /or expressions of a reformed offender within the victim of addiction narrative. On the one hand, I would argue that the reform potential expressed in this narrative is conceded to treatment not punishment. The offenders telling this narrative foremost understand themselves as ill and in need of treatment, not as criminals in need of punishment. Therefore, some of the offenders view treatment as a possible solution to their problems. On the other hand, the victim of addiction narrative also contains justification accounts which can be interpreted as way of legitimating continued heroin use and dealing, within a drug culture that should not have been criminalized. The victim of addiction narrative can be interpreted as an elastic narrative, containing both a stable justification and a potential for reform if the offender is given treatment.

9. Entrepreneurs

“Business is business!”

Fredrik

I have labelled the fourth type of narrative as the entrepreneur narrative. It is a story about how the offenders ended up in jail, because they wanted to make a lot of money. The concept of an “entrepreneur” commonly refers to a person who has possession over a company or venture, and assumes the inherent risks and outcome of the business. Within the organized crime perspective this is the most common conceptualization of the upper level drug dealers and traffickers (Adler 1985, Reuter and Hagga 1989, Dorn et al. 1992, 1998, Pearson and Hobbes 2001 and Zaitch 2002). Moreover, the concept “entrepreneur” is often applied to the type of personality who is willing to take risks and who accepts full responsibility for the outcome (see Akerstrøm 1985, VanNorstrad & Tewksbury 1999). Thus, the entrepreneur narrative is a story that underlines the offender’s knowledge of the risks that they were taking by dealing in heroin and their expectation to, at some point, get caught by the police and spend time in prison. Moreover, it is a story of buying heroin consignments from two to three kilos up to twenty kilos, and selling the heroin in smaller quantities, from five grams to half a kilo.

Additionally, it is a story about business, and the parallels between legal and illegal business. It includes events of laundering money, controlling the market by controlling the customers and having the best quality heroin. This story is told with pride in one’s own achievements and the ability to generate money, both legally and illegally. Broadly speaking, this story is told by the wholesale dealers. In the following section I elaborate on the structure of the narrative by using part of the interviews with Omar, Tarek, Ali and Fredrik. Omar came as an immigrant to Norway from an African country. He is in his late twenties and serving a sentence for more than eight years. Tarek and Ali were both born in Norway within an Asian ethnic minority. They are in their early thirties and have been sentenced to prison for more than eight years. Fredrik is an ethnic Norwegian sentenced to prison for three years. Furthermore, they are all based in Norway. The structure of the entrepreneur narrative can be illustrated in the following way:

Figure 9. The beginning middle and ending of the entrepreneur narrative



The Structure of the Narrative

Beginning: Wants money

The beginning of the entrepreneur narrative is marked by the event of looking for ways to earn a lot of money. Similar to the offenders who tell the victim of addiction narrative, Omar, Ali and Fredrik claim that they started as hashish dealers but did not use their own drugs, as an explanation for why they wanted to deal heroin. Instead, they explained that they wanted money. This is how Fredrik starts his story:

"I was 16 years old when I started dealing hashish, and that went well. I made quite a bit of money on hashish. But I wanted more money; I became greedy. I bought the hashish off some X (Eastern European) contacts, and through them, I was offered to buy some heroin; it was incredible easy. Just to pick up the first delivery and start up the shop [...]. I want to make money and if that means going killing people (gå over lik)³⁵, I don't give a shit, because I want the coolest cars and the prettiest girls. Do you get it? Now I might have seen some extreme variations because I am extreme myself. That is the way I am. My cynical side comes out in (mye vil ha mer og faen vil ha flere). I had a new car and a boat and lived fancy. It is the money that motivates us; I cannot say anything else."

The entrepreneur narrative emphasizes from the start an aspiration to a lifestyle of status symbols and indulgence. This desire for money expressed in the entrepreneur narrative has clear parallels to Adler's (1985) previously mentioned description of the elite upper level drug dealers in Southern California, who were driven by a hedonistic, indulgent lifestyle.

³⁵ Fredrik used a Norwegian expression which directly translates as "walk over dead bodies." This expression is often used to express that one would stop at nothing to attain ones aim.

A parallel event to the one described by Fredrik, marks the beginning of Tarek's story:

"I wanted to make money, so I started as a hashish dealer, and then I had some friends that dealt heroin. And they said to me, "Why do you go around and earn 100 kr (Norwegian crones) a gram, when you can deal heroin and make some real money?" It was like that with hashish; when I was finished, dealing I had hardly any money left."

Contradictory to Tarek, Fredrik and Omar, Ali did not start his career dealing hashish. He worked, as he said, in a "family business."

"You can say that I worked for a family business. My father and uncle ran a workshop and sold heroin on the side. They got five to ten kilos a time, and sold it on again in one kilo. You can say that I worked for them. That worked very well, indeed, and I made lots of money."

The basic meaning of the opening event of the narrative is to institute the storyteller as someone who wants easy money and finds ways of making this happen. Compared to the victim of addiction narrative, which downplays the profit of drug dealing, the entrepreneur's narratives stress the economical aspects right from the start.

Middle: Build up of illegal and legal businesses

The middle part of the entrepreneur narrative is marked by the events of building up the business. From the onset it becomes important to get the customers. This is how Omar talks about establishing up his business:

"So after I got the first heroin of my friends, I kept it for a couple of weeks at my house, and then the people (suppliers) called again and again and asked for their money. And in the end, I had to confess that I had no money, but I told them that they could get all the drugs back. And then they understood the problem, and then they said if you do not have any customers, we can help you. So they gave me four or five customers from them. And that is how I started. I bought only 100 grams and divided it in user doses and sold it. But after a while I had some money, and I thought, why not start for myself? And then I got to know some other people that run a larger business, and they let me buy a few kilos at the time. In the beginning I had to pay (on delivery) but after a while there was more trust between us and I could buy on credit. And then I could buy more and more each time. At the end I bought 20 kilos at a time. So you have to start out in the field; you have to have contacts. But after your first customers, and if you treat them nice and the rumors travel, then they will come and ask if they can give your phone number to their friends that also want to buy."

Although there are some differences in the way that the offenders talk about building their business, they all stress the importance of having the customers. Thus, the customers are the key to a successful business. However, the offenders also expressed an ambivalent attitude toward their customers. On one hand, the offenders stated that they were totally dependent on their customers, but on the other hand, they were afraid that they would reveal their identities to the police. In the following quote, Ali explains how easy it was for the police to get a heroin addict to talk:

“The police only have to lock them into an isolation cell for a couple of hours and then everything flows out of them. When people are hooked on heroin they cannot keep their mouths shut a long time. All they want is to get out and find their next shoot.”

A central issue in the middle part of the narrative is the description of how the selling of large quantities of heroin is done. This is how Omar describes a big heroin deal:

“The deal would go down in a café in the Centrum of Oslo. I would have my men there from the start. Then I would discuss price. That is something I would never do on the phone, only face to face. That is how the price is agreed upon and where the money is to be delivered. When the money is delivered, the customer gets the goods and leaves. If the customer wants to test the goods, he or she gets five grams in a bag and leaves to test the goods. But sometimes there are customers that want to test the whole consignment, and then I get big problems because carrying the whole consignment into the situation is a great risk for me to take.”

In the buying situation, Omar focuses on establishing the price on the consignment. Compared to the victim of addiction narrative, in which the offenders downplay the economical and profit aspects of the heroin dealing, the entrepreneur narrative amplifies it. Moreover, where the offenders who tell a victim of addiction narrative draw on health terminology in describing themselves, offenders telling an entrepreneur narrative generally use words related to business, such as goods, prices, control and responsibility.

Furthermore, a central issue in the entrepreneurs' narrative is that when the offenders' business reached a certain level, they invested parts of the illegal money in a legal business. In the case of Tarek and Omar, this meant buying a restaurant and a discotheque. This legal business was also used to launder money from heroin dealing. A similar point is made by Ali:

“I worked with my family. But I was greedy and wanted more money, so I started dealing on the side, and invested part of the money in a shop.”

Similarly, Ali claimed his shop was mostly a front for his illegal drug business and a place where he could launder his drug money. Fredrik, who also had the experience of running a legal business, said the following about the similarities between the two:

"It is about the same things. Find the people that you can trust, get things done, get things delivered and get your money. And you can experience the same situation in a legal business; that you come to pick up your money, and then the payer is not at home. And then he drives a detour not to meet you, and it is exactly that same stuff. The difference is that when you run things legally, you can leave a bill and say, "This is what you owe me; that's that!" And then you get your money, or you can go to the cops. That is the only difference, and if you have managed well illegally, you can manage well legally. Like my wife says: "You can sell what you want. You could make money selling beauty products." It is all about dealing, and if you can sell one thing, you can sell everything. It is possible that people are even more cynical in the legal world. Maybe I expected that people should be honest. But they are not; business is business."

Whether the legal business was described as being there before the illegal business, or described as a result of invested "drug money," the offenders telling the entrepreneur narrative stress that their illegal activity was not a result of their being failures within conventional society or as a result of blocked legal opportunities to earn money. A similar point was made by Adler (1985), who argued that with the upper level drug dealers in California deviancy did not result from blocked opportunities. The point is that the offenders telling the entrepreneur narrative stress their ability to be successful in both the legal and illegal business. Compared to the victim of social injustice narrative which stresses the limiting possibilities for the offenders, the entrepreneur narrative stresses their potential, which is connected to their ability to generate profit. Simply stated, the entrepreneur wants money to invest, whereas the victim of social injustice wants money to pay the bills.

Per Ole Johansen (1996) has developed a three-step model to explain the relationship between legal and illegal business. The lowest step of the model is characterized by, an active criminal taking advantage of an innocent victim in a legal business. The next step in the model describes a situation where the people from the legal and the illegal business do favors for each other and /or trade roles. The third step is characterized by an intermingling of organized crime, legal business, corrupt politicians and the police force. Johansen argues that the corruption in Norway is characterized by the two lower steps in the model. In light of this model, the entrepreneur narrative describes a situation similar to Johansen's second step, in which the offenders trade roles between legal and illegal business. The central meaning of the

middle event of the narrative is to establish the storyteller as an able businessman who managed to build up and control both legal and illegal businesses.

Ending: Caught by the police

The ending of the entrepreneur narrative is marked by the event of getting caught by the police. This is how Omar tells the end of his story:

“I was expecting to get caught. The police was on me for many years. They asked where I had all my money from. I had a discotheque, new cars, new apartments; it was part of the game. Well, we got caught in the apartment of the person that ratted to the police, to say it like it was. It was a woman that ratted. She was the girlfriend of one of my employees, but that fool had been unfaithful. So, because he had been unfaithful, the jealous girlfriend ratted to the police. She had nothing to do with this; we only used her apartment for cutting and packing the drugs. Our biggest mistake was that we had let her see us cutting and packing. She was believed in court, because she knew how it is done, and not everybody knows this, of course.”

Ali, Omar and Tarek all expressed that they expected at one point to get caught. They knew that the police were on to them, and that they had been under surveillance for some time.

Tarek: **“The police followed me around. They sat outside my house; they tapped the phones, they did everything. But they could not get anything on me. I never carried the drug on me. I had other people delivering heroin for me. When I got caught, I think a customer had talked.”**

A central point in the stories of surveillance of the police is that the offenders like to project themselves as smarter than the police. This is evident in the following quote from Tarek:

“I have had taps on my phone and in my apartment, and I have had people coming to my home with briefcases and seeking devices and find five, six microphones. So the police have been very much on to me. After we saw Beverly Hills Cops a couple of years back, I was out and served them (the police) a breakfast right up the street here. I took the neighbor’s newspaper and served them breakfast. And then I told them that I was going to work, and that they could leave their plates outside my door. And the plates were outside my door when I came home. He, he, he. I had noticed that one of the undercover cops had been sitting with the same newspaper for days, so I am sure he was happy with some new reading material he, he, he.”

In the end Tarek was also arrested by the police, and he claims parallel to Ali, that a customer had informed the police. In the case of Fredrik, he sees his downfall as partly his own doing, because he understands it as result of his own drug abuse:

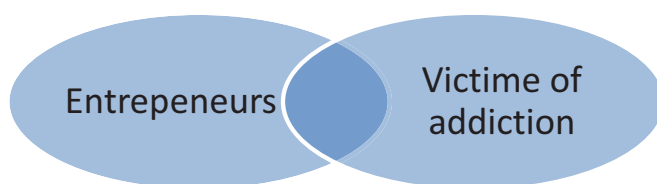
"The first years I was never empty (heroin), but then I ran out, and laid on the second floor of my house. I was empty, and I laid there and cried. I remember that was when I shot my first hit, because a pal came by and wondered what I planned to do. He had some small bags (of heroin) with him, and we snorted and snorted the heroin, but did not get any effect. And he had a bottle of 4 percent morphine that he had stolen at the hospital. And I injected my first hit, and I will never forget it. It tingled in my legs and then I was recovered. After that I could only think of the needle, and everything went downhill. After that it went straight downhill."

I: "What did you think the first time you shot up?"

Fredrik: "I almost cried. I almost did. It was so good, and I hated it so! I have had a few friends who have died from it. After that day, fuck, I don't know, but I feel that everything that is wrong in my life started then, and I blame the drug. It went to hell with my business too, you know. I had plenty of money and a nice apartment, a new car, and everything was fun, but after that hit, everything went to hell. Then it was dope for all the money, and I sold gold and jewelry and everything I owned. So "boff" I was on bare ground; I did not even have my apartment. I did not own shit. I was sitting in the lavatory shooting heroin, and then the police came storming in. I had become a real street junkie."

Fredrik had used drugs throughout his period of dealing: amphetamines, hashish and sniffing and smoking heroin. But he had managed to stay in control. It was not until he started to inject heroin that he claims to have lost control over his life and his business. Hence, Fredrik switches from telling an entrepreneur narrative to a victim of addiction narrative toward the end of his story. This is illustrated in figure 10.

Figure 10. Relationship between two narratives



Even though Omar, Ali and Tarek said that they used drugs regularly, they claimed that they did not inject heroin. Omar and Ali both claimed that they used amphetamines and Rohypnol, but never injected heroin because that would mean losing control of the business. A parallel is found in Tarek's story; he said he never had touched heroin because his father and uncle would not allow "dirty injections," although smoking opium was common and accepted in his

family. Compared to the victim of addiction narrative, which downplays the storytellers' control over their drug dealing, the offenders telling the entrepreneur narrative stressed their ability to stay in control of their lives and business. At the same time, the entrepreneur narrative draws some of its strength from a contrast with the victims of addiction narrative.

Plot and motivation: Money, money, money

***“Man makes money, and money makes man.”
(Sheptun 1998 p.1)***

Compared to the three prior narrative-plots, which I have argued construct a victim self, the entrepreneur narrative's plot creates an active agent. This is because the different and autonomous events of the narrative are bound together by the storyteller's intent (see also Bruner 2003 p. 41, Ricoeur 1991). As expressed in the story told by Omar, Tarek, Ali, and Fredrik, the plot of the entrepreneur narrative can be construed as, “My drive to make money led to criminal activity.” Thus, it is the offender's need and desire for money that drives the stories onward. The active agent created by this narrative makes his own choices, controls his environment and becomes an able businessman. As expressed in the following quote from Omar:

“It was the money that motivated me. But after a while, it was also the running of the business, because I had success, I had people delivering drugs for me; I had people that received and kept money for me, and I had people that cut and packed (the heroin) for me. I liked to coordinate the different operations, and make things run, so after a while, that was also a motivation. I was the boss, both at the discothèque and in the drug business.”

Money as a prime intent is a well-established motive in the legal market economy. Hence the perception that profit can be made is perhaps the prime mover of entrepreneurs in all legal markets. Simplistically expressed, the profit-logic stipulates to buy at a low price, and sell at a higher one, and to keep the difference as a reward for one's own efforts. Profit then, provides the individual with the incentive to utilize his or her skills and abilities along with a calculated risk. By underlining their entrepreneur skills, both in the legal and the illegal markets, the offenders stressed that they became good organizers, learned from their mistakes and took care of their business, while protecting it from the police. As expressed in the following quote from Ali:

“My secret was that I never gave away my customers’ names. I had one phone for my customers, one phone for my suppliers, and one phone for my private calls. But I never mixed them up, or let anybody else use them.”

A significant question remains: Following Schutz’s ((1932 1972) concepts, are there any because-of motives or in-order-to motives expressed in this narrative? Contradictory to the three prior narratives, which emphasize the offenders’ because-of motives, the entrepreneur narrative stresses the offenders’ in-order-to motive, which is profit. However, the profit motive evident in the other three narratives, is downplayed by the offenders by shifting the stress to their because-of motives (addiction and social injustice) which led to the need for money in the first place. In contrast, the offenders who tell the entrepreneur narrative downplay the social-economical deterrents (because-of motives) that led to their illegal actions, and express themselves as incarnations of the free agent. Accordingly, the profit motive becomes almost self-explanatory in this narrative. In other words, this narrative does not answer why the offenders wanted money or profit in the first place. Further, in this narrative, money becomes both a means (to invest in other businesses legal or illegal) and an end (profit).

The dual role of money, as a means and an end of exchange, has been discussed by philosophers and social scientists throughout history. In his classic book *The Philosophy of Money*, Georg Simmel ((1907) 2001) argues what a great influence money has over action when money becomes an end and not a means:

Never has an object that owes its value exclusively to its quality as a means, to its convertibility into more definite values, so thoroughly and unreservedly developed into a psychological value absolute, into a completely engrossing final purpose governing our practical consciousness. [...] The inner polarity of the essence of money lies in its being the absolute means and thereby becoming psychologically the absolute purpose for most people, which makes it, in a strange way, a symbol in which the major regulators of practical life are frozen (Simmel (1907) 2001 p. 232).

Simmel’s ((1907) 2001) point is that money has not only changed the world of things and the world of people, it has also played a important role in changing the inner world of humans such as values, ideas, motives and moral criteria. The entrepreneur narrative cultivates this notion to the extreme.

Agency-expressions: Choosing self

As mentioned earlier, the main self-expression found in the entrepreneur narrative is that of an active, choice-making agent. Primarily, this is a self that makes things happen through its own choices. Moreover, the offenders relating this narrative do not deny their criminal intent (*mens rea*) i.e. dealing heroin. One central question then remains: What type of account is the entrepreneur narrative? Does it contain an excuse or a justification (See Lyman and Scott 1989)?

I would argue that this narrative is neither an excuse nor a justification. First, it is not an excuse, because the offenders do not admit that dealing heroin is wrong, coupled with a denial of responsibility for dealing. Second, the narrative is not a justification; it is not based on an admission of full responsibility for dealing heroin coupled with a denial that dealing was wrong (See Lyman and Scott 1989 p. 135). Furthermore, because this narrative does not offer an account, it is not a narrative that restores the spoiled identity of the offenders, nor is it a narrative that minimizes stigma (see Pogrebin et al. 2006). Nevertheless, I would argue that the narrative draws legitimacy from stressing the inherent normality of the offenders, by pointing out the similarities between legal and illegal business, thus indicating that the profit motive is relative. A similar point has been made by Simmel ((1907) 2001), who argues that the same degree of passion in acquiring money might seem different in diverse contexts. In other words, what is labelled as greed in one context might be seen as healthy entrepreneurial activity in another context.

Compared to the victim of addiction narrative, which underlines the differences in the cultural context between heroin addicts' lifestyle and conventional norms, the entrepreneur narrative stresses the similarities. In ethnographical studies on street level drug dealing, (see for example Bengt Svensson 1997 p 228) it has been argued that the competence achieved in the subculture of drug dealing is not convertible to conventional society. This is mainly because the specific knowledge of dealing drugs is not met with acknowledgement within conventional culture. Consequently, this becomes an incentive for the drug user /dealer to stay within the subculture which rewards their detailed knowledge about drugs and illegal business. However, the entrepreneur narrative emphasizes the similarities between legal and illegal business, and shows how one can be successful in both. This point is that

entrepreneurial skill acquired through drug dealing can be converted into legal business. To what extent this is possible might depend on how large and extensive the drug dealing is.

Personal responsibilities: Guilty and proud of it

Is the offering of an entrepreneur narrative an expression of guilt? One way to interpret this is that telling the entrepreneur narrative is an admittance of legal guilt. The offenders are, as Ali expressed it, “guilty as charged.” But does the narrative offer an admittance of a moral guilt, in the sense that the offenders express regret or a feeling that dealing heroin for profit is morally wrong? As mentioned in the theory chapter, O’Connor (2000) analyses the structure of violent offenders’ self-narratives to elaborate different degrees of personal responsibility. A central assumption in her studies is that the concept of agency not only draws attention to humans’ responsibility for the way in which they act, but also toward the responsibilities inherent in the human ability to reflect on their own actions. Therefore, O’Connor develops a continuum of personal responsibilities based on the offenders’ different statements, which runs from claiming agency (I killed him) to problematizing agency (it might be my instincts that made me kill him) to deflecting agency (I had no choice; I had to kill him).

Following O’Connor’s logic, the offenders telling the entrepreneur narrative are claiming their agency, by saying that they were dealing heroin. However, I would argue that although the offenders telling the entrepreneur narrative admit guilt in a legal manner, the narrative does not present any notions of dealing heroin as morally wrong. The only normalization the narrative proposes is reference to profit as a motive, which is accepted as the driving force within the legal market. In contrast, the three victim narratives create a self which responds to social circumstances, in which the offenders’ individual choices and moral responsibilities vanish and / or are reduced, and the narrative offers excuses and justifications with the notion that dealing and smuggling heroin can be construed as morally wrong. However, the moral responsibilities completely vanish in the entrepreneur narrative, which only admits to the crime, without further justifications or excuses. Paradoxically, then, the narrative which articulates an agency free of social-historical deterrents, led by a to-do motive, proposes no recognition of the moral aspects of the offenders’ actions. Nor does it offer excuses or justifications or exhibit in any way the notion that dealing heroin for profit might be considered morally wrong.

Moreover and following Presser (2008) concepts of reform, stability or elastic narrative, one can ask if there are any indicators and /or expressions of a reformed offender within the entrepreneur narrative. I would argue that the entrepreneur narrative is a stable narrative, which does not offer any hints as to a reformed offender.

Summary:

In Chapters 6 - 9 I have identified four different narrative structures in the offenders' stories, which vary in regard to the beginning, middle and end part of the narratives. These narratives are as follows; the victim of social injustice, the victim of organized crime, the victim of addiction and the entrepreneur narrative. Moreover, I have argued that these narratives' vary in regard to expressions of motivation and personal responsibilities. The basic argument that I have been making in this chapter is as follows:

First, the victim of social injustice narrative, which is only told by non-ethnic Norwegian offenders, can be interpreted as an excuse account, where the offenders use their failed integration and exclusion from the legal labor market as a because-of motive for their involvement in heroin smuggling and dealing. Further, this is a narrative which primarily emphasizes a self that is in response to a given social situation.

Second, the victim of organized crime narrative, which is only told by non-ethnic Norwegian offenders, can also be interpreted as an excuse account, where the offenders claim to have been forced or tricked into heroin smuggling. Hence, they blame the others involved in the heroin business for their involvement in heroin dealing and smuggling and use the others' manipulation as their because-of motive. Further, this is a narrative which emphasizes a self which only responds to other people's demands and downplays personal responsibilities.

Third, the victim of addiction narrative, which mainly was told by the ethnic Norwegian offenders, can be interpreted as a justification account, because the offenders do not deny responsibility for heroin dealing, but argue that criminalization of their behavior is wrong, because they are addicted to heroin. Hence, the offenders express themselves as ill and in

need of treatment, not as criminals who deserve punishment. In this narrative addiction is used as the offenders' because-of motive.

Fourth, the entrepreneur narrative, which is only told by four of the offenders, can be interpreted as neither an excuse nor a justification account. This narrative offers no negotiation with the deviant labels place upon the offenders. Whereas the three victim narratives emphasize the offenders' because-of motive, the entrepreneur narrative only expresses an in-order-to motive which is profit, and, thus, expresses a self free of social historical deterrents. The arguments presented in this chapter can be schematically presented as follows:

Schema 3: Narratives on heroin smuggling and dealing schematically presented

Narrative	Victims of Social Injustice	Victims of Organized Crime	Victims of Addiction	Entrepreneurs
Beginning	Outsider	Doing a favor or getting an offer	Drug debut	Wants money
Middle	Increased monetary demands	Going along with the request	First injection	Build up illegal and legal businesses
Ending	Taking the offer to earn money illegally	Discovering the truth of the situation	A spiral of drug use, dealing and being institutionalized	Caught by the police
Plot and motivation	Failed integration and exclusion from the legal labour market	Forced or tricked into the heroin trade	Dealing heroin to finance own addiction	Money and materialistic values
Agency-expression	A responding self and a responsible self	A responding self	A responding self	A creative, rational choosing self
Personal responsibilities	Not guilty- meeting family responsibilities	Not guilty	Not guilty- ill	Guilty and proud of it
Collective representations	The social categories of immigrants	The social categories of bosses, couriers, holders, receivers and big scale dealers	The social categories of illness and criminals	The social category of businessmen

10. The narratives' manifestation in the judicial practices: Introduction

Figure 11. The narratives' manifestation in the judicial practices

Narratives —————> Judicial practices

My main aim in this chapter is to describe the judicial practices in heroin felonies and to analyze ways in which the narratives of the offenders manifest themselves in the judicial practices. To accomplish this I will elaborate the following three questions: First, what characterizes the heroin cases in the appellate court from 1995-2005? Second what characterizes judicial logic and rhetoric in these cases? Third, in what way is the heroin smugglers and dealers' narratives mirrored in the judges' argumentation in these cases?

To elaborate, in the offenders' prior court cases, police interrogation and investigation, they have met a specific judicial logic and rhetoric. As mentioned earlier, the law can be understood as an inventory of motives, as the culturally available "vocabulary of motives" used when giving accounts of drug crimes (Mills 1940, Lyman and Scott 1989). Moreover, the narratives that the offenders tell serve the function of making sense of their life situation, of why they ended up in prison. Hence, the narratives offer negotiations with the offenders' spoiled identities.

Furthermore, there is a tendency for the ethnic Norwegian and non-ethnic Norwegian offenders in the sample to tell different victim narratives. The ethnic Norwegian offenders tell the narrative of the victim of addiction, whereas the non-ethnic Norwegians tell the narrative of the victim of social injustice and/or the narrative of the victim of organized crime. Only four offenders tell the entrepreneur narrative; three are non-ethnic Norwegians and one is an ethnic Norwegian. This can be illustrated in the following way:

Table 2. The four narratives after ethnicity³⁶

	Victim of social injustice	Victims of organized crime	Victims of addiction	Entrepreneurs
Ethnic Norwegian (14)	0	0	13	1
Non-ethnic Norwegians (19)	6	9	1	3
Total (33)	6	9	14	4

Some central questions then become: In what ways are the elaborated narratives mirrored in the judicial decisions? Are any of the narratives connected to specific cases; for instance, is the victim of addiction narrative mirrored in cases with small amounts or heroin, and is the entrepreneur narrative mirrored in cases with large amounts of heroin? Is one of the mentioned narratives a more successive legal story than the others?

”The court finds...” is a common expression found in judicial decisions and also in heroin cases. But what does the court find? What arguments are heard in court, with reference to what, and with what consequences? In the following, I will elaborate upon these questions. First I situate my understanding of judicial decisions as texts, and describe the legal framework in heroin dealing and smuggling cases. Second, I describe what characterizes the heroin felonies in the appellate court from 1995-2005. Third, I elaborate on the judicial arguments in the heroin cases and their relevance in meting out punishment. I will give special attention to the judges’ use of the argument of “general deterrence,” “profit motive” and “danger of spreading.” Fourth, I elaborate on the judges’ argumentation in cases where the heroin dealer is a heroin user. These cases are interesting, because they challenge the basic judicial logic in heroin cases.

³⁶ There are more stories told than there are offenders in the sample; the reason for this is that some offenders tell more than one of the narratives and are counted more than once.

Court Decisions as texts of power

*“What better way of preserving a professional monopoly than by locking up your trade secrets in the safe of an unknown tongue?”
(Mellinkoff in Tiersma 1999:28)*

As previously mentioned in the method chapter the most salient feature of a structured legal text is that they are highly formulaic and/or stereotypical. Appellate court decisions tend to follow a predetermined structure that changes little over time. Moreover, court decisions are typically expressed in the passive voice, creating the impression that such acts are accomplished without fallible human agents. Broad and impersonal statements of legal language make the decisions seem supremely impartial.

Jerome Frank (1950) argues that within a logical positivistic position, the judge's activity is understood as logically deducing a decision by applying the law to relevant facts. Hence, the judges are seen to make a value-free decision about whether a particular fact does or does not pass a fixed legal threshold. The decision then creates a precedent for future cases; the facts of each new case will be compared to those of the old to determine whether they are the same or different, assuming that there is one right answer. A long-standing critical line of scholarship finds fault with this logical positivistic account of the judicial process. Legal realists claim that law is an inherently subjective system that produces inconsistent and sometimes incoherent results that are largely based on the political, social, and moral predilections of state and judges. This school of legal philosophy challenges the orthodox view under which law is characterized as an autonomous system of rules and principles that the court can logically apply in an objective fashion to reach a determinate and apolitical judicial decision.

Drawing extensively on the philosophies of legal realism, the founding father of Norwegian sociology of law, Vilhelm Aubert (1972, pp. 196-198), argues that the court is not the right place to determine what actually happened in the different cases. The reason Aubert (1972) and the legal realists give for this is that the court system is based on a contradictory principle. This principle stipulates that two parties in conflict give their account of what happened based on a notion of serving their own interests. Thus, Aubert argues, the court's method is not scientific, but a compromise between two different and oppositional sides in a conflict. Following Jerome Frank's (1950) perspective, Aubert (1972 p.197) argues: “Our court

system is comparative to throwing pepper in the eyes of the surgeon while he is performing an operation” (Frank 1950 p. 7).

Therefore, a central question is: If the court is not a place to find out the truth of a situation, how should the courts be understood? Aubert (1972 p. 194) argues that one central function of the court is to solve conflicts between people in a peaceful manner. A judicial ruling is, therefore, a legitimate and authoritative solution to a conflict. Aubert argues that judicial techniques are a good means of solving a conflict in peaceful terms. A juridical decision is an authoritative interpretation of law, and a collective manifestation of justice. Moreover, a judicial decision is a text that expresses the images of justice common within a culture. As follows, a judicial decision is a key document for analyzing our morality and our understanding of justice. Furthermore, a juridical decision is a source of power, a public legitimizing of the power that the juridical system implements. One central question then becomes: What types of drug policies is the judicial system supposed to implement?

The Norwegian criminologists Nils Christie and Kjetil Bruun (1985) argue that the idea of criminalizing drugs came through international judicial cooperation at the end of the 1960s. Central questions in these early stages of the Norwegian drug policy debate were: How dangerous are the different types of drugs? and, should it be illegal to use different types of drugs? As an example, the policymaker discussed what type of legal status cannabis should have compared to heroin, because the latter was considered more dangerous than the first (see Christie & Bruun 1985). As a result of the early stages of drug policymaking, many countries developed a restrictive policy in regard to dealing and trafficking “the hard drug” (heroin, cocaine and amphetamine), whereas legalizing use and position of small quantities of drugs. Norway, however, chose the most restrictive form of policy with a restrictive policy against both the possession of and dealing of drugs. In the terminology of Christie and Bruun (1985), this policy was summed up as: “Everything is equally dangerous.” Moreover, the level of punishment in drug felonies increased through the 1980s. In the theory chapter, I describe the Norwegian drug policy as a situation that raises the harm reduction paradigm, and at the same time Norway has a strict drug prohibition system. A central question then becomes: How should these policy trends be understood?

In Finland, Pekka Hakkarainen et al. (2007) argues that both harm reduction and criminal control approaches exist side by side and that they are harmonically allied to create a new dual-

track model of drug policy. Drawing on criminologist David Garland's (2001) distinction between adaptive response to crime, which is characteristic with lowering the objectives of the public policy because the goal seem unrealistic, and non-adoptive response, which is repressive criminal control, Hakkarainen et al. (2007) argues that simultaneous with the adaptive response to the drug problem, such as harm reduction, the non-adaptive response to the same problem still remains. Moreover, the non-adaptive, repressive responses are needed to justify the image of the state as an effective and competent actor who has not given up drugs as a social problem (see also Tammi 2005 p. 40). Instead of creating an atmosphere of uncertainty at the level of policymaking and administration, Hakkarainen et al. (2007 p. 555) states: "After a somewhat stormy debate around the turn of the century, the adoptive and non-adoptive responses have peacefully aligned with each other." In relation to my study, an important question becomes: Does the dual-track policy in any way mirror the judges' argumentations in court, and, if so, what type of consequences might this lead to for the judicial logic in heroin cases?

The selective function of the judicial practices

"That which today contributes the most to the understanding that crime and low social status belong together is the selective function of the legal system"
(Vilhelm Aubert 1972 p. 96)

A central aim for the critical school of thought is to show how legal practices produce and reproduce inequalities. A core principal within the judicial practices is equality. Similarly, Ståle Eskeland (2000 pp. 55-56) argues that the principle of equality is shown in two distinctive ways in the legal system. First, equality is shown by the idea that the law is to be interpreted in the same manner in all cases. Secondly, equality implies that similar illegal actions should be met with approximately the same amount of punishment. Within the Norwegian sociology of law and criminology, there is a long tradition of questioning if the formal equality of the law also means that there is a real equality of the law, or whether the idea of formal equality hides or covers a real inequality (see for example Aubert 1972, Mathisen 1984, Christie 1982, 2004, Høigård 1996). In elaborating on this issue, Thomas Mathisen (1984 pp. 128-132) asks the question, "Why are there so many poor people in our jails?"

Mathisen (1987 p. 128-132) explains this as a three-step process. First, Mathisen (1984) argues that the way in which the law is defined serves the interests of the rich more than the poor. To illustrate this argument, Mathisen quotes the French poet Anatole France: "The law, in its majestic equality, forbids rich and poor alike to sleep under bridges, to beg in the streets, and to steal their bread." Similarly, Aubert (1972 p. 93) argues that the penal code is one of several possibilities that the state has used to maintain the class status system and its economic foundation within a society. In other words, when a society is built in a hierarchal way, Aubert argues that strong forces pull in the direction of creating an interconnectedness between low social status and crime.

Second, Mathisen (1984) argues that police work is selective and reproduces inequality. Similar, Liv Finstad (2000) argues that the police, through their education and practice, develop a "police gaze," which is a suspicious gaze directed toward a special category of people. Through this special "police gaze," the practices of the police are formed, and these practices are selective, because the police focus on their usual suspects and people previously known to the police. Drug crimes might be even more sensitive to the "police gaze" than other types of crimes because they are normally not reported to the police by the public. This means that the police work on drug crimes must be more active and outreaching than for other types of crimes. The police must themselves reveal the drug crimes through their investigational methods. Hence, the number of arrests in drug crimes will mirror the police work to a larger degree than in other crimes.

Third, Mathisen (1984) argues that different selective mechanisms of the legal system work together to produce an end result of inequality and reproduction of inequality. One question, then, is in what way is the question of inequality and poverty relevant in a study of heroin smuggling and dealing? One answer to this can be found in the study by Kåre Bødal (1982). Bødal studied the first 350 drug dealers and smugglers to be punished under § 162 in the General Civil Penal Code. Although § 162 was meant to punish the organization and professional drug dealers and smugglers, Bødal finds that almost all of the dealers were themselves users of drugs. Further, Bødal argues that the offenders fit the description of the general prison population: poorly educated, unemployed, and with a history of a problematic and abusive childhood. Bødal's study has been used by Norwegian criminologists such as Christie and Bruun (1985 pp. 92-93), and Ragnar Hauge (1982), to argue that the severe

sentences used in drug crimes—meant to punish professional dealers and smugglers—are instead used to punish small scale, ethnic Norwegian nonprofessional drug addicts.

Although the following analysis is inspired by Norwegian criminologists, my main aim is not to discover the real social and economic background of the accused in heroin crimes, but to study how different narratives, which involve different motives, are construed in the legal system. Furthermore, I have argued that the offenders stress different socio-economic reasons for their illegal activities in their different victim narratives. In the victim of addiction narrative the offenders stress their addiction as a because-of motive; in the victim of organized crime narrative the offenders stress manipulation by others as their because-of motive, and in the victim of social injustice the offenders stress failure of integration and exclusion as their because-of motives. Addiction to heroin is, hence, only one of the motives stressed by the offenders. The question then becomes: Are any of these narratives mirrored in the judges' argumentation?

The legal framework; §162

“Amount of heroin equals punishment?”

Heroin smuggling and dealing is regulated by § 162 in the Norwegian General Civil Penal Code. As has been mentioned, this is a paragraph that has been the focus of much criminal political debate, and since its introduction in 1968, it has been reformulated three times (in 1972, 1981 and 1984). The paragraph stipulates the following:

1. Any person who unlawfully manufactures, imports, exports, acquires, sends or conveys any substance that pursuant to statutory provision is deemed to be a drug shall be guilty of a drug felony and liable to fines or imprisonment for a term not exceeding two years.
2. An aggravated drug felony shall be punishable by imprisonment for a term not exceeding 10 years. In deciding whether the offence is aggravated, particular importance shall be attached to what sort of substance is involved, its quantity, and the nature of offence.

3. If a very considerable quantity is involved in the offence, the penalty shall be imprisonment for a term of not less than three years and not exceeding 15 years.
4. Under especially aggravating circumstances, a sentence of imprisonment for a term not exceeding 21 years may be imposed.
5. A drug felony committed negligently shall be punishable by fines or imprisonment for a term not exceeding two years. Any person who aids and abets a drug felony shall be liable to the same penalty. Fines may be imposed in addition to imprisonment.

(The General Civil Penal Code Ministry of Justice and the Police 1984)

The § 162 is meant to set a judicial framework for drug crimes of very different degrees of severity, ranging from fines to 21 years of prison. Andenæs (1999 p. 411) has argued that the broad scales of punishment found within the Norwegian Penal Code 2 have a specific consequence: “The destiny of the defendant lies not only in the question of guilt, but on what punishment the judge decides on given the extensive scale.” How the judges evaluate and use the punishment scale is highly important in drug cases, so the question is: What are the decided punishments in drug cases?

According to the judicial logic, it is the type of drug, the amount and the character of the offence that divides the line between simple and aggravated drug crimes. In an analysis of how the Norwegian court of laws mete out punishment, Ragnhild Hennum (2002 p. 9) argues that through judicial practices and Supreme Court decisions, there have developed “going rates” for the amounts of drugs and the usages of the different sections of § 162. Similarly, and in an attempt to harmonize the judicial practices in drug crimes, the Director General of Public Prosecution (nr.1/1998) created a circular that formulates what amounts of drugs qualify for the usage of the different sections of § 162. In the case of heroin, the border between a simple and an aggravated drug felony was set at 15 grams, and the border between an aggravated and an especially aggravated drug felony was set at 750 grams of heroin. By comparison, in cases involving hashish, the border between a simple and an aggravated drug felony was set at one kilo, and the border for an especially aggravated drug felony was set at

eighty kilos. Hence, cases involving heroin require a much smaller amount than other drugs to be considered aggravated.

An important question remains: What characterizes the heroin cases within the appellate courts from 1995-2005? In a Royal Proposition from 1997, the following description was given of drug crimes in Norway:

The criminality developed in Norway in the last 25 years has shown a growing negative trend. Crime is internationalized and organized to a much greater extent today than previously. As an example one can mention the increasing number of individuals that are involved in aggravated drug felonies, whom are connected with organized criminal milieu with international connections.[...] In Norway today, the drug criminality is, to a large extent, controlled by foreign groups. This implies that it is organized crime that controls these groups (st.prp. nr 42 1996-97).

As this quotation illustrates and as earlier mentioned, there is a popular perception among law enforcement agencies and policymakers that the drug crimes in Norway have become professionalized, organized and internationalized. However, one of the most striking features with the appellate decisions from 1995-2005 is that, out of the total of 459 cases, only 87 cases included more than one defendant. Moreover, in 56 of these 87 cases, there were only two defendants, and there were only 13 cases that included four or more accused. Contradictory to popular belief, then, the heroin cases within the Norwegian appellate courts are not characterized by big groups (gangs) of criminals. Furthermore, one can ask, are the gross overweight of single-defendant cases an indicator that the Norwegian law enforcement agencies have succeeded in arresting the professional organizers of the heroin trafficking? In other words, are single-defendant cases an indicator that the prosecution has succeeded in building cases against the “Mr. Big” of organized heroin crime? Or might all of these single-defendant cases, following the logic of the criminologists, be interpreted as an indicator that § 162 is used to punish ethnic Norwegian small scale drug users/dealers, who are strongly marginalized in society? Following this argument, an important question becomes: What is the relationship between ethnicity and the amount of heroin found in the court cases?

Following are the “going rates” for amounts of heroin. The relationship between ethnicity and amounts of heroin in the appellate court decisions are illustrated in Table 3.

Table 3. Percentage of cases in the appellate court involving the amounts of 0-15 grams of heroin, 15-749 grams of heroin and 750 grams or more, in groups of ethnicity of the main offender (N=459)³⁷.

	0-14 grams (N=70)	15-749 grams (N=293)	750- gram (N=96)
Ethnic Norwegians	93	59	7
Non-ethnic Norwegians	7	41	93
Total	100	100	100

First, this table shows that in cases with 0-14 gram of heroin, 93 percent had an ethnic Norwegian as the main offender, and only 7 percent of the cases had a non-ethnic Norwegian as the main offender. Moreover, the table illustrates the opposite situation in the cases involving 750 grams heroin or more, here 93 percent of the cases have a non-ethnic Norwegian as the main offender, and only 7 percent of the cases have an ethnic Norwegian as the main offender. However, in cases involving 15-749 grams, which is the largest category of cases, 59 percent of the cases had an ethnic Norwegian as the main offender and 41 percent of the cases had a non-ethnic Norwegian as the main offender. This trend supports the argument that non-ethnic Norwegians dominate the especially aggravated drug felonies in Norway; however, and as previously mentioned, my aim is not to point out that these trends mirror the actual levels of heroin crimes within the Norwegian society. Rather my aim is to analyze the type of cases that is represented in the court system and the type of judicial logic found within them.

Furthermore, the basic judicial logic in heroin cases is that amount equals punishment. One question then becomes: How can I argue that what might influence the issuing of punishment is the story told by the defendants, not just the amount of heroin involved in the case? To illustrate this, I will use a simple cross table between length of punishment and the amount of heroin in all the appellate court decisions from 1995-2005³⁸.

³⁷ As mentioned in the method chapter, the cases that include more than one offender are coded after the person who received the longest punishment in the case (the person in charge).

³⁸ As mentioned in the method chapter, if the 160 persons missing from the statistics had been included, the variation between the amount of punishment and the amount of heroin would have been even larger, because the amount of heroin involved in the 87 cases would be constant but the punishment would not.

Table 4. The length of punishment and grams of heroin in the appellate courts decisions

	0-14 grams	15-749 grams	750-grams	Total
0-2 years	62	100	2	164
2-10 years	8	190	53	251
>10-years	0	3	41	44
Total	70	293	96	459

What does this table show? First, out of the total of 459 cases, 293 heroin cases involve the amount of 15-749 grams of heroin, which, according to the “going rates,” qualifies as aggravated drug felonies. The second largest category, 96 cases, involve 750 grams or more of heroin, which according to the “going rates,” qualifies as especially aggravated drug felonies, and the smallest category, 70 cases, involves 0-14 grams of heroin. However, it is not very surprising that there are few cases involving 0-14 grams of heroin, because it is probable that most of the small heroin cases are settled in the district courts. Moreover, the table shows that the most common sentence used in the appellate court decisions are from two to ten years (251 cases), followed by sentences ranging from zero to two years, which are used in 164 cases, and lastly, in 44 cases, the punishment meted out by the judges was over 10 years³⁹.

Second, the table shows a variation of punishment within the different amounts. For example, there are eight cases involving less than 15 grams of heroin, yet the offenders were punished for more than two years. Similarly, there are two cases involving more than 750 grams of heroin, but the length of the punishment is under two years. There are 100 cases involving more than 15 grams of heroin and less than 750 grams of heroin, where the offenders are sentenced to less than two years of imprisonment. Although these cases might be subsumed under Section two of § 162 as aggravated drug crimes, since they involve more than 15 grams of heroin, they are punished within the frame of two years, which is within the frame of a simple drug felony.

Similarly, Hennum (2002), in a study of how coordinated the Norwegian courts are in issue punishment, found that there was a difference in how judges issued punishment when she only compared the amounts of heroin to the punishment issued. However when Hennum

³⁹ As mentioned in the method chapter, if I had used district court decisions instead of appellate court decisions, the largest category would probably have been cases with 0-14 grams of heroin and a punishment of 0-2 years.

examined the cases in more detail, she revealed that most of the differences in punishment could be explained from other relevant factors in the cases. For example, Hennum found that the judges considered the import of heroin as a more serious offence than dealing heroin by the judges, and /or there were other criminal activities involved in the cases which could explain the differences in the issued punishment⁴⁰.

However, Hennum (2002) found that a part of the variation she identified in the judges use of punishment could not be explain in terms of the judicial logic. Hennum interpreted this finding as part of a trend of leniency in drug offences. Moreover she argued that this trend of leniency could lead to some confusion in the court about the question of punishment in drug offences. It is important to recognize that Hennum's mission, reading the decisions from a lawyers' point of view, was to examine whether the courts were coordinated in their practices of meting out punishment. My mission is not to find out whether the courts are coordinated in their practices, but to study how the judicial logic might include some narratives and exclude others, and to locate the basis for judicial argumentation on which this evaluation is based. In order to achieve this, I examine closer how and in what ways the judges argue in heroin felonies.

The question of punishment

The point I am making is that although the amount of heroin is central when punishment is issued, other factors and arguments besides the amount of heroin, are also heard in heroin cases. The question is: Which are the factors and arguments that are reflected in the judges' argumentation, and which are the ones that, according to judicial logic, are irrelevant? In the following section, I will elaborate on some of the arguments used by the judges when issuing punishment in heroin cases.

General deterrence, profit motive, and the danger of spreading

I have identified three general characteristics of the judge's argumentation when issuing punishment in heroin cases subsumed as aggravated drug crimes. First, general deterrence is given by the judges as the main reference for issuing punishment. Second, profit is understood

⁴⁰ When selecting the heroin cases for this study I removed cases where the prime felony was not heroin, but another drug such as amphetamine or hashish.

by the judges as the defendant's main motive. Third, the judges refer to the danger of spreading as one of the main reasons for heavy punishment.

When the heroin smuggling and dealing case is subsumed under sections two and three of § 162, general deterrence is given as the main reference when punishment is measured and sentences are passed. Hence, general deterrence is used in cases that vary considerably as to the amount of heroin and length of punishment. When the judges in the appellate courts refer to general deterrence, this is often expressed in sentences such as the following:

“Because this case involves a substantial amount of a dangerous drug, the Court finds that general deterrence directs a very severe punishment” (LB-1997-2648).

According to Andenæs (1971), deterrence is commonly divided into two specific types, general and specific. General deterrence is based on the notion that people will engage in deviant activities if they do not fear apprehension and punishment. Norms, laws, and law enforcement are to be designed and implemented to produce and maintain the image that negative and unwanted actions will receive punishment. Although specific individuals become the target of the general deterrence theory, its main aim is to reduce the probability of deviance in the general population. In contrast, specific deterrence aims at punishing known deviants, in order to prevent them from ever again violating the specific laws and norms they have broken.

Andenæs (1971 p. 68) argues that when judges base their sentencing on general deterrence, they are saying two things. First, the judges believe that their choice of punishment has an impact on the general deterrence of the statutory provision. Second, they believe that the argument of general deterrence is sufficient enough to justify the pain that the punishment gives to the accused. Consequently, Andenæs (1971 p. 68) argues that when general deterrence is used as an argument for punishment, individual factors such as age, no prior convictions, physical state, and physical problems are held in the background when sentences are passed. In other words, this means that problematic economical situations, debt, family responsibility, and problematic integration are not emphasized when punishment is measured.

Whether or not the heavy sentencing in drug crimes has had an impact on the general deterrence of § 162 has been a source of conflict within the Norwegian criminal debate for many years. In the report to the Storting (Norwegian parliament) nr 16 (1996-1997 p. 42), this

debate has been summed up as follows: On the one hand, critics of heavy punishment based on general deterrence argue that high levels of punishment have a limited general deterrent effect; the sentences of drug crimes could be halved without seeing any difference in this. Furthermore, the critics argue that Norwegian punishment, both relative and absolute, is much higher than the rest of the European countries, and the punishment for drug crimes are too severe compared to other crimes such as violence, financial crimes and environmental crimes. Some critics are also concerned about the defendants and the effects of the long sentences, and how difficult it will be to integrate the offender back into society. On the other hand, the supporters of heavy punishment argue that the restrictive drug policy and heavy punishment that is practiced in Norway has created a negative attitude in the general public toward drugs. In this respect, the Norwegian drug policy has had a general deterrence effect on the population's morality.

My main point here is not the effect the heavy punishment in drug cases has on the general population's attitudes towards heroin, but how general deterrence as a judicial argument might affect, and perhaps limit, the judicial logic in heroin cases. More specifically, what does it mean that general deterrence is a sufficient argument to justify punishment? How does this affect the judge's view of motives and what is evaluated as a relevant factor in heroin cases?

Profit as the main in-order-to motive

***“The Court finds that it cannot place any emphasis on the reasons for the defendant's economical trouble. It is of course completely unacceptable to cover an economical need with an illegal action.”
(LE-1994-2618 p. 2)***

In the following, I will give some examples of how the judges argue with reference to general deterrence in the appellate court decisions. The first examples are from cases involving the import of large quantities of heroin.

Case, LB-2003-726

An eastern European man, 32 years old, was sentenced to 15 years imprisonment for importing 16, 5 kilos of heroin to Norway as a courier. The defendant claimed he had large financial problems, and was contacted by a person he did not previously know, and was given

the mission of transporting heroin to Norway. When meting out punishment, the judges stated:

“This case involves a substantial amount of heroin. It is obvious that this represents a great danger of spreading. [...] A case like this, for general deterrence reasons, must be met with a harsh reaction, and for that reason, personal factors have little impact. [...] After the defendant’s own expiation, the Court finds that his action was purely motivated by profit. He had large economic problems, and accepted twice in a short period of time to transport heroin, with a profit of 5.000 euros each time” (LB-2003-726 p. 3).

In this example, the judges referred to the danger of spreading and the need for general deterrence as the reasons that personal factors have little impact in his case, and stated that the accused had a pure profit motive for his actions. All of these elements of argumentation are common in the appellate court decisions subsumed under Sections two and three of § 162. Similar to the judges in this case, Andenæs (1971 p. 64) argues that general deterrence is often used in cases the judges evaluate to pose a serious threat to core values within a society, and hence require heavy punishment. The threat to society of heroin dealing and smuggling is expressed by the judges in the argumentation of “the danger of spreading⁴¹.”

Moreover, the most common motive reflected in the appellate court decisions is “profit,” expressed in statements such as: “only profit,” “done for profit” and “the motive was purely profit.” In the mentioned example (LB-2003-726), the courier was offered 5000 euros on two different occasions for the mission of transporting heroin, which equals a total payment of 10, 000 euros. If this courier is driven only by profit, as the judges argue, he has done his cost / benefit calculations which could have looked something like this: 10, 000 euros divided by a 15 year prison sentence equals 667 euros for every year in prison. In other words, for the profit of 667 euros, he is risking one year in prison. Moreover, one could ask, how much higher should the level of punishment have been, for the profit not to be worth the risk? Or to rephrase the question, does the willingness to take such a risk express something about his need for money?

Christie and Bruun (1985 p. 88) have argued, when looking at the criminal political debates that led to the introduction of § 162, that the drug dealers and smugglers were perceived as

⁴¹ This argumentation is used in most of the appellate court decisions. The danger of spreading is even used in cases when the judges find the spreading effect to be a minimum, because the offender is believed when he/she claims the heroin is for own use.

“the perfect embodiment of an ideal enemy.” This was because they were perceived as dangerous, because they led people to death or to life-long suffering. Most importantly, they were without scruples, thinking only of their own economic profit. According to Christie and Bruun, the drug dealers and smugglers are the ideal persons to punish. To illustrate how the profit motive is mirrored in the judge’s argumentation, I will use some more examples:

Case LB-2000-2347

A 44-year-old, unemployed Eastern European male, with no prior convictions, was sentenced to 12 years for importing 4,399 kilos of heroin to Norway from Germany. The defendant came as an immigrant to Norway in 1987. When measuring out punishment, the judges stated:

“The Court finds that the defendants’ role was as a courier. Based on the information about the defendants’ life situation at the time of the crime, the Court finds that his motives were economic. The import was of a large quantity of heroin with a large value on the illegal market. General deterrence directs a very heavy punishment” (LB-2000-2347 p. 2).

Similar to the previous example, the judges in this case interpret the defendants’ unemployment at the time of the crime as an indicator of a profit motive, without emphasizing why the defendant was unemployed in the first place. While the judges do not explicitly argue that the reasons leading to the offender’s economical problems are irrelevant, this is expressed explicitly by the judges in the next example.

Case LE-1994-2618

One Eastern European immigrant male (B) and one Eastern European citizen (A) were convicted to 10 years and 7 years for importing one and a half kilos of heroin. (A) was convicted for being the courier of the heroin and (B) for receiving the heroin in Norway. When passing sentence for (A), the judges argued as follows:

“The Court finds that A has played a central role by transporting the heroin to Norway. The defendant claimed that he had large economic problems when he accepted the mission to transport the heroin, and he claims that he was given 4000 DM for the job. Therefore, there were pure economic motives behind his actions. The Court finds that it cannot place any emphasis on the reasons for the defendants’ economic trouble. It is of course completely unacceptable to meet an economic need with an illegal action” (LE-1994-2618 p. 2).

If one compares the judges’ argumentation in these three examples to the narratives told by the prisoners, the judges’ argumentation has clear parallels to the entrepreneur narrative,

which stresses profit as the main motive for dealing heroin. Moreover, the judges' argumentation has a clear parallel to the argument made with the organized crime perspective, which most commonly conceptualizes motives only in terms of profit. However, the judges' argumentation does not mirror the victim of social injustice narrative, which emphasizes the accuseds' because- of motives—the socio-economic pressures that led to the defendants' economic problems in the first place. Hence, the judges' argumentation does not reflect the sociological explanations of development of subculture, or understanding that criminal actions might be connected to blocked legal opportunities to earn money.

To elaborate, the deterrence perspective is based on the theory of rational choice, as expressed by early classical theorists such as Cesar Beccaria and Jeremy Bentham. Aubert (1972) in his classic work *The Social Function of Punishment* offers an excellent introduction to this classical theory. Auber's (1972 p.24-31) introduction can be summed up in the following way. The central point in the theory is that people are rational actors. Furthermore, rationality involves an end/means calculation. From this it follows that people freely choose all behavior, both conforming and deviant, based on their rational calculations. The central element of calculation involves a cost benefit analysis: pleasure versus pain. Choice, with all other conditions equal, will be directed toward maximization of individual pleasure. Hence, choice can be controlled through the perception and understanding of the potential pain or punishment that will follow an act judged to be in violation of the law. Given this perspective, the cost/benefit calculations in heroin smuggling and dealing cases would involve an evaluation of the profit gained by illegal activities and the cost of the risk given the level of punishment in these types of crimes. A central question then is: In what way is the deterrence/rational choice approach to crime limiting?

First, and as Andenæs (1977 p. 63) has pointed out, the economical understanding of crime offers a limited understanding of the motivational components of certain crimes. As an example, Andenæs uses a family killing, which would not easily fit a cost/benefit calculation. In other words, a rational theory approach underestimates the emotional components of people's actions.

Second, by stressing that people make their choices freely this approach offers a limited understanding of structural differences and power. Hence, it does not offer any insight into the fact that although people do make choices they do not choose the structures that they live

within. This approach does not take into account the fact that an unrestrained freedom of action might be an illusion, that people's actions are neither random nor purely self-determined, that there are always a number of constraints, both material and conceptual, that force and /or dispose us to act in certain ways. As mentioned earlier, the subculture theorist and the Norwegian criminologist and the sociologist of law have made these structural inequalities the focus of their study.

Moreover, Schutz's ((1932) 1967) distinction between in-order-to motives and because-of motives, which I have applied in the analyses of the prisoners' narratives, are relevant in a debate about whether freedom is compatible with determinism. From the perspective of a person's own in-order-to motive, the person experiences himself or herself as a free and morally responsible being; however, from the perspective of emphasizing one's because-of motives after the act is completed, the person correlates his or her actions with its social economical determinants. It is important to recognize that to Schutz ((1932) 1967), these determinants are not to be construed as the real causes of people's actions but rather as influences discovered through the retrospective and reflective act of associating earlier influences with the later actions that they seem to have influenced.

The point is that given a deterrence/rational choice approach, the in-order-to motive (profit) for heroin smuggling is emphasized, whereas because- of motives are not. Seen from this point of view, the offenders telling a victim of social injustice narrative are expressing a resistance to the reductionism offered by the courts' definition of them as simply driven by profit. When the offenders highlight their because-of motives—the social /economical determinants of their actions—they are giving explanations as to why they needed money in the first place and how this is interconnected with their marginal position within society. I will give some more examples of how the judges argue when personal factors are held in consideration when punishment is issued.

Personal factors and the danger of spreading

As previously mentioned, Andenæs (1971) argues that when general deterrence is used as an argument for punishment, individual factors are not emphasized when sentence is passed. This is a common argument in the appellate court decisions that are subsumed under Sections

two and three of § 162. To further illustrate how the judges argue when personal factors are held in the background, I will use two cases, both of them involving non-ethnic Norwegians. The first case involves a young man, only 18 years and 10 months, and the second case involves a 75 year old man. I have chosen these cases because the ages of the defendants are rather sensational and would perhaps lead the judges to take the defendants' life situation into account.

There are two interesting features in these cases. First, both the offenders' age and life situation were emphasized when the appellate court meted out their punishment. Second, both cases were appealed to the Supreme Court, where the punishment given by the appellate court was reduced. However, this reduction in punishment was not done in reference to the defendants' age and life situation, which the Supreme Court argued was irrelevant, but with references to the purity of the heroin involved in the cases.

Case LB-2003-722

A man of 18 years and 10 months of age was convicted to 10 years for keeping 3.5 kilos of heroin, 1.8 kilos of cocaine, and 79 ecstasy tablets. The accused was sent to Norway from Belgium by his parents, who regularly visited him, collecting money and delivering drugs for the accused to sell. When meting out punishment, the judges referred to the severity of the crime and general deterrence, and stated:

“The defense has argued that the defendant has had a hard time in custody (395 days) and that he as an immigrant will have a hard time serving his sentence. The Court finds that these factors cannot be emphasized in a serious case like this one where general deterrence is made relevant. [...] It has to be taken into account that the defendant only was 18 years and 10 months when he was arrested. Further, it is obvious that his relations to the mission-givers (his parents) in Belgium had an impact on how he became part of the business” (LB-2003-722 p. 5).

The case was appealed to the Supreme Court, where the judges argued the following regarding the defendant's background:

“The defense has argued that the defendants' relationship to the organizers of the crime was special, and that the Court has found that the drug dealing was organized by the defendants' parents. Further it is emphasized that the offender only was 18 years and 10

months old at the time of the crime. I cannot see that this should be emphasized when issuing punishment” (Rt-2003-1082 p. 3).

In addition to references to general deterrence, the judges of the Supreme Court justified not placing any emphasis on the defendant’s young age and the relationship to his parents, with the fact that the accused previously had been convicted of acts of violence toward his girlfriend and a doorman at a nightclub. The Supreme Court judges argued:

“The district court has concretized the violent behavior toward his girlfriend to three separate episodes. The last time was the most serious. In this episode, he hit his girlfriend 20 times in the face, strangled her and head butted her. She went to the police, who came to their apartment to arrest him. [...] The conviction of violence makes it not natural to view the relationship to the parents as important to the defendant’s actions” (Rt-2003-1082 p. 2).

In other words, the accused was interpreted by the Supreme Court judges as a man who freely made his own choices, chose his deviant actions and was held responsible for them. One might pause here and ask some questions: How reasonable is it to claim that this young man acted of free will? What had he experienced in his childhood? What would this young man’s story be? How would he, if given the chance, have described his own because-of motives? The mentioned judicial ruling does not answer these questions, nor do they cite what the defendant himself had explained in court. The point is that when personal factors, such as age and family relationships are not emphasized, the context of the defendant’s life, the social network in which his actions took place, and the actions as part of an ongoing process are not made visible nor considered relevant.

Moreover, when a central goal of the judicial system is to treat like cases in the same manner, one might ask: What is a similar case to this one? One answer to this question is given by the Supreme Court judges, who argue that a similar case would be a case that contains approximately the same amount of heroin as this one. The judges argue:

“Storage of a large amount of 3477 grams of heroin would lead to a long sentence if the purity of the heroin had been normal. The question is what type of punishment one should give when the heroin is heavily adulterated. In this case there was only 434 grams with purity of 29-30 percent, which is the normal level in Norway. 14 grams of the heroin had a purity of percent, but most of the heroin had only a purity of 2 percent, whereas 198 grams had a purity of 5 percent. The expert witness Tormod Bønes from KRIPOS measured that the quantity of pure heroin in this case was 197.8 grams of heroin and 738 grams of cocaine. [...]The question of the purity of the drug punishment

has been an issue in the Supreme Court at several occasions. [...] When there is a big discrepancy in the purity of the drug and the normal purity, it must be emphasized when issuing punishment” (Rt- 2003-1082 p. 2).

When the danger of spreading is strongly emphasized in the judicial logic and the judge’s argumentation, the question of the quality of the heroin becomes important, because heroin is commonly adulterated, and the quality of heroin can range from a slight percentage to 100 percent pure heroin. While the amount of heroin is considered to be of great importance in the case, the quality of the drug is also discussed at length. The question the Court then addresses is: How much heroin does, for example, 100 grams of heroin with 2-6 percent purity contain? And how should this purity affect the level of punishment? In this example, the Supreme Court reduced the punishment from ten to nine years with reference to the purity of the heroin. At the other end of the age spectrum, a similar line of argumentation by the judges is found in the next example.

Case LA-2003-13450

A man, described as only speaking Spanish, aged 76 years, with prior convictions, was sentenced to four years and six months for importing heroin. When issuing punishment, the judges argued:

“The Court finds that aggravating circumstances in this case are that heroin is a very addictive drug, and that 699 grams of it involves a great potential for spreading, and that the defendant has previously been convicted of a drug felony in Germany. This conviction has clearly not deterred the defender from doing these types of crimes. The Court finds that the mitigating circumstances are the low purity of the drug. Further it is emphasized that the offender with his 76 years will have a hard time serving his sentence. He only speaks Spanish and it might lead to isolation in the prison” (La-2003-13450 p. 2).

This case was also appealed to the Supreme Court, which reduced the offender’s punishment to four years; similarly to the previous case, however, the Supreme Court judges argued on the grounds of the purity of the heroin and not on the defendant’s personal factors. When passing sentence, the Supreme Court judges argued:

“In this case, there are reasons to evaluate the personal factors of the defender. He was born in 1928 and will soon be 76 years old. When I don’t place any weight on the offenders’ age, it is because he has previous convictions in similar cases...The defense

has argued that the defendant might be very isolated in jail because he only speaks Spanish. This is not an extraordinary situation, and will be the case in many courier cases. There is a practice for giving foreigners with fewer visitors and language difficulties an early parole. After my evaluation, this is not the situation in this case, and should not be taken into account when measuring punishment. [...] That heroin is a very dangerous drug, is not necessary to argue. It has to be emphasized in this case that the purity of the heroin in this case was only 5 percent. [...] Both the number of user doses and the risk of overdoses is reduced with a heavily adulterated heroin like in our case, compared to the more normal purity of 30- 50 percent. The amount of 699 grams must be measured against this. I want to underline that there are many issues in measuring punishment in a case like this one, and that it is by no means as simple as an arithmetic problem. When I now do this type of mathematical exercise it is to compare this case to two other cases. In our case, then, it was 35 grams of pure heroin. If the purity of the heroin had been 50 percent, then the amount of heroin would have been 70 grams" (Rt-2004-643).

By doing this mathematical exercise, the Supreme Court judge could compare this case to two previous cases that were given a lower punishment than the 75-year-old accused got in the appellate court, and, therefore, reduced his punishment to four years. Similarly to the previously mentioned case, the elderly man is not quoted in any of the courts' decisions. The man's background story is not mentioned apart from the fact that he has been punished before, and that he acted with a profit motive. Similar to the case of the young man, the context of this man's actions was not made visible or relevant. One way of interpreting the Supreme Court's reluctance to emphasize personal factors in aggravated drug crimes, even in cases with rather sensational personal factors, is that they are afraid this may lead to a weakening of the general deterrence effect.

However, when the judge's argumentation emphasizes the amount and quality of the heroin, the judicial practice legitimizes a certain understanding of issues relating to heroin. To elaborate, I will give two examples. First, the Supreme Court judges argue that one of the dangers of pure heroin is that it leads to overdoses. Although this is a rather widespread understanding, scholars within the research field of addiction argue that the relationship between the fatal overdoses and the quality of the heroin is much more complicated (see Darke and Zador 1996, Zador et al. 1996, Risser and Schneider 1994,). For example, studies based on toxicological data have shown that only rarely is a fatal overdose a consequence of unexpected high purity (Darke and Zador 1996, Risser and Schneider 1994). Variations in purity can cause overdoses, but much more common is a combination of the drug with intoxicating levels of alcohol or other central nervous system depressants, such as benzodiazepines.

Scholars such as Darke and Zador (1996) have also pointed out that heroin overdoses are not confined to inexperienced drug users, and that sometimes the difference between a fatal and a non-fatal overdose is the social setting where a heroin addict injects, and whether the drug user gets adequate help in time, either by other drug users or by medical staff. When the judicial logic stipulates that purer heroin is more dangerous than adulterated heroin, a myth may be unnecessarily kept alive.

Second, it is interesting to note that although most of the appellate court decisions refer to the danger of spreading, none of the decisions referred to how heroin is supposed to spread in practice. Are we all at risk, or are some groups in society more at risk than others? None of the judicial decisions refer to whether or not the number of heroin users is increasing or decreasing, or what might influence and /or affect user patterns.⁴² However, what the judicial rhetoric repeatedly expresses is that heroin is a very dangerous and addictive drug.

Organized crime, *mens rea* and cooperation with the police

Compared to the victim of social injustice narrative, which, due to the emphasis on general deterrence, is not reflected in the judges' argumentation, the victim of organized crime is a central narrative found in the appellate courts' decisions. As mentioned earlier, a fundamental principle in the judicial logic is that crimes need to have both a mental and a physical element. *Mens rea* (guilty mind) refers to the mental element and is the person's awareness that what they are doing is criminal. According to Andenæs (1965 p. 193), there are two different kinds of subjective guilt described in the law, intent and negligence. Further, intent is characterized by an actor that knowingly engages in criminal activity, whereas neglect is characterized as a person who is unaware of the attendant circumstances and the consequences of their actions. However, a reasonable person would have been aware. Hence, if the accused can argue that they committed the drug crime negligently, they cannot be punished for more than two years (see section five § 162).

⁴² It is important to recognize that there is no single empirical paper that tries to verify or prove the following: whether longer prison sentences, more drug seizures or more intensive police investigations affect or change drug use by current or prospective users and/or drug related problems (see Reuter 1997 p. 273).

Similar to the offenders telling the victim of organized crime narrative, a common argumentation found in the appellate court decisions was that the defendants did not know that they were transporting and or keeping heroin. The most common argument, found in the court decisions, was that the defendant thought that they were carrying or in possession of hashish, not heroin (see for example LA-2005-116643, LE 1994-2621, LB-1995-1277, LE-1998-33, LB-1997-1891, LG-2001-2355, LB-2001-1399, LB-2000-3292). However, there were many other arguments used to describe that of which the offenders thought they were in possession of. Other examples include: skin lotion (LB-1998-187), money (LB-1997-1355), cocaine (LB-1997-3174), amphetamines (LB-2001-220, LB-2002-1676), diamonds (LB-2005-13851), and ecstasy tablets (LB-2005-1000620). The argument of not knowing at all that one was involved in a heroin transport was found in cases that involved more than one courier (se for example LB-1998-1436). There is even one case where the courier argues that he came to Norway to apply for asylum, not to smuggle heroin (LB-1999-1801). What all these arguments have in common is that if they are believed, the defendants' punishment will be radically reduced.

Analyzing the appellate court decisions, I found it striking and a bit peculiar that the offenders were claiming such a similar line of defense. One way of interpreting this is that the judicial logic in aggravated heroin cases, which stresses general deterrence, and excludes personal factors as irrelevant, gives the defense a very narrow field within which to argue, and hence they argue neglect.⁴³ However, in most of these cases, the accused' motivation is not questioned, as it is assumed to be profit, as mentioned earlier. This is because the couriers and keepers of heroin are often given money for their missions. What is at stake in these cases is whether or not the offenders were manipulated into the mission, and whether or not they knew that they were in possession of heroin. It is also important to recognize that the stories that these couriers and keepers of heroin tell to the police and in the courts are the sources (foundation) on which the law enforcement agencies base their views when they are describing how heroin crimes and other drug crimes are organized.⁴⁴ In the following, I will illustrate this with some examples. First, I will give two examples of cases where the

⁴³ It is rather obvious that smugglers and dealers of large quantities of heroin cannot argue the victim of addiction narrative, for example 16 kilo of heroin for their own use. However I would like to point out that the courts' resistance to hearing personal factors in aggravated drug crimes might exclude and/or cover drug use among ethnic minorities. The interviewed prisoners tell of extensive drug use, although they are not injecting heroin.

⁴⁴ As mentioned in the theory chapter, not only law enforcement uses these sources, but scientists researching organized crime do, as well.

defendants were not believed in their line of defense, and second, some examples of offenders with a similar line of argumentation whose stories were believed.

Case LB- 2001-1399

An Eastern European citizen, a 33-year-old male, was sentenced to seven years and six months for importing one kilo of heroin into Norway in his car. In discussing the courier's intent, the judges argued as follows:

“It is nevertheless argued from the defense that the offender did not act with intent. He did not himself place the drugs in the car, and he was not there when the drugs were placed in the car. He was under the impression that it was not a dangerous drug, and thought that it was nothing stronger than marijuana. The Court has found that it is proven without a reasonable doubt that the defendant, although not knowing exactly what the packet contained, realized that it might be heroin. Following the defendant's own explanation, he had asked his employer repeatedly what the packet contained, without getting a clear answer. One time he was told that it was best that he did not know, and he was told that it was nothing dangerous. The Court finds that this cannot excuse him. The Court finds that he had considered that the packet could contain heroin. When he then, for payment, travels the long way to Norway with the packet and imports it here, this is sufficient for him to be judged with intent of having imported heroin to Norway” (LB-2001-1399 p. 2).

Since the actual facts of a case happen outside the court, and always in the past, the task of the trial is to reconstruct the past from what are, at best, reports of facts. As mentioned earlier, Lyman and Scott (1989) argue that the court must deal with the problematic situation of assessing what happened in the minds of the accused at the time of the crime. This is what Lyman and Scott labelled “the mind-reading problem of intent.” Simplistically expressed, in many heroin cases, this means that the prosecutor will argue that the defendant knew, or at least should have known, and the defense will argue that they did not know and that they had been manipulated by others. Hence, the question of the offenders' intent illuminates the contradictorily principal of the courts, argued by the sociologists of law, where two sides argue to serve their own interest (Frank 1950, Aubert 1972). One more example:

Case LE-1994-2621

An Asian citizen was punished with eleven years of prison time for smuggling four kilos of heroin into Norway. In the appellate court decision, the judges argue the following:

“The defendant got a request from an acquaintance, asking if he would smuggle drugs to Norway. The offender has explained that he was told that this was about hashish, and that he would not have been willing to smuggle anything more dangerous than that. The Court finds that this is an incorrect statement. The Court finds that from the beginning it was a question of smuggling heroin to Norway, something the defendant said that he would do. The Court finds that the defendant all along knew that the amount in question was four kilos.”

In addition to not being believed in court when claiming neglect, these two previous examples have one more thing in common. Neither of the defendants contributed, by cooperating with the police to the arrests of other people. In the next examples, there are two common features: first, the accused claims neglect, and second, the accused cooperates with the police.

Case: LB-1997-1355

An Eastern European citizen was sentenced to nine years for smuggling three kilos of heroin into Norway from Budapest. In the appellate court, this sentence was reduced to one year and nine months, on the grounds of neglect. He stated he had not known that he was transporting heroin but thought that he was smuggling counterfeit money for an employer for whom he previously smuggled money. The judges argued:

“When the defendant was confronted with what customs had found, the defendant completely fell to pieces. When he came to himself he decided to cooperate with the police. [...] In a mitigating direction, it must be emphasized that the defendant has cooperated with the police, and that the receivers of the heroin were thus arrested. He has also contributed with information about the employers in his country of origin. Both he and his former wife have received threats as a result” (LB-1997-1355 p. 3).

Similar to the structure of the victim of organized crime narrative, in this judgment, the end event—the event that changes the meaning of the previous events—is underlined by the judges as an emotional event when they believe that the defendant acted negligently.

One other characteristic of the cases in which the defendant is believed when claiming neglect and cooperates with the police is that their willingness to talk is strongly emphasized by the judges. This is especially true in a situation when they can claim a threat or a risk of a threat to their person. Andenæs (1977 p. 94) makes an interesting point about the similarities between organized crime and deterrence; within the classical organized crime (Italian mafia),

the internal justice or the threat of the internal justice shows that deterrence actually works. When the members are scared of talking because they fear punishment by the ruthless leaders of the mob, they are submitting to the norms of organized crime. Additionally, Andenæs (1977 p. 94) raised the question: Why does organized crime flourish in connection to corruption? The answer is that corruption reduces the effect of the legal system, and gives the member of organized crime a feeling of immunity. One might ask: What would happen if the court let a person who was understood by the media to be part of organized crime get off with a small or lenient sentencing? Seen from this point of view, cooperation with the police and informing on the others involved should be given credit.

However, it is important to first recognize that these ideas of the interconnectedness of corruption and organized crime open up the use of heavy sentencing as leverage for the heavy sentences. If one follows this argument, the severe punishment of individuals who are assumed to be part of organized crime serves the function of bringing legitimization to the court and its power. In other words, the image of organized crime, with all its mythical implications, serves as a background in most aggravated single offense drug cases, especially when the accused is an ethnic minority. Second, the practice of encouraging the defendants to talk also leads to the earlier mentioned prisoner dilemma, i.e., playing different offenders out against one another. Similarly to the prisoner telling the victim of organized crime narrative, it is quite common that one of the offenders, in cases that have more than one accused, may be believed when claiming neglect. The following is an example:

Case (LB-1997-1891):

Two men were convicted for importing three kilos of heroin. (A) A 48-year-old man with prior convictions was sentenced to six years. In the appellate court, this sentence was reduced to one year and eight months, whereas eleven months were made conditional. (B) A 40-year-old man, described as an entrepreneur, was sentenced to eight years. The appellate court increased his punishment to eleven years. When meting out the punishment for B, the judges argued:

“The Court finds that general deterrence directs a severe reaction in a drug crime like this one. For that reason, personal factors have little importance. None of the defendants are themselves users of heroin, and the entire heroin consignment was meant for the Norwegian market. It was a pure profit motive behind both of the defendants’ actions.

[...] B has had a central role in the heroin import. He has had contact with both the sellers and the receivers. He organized the couriers and the transportation. The import was professionally done, and shows that he has international contacts. There are no mitigating circumstances” (LB-1997-1891 p. 2).

When meting out punishment for A the appellate court judges argue:

“Throughout the police investigations, the district courts, and the appeal process, A has claimed that he did not know that he was importing heroin. He was under the impression that he was importing hashish. The Court finds it has not been proved that he knew it was heroin. [...] For A, it is appreciated that he laid all his cards on the table, so that the case against B was solved. It has been proven that it involved a great deal of personal risk to tell the truth that has led to B being punished for his crime” (LB-1997-1891 p. 2).

It is a common feature in appellate court decisions that the defendants who are believed in their claims of neglect are the same persons that cooperate with the police, but I have also found examples of a defendant who was believed in his claim that he had acted with neglect even though he did not contribute to more people getting arrested. However, he was believed to have been manipulated by a much more resourceful and organized actor.

Case LF-2005-76627

A refugee living in Oslo accepted, after hesitation, to transport drugs from Oslo to Bodø. He was arrested in Trondheim, and the police found 85 grams of amphetamines, 164 grams of hashish, and 97, 04 grams of heroin on him. The accused claimed that he knew that he was carrying amphetamines and hashish, but not the heroin. When meting out the punishment, the judges argued as follows:

“When issuing punishment it is emphasized that this case involves a large amount of drugs which were meant for selling. The defendant was a courier, and had only an economic motivation for doing the mission. Having the heroin is the most serious part of what A is convicted for. [...] When it comes to the neglectful possession of heroin it is emphasized that it was a large amount of a dangerous drug, and that A can be criticized for not investigating whether or not the drugs he was carrying also included heroin” (LF-2005-76627 p. 2).

The defendant was believed to have been exploited by a much more organized and professional actor. The court believed his story. He was convicted to 10 months in prison.

The offenders that tell a victim of organized crime narrative are—although not to the same extent as the offenders telling a victim of social injustice narrative—expressing a resistance to the labels enforced on them, as they are negotiating with the frame of organized crime set by the Court, and with the argumentation accepted by the appellate court as legitimate (their position in regard to others’ involvement and their own intent).

Previously I have argued that both the victim of social injustice narrative and the victim of organized crime narrative can be interpreted as excuse accounts. This is because these narratives are an admission that dealing in large quantities of heroin was wrong coupled by a denial of full responsibility (Lyman and Scott 1989 p. 135). When these narratives are expressed in front of the holders of power (the judges), the victim of social injustice is not a successful excuse, whereas the victim of organized crime often is, especially if it is told in cooperation with the police.

Addiction as a legitimate because-of motive

So far I have looked at how the judges argue in especially aggravated and aggravated drug felonies involving mostly non-ethnic Norwegians offenders. Now I want to turn the attention to cases where the offenders argue that they are addicted to heroin. First, one important question becomes: Are there any tendencies in regard to ethnicity and the length of punishment in the category of cases involving 15-749 grams of heroin? The following table can illustrate this:

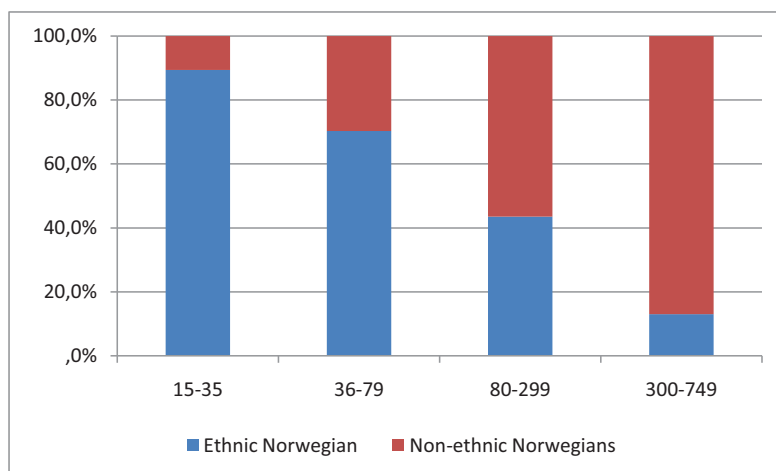
Table 5 Percentage of cases where the main offender is ethnic Norwegian, and percentage of cases where the main offender is non-ethnic Norwegian, in the appellate court decisions involving the amount of 15-749 grams of heroin after length of punishment (N=293).

	Ethnic Norwegians (N=173)	Non-ethnic Norwegians (N=120)
0-2 years	49	12
2-10 years	50	87
>10- years	1	1
Total	100	100

What does this table show? First, this table shows that in 87 percent of the cases involving 15-749 gram of heroin where the main offender is non-ethnic Norwegian, the offender is punished from 2-10 years; whereas in 50 percent of the cases where the main offender is ethnic Norwegian, involving 15-749 grams of heroin, the offender is sentenced to 2-10 years. Second, this table shows that in 49 percent of the cases where the main offender is ethnic Norwegian, involving 15-749 grams of heroin, the offender is sentenced to 0-2 years in prison, and in only 12 percent of cases where the main offender is a non-ethnic Norwegian, involving 15-749 grams of heroin, the offender is sentenced to 0-2 years. In other words, there seems to be a tendency within the category of 15-749 grams of heroin that when the main offender is ethnic Norwegian, the sentence issued by the appellate court judges is within the frame of a simple drug felony, whereas in cases where the main offender is non-ethnic Norwegian, the sentence issued by the appellate judges is more frequently within the frame of an aggravated drug felony.

However, the category including 15-749 grams of heroin consists of a fairly wide range of different heroin quantities. Hence, one explanation of the differences between cases with an ethnic Norwegian main offender and the cases with a non-ethnic Norwegian main offender could be that the ethnic Norwegians offenders are systematically charged with smaller amounts of heroin than the non-ethnic Norwegians offenders within the category 15-749 grams. The following figure illustrates this point:

Figure 12. Percentage of cases where the main offender is ethnic Norwegian, and percentage of cases where the main offender is non-ethnic Norwegian in the appellate court decisions grouped according to grams of heroin.



This figure shows that in cases where the main offender is ethnic Norwegians, they are systematically charged with amounts from 15-80 grams of heroin; whereas in cases where the main offenders are non-ethnic Norwegian, they are systematically charged with 80-170 grams of heroin. Hence, following the judicial logic, this would explain the differences in punishment, between ethnic Norwegians and non-ethnic Norwegians, in cases involving 15-749 grams of heroin. Moreover, seen from within the judicial perceptive, this could also be interpreted as a trend where the border between simple and aggravated heroin felonies in practice has moved from 15 to 80 grams of heroin, where those offenders charged with up to 80 grams of heroin get punished from zero to two years, and those offenders charged with more than 80 grams heroin get punished to more than two years. However, determine in more detail how the judges evaluated and argued these cases, I will analyze some cases which involve 15 to 80 grams of heroin.

A central characteristic of the cases involving up to 80 grams of heroin is that the offenders often claim that they are themselves addicted to heroin. I have identified three characteristics in judges' argumentation in cases where the defendants claim that they are addicted to heroin. First, the judges explain that in recent years⁴⁵ there has developed a judicial practice to treat these cases more leniently. Second, the judges discuss how much heroin in the case was meant for personal use and how much was intended to be sold. This issue is important because it establishes whether the defendants' motives were profit. Third, community service and community sentences⁴⁶ are forms of punishment issued by the judges in some of these cases, even in the cases involving more than 15 grams of heroin, and subsumed as aggravated drug felonies.

Moreover, a striking feature in these cases is that the judges argue in a paradoxical and somewhat confused way. On the one hand, the judges stress the seriousness of the crime with

⁴⁵ Exactly when this trend of leniency started in the judicial practices has been difficult for me to determine. The earliest mentioned arguments, which I have found, in which a well-established drug user should be treated more lenient than others, was in a Supreme Court decision from 1991 (Rt- 1991-275). However, and as earlier mentioned, the first harm reduction measure in Norway was the needle exchange, which was established in 1988, in relation to the fear of HIV-virus spreading among the injecting drug users. Hence, four years later, the first harm reduction inspired arguments were voiced in the Supreme Court.

⁴⁶ Community service is meant to replace a prison sentence. The offender performs unpaid work for a fixed number of hours. The work is usually done for a non-profit organization. Community sentence (in Norwegian "samfunnsstraff") was introduced in 2002, replacing the former order of community service. A fixed number of hours have to be served either by unpaid work, participation in a programme, or other activities aimed at prevention of reoffending (See Kristoffersen 2007).

reference to general deterrence, the danger of spreading and often include an assessment of the quality of the heroin. On the other hand, if the dealer is an established drug user, this is given considerable weight by the judges when issuing punishment. To illustrate this, I will use an example:

Case LB-2004-16133

A 38-year-old Norwegian male was convicted to prison for one year and one month for being in possession of 35 grams of heroin. When meting out punishment, the judges argued:

“As an aggravating circumstance, the Court finds the defendant’s prior drug convictions. This time, the case involves heroin which is a very addictive drug with a short period of addictiveness, and which is very dangerous to the user. With the amount of heroin this case involves, there is an objective danger of spreading. [...] The Court has, although, come to the conclusion that the punishment must be reduced in this case. The defendant is himself a heroin user, and the Court has no proof that the drugs were not primarily meant for the defendant himself” (LB-2004-16133).

Similar to the judges’ argumentation in this case, prior drug convictions of the defendants can be interpreted either as an aggravating circumstance and/or a mitigating circumstance. To clarify, on the one hand, a previous conviction shows the defendant as a reoffending criminal which is an aggravating circumstance; on the other hand, if this conviction is for a drug felony, it also establishes the defendant as a drug user. Compared to the prisoners that tell the victim of addiction narrative, and stress that they sell heroin to finance their own addiction, the question mirrored in the judges’ argumentation is: Was the heroin for their own use or for selling? Hence, one problem the judges struggle with in these cases is that the amount of heroin involved stipulates the use of § 162, where the “the danger of spreading” is inherent, at the same time, the offenders claim that the heroin was meant for their own use and the judges find no proof otherwise.

The danger of spreading is inherent in §162, because the paragraph can only be used in cases where there is an intent to sell or spread the drug (Se Ot.prp.nr.23 1983-84). If the drug is only for personal use, then § 162 should not be used; instead § 43 in the law Relating to Medicines, etc. is made relevant. § 43 stipulates the following: “Possession and use of narcotics is punishable by fines and imprisonment of up to six months.” It is the amount and type of drug that is important for estimating if a case should be subsumed under the Penal

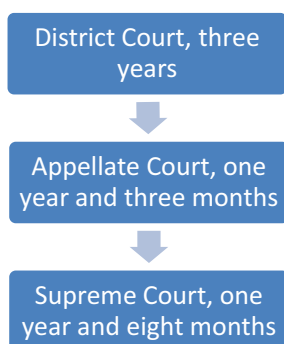
Code or the law Relating to Medicines, etc. The earlier mentioned circular from the Director General of Public Prosecution (nr.1/1998) stipulates that in heroin cases, the Relating to Medicine Act can be used in cases that only involve one to two users.

This raises the question: What is a user dose of heroin? It is important to recognize that size of a user dose is interconnected with the purity of the heroin, and that the purity of the heroin available on the Norwegian market has been reducing over time. Similarly, in the 1980s, the Norwegian heroin users /dealers divided a gram of heroin into “tubes” (in Norwegian “rør”); one gram could contain two to three tubes, which gave 10-15 user doses. In the 1990s, a new system for dividing the heroin developed, whereby a gram was divided into fewer units (four or five). These new units were called “quarters” (in Norwegian “kvartering”) (Snertingdal 2007 p. 51). However, all the appellate court cases in this sample are subsumed under § 162, yet, the argument of own use is emphasized and given weight when punishment is issued. One question then arises: What about the dealers who do not argue that they are addicted to heroin? How are they met by the courts? Here is one example:

LG-2003-983

An immigrant who came to Norway in 1992 was convicted for selling 17, 5 grams of heroin. He was receiving disability benefits and had no previous convictions. The case went all the way to the Supreme Court. The defendant was given quite a different punishment in the three different courts as seen in Figure 13.

Figure 13. Case LG- 2003-983, at all levels of justice and length of punishment



In the Supreme Court, the judges argued as follows:

“It follows from recent years’ practice when meting out punishment, that there has been lenience in sentencing for drug felonies that involve buying or storing for own use and not primarily with the intent of spreading the drug. However, the defendant in this case is not himself a user of drugs, and the dealing was done with a pure profit motive. There is no mitigating circumstance” (Rt-2004-219).

In this example, it is argued explicitly by the judges that if one is not addicted to heroin, there has to be a profit motive for the dealing. One can compare this case to a case which involves almost twice as much heroin, but where the accused received a community sentence.

Case LA-2005-100956

A 35-year-old Norwegian female drug user was sentenced to one year and two months for being in possession of 38, 6 gram of heroin. This punishment was reduced in the appellate court to 404 hours of community sentence. The judges argue as following:

“The Court finds that it is not proved that the drugs in question were meant for selling. When this is said, there is a potential for spreading with this large amount of heroin, so that storing of these types of amount must be punished harder than successively buying smaller user doses. [...] In our case, the Court finds that we have an extraordinary case where the rehabilitation argument dictates that we try a reaction in freedom to avoid that the defendant falls back into drug use. The defendant is a 35-year-old female that has had a childhood marked by drug abuse and child abuse, and has herself been a heavy drug user for the last 20 years of her life. [...] This might be her last chance for breaking out of the drug addiction that has a life treating dimension” (LA 2005-100956 p. 2).

The main reason given by the judges for community sentences is that serving time in prison would destroy the good rehabilitation process that the accused had started. The use of community sentence is found in similar cases (example LG-2004-6762, LB-2002-799 and LH-2002-804). Compared to the aggravated heroin cases where personal factors are not emphasized, the defendants who argue their own addiction often get their background story quoted in the decisions. One effect of this is that the context of the offenders lives are made visible and relevant, and it urges the judges to be responsive to the human needs. One way of interpreting this, and similar to the victim of addiction narrative, is that the offenders’ because-of motives are being emphasized when punishment is issued. One important question then becomes: Does this type of argumentation imply that the judges have given up the deterrence argument and adopted a more pragmatic attitude to the drug problem? It is

important to recognize that the judges are not arguing that the offenders should not be met with a reaction, or that the general deterrence effect is made redundant. To illustrate this, I will use an example.

Case Rt-2000-254

A 23-year-old Norwegian male was convicted by the appellate court to one year and three months for 20 grams of heroin; the accused appealed his verdict to the Supreme Court. The Supreme Court denied the offender's appeal for community service, but reduced his sentence to ten months in prison. This Supreme Court decision is very interesting. First, because it involves a dissent; two judges argued for community service and three judges argued for a reduced prison punishment. Second, the Supreme Court verdict contains central judicial arguments of how to justify the use of community service/sentence in aggravating drug crimes. The judges arguing for community service based their argument on the precedents which stipulate a lenient treatment for the heroin users. This is expressed in the following quote:

“In my view, the addicts buying drugs for their own use are in a totally different situation to culpability than the person that buys to deal the drug. This is especially the case when the drug user buys, consecutively, small amounts” (Rt-2000-254).

However, the judges arguing against the use of community service claimed:

“With limiting the use of community service concerning aggravated drug crimes to cases where there is an extraordinary rehabilitation situation, the Court lets the concern to stop the defendant in continuing their involvement with the drug be emphasized more than the estimated loss of general deterrence that might happen if the defendant is not convicted to prison. If the prison punishment is substituted with community service without a concern for stopping the offender continuing their drug use or crime, one only gains a loss of the general deterrence effect” (Rt-2000-254).

In other words, the judge is arguing that there has to be situations where the human need and motivation for treatment is established for the idea of general deterrence to be made redundant. Similar to the image created by the victim of addiction narrative, the judges perceive the heroin addict as ill and in need of treatment, not primarily as a criminal in need of punishment. This implies that the earlier mentioned criticism raised by the Norwegian criminologist and sociologists of law, i.e., that the courts primarily uses § 162 to punish drug

users harshly, is a criticism in need of some modification. Addiction is heard as a central argument both in regard to what type of punishment it is given and the length of the punishment issued in drug cases. However, the courts practice a strict policy of not given weight to personal factors when punishment is issued in aggravated heroin drug cases. Other deterrents which might limit people's choices and opportunities are not addressed by the courts and are deemed irrelevant when punishment is measured. One central question then becomes, does the judges' argumentation in these cases mirror a shift in drug policy?

One way of interpreting the judges' argumentation runs parallel to the earlier mentioned dual-track policy argument (Hakkarainen et al. 2007). Harm reduction has entered the core of criminal control, the judicial practices, and has made it difficult for the judges to argue purely on the basis of a general deterrence effect and the visions of a drug-free society. Hence, the dual-track policy is mirrored in the judges' argumentation. Moreover one might ask: How harmoniously have these two policies aligned in the judicial logic?

One way of construing the dual-track policy within the judicial practices is that it can lead to a systematically different understanding of the non-ethnic Norwegian dealers and smugglers and ethnical Norwegian dealers. Where the ethnic Norwegian heroin dealers are met by the judges with a harm reduction inspired pragmatism and an understanding of their life and struggles, these factors are made relevant in court and for issuing punishment. The non-ethnic Norwegian heroin dealers and smugglers, on the other hand, could be met with an expectation of a pure profit motive; where no personal factors or background expiations are made relevant in the case or heard as mitigating circumstances when issuing punishment, except for the situations in which the accused is willing to cooperate with the police. Hence, punishing non-ethnic Norwegians sternly in aggravated drug crimes can be interpreted as serving the function of justifying the state as an effective and competent actor which has not given up the serious heroin problem.

Summary:

As a vocabulary of motive, the judicial rhetoric and logic in heroin cases has proven to be a rather slim vocabulary, which mainly consists of the profit motive and addiction as the only legitimate because-of motive. Moreover, the basic argument that I have been making in this chapter is as follows.

First, the victim of social injustice is not reflected in the judge's argumentation at all. With references to general deterrence, the judges argue that personal factors have no bearing in the case of an aggravated drug crime. A consequence of this is that the defendants' because-of motives are not heard as mitigating circumstances in aggravated drug crimes. One exception to this occurs if the accused can use his or her own addiction as a because-of motive; this is often heard in court and result in a reduction in punishment.

Second, the victims of organized crime narrative can be a successful story, and yield some reduction in punishment if told in cooperation with the police. In other words, reduction in punishment is given if the offenders inform on the other people involved in the drug dealing and smuggling.

Thirdly, the victim of addiction narrative is the most successful story told in court, because it can result in a reduction in punishment.

Fourth, the entrepreneur narrative, which was used by only four offenders in this study, is the most common narrative reflected in the judges' argumentation. Hence, the in-order-to motive, the profit motive, lies at the core of the judge's argumentation and justifies heavy punishment.

The introduction of a harm reduction inspired argumentation by the judges might lead to a systematical difference between ethnic Norwegian and non-ethnic Norwegian heroin dealers and smugglers. The ethnic Norwegian drug dealers' because-of motives are made relevant in court, whereas the non-ethnic offenders' because-of motives are not given weight when punishment is issued. The argumentation presented in this chapter can be schematically presented as follows:

Schema 4. Judicial logic schematically presented

	Victim of social injustice	Victim of organized crime	Victim of addiction	Entrepreneurs
Use of § 162	Sections two and three	Sections two and three	Sections one and two	Sections two and three
Judicial argumentation	General deterrence: danger of spreading	General deterrence: danger of spreading	General deterrence: danger of spreading, and specific deterrence: rehabilitation potential	General deterrence: danger of spreading
Relevance for issuing punishment: Mitigating and aggravating circumstances	Personal factors no relevance	Role in the criminal activity and cooperation with the police relevant	Personal use versus distributing to others, and rehabilitation potentially relevant	An entrepreneur spirit legitimize heavy punishment Aggravating circumstance
Motives	because-of motives not heard	Profit motive, as an in-order-to motive but what was the offenders' intent?	Profit motive as an in-order-to motive, addiction as a because-of motive	Profit motive, as the only in-order-to motive
Guilt	A problematic life / economical situation does not justify crime: Guilty	Did or didn't the offenders know that it was heroin? They should have known	Confessions, the offenders ill and in need of treatment, not prison	Guilty

11. Conclusion

“Narratives that mobilize people to crime are not inventions of the mind but political and ideological practices as much part of the material texture of reality as bombs and factories, wars and revolutions.”

(Currie 1998 in Presser 2008 p. 149)

There is a longstanding criminological and sociological tradition of researching the selective functions of the legal system in general (such as Aubert 1972, Mathisen 1984) and in drug felonies in particular (such as Bødal 1982, Hauge 1982, Christie and Bruun 1985). This is done by focusing on the offender’s social/economical background and comparing it to the rest of the population. In this study, I follow this line of reasoning, which stipulates that the legal practices could have a selective function, but I have added some new dimensions to the argument. First, I focus on the heroin smugglers and dealers’ language, narratives, and expressed motives, and their interconnectedness with the judicial practices. Second, I add a new dimension to the traditional criminological approach by focusing on inequalities created by the courts’ attitudes toward different defendants’ stories. My focus is on the potential treatment among those who are differently accused, rather than how the judicial practices selectively target specific marginalized groups within the population.

Moreover, I have argued that the heroin smugglers and dealers’ narratives reveal different attitudes toward their past actions. These orientations evolve from the offenders’ use of different types of motives in their narratives. In analyzing the offenders’ motives, I draw on Schutz’s (1932, 1967) distinction between because-of motives and in-order-to motives. The principle is that when the offenders see themselves in light of their because-of motives, they see themselves as a result of their socio-economic deterrents, and downplay their in-order-to motives. However, in the court of law establishing the guilt of the accused, in-order-to motives are crucial (Andenæs 1965). Thus, one could, as a point of departure, expect that all because-of motives were deemed irrelevant in court.

In analyzing the heroin dealers and smugglers’ narratives, and their expressed motivation, I do not entirely understand the offenders’ stories as inventions of the individual heroin smugglers and dealers minds, but as stories which are created out of a wider cultural framework of

reference. Hence, culture provides a “vocabulary of motives” (Mills 1940, Lyman and Scott 1989) for the offenders to talk about their illegal activities.

In this study, I have chosen to explore the interconnectedness between the heroin dealers and smugglers’ narratives, and the judicial practices’ central role in establishing a cultural “vocabulary of motives.” This choice is based on the recognition that the legal practices are significant in constituting legitimate motivations for heroin crimes and for our moral conceptions of heroin crimes. This is because the legal punishment is a correction, a therapy an attempt at normalization. The judicial process is supposed to measure, assess, diagnose, cure and transform individuals. However, no legal trial and legal sentencing are the judgment and punishment of an isolated individual; the practices of lawyers, prosecutors and judges also represent the social and cultural evaluation of human behaviour, the setting of examples as an attempt to recompose normality, and hence constitute our moral understanding of heroin smuggling and dealing (see also Carvalho Figueiredo 2002 p. 262). In other words, in the meeting between the judicial practices and the narratives of the heroin dealers, there occurs both a validation process and a labelling process.

I have shown that there is a tendency for the ethnic Norwegian heroin offenders and the non-ethnic Norwegian offenders to tell different victim narratives. The ethnic Norwegian offenders tell the victim of addiction narrative, whereas the non-ethnic Norwegian offenders tell the social injustice narrative and/or the victim of organized crime narrative. Only four offenders tell the entrepreneur narrative. What happens, then, when these narratives meet the judicial practices?

As an institutionalized practice, the courts administer both a harm reduction ideology, and a zero tolerance ideology, which in heroin felonies run together with ethnicity and the understanding of organized crime. Moreover, harm reduction as an ideology could guide the judges to view addiction as legitimate because-of motive; whereas the zero tolerance ideology could lead the judges to exclude problematic integration and marginalization as legitimate because-of motives. In effect, the victim of addiction is a winning narrative, whereas the victim of social injustice is the losing narrative in court. Generally speaking then, the judicial practices reproduce different understandings of ethnic Norwegian heroin dealers as addicted to heroin and in need of treatment, not punishment; whereas non-ethnic Norwegians are

viewed as profit-seeking business criminals, part of international and well-organized criminal networks, and in need of severe punishment.

Thus, there is a tendency for the judges to validate and legitimate addiction as an “internal forces” issue, which resolves personal responsibilities. “External forces,” however, such as marginalization and exclusion, are not viewed as legitimate limiting forces on humans’ actions in relation to heroin felonies. Moreover, when “internal forces” such as addiction are viewed as legitimate, it invites the medical practices into the courts, to decide whether a person is addicted or not, and if the person is motivated for treatment of the addiction. Hence, harm reduction as an ideology has brought a medical understanding of the drug problem into the judicial practices, which no doubt has helped many individuals. At the same time, it seems to exclude other social explanations of heroin trafficking, which could further the unequal treatment of ethnic and non-ethnic Norwegian offenders in court.

In other words, the traditional sociological and criminological explanations of crime, and the development of subcultures which rely on structural explanations, such as blocked legal opportunities to earn money (Merton 1957, Cohen 1966, Cloward and Ohlin 1969) are deemed irrelevant in court when used by the accused in heroin felonies. The same can be said about contextual explanations which are generated by the ethnographical approaches (such as Preble and Casey 1967, Agar 1973, 2002, Bourgois 1995). However valuable and praiseworthy the attitude of countering medical and juridical understandings of drug dealing, and establishing humanizing concepts of drug user/dealers found in these ethnographic approaches, they provide poor ammunition for the heroin dealers and smugglers in the courtrooms, because these approaches do not generate individualistic explanations of drug dealing. Hence, I would argue that the judicial practices are important to study in relation to heroin smugglers and dealers, precisely because the judicial practices hold the power to imprison the dealers and smugglers on the basis of their individual explanations.

Whose side am I on?

In the introduction, I quoted Hacking’s (2000 p. 6) description of the main assumptions found within a social constructionist approach, as follows: “X as it is at present, is not determined by the nature of things; it is not inevitable.” Moreover, I declared that this study’s X was,

“understandings of heroin smuggler and dealers.” However I deliberately left out of the introduction the next two assumptions which, according to Hacking, are commonly found within a social constructionist approach. These are as follows: “X is quite bad as it is”; and “We would be much better off if X were done away with, or at least radically transformed” (Hacking 2000 p. 6). The point Hacking is making is that a social constructionist researcher tends to be critical toward the status quo, although the researcher’s commitments to the last two points of transformation might vary.

The main reason I omitted these two points from the introductions, was because I did not start this study on a moral mission to radically alter ways in which heroin smuggling and dealing is conceptualized, or with a clear conviction that the way heroin smugglers and dealers are conceptualized in society is bad. Rather, I started out with a curiosity about how different understandings of heroin smuggling and dealing are created and recreated through a feedback loop between the narratives told by the offenders and the judicial practices. However, throughout the study, I became more and more aware of and concerned with, patterns of inequality. These patterns of inequality are hard to see close up in the individual cases, but can be found at a more general level, such as the judicial practices. I will therefore end this dissertation with some more reflections on the moral implications of my design, findings and research position.

In the classic article from 1967, Howard Becker raises the question, “Whose side are we on?”, and elaborates the issues of bias in relation to studies done on deviant groups, such as prisoners. A central point for Becker (1967 p. 240), in relation to the question of bias, is that the researcher can develop deep sympathies for the ones she is studying. She can become an advocate for a one-sided view, where she produces whitewashings of criminals and a condemnation, if only by implications, of those respectable citizens who, the researcher believes, have made the deviant what he/she is. Becker’s recipe for countering accusations /worries of bias, is for the researcher to be open about the limits of one’s studies, by being explicit about the perspective from which the study is written. Moreover, the researcher should acknowledge a “hierarchy of credibility,” which places some people’s accounts as less trustworthy than others, and places their own point of view in accordance to this “hierarchy of credibility.”

Following Becker's recipe, I can reflect upon whose perspective this dissertation is based. First, I can claim that I have seen heroin smuggling and dealing from the viewpoint of the heroin dealers and smugglers themselves, and from that of the judges within the appellate court. Second, I could make the argument more refined, by saying I have developed a third interpretation position. In my interpretation of the offenders' stories, I took neither the defense, prosecutor, nor judge position. Hence, I have not been whitewashing the heroin smugglers and dealers, because they have been whitewashing themselves, through telling different victim narratives, which express different forms of motivations and personal responsibilities. By "acknowledging a hierarchy of credibility," I went on to study how the judges in the appellate court evaluate the offenders' different narratives, giving legitimacy to some motives and stories, and discredit to others. I also address the issue of how the offenders' stories could be adjusted to the judicial practices, by discussing the narratives as different forms of response to the labels placed upon the offenders.

However sound the argument, I still feel it does not appropriately address the issue of bias, that there is always a gap between data and interpretations and a gap between social science and policy. According to Bernard Harcourt (2006 p. 226), there are always "leaps of faith" in social studies of deviance, and after review of an extensive amount of literature on crime and policy implications, he concludes: "Ultimately the field of social science and law is not determined by science but must rest on ethical choice. In the end, we have no choice but to dirty our hands" (Harcourt 2006 p. 229).

I agree with Harcourt that there are always "leaps of faith" in social studies of deviance. In this study, one such "leap of faith" is connected to the moral implications of allowing different motives into our courtrooms. To rephrase the question, should all types of because-of motives be heard in court, in heroin felonies? In this dissertation, I have emphasized that addiction has become legitimate because-of motive, whereas lack of integration or poverty, are not viewed as legitimate motives. Further, I have elaborated what consequences this might lead to for the different offenders in heroin cases; however, I have not provided any arguments as to whether the victim of social injustice should be paid attention to by the judges. By doing so, I am making my "leap of faith."

In my view, there are no empirical grounds for claiming that "internal forces," such as addiction, limit personal responsibilities in a more fundamental way than "external forces,"

such as marginalization or poverty. Therefore, one could argue that neither the victim of addiction nor the victim of social injustice narrative should be heard in court. Then, what type of narrative does this leave the judicial practices with? It leaves the victim of organized crime, which either is a strategically told story, or a story about a real victim, paying an unjustly high price. Moreover, it is a narrative which, at best, can be said to have dubious reform potential. Further, it leaves the entrepreneur narrative, which only stipulates the in-order-to motive -- profit -- as the driving force in heroin dealing and smuggling, yet yields no re-integrative power.

To elaborate, if the heroin trafficker uses problematic integration and lack of legal means to earn money as their because-of motive, then the victim of social injustice narrative hints of a way out of criminality, which would involve altering or eliminating unjust social structures. Hence, through altered social conditions, individuals would change their actions. Further, if the heroin smugglers and dealers argue that others manipulated them or tricked them into heroin dealing and smuggling, then the victim of organized crime narrative offers a possible way out of crime, through cooperation with the police and informing on others involved. Moreover, if the heroin dealer uses his or her own addiction as their because-of motive, the narrative of victim of addiction offers a way out of crime through addiction treatment. However, if the offenders stress that their motive for heroin smuggling and dealing was purely profit, what way out of crime does the entrepreneur narrative offer? What is the available cultural script for quitting as a business criminal? The point is that although the entrepreneur narrative lies at the core of the judicial practices, it offers no scripts which hint at a way out of crime. The entrepreneur narrative therefore, is valuable for justifying heavy sentencing in heroin felonies, but it has no re-integrative power, since it lacks a script as to how the offenders should be re-integrated into society.

Not taking people's personal narratives into account can further rejection and opposition, which could lead to further stigmatization and marginalization for the non-ethnic Norwegians telling the victim of social injustice narrative. Attention should be paid to the offenders, who relate the victims of social injustice narrative, as well as the offenders who relate the victim of addiction narrative. In conclusion, I will parallel with Harcourt (2006), and because I make my final argument based on an ethical choice, claim; "in the end I dirty my hands."

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