

# The Pains of Freedom

## *Prison Island and the Making of Scandinavian Penal Exceptionalism*

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## Summary

Based on ethnographic fieldwork and interviews, this study of a minimum security, “open” prison in Norway attempts to flesh out empirically criminologist John Pratt’s argument that Scandinavian societies employ “exceptional” penal practices. In the course of three months of fieldwork, semi-structured interviews with fifteen inmates were conducted, in addition to observation of daily prison life and dozens of conversations with inmates and staff. On Prison Island, the 115-man prison under study, most inmates live in small wooden houses in self-organized collectives, engaging in ecological farming, forestry and educational programs. Great emphasis is placed on inmate rehabilitation for the purposes of successful community re-entry. Building on Gresham Sykes’ (1958) original “pains of freedom” and Ben Crewe’s (2011) notion of ‘new’ pains in the era of “soft power” in prisons, it is argued that there are salient “pains of freedom” that arise out of apparently relaxed conditions of confinement like those found on Prison Island. The freedom experienced therein can be frustrating and painful as inmates balance between liberty and confinement. Essentially, in the absence of those features commonly associated with traditional prisons, inmates must internalize the prison with all its rules and expectations for self-improvement. In this way, the penal populist vision of open prison confinement as “luxurious” or “cushy” is moderated through empirical engagement.

It is shown that prison officers have developed “techniques of micro-constraint” – including prisoner population counts, drug tests, standards of domestic discipline and visitor regulations – to maintain order and “docile bodies.” A “macro-constraint” – the threat of return to higher-security confinement – is an overarching control technique that seeks to create discipline and self-regulation in the prisoner body. The dilemmas and tribulations of life in the open prison are illustrated with a case study of a music band organized by inmates, as well as an analysis of the use of ethnic and national characteristics as a “principle of vision and division” in the society of captives. For the band, the opportunity to play music affords certain privileges not available to other inmates, like the opportunity to leave the prison and play concerts. But new risks and challenges also arise as they strive to balance the dynamic of an outside-world organization with the expectations of inmates and officers. In terms of ethnonational group dynamics, it is shown that Norwegians and “foreigners” occasionally mobilize into stratified clusters, but by and large manage to produce a working arrangement under a regime of “forced multiculturalism.” In summarizing, it is argued that, on the international penal scene, Prison Island is an exceptional institution, but as an exemplar of late-modern “soft power” in imprisonment, it still remains committed to the basic facts of security, control and punitiveness, even as these take on new and unfamiliar guises.



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# 1. Introduction

*“It’s like normal life, you know, [like] outside. It’s like normal life. You just live your life like you want. The only difference is that it’s prison.”* – Mikel, interview transcript

This thesis is about a remarkable experiment in Scandinavian penal practices. For over two decades, hundreds of men have at some point called Norway’s low-security, “open” prison on Prison Island their home for weeks, months or years at a time. Few doors are locked, and there are no high walls, barbed wire or security cameras, enclosed by the ocean on all sides to prevent escape. For the most part, the hundred or so male inmates of Prison Island live in low, wooden houses in units of around 5-6 persons, dotted around the nearly two square kilometers that make up the island. Most have done hard time in higher-security prisons and have proven themselves worthy of more relaxed conditions of confinement. They work in the fields, growing potatoes with ecological farming techniques. They labor in the forests on the island, chopping down trees to produce firewood for sale to the mainland residents in nearby East City. They keep a stable of horses for farm work. They work in the prison commissary, selling groceries to other inmates. They work in the laundry room, washing towels and sheets and uniforms. They run their own rock band. They participate in intensive counseling against drug addiction. They man a ferry that goes between the island and the mainland. A handful of lucky prisoners are allowed onshore every other week to sing with a choir in a church on the mainland. The cluster of buildings that make up the island produce upon visitors the impression more of a quaint village from some lost century than of a place of detention for murderers, rapists, drug smugglers, addicts or embezzlers. At any one time, around eighty officers and administrative personnel are employed on the island, but in the evenings, only a handful of officers remain on duty to maintain order among the prisoners until the morning comes. This thesis is an attempt to understand how such a place comes to function.

The penal practice of placing convicted men on islands, sequestered away from the general population, has a long and colorful history. The Americans have had their Alcatraz in the San Francisco Bay, now nothing more than a popular tourist trap and a place to buy cheap trinkets and go on breezy guided tours of *The Rock*. Alcatraz is probably the most widely-known case of the island prison, but there are others. The French have had their Devil’s Island, a cluster of three islands off the coast of French Guiana that served as penal colonies for convicts until 1952; some know the place from Henri Charrière’s *Papillon* and the 1972 film by the same name. The British had their Saint Helena in the South Atlantic Ocean, where Napoleon Bonaparte was sent as an exiled prisoner in 1815. And the Russian playwright Anton

Chekhov made famous Russia's experiment in island-based penalty in his *Sakhalin Island*, a remarkable social scientific investigation of a far-flung penal colony off the country's northern Pacific coast. In modern times, the United States has operated the controversial Guantanamo Bay detention camp on the island of Cuba, detaining nearly 800 prisoners overall in a well-guarded, inaccessible site in the Caribbean.

Historically, why have islands been used as sites of detention? In some cases, partly it has probably been a desire to keep civilian populations safe from the real and perceived dangers of convicts and exiled troublemakers. There is the salient question of control. It is easier to keep enterprising criminals from escaping if they are surrounded by water on all sides, though it does not always stop them from trying: In 2011, six Mexican inmates made newspaper headlines around the world as they tried to swim a 70-mile stretch from the low-security penal colony on Islas Marias off Mexico's west coast, managing to swim about 60 miles with plastic bottles as flotation devices before they were apprehended by the authorities (Daily Mail 2011). Islands may also have been used as prisons to conceal inhumane conditions of detention from observant members of civil society. As important as the physical security which the island prison entails is probably the *symbolic barrier* erected by a body of water around such facilities. By sending those who have violated the social contract to an island, authorities ensure that these persons are 'out of sight, out of mind,' that their stigma and symbolic taint does not rub off on the law-abiding majority. "The 'box' of the prison presents a smooth surface to the outside world, which is of course how it works as a place of disappearance," writes anthropologist Lorna Rhodes (2004: 3). When the 'box' is on an island, the act of disappearance can be even more total.

This research project began with a seminar at the University of California, Berkeley on criminal justice and U.S. "hyperincarceration" under the tutelage of sociologist Loïc Wacquant. Instead of viewing the massive growth in U.S. prison populations as the product of high crime rates, discrimination or a privatized "prison industry," Wacquant (2009a) and others (see Irwin 1992) viewed the prison as an institution designed to fulfill a particular of statecraft, essentially, the management of unruly populations. With the dismantling of the U.S. social state, the productive economy and welfare policies, welfare had been replaced with *workfare*, the imperative to take part in the lower rungs of the new "service economy," and *prisonfare*, the threat of punitive retaliation if such participation was resisted. This analytic framework helped make sense of the prison and its mammoth-like importance on the other side of the Atlantic, where nearly 2.4 million persons were incarcerated at any one time. The place of the prison in U.S. society starkly contrasted with the marginal position it held in the Scandinavian countries.

When the opportunity arose to tutor lifers and inmates with long sentences at San Quentin State Prison through a student-run program, *Teach in Prison*, I seized the chance to study “the belly of the beast,” in Jack Abbott’s phrase, from within. Once a week, a group of students made the twenty mile trek up from sleepy Berkeley to San Quentin to teach English and mathematics to a few, select inmates. San Quentin was packed to the brim with nearly 5,000 inmates, at nearly double its intended capacity. It could hold Norway’s *entire* prison population of around 3,500 inmates at any one time and still have room for more. Guards occasionally wielded high-powered rifles; in Norway, even police officers are ordinarily equipped with batons at most. Classes were cancelled for weeks on end because of quarantines due to outbreaks of tuberculosis and shingles in the crowded cell blocks. And education budgets for prisoners had been slashed in half over the last years, so that only a handful of teachers were available to serve a potential student population of over one thousand students per teacher. We were forbidden to shake hands with our “tutees,” and discussing anything outside the immediate concerns of a textbook was strictly prohibited. In fact, one tutor was kicked out of the program for shaking hands with a student prisoner and discussing dismal conditions of life at San Quentin.

Given these dramatic facts, it felt like we student volunteers were once a week stepping into the practices of a criminal justice system that belonged more naturally to some remote corner of the developing world. In some sense it was worse than what one would expect to find in developing countries, precisely because of the contrast to the sedate, wealthy air of Berkeley and the San Francisco East Bay. Who would suspect that such a bleak place existed only a short commute away from some of the best real estate in the industrialized world?

Clearly, the puzzle of penalty needed resolution. If this was one of the worst prisons in the advanced world, what did some of the good places look like? What “political economy” of punitiveness could allow either good or bad carceral institutions to arise, develop and continue to exist? Could countries that had not lived through a U.S.-style “punitive turn” afford to practice a more humane form of incarceration?

Enter Norway’s *Prison Island*. It had been lauded by many as one of the best, most humane prisons in the Norway, perhaps even the world. It was encapsulated within a broader Scandinavian nexus of carceral facilities that had been described by the criminologist John Pratt as exceptional, distinct and at the top of the league vis-à-vis other countries' prison systems. Journalists from all over the world had reported with bewildered fascination from the island. A renowned American documentary film maker had traveled to Prison Island and

interviewed prisoners there for one of his films, but tellingly, the segment was cut from the final U.S. cinema release for fear that the sight of convicted murderers engaged in forestry, cutting down trees with chainsaws, would shock and offend less punitively tolerant American moviegoers. When Prison Island was re-launched to the public a few years ago in the guise of “the world’s first human-ecological prison” – ecological principles of sustainable agriculture had now been thrown into the penal mix – Norway’s Minister of Justice at the time went on the record, stating that “internationally, [Prison Island] is starting to become an established notion, symbolic of the fact that it is possible to think differently. Norway needs alternative criminal justice policies. We need alternatives to prisons, and we need alternative prison models.” (Kriminalomsorgen 2007) But few had attempted to systematically study from the ground-up this exemplification of an alternative prison model.

How was Prison Island *also* a member of the category “prisons”? Why were not more inmates seizing on the opportunity to transfer into open prisons? Norway’s Ministry of Justice had grown concerned about the fact that few inmates were applying for transfer from high-security to low-security prisons as they progressed through their sentencing (Justis- og politidepartementet 2011: 86), a fact that is probably highly counter-intuitive to most outsiders who might assume that moving from closed confinement to increased liberty would be a cherished opportunity. Did these inmates know something the rest of us did not? Was there some *hidden* form of punishment that most journalistic observers had failed to pick up on? What did the men of Prison Island think about their terms of incarceration? Were there conflicts bubbling under the surface that short-term visitors had overlooked? Or was this an institutional case to be studied, analyzed and replicated elsewhere?

The only way to resolve these puzzles seemed to be to go out there and join the men of Prison Island for a reasonable period of time. In this way, my three months of regular visits to Prison Island began in order to understand from the ground-up what the criminologist John Pratt calls “Scandinavian exceptionalism” in the field of penalty.

## **Structure**

Chapter 2 is a brief review of the methods used to collect and construct data on Prison Island. In Chapter 3, the literature on prison ethnography and the broader correctional context in Norway are reviewed. A theoretical framework for understanding power and pains in open prisons is sketched out. In chapter 4, control and the “techniques of micro-constraint,” used by the prison to remind inmates of their place, and the threat of return to closed prison, are studied. In Chapter 5, I use the Rock House prison band as a case study of the challenges

involved in operating a civilian organization at the boundaries between prison and the outside world. In Chapter 6, I examine the role of ethnonational divisions in the inmate population. Finally, in Chapter 7, I argue there are salient “pains of freedom” in open prisons, distinct from Sykes’ traditional “pains of imprisonment.”

The following two reports describe the process of passing through the gates of San Quentin and entering Norway’s Prison Island respectively, in order to illuminate some of the salient differences in control, security and the general rhythm of life exemplified by these two models of incarceration. The purpose in contrasting these two very different places is to highlight some of the key characteristics of Prison Island, features that will be problematized later. The accounts are semi-fictionalized compressions of many visits, but are otherwise a faithful record of events that took place.

### **Life and Death in the “Animal Factory”**

*San Quentin, what good do you think you do?*

*Do you think I’ll be different when you’re through?*

– Johnny Cash, *San Quentin* (1969)

It is one of those drizzly, overcast mornings in the San Francisco Bay Area, and the officer stationed at the San Quentin State Prison main gate is wearing a rain plastic cover over his guard’s cap. An officer in beige and green uniform saunters toward the black cast iron gate, holding an automatic rifle with the barrel pointed upwards. The gate swings open and a white van rolls out from the prison, coming to a halt next to a low, shabby-looking building immediately outside the gate, only a few dozen yards away. Visitors can use the restrooms here before entering the prison, buy snacks and sodas from a vending machine or visit the prison crafts shop, if they are fortunate enough to be around for its rather erratic opening hours. Next to the gate is a sign that proclaims in black capital letters that “it is prohibited to give to or receive from any inmate any article without prior authorization.” The strange, brown, fairytale-like castle structure of the main prison building looms large in the distance – that 150-year old place which over 5,000 men now unwillingly call home. The prison houses nearly double its intended capacity, and its sheer scale has earned it a separate ZIP code. It spans the range from minimum to maximum security, housing a gas chamber and a lethal injection room, but also a fire department manned by non-violent inmates who live immediately outside the prison’s walls. In 2011, ten inmates from this unit rescued two

boaters who had fallen into the bay, which earned them the attention of nationwide news reporters (CNN 2011). San Quentin State Prison is a place of multiple contradictions.

On the white wooden bench outside the prison crafts shop sits an elderly Hispanic woman – a small, frail woman who fingers a paper napkin nervously, looks toward the gate, partly with curiosity, partly like she wishes she could be anywhere else but here. Most likely she is another early Wednesday morning traveler come to visit a son, perhaps a husband. Three younger women sit beside her, also silently waiting. They look like they have been waiting a long time. The white van leaving the prison comes to a halt just outside the gate and three Hispanic-looking men in blue jeans and white T-shirts emerge from within. We are witnessing one of the great prison film clichés, the moment of release. An officer gets out, shakes their hands in turn, hands each a white envelope, yells a “good luck!” and gets back in the van, which is promptly put into reverse and returned to the safe metal confines of the prison. The men stand dizzy, blinking for a moment, suddenly thrust into freedom. The three women rise to approach them, teary-eyed, walking unsurely, before finally throwing themselves at their respective partners, locking into kisses. A few moments later, the men flick open their envelopes, thumb through the green dollar bills inside – California convicts are eligible for \$200 in “gate money” on release (Wilson 2007) – before following their women to the parking lot that sits a few hundred yards down a hill from the main gate. A few minutes later, a van races up from the parking lot – one of the men sticks his head out of the window, turns toward the prison, laughing defiantly, before the car screeches off, away from this place of dread.

There are thousands of men not fortunate enough to leave on this morning, and some of them are already busy with classroom lessons in English and math at the San Quentin educational building. On this particular Wednesday morning, the Teach in Prison volunteers from the Berkeley campus are standing around outside the gate, around ten students in loose-fitting clothes that accommodate prison regulations, ready for another morning of tutorials. The student volunteers wear mostly black and grey clothing – green is out of the question (the color of officer uniforms), as is blue (the color of inmates’ denim jackets). In case an officer needs to fire at rioting prisoners from the wall, volunteers must wear clothes that allow them to quickly be identified as civilians. The prison has a “no hostage policy,” meaning that if an inmate should hold a tutor hostage, there will be no negotiating their release.

Most of the inmates who attend classes are “lifers” – men serving life sentences – or have very long sentences ahead of them. Most of the college volunteers are eager to teach today since the prison has been shut down for “superfluous” activities for three weeks, due to an



outbreak of shingles in the prison. Veterans of the program say that rounds of tuberculosis tests and outbreaks of infectious diseases like shingles regularly cause the prison to go into quarantine mode. A court-appointed expert review of medical facilities at San Quentin found that they were “old, antiquated, dirty, poorly staffed, poorly maintained, with inadequate medical space and equipment and overcrowded.” (Los Angeles Times 2005)

Getting to class is a lengthy process – it can take around 45 minutes to negotiate the ca. 800 meters that lie between the main gate and the educational building on prison grounds. First, the group must surrender their ID cards to the officer on duty, and while he keys in their details to check them against prison records (a slow process because the computer must be decades old and while typing in their names, the officer also has to operate the gate and coordinate with other officers outside who check the trunk of cars going in and out), the students line up in single file. There are ten students in total, including three with “beige cards”, who are persons with a slightly higher level of trust from the prison administration. Every shift must have at least one “beige card” holder in attendance.

Then, the officer gives the go-ahead. The students collect their ID cards and walk across a staff parking lot to the second gate. An insurance salesman in a suit has set up a table just outside the second gate, where he spends the morning selling real estate insurance. Clearly not catering to the inmate population, he is doing a brisk business plying his trade to the nearly 2,000 staff employed on-site. The prison has a large internal economy, with a budget of nearly \$200 million per year, and getting one’s foot in the door to the California Department of Corrections and Rehabilitation (CDCR) is no bad career move for a salesperson – it is the United States’ second-largest law enforcement agency, bested only by the New York Police Department, operates over 50 correctional facilities and has nearly 60,000 men and women on its payroll.

There is a second gate. You are directed to stand on a mat and get “wanded” by a prison officer. Nothing except your ID card should be brought into the prison – no drugs or cell phones, obviously, but also no keys, coins or pencils. The student volunteers have been told that bringing a stick of chewing gum into the prison could be considered a felony – it could be used to literally “gum up” the locks so that violent acts could be committed without the possibility of officers intervening. The officer stamps each visitor with an invisible ink that will be checked against an ultraviolet light upon returning. ID cards are re-checked. A grated metal door swings open, and visitors are funneled into a small chamber between two metal doors. A sign tells you to hold your ID card up to the officer who sits behind bulletproof

glass. The officer squints at your card, pushes a button and another metal door clicks open. Now you are inside the prison proper.

Crossing the basketball court this morning, the yard looks nothing like what one might expect from having watched the National Geographic TV series *Lockdown*, where ethnically segregated gangs hunker down along the rusty metal tables to protect their hard fought-over turfs, where muscly, tattooed inmates bare their teeth at the camera with the promise of unfiltered violence if the guards should look away for but a moment. No, this morning all is eerily quiet. A few inmates hang around outside the low, one-story educational building. One inmate is holding a roll of toilet paper in his hand, which he gingerly tries to conceal behind his back as we pass. A couple of others call out to me, “Hey, man! Fear the beard!” and laugh, a reference to my full beard and consequent resemblance to San Francisco Giant’s baseball pitcher Brian Wilson, who has just played a good game on TV.

Two sleepy-looking officers have the group line up inside the education building. ID cards are checked one last time. From behind a Plexiglas window, a couple of inmates stare at us curiously. One of the peace officers daubs his red eyes with a handkerchief. The other looks sedate and satisfied as he nods that we’re good to go. Judging from their level of alertness, it would seem that we are far away from the “worst of the worst” this morning. After all, out of the nearly 5,000 inmates on prison grounds today, only a few dozen at most are allowed to take part in the severely underfinanced prison educational programs at any given time. As a result, getting in here for a potential prisoner-student is, in many ways, tougher than getting into Harvard, Stanford or Yale.

### **Sails Set for Prison Island**

I still have a good 30 minutes before the ferry to Prison Island is scheduled to leave from the harbor in East City. Instead of hanging around in the dreary dockside waiting room that has long gone out of use, I decide to step onboard the ferry a little early to see if some of the prisoner crew members who work onboard have any news from the island. The ferry is a kind of halfway zone, owned and operated by the Norwegian Correctional Services, but at this early hour, there are no officers around to disrupt the free flow of talk between the inmate crew members. The prison ferry from East City to Prison Island makes ten round trips on most weekdays, six round trips on Saturdays and Sundays, and with the exception of the captain, who is a trained officer but who stays mostly out of the way, it is fully manned by inmates.

This modern, fast ship holds around 40 passengers and a couple of cars or a large goods delivery van at most. It is, as one inmate describes it, the main “artery” of the prison. It brings in most of the food, dry goods, staff, visitors and new arrivals needed to keep a 115-man prison fully operational. It brings back inmates returning from leave (*permisjon*) – typically, inmates in Norway earn the right to 18 days worth of leave time per year after having completed one-third of their sentence, or 30 days per year if they have children – or from a dental appointment in East City, or from a trip to the mainland for some necessary purchases for a few hours, or from a visit to family and friends for a day or two wherever the inmates call home. The ferry brings in toilet paper, freshly baked bread, frozen fish and oranges. It shuttles the librarian, the teachers, the social workers, administrative staff and all the officers back and forth between Prison Island and the civilian world. Once, during the fall, the ferry broke down and within hours the prison administration had leased an older replacement ship that smelled of diesel and had space only for passengers, no trucks. Without a functioning ferry, the prison would quickly grind to a halt.

On this morning, there are not many passengers onboard. A couple of inmate crew members, clad in fluorescent green-and-black work coveralls, stand around smoking rolled cigarettes. There is a shipment of food – mostly fruit and vegetables – loaded in stacked crates on deck. One of the inmates, a sullen man who speaks Norwegian rather poorly and who rarely greets me, sneaks an orange from a crack in one of the crates. Another inmate, a hard-working, cheerful man who is suntanned, even now in the darkness of late autumn, and healthy-looking, probably from all the fresh air and exercise of his maritime labors, sends the thieving crew member a dirty look, but limits himself to a half-punctuated outburst: “Hey, hey, now!” He takes his job seriously, but does not risk a confrontation with the other inmate over something as petty as a pilfered piece of fruit.

A prisoner in his 40s or 50s is standing around out on deck, fiddling with a brand new smartphone that he has just bought in East City. He says he got a good price on it, but cannot get it to work. He turns to me: “Do you know anything about these things?” I tell him I know a little and ask him what the trouble is. “Just trying to make a phone call out.” He is tangled up in a maze of menus and when he hands it to me, he is one tap away from sending a text message to his entire contacts list. I tap the screen a few times, bring up the woman’s name that he wants to call and hand back the phone. “Ah, it’s not easy with these new-fangled things when we’ve been locked up for a couple of years,” he says. It is always peculiar to watch inmates grapple with technology that has changed since they were put behind bars. The incident reminds me of a young Prison Island inmate I had met on the mainland earlier. He wanted to send a picture with his phone to a friend. Unlike most tech-savvy 20-year olds, this

inmate looked down at the smartphone with something akin to fear. “Oh, I don’t know anything about those,” he had said quickly and self-consciously.

Slowly, a group of men and women in civilian clothes begin to make their way onboard the prison ferry. The outsiders are probably here for the conference. On this day, a group of resourceful prisoners in the Prison Island rock band have organized a one-day conference on the rehabilitative effects of music behind bars.

Inside the cabin, several inmates and I sit together on benches by a table, reading newspapers quietly. An officer in uniform appears inside the cabin. He likes to joke with visitors and inmates alike. He points at me and asks an older inmate in his 50s: “Well, is he going to interview *you* as well?” The inmate shrugs. He is old and indifferent to the games officers play. The officer launches into a story of how friends in normal society ask him to talk about what the inmates are *really* like. “Well, I suppose they’re the same as us,’ I tell ‘em.” He laughs at this, as if he had just said something very amusing. I feel slightly uncomfortable. Is the joke that the inmates are in fact *nothing* like us? The officer stands there for a few moments, hanging over us. The inmates continue reading their newspapers, one of them shrugs, and I do my best to ignore this little *faux pas* – the notion that inmates are analyzed, evaluated and talked about with curious outsiders who want the juicy facts on prison life is unsettling and probably offensive to some inmates. Building rapport with inmates would be difficult for a fieldworker if inmates began to suspect they were the subject of conversation during dinner parties and over pub tables in the civilian world. His little anecdote not producing the desired effect, he darts back out on deck and disappears.

The ferry pulls into land. Waiting on land is a yellow bus that will drive visitors and inmates up from the dock to the main cluster of buildings on Prison Island, a short drive of about three minutes. We all pile inside the bus. Loaves of freshly-baked bread are loaded in the back. And on the back row of the bus, a few inmates returning to the island from leave find their places. One of the inmates onboard is a new arrival and he looks puzzled as he steps onboard the bus, greeting the uniformed driver unsurely. He exchanges greetings with veteran prisoners, tells them where he has been transferred from. “Nice place, this,” he says. “Yeah, hell of a place. A real holiday camp. One of the biggest prison yards in the world,” another inmate says laconically. We drive up the gravel road toward the officers’ building – known as *Vakta* in Norwegian, literally, “The Guard” - where visitors sign in and pick up visitor’s badges. The gravel road is lined with trees that have lost their leaves this late in the fall. Inmates have climbed up into some of the trees and are busy trimming branches in teams of five or six. They wave as we drive past. The bus drives past a couple of low, two-story

wooden houses where inmates live together in self-organized collectives. A horse-drawn carriage manned by inmates is working its way down a gravel road farther ahead; their job is to collect garbage from all the houses in an environmentally-friendly fashion.

The bus pulls up to the officers' building, and from there I can see Red House and Blue House, two imposing brick structures that house around twenty inmates each. New arrivals are typically reside in these reception centers for the first few months before they must move to one of the smaller wooden houses where between four and seven inmates live together in each. Officers mostly leave inmates to themselves to sort out where they will live. This forces new inmates to interact with the island's society of captives.

Interestingly, many of the buildings on the island are relics of an uncomfortable past. Before being turned into a prison several decades ago, it was used as a state colony for delinquent boys. The colony persisted for the greater part of the previous century, but was tarnished by reports of widespread sexual abuse. Some men who had spent their boyhoods here later reported hundreds, even thousands of instances of abuse by their custodians. So the ghost of the island's blemished past lives on. A feature film had been made a few years before, detailing the island's dirty past. The prison had screened the film for the prisoners, as if to say: Look what was here once and what is here now. But one inmate said he had been left unimpressed: In a cost-cutting measure, the film had been shot on another, similar-looking island. The absence of the places he had come to know so well kept him from absorbing the institutional moral of the screening.

Some prisoners say they have seen or heard the actual ghosts of past residents - a door slamming at night, knocking when no-one is at the door. "At night we hear creaking noises, a chair moving in the attic, footsteps on the staircase and a person walking down the corridor, that sort of thing," a young inmate had told me. Even an officer said night rounds in the church were best avoided. Hardened convicts will speak of such events in earnest. The horrors of the past are embodied in the buildings and in encounters with spirits. Perhaps they are stories born of boredom also.

We step off the bus and someone buzzes us into the officers' building, a cheerful-looking yellow brick structure, where the officers spend most of their time, processing paperwork and new arrivals, interrogating inmates who have violated institutional rules and handing out medication to eligible inmates at regular intervals during the day. Inside, I greet the officer on duty and write my name on the visitor's list. "Back for more, huh?" he asks, handing me a visitor's badge. As I walk toward the door to head for an interview with a prisoner, I suddenly

realize I've forgotten something important: "You'll probably want this," I say, handing him my backpack. He takes it, places it aside to one corner for safekeeping, but does not check its contents. On my way out, I stop to study a billboard. One of the pinned-up notices is written by inmates in charge of visiting rights. It warns other prisoners to cover the sleeper sofas with clean sheets when they receive their partners in the private visiting rooms: If something isn't done about semen stains on the fabric, they will replace the homey, textile-covered couches with easy-to-clean but sterile latex furniture.

Like most prisons, this is a place of many contradictions.

## **2. Voices of Confinement: The Method of Open Prison Immersion**

There are 26 “open” prisons or prison units in Norway, and Prison Island is the largest of its kind. Over the span of three months, around 30 days were spent immersed in the field, observing daily life and interviewing inmates. Fifteen inmates were interviewed over 17 semi-structured interviews. Of those, all but two conversations were recorded (two inmates preferred speaking without the intrusion of a recording device). Interviews lasted from 30 minutes to 3 hours. The interviewees served time for a range of offenses, including murder, attempted murder, narcotics smuggling, drug dealing and tax evasion, but this information was not actively solicited from the interviewees (research specifically trained on criminal acts requires a different, more lengthy process of clearance with ethics review boards in Norway). Eight interviewees were what one could consider ethnically Norwegian and seven were either ethnic minority Norwegians or foreign citizens. Shorter, informal conversations were carried out with dozens of inmates; conversations and observations of a more informal sort generated extensive fieldnotes. Walking around the island, “hanging out” in prisoner houses and rooms, observing roll calls, following the prison band on concerts on the mainland - all these were part of the observational method of gathering and constructing data.

Though the focus was on the prisoner population, unavoidably the opportunity arose to speak informally with prison administrators, lawyers, social workers, teachers, librarians, officers and other support staff. Field immersion usually consisted of going out to the prison on weekdays with the 10 am ferry and returning to the mainland at 3 or 4 pm, though occasionally it was possible to leave later, once as late as 10 pm and several times at 6 or 7 pm. Fieldnotes were written after every visit or in a borrowed office in the prison; prisoner quotations derived from fieldnotes are not verbatim, but a faithfulness to original modes of expression has been attempted. In the sometimes difficult process of translation from one language to another, even quotations from recorded material has passed through a process of linguistic filtration, and there is always the risk that this process imposes the translator’s personal language (and therefore class characteristics) on the voices of others. But this risk probably does not outweigh the benefits of allowing a broader audience insight into otherwise inaccessible social realms.

There were groups of inmates with which contact was never successfully made. Contact with various clusters of inmates of Eastern European origin was unsuccessful, either because of

linguistic barriers, hesitation toward outside intrusion or they were not around the same parts of the island where I moved. A Middle Eastern cluster of prisoners was also difficult to access for similar reasons. There was more success with a third, non-Norwegian group as my standing within their group improved with each successive encounter.

Clearly, it would have been preferable to spend more time in the field, speak with more inmates, and observe and participate more. It would also have been desirable to conduct field incursions on as varied points during the day or on as many different days of the week as possible to pick up on variations in the rhythm of the institution. It was never feasible to spend time in prison on weekends, even though inmates in conversation occasionally suggested that weekends on the island had a very different feel compared with the working week, both because of increased boredom when there was no work to do and because of the lowered presence of administrative staff and officers. It would have been easier to interview more inmates at such times, since they would not be engaged in mandatory work; on the other hand, being interviewed in the working week meant gaining an hour or two of free time from work for most inmates, and this was a token good. Most seemed glad to have the chance to speak with a person not enmeshed in the fabric of prison life. This may be one of the few goods of value a researcher can offer inmates.

### **Participant Observation and the Ethnographic Interview**

In prison research methods literature, the problem of gaining the inmate's trust is central (Bosworth et al. 2005; Nielsen 2010). To some degree, the problem of gaining trust among informants is central to all ethnographic enterprises. But since prisons are almost always environments characterized by a natural wariness of others, more so than, say, hospital wards or high schools or state bureaucracies, the problem is likely to be more compelling in prison research. In this context, the formal, semi-structured interview – at a pre-appointed time, with a digital recorder, the door shut and away from the bustle of prison life – functioned as a useful ice-breaker, and it was in some ways the only means of gaining a foot in the door among inmates. This is a fundamentally opposite approach to what most ethnographic methods literature pre-supposes. In a typical ethnography, the formal interview is undertaken (if at all) only after a suitable period of time in the field. Its function is to 'sum up' what has been observed more loosely in the field. Gobo (2008: 192) declares that early interviewing will make the researcher seem "aggressive" and "misled." In prisons, however, it is almost impossible to find a role for the ethnographer among inmates that will not arouse some kind of suspicion. It is quite simply very difficult to find a *natural* place there. Interviews provided a foothold in the otherwise unapproachable world of inmates because it allowed an initial



relationship to be formed within a recognizable frame. This initial relationship could then be built on more informally in the field.

The semi-structured interview may have been fruitful because it formed a frame of action that was culturally recognizable from other settings – the journalistic interview, the therapeutic conversation, the friendly visit. Interviews were always out of the way, either in the inmate’s room or, more frequently, in the visitor’s building. The visitor’s building is a low, one-story building a few hundred meters from the officers’ building where most of the officers are concentrated, and it has around ten visiting chambers that can be locked from within. Conversations were out of earshot from officers and, perhaps just as crucially, other inmates. Interviews would ideally act as a temporary retreat from the arena of contest in which inmates usually lived their lives. Reversing the order – first informal “hanging around,” then trying to arrange interviews – risked making inmates feel unsure about the researcher presence. The greatest drawback with interviews was that they had to be scheduled ahead of time, and on occasion, inmates would not turn up at the appointed time, for any number of reasons, mainly unforeseen occurrences that could not be communicated to the researcher in advance.

### **Vulnerability and Ethical Considerations**

Research on small milieus with vulnerable, “captive” populations raises ethical issues, particularly relating to problems of informed consent, privacy, anonymity and confidentiality (see National Research Council 2003; 2007). Participation must be understood to be voluntary, not coerced (ASA 1999). Informed consent can be a problematic concept when interacting with research subjects enmeshed in asymmetrical hierarchies of power: In a prison study, Nielsen (2010) learned that recruited inmates had asked officers whether the latter thought it desirable that they participate in the study, and in this way, consent or non-consent was viewed as a tool for currying favor with officers. In this study, I took great pains to underscore the voluntary nature of participation, and tried to keep officers out of the equation when dealing with inmates. In accordance with national research ethics guidelines (NESH 2006), all interviewed parties were informed about the nature of the study and the implications of participation; a document detailing the aims of the study and possibility of withdrawal was made available to all interviewees.

A study proposal was approved by Norwegian Correctional Services and the Prison Island administration. Ethical approval for the study was given by Norwegian Social Sciences Data Services (NSD), an Institutional Review Board, which stipulated that recorded material be

destroyed upon completion of the study. Digital recordings of interviews and typed transcripts were stored in encrypted form. NSD did not require signed consent forms and recommended against it because of the production of a traceable ‘paper trail.’ Occasionally, officers wanted to know who I had spoken with on a particular day, and to the extent that such events can go unnoticed in a small prison, my responses were always intentionally vague. To identify myself as a party separate from the civilian elements in correctional services, I carried a folder with my university’s emblem clearly printed on the front; this would occasionally be a conversation-starter and allay fears that I was working under the prison or police.

On several occasions, inmates stopped midway in interviews to double-check whether certain pieces of information about to be divulged would be kept safe from officers. All inmates have been given pseudonyms. Names were chosen based on national origin and team rosters for the relevant national soccer squads in order to secure a degree of cultural sensitivity. For some, if using national origin would be revealing, a more generic pseudonym was selected. The names of the institution and several geographic locations have been obscured. Some details of offenders and the institutional milieu have been obfuscated to secure anonymity, but hopefully not to the extent that it has had a substantive impact on analytic remarks. Finally, it is worth noting that the identifiability of research subjects is reduced by the ever-changing composition of prison populations.

### **Telling “One Side of the Story”**

There are three main parties to the social world of Prison Island: inmates, officers and administrative staff. Focusing almost exclusively on one-third of the story – that part recounted by inmates – was a conscious research design decision. Partly it was made on practical grounds: With the given time constraints, it was not feasible to interact with the officers and the administration and their visions of the social world in any serious way. Partly it was also a decision based on an analysis of the power dynamics found in the prison. Hirschmann (1970) developed the concepts of “exit” and “voice” to summarize possible courses of actions for disgruntled members of an organization: With increased dissatisfaction, members of an organization may try to make their concerns heard through concerted action (“voice”), or they may depart from the organization altogether (“exit”).

The prison officers and the administration - though they may not always feel that this is the case - clearly have a greater potential for both an effective use of “voice” and of “exit” than do inmates. The officers have their labor unions (one of Norway’s two large prison officer

unions went on a short strike during the course of fieldwork, leaving inmates to their own devices for a few hours). The administration can communicate with higher-ups in Correctional Services or the Ministry of Justice. And if all else fails, disgruntled officers or staff can quit their jobs or re-locate to another prison. Inmates have much less opportunity for “exit,” and whatever “voice” they possess is contingent upon the goodwill of officers and wardens, or the willingness of civil society to interact with them. However, much would be gained by finding the time, financing and opportunity to study the remaining two-thirds of this social realm.

Officers and staff occasionally expressed concern that inmates’ version of reality was not trustworthy. The perception that social scientists “take sides” with their objects of study is of long standing. Liebling (2001) problematizes the question of “whose side are we on” based on Becker’s (1967) “hierarchy of credibility,” who argues that those located at the top of a social hierarchy are presumed to have a legitimate right of definition of a situation. Liebling argues for a synthesizing approach that takes into account competing views within the prison, but claims one can neither take on one perspective exclusively nor succeed entirely in trying to “control” for conflicting perspectives. Liebling claims the best prison researchers can do is to be on the side of “prudent, perhaps reserved, engagement.” Ultimately, the question is whether inmate stories are an accurate record of fact.

One way of getting out of the tangle in this study has been to attempt to straddle two divergent viewpoints: On the one hand, what has been delivered to the researcher has clearly not been some singular, monolithic truth, but neither have stories been ‘mere’ representations of reality that are peculiar to a particular social group. Much worthwhile ethnographic work (i.e. Sanchez-Jankowski 1991; Bourgois 2003; Wacquant 2006) is concerned with getting at the facts of social reality, i.e. treating “social facts as things” according to the Durkheimian ‘first rule’ of sociology, while simultaneously allowing for the fact that gathered stories are also a series of representations of reality that are peculiar to a particular social group. These representations are worthy of our interest because they provide at least a partial glimpse into an unknown social arena *and* because the way events are represented speaks volumes about the representation-producing group in question.

Presser (2010) asks whether criminologists have properly conceptualized offender narratives and the role they fill in research. Are offender narratives a *record* of fact, an *interpretation* of events or a case of Austin’s (1962) *speech-acts* with which actions are performed? In this study, episodes described to the researcher may have played out differently to members of others groups and the most judicious course of action out of such a problem is to

acknowledge that what one is dealing with is partly a representation of such episodes, but that these representations are valuable for what they say about the group in question. Finally, observation allows one to partly side-step the question of the reliability of stories, since the researcher can fill in the gaps with own assessments of the life-world to decide whether stories are an accurate record of really existing phenomena.

### **Participant Observation and its Discontents**

The institution had opened its doors wide to this research enterprise. One cannot take for granted that a prison would be naturally inclined to outside scrutiny by social scientists. But the deputy prison warden had promised total and free access to the prison for interviews and observation. In an initial, exploratory meeting, they were sympathetic to the ethnographic approach and were aware of the limitations of doing qualitative interview research without additional observational data, a point I had come prepared to argue over. In reality, however, it was the officers on the ground, not the administration, who were responsible for the daily mechanics of researcher mobility. They helped shape research outcomes by weighing in on researcher mobility.

How were inmates recruited for interviews? A single sheet of paper explaining the nature of the project was posted in strategic positions in the two large reception dormitories, where thirty-forty inmates live for their first few months on the island. Then, a senior officer accompanied me one evening to the dormitories as I held a brief ten-minute presentation before the inmates. From these presentations, seven inmates were recruited and agreed to sit down for an interview. After the presentation, some had seemed skeptical or uninterested, but when a number concerns had been addressed and a few enthusiastic inmates had signed on, more followed suit. Once a reputation as being an 'alright guy' had been established among some, others seemed eager to share their concerns and takes on prison life.

Further inmates were recruited more incidentally, as word of mouth of my presence in the facility spread. On one of the first nights, I followed an officer going on nightly rounds around the various houses on the island. One of the officers had asked if I was a fan of rock 'n' roll music. I said I was, and as a result, he brought me along to the Rock House, a house where the Prison Island band lived, rehearsed and played together in a semi-autonomous collective. The band members graciously invited me inside for a cup of coffee to discuss their work. Seated at their round living-room table at night, they explained that they were working toward *self-habilitation*, not *rehabilitation*, through music. A week before, a group of eight Japanese criminologists had been seated around the very same table where we were sitting,

and they had been polite but probably just as perplexed as I was at what they learned. At the end of the visit, the inmates invited me back and I would return frequently, even accompanying the band on the road to a gig in a maximum security prison and to a night club in a nearby city.

Officers were crucial in framing the research enterprise. They allowed me the use of an office in slow periods. Many were eager to talk about their work, the prison and its policies. Many were curious about prison research. A few expressed concerns over my safety and security. For instance, one day, as I was walking to an inmate house for an interview appointment, an officer stopped me, waxing lyrical on the dangers of “wandering about” by myself. I had already spent some time with the inmate in question and I knew I was more than welcome at the house. But it was important to show appropriate deference to officers as shifts rotated and new officers came on duty, ones who were perhaps not as familiar with my presence as previous guards. Here arose a research dilemma: Push too hard for one’s ‘rights’ (for instance, by referring to blanket approval from Correctional Services or the administration) and risk alienating the officers, on which I was ultimately reliant for various practical tasks; relent too easily and risk producing no observational data. In practice, it was not difficult to develop an amiable working relationship with officers. I agreed to do most of the interviews in the visitor’s building – by officers considered a safer, more neutral ground – and they at times compromising if I wanted to spend some time in an inmate's house with whom I had already established a relationship. Before “wandering off,” I checked in with officers. Mostly, they were very helpful in unlocking the few doors that were in fact locked, in discussing the prison and offering a newspaper, coffee and a place to put up one’s legs at the end of a day in the field. The delicate balancing act between the world of officers and inmates is an unavoidable feature of prison research, and only good fortune and the researcher’s tact will yield some semblance of success. And it might be worth recalling that their fears over the safety of outsiders is legitimate, for if something were to go wrong, their jobs would surely be on the line.

### **3. “Soft Power” and Scandinavian Exceptionalism: Toward a Theoretical Outline of Open Prison Penalty**

The prison is an institution with far-reaching consequences for those who inhabit it (Liebling and Maruna 2005), for relatives of inmates (Comfort 2008) and for the communities that receive released offenders (Clear 2007). Nevertheless, ground-level studies of daily life in the prison have been few and far between. Wacquant (2002) noted an “eclipse” of prison ethnography, precisely at the moment when it had attained an unprecedented social significance, at least in the U.S., and in a review, Rhodes (2001) failed to find a single formidable ethnographic-style publication from the 1990s and onwards that dealt with the U.S. prison.

Why is it important that ethnographic research in prisons is lacking? First, any research that critically examines the prison is sorely needed, since prisons are institutions that present unusually “smooth” external surfaces, difficult for outsiders to comprehend and therefore, perhaps, easy to shut away from public consciousness. Second, the prison presents the researcher with an environment that is difficult to understand without the proper degree of immersion. Behavior is liable to be misinterpreted without the keys to unlock coded behavior, and immersion can provide at least partial access to those keys. Third, other research forms, like survey research or structured interviews, run the risk of being treated with suspicion or lack of enthusiasm, since prisons are often characterized by a greater wariness toward outsiders. If rapport with inmates is established, greater enthusiasm and willingness to share views are potential profits. Fourth, if one can successfully produce Geertz’ (1973) “thick descriptions” in the course of a prison ethnography, rich details can potentially allow one dig beneath statistics and official wisdom, and therefore mobilize public, scholarly and political concern for penal issues.

#### **Historical Trends in Prison Ethnography**

The dearth of ethnographic prison research is puzzling considering its rich historical traditions. The modern, quasi-ethnographic study of prisons in America was initiated by seminal works like Donald Clemmer’s *The Prison Community* (1940), Gresham Sykes’ *The Society of Captives* (1958) and James B. Jacobs’ *Stateville* (1977) study. These texts still constitute the backbone of ethnographic prison research. In Norway, attempts to dig into the prison on ground-level and excavate ethnographic facts have been sparse as well. Here, too,

there is a strong historical tradition of prison research: Nils Christie's (1952) study of guards in Norwegian concentration camps during World War II, Johan Galtung's *The Prison Society* (1959), a study of a men's prison based on the author's own term of incarceration after refusing military service (see Galtung 1958), Thomas Mathiesen's *Defences of the Weak* (1965), a study of a men's prison outside Oslo. Despite dated functionalist perspectives and problematics, and a lack of ethnographic immersion, these works have formed the foundation of ground-level criminological research in Norway.

Prison research in Norway is, according to Ugelvik (2011a), broadly speaking, divided into three camps: First, student-initiated, graduate-level research. Second, research funded by *Kriminalomsorgen* (Norwegian Correctional Services) and *Kriminalomsorgens utdanningscenter* (a state-funded prison guard academy which also conducts research). Third, research carried out by criminologists in university departments. But all these three branches suffer flaws. Student research has tended to rely on structured interviews with inmates, thereby producing only second-hand information about daily life in prisons; research funded by the Norwegian Correctional Services has been of a more technical nature, designed to match officially sanctioned interests and needs; research conducted by the universities has not kept up pace with ground-level developments, and academics have fallen prey to many of the practical obstacles befallen on prison research in the U.S. and other advanced countries.

There has been practically no systematic attempt to engage with the "open" prison model constructed by Norwegian Correctional Services. From a juridical perspective, Sarille (2008) studied the use of discretion by criminal justice bureaucrats in determining whether inmates were eligible for transfer to open prisons and found that discretion could give rise to discriminatory practices, particularly on the basis of nationality and citizenship. Dugstad (1999) interviewed eight inmates in an open prison. Gjeruldsen (2005) wrote about the "dilemmas" of life in an open prison. Beyond this, the open prison has mostly attracted attention from journalists. While not a Norwegian penal innovation – open prisons are roughly equivalent to "Category D" prisons in England or minimum security Federal Prison Camps in the U.S. – it is puzzling why academic interaction with this exceptional institutional format has not been more extensive in a country with strong sociological and criminological traditions.

There are signs that the state of ethnographic prison research is improving slightly. Crewe (2009) has conducted a major ethnographic study of a medium-security prison in England, engaging in problems of drug-dealing, gender relations and "soft power" (Crewe 2006a; 2006b; 2011). Ugelvik (2011a; 2011b) has conducted fieldwork in a remand prison in

Norway, showing how male inmates offer resistance to the seemingly totalizing nature of the prison environment. Philipps (2008) has studied how ethnoracial identity is negotiated in two English prisons. Rhodes (2004) has looked at U.S. maximum security prisons and their mental health units, while Goodman (2006) has studied observationally the process of racial categorization of inmates in two California prisons. Nielsen (2011) has shown how humor is used by officers to create relations of mutuality with inmates in a Danish prison. Perhaps we are seeing the beginning of a resurgent interest in prison ethnography as “mass imprisonment” (Garland 2001b), “hyperincarceration” (Wacquant 2008) and “penal excess” (Pratt 2008a) make interaction with this institution unavoidable.

### **International Penal Regime Trajectories**

It may be worth briefly situating the following study in a broader context of penal regime trajectories over the past few decades. In the 1960s and 1970s, it seemed as if the prison was all but disappearing in parts of the industrialized world. Garland (2001a) shows how the advent of “penal welfarism” and the “rehabilitative ideal” in Western corrections during the postwar decades implied a move away from the prison, “necessary as a last resort, but counter-productive and poorly oriented to correctionalist goals.” (Garland 2001a: 14) Instead of prisons, institutions of the welfare state would be mobilized to prevent and right social pathologies before they produced criminal offenders; prisons themselves were to be governed by the ideal of rehabilitation. Hermann Mannheim optimistically noted in 1942 that “the days of imprisonment as a method of mass treatment of lawbreakers are largely over.” (Tonry 2004: 3). Writing nearly two decades later, Norval Morris (1965) noted that “it is confidently predicted that, before the end of this century, prison in [its traditional] form will become extinct.”

For a number of reasons, like the growing dissatisfaction with indeterminate sentencing in the U.S. (Garland 2001a), and the need to deal with the social pathologies generated by the growing ranks of “problem populations” (Wacquant 2009b) in the age of the “precariat” (Standing 2011), prison populations have swelled globally, and with them, the optimistic belief in the decline of the prison has increasingly waned. Post-prison optimism has been offset by a spectacular resurgence in the prison in some parts of the world – like the U.S., with over 2 million people behind bars and 7 million people under some form of criminal justice supervision (Glaze 2010) – and steady increases in prison populations in most European nations. European prison resurgence can be seen in the light of politicians eager to import U.S.-style “tough on crime” and “zero tolerance” policies (Wacquant 2009a); even Netherlands, a European bastion of rehabilitation in corrections, lauded by Downes (1988) in



his landmark study, *Contrasts in Tolerance*, has moved away from its “culture of tolerance” toward a tougher penal regime with a “three-strikes” law on the books since 2004, increased enforcement of drug offender laws and less rehabilitation behind bars (Kruttschnitt and Dirkzwager 2011).

### **The Trope of “Scandinavian Exceptionalism”**

In the midst of penal resurgence, Pratt (2008a; 2008b) has argued that Scandinavia – Norway, Sweden and Finland in his usage – constitute a geographic zone exempt from broader, international penal trends. These societies exhibit “penal exceptionalism” on two counts: First, low rates of incarceration compared with other advanced countries, in the range of 70-75 inmates per 100,000 inhabitants. Second, prison conditions are relatively humane. Pratt traces these two facts back to a uniquely Scandinavian culture of egalitarianism, which in turn has produced strong, universal welfare states from which citizens expects the delivery of high-quality welfare services for all.

But Pratt’s claim that Scandinavia’s prisons are “humane” is not the result of in-depth field studies of these countries’ prisons. Minogue (2009) has criticized Pratt’s methodological approach as “prison tourism,” relying on brief tours, often under the watchful gaze of administrators, instead of long-term immersion; Mathiesen (2012) has similarly attacked this “observation at a distance.” More generally, Piché and Walby (2010; 2012) have criticized the adoption of “carceral tours” by social scientists as a quick-fix surrogate for field immersion, contending that tours allow prison administrators to display the “front stage” of imprisonment.

This study attempts to provide a glimpse behind the carceral tours and secondary texts that underpin Pratt’s argument. Without empirical checking of the claim that Scandinavian places of confinement are exceptional, one is forced to accept official wisdom at face-value, with only speculative qualifications. In one way, this is not a fault with Pratt, whose intention was never to produce rigorous, ground-level analyses of actually existing institutions, but rather to paint in broad brush-strokes a portrait of trends. Indeed, if anyone is at fault, it is the social scientists of Scandinavian academe who have left the field of prison research untilled. In addition, outside observers may be forgiven for being dazzled by the relatively low incarceration rates and the rights enjoyed by inmates in Scandinavia. Since this study is empirically centered on a prison in Norway, we will confine ourselves to discussing this country here. The incarceration rate of Norway puts it at the near-bottom of the carceral pile in Europe (ICPS 2012), prisoners enjoy a daily wage to pay for basic goods, equivalent to

around 10 U.S. dollars per day, and they are guaranteed access to healthcare. Most enjoy the privacy of a single cell. These are goods not to be taken for granted in many advanced countries.

### **Norway's "Field of Penalty"**

But questions of confinement in Scandinavia do not occur in a setting devoid of struggle, as Bourdieu's notion of a *field* as the site of constant struggle over positions attunes us to. Bourdieu (1993) argues that a field is a relational space of positioned individuals who compete over "prizes" internal and specific to some closed arena. Unlike an "apparatus" (Bourdieu & Wacquant 1992: 102), which may contain differentiated positions but in which the contest over the right to monopolize specific capital has already been settled, the field is dynamic and constantly in motion. The *field of penalty* – which does not appear in Bourdieu's theoretical universe, but can be surmised from Bourdieu's (1998) notion of the masculine, "right-hand" of the state – can be imagined as the site of contest over the right to define juridical frameworks, over the courts, police, prisons and all institutions related to questions of legality and crime. It includes agents from the bureaucratic field, opposition parties, the press, and legal professionals.

The field of penalty in Norway has shown tendencies toward 'Anglo-American' (see Newburn 2002) concerns, policies and trends. It is the argument here that a one-sided focus on the exceptional qualities of Scandinavian penalty underestimates the widening of the "penal dragnet" that is taking place also here. Prison populations are growing: From 1992 to 2010, the per capita prison population grew from 58 inmates per 100,000 persons to 72 inmates per 100,000 persons (ICPS 2012). New modes of punishment are gaining prominence, like electronically monitored detention at home (Bakosgjelten 2010). In a country which long prided itself on the absence of 'real' life imprisonment – the maximum determinate sentence length is 21 years – a behind-the-scenes legal revision introduced a "detention" (*forvaring*) penalty, under which sentenced persons can be incarcerated for 21 years, with an additional 10 years if the person is still deemed dangerous before being given a new parole consideration. This can then be extended indefinitely in 5-year increments (Justis- og beredskapsdepartementet 2005), theoretically giving rise to a *de facto* life imprisonment, a point made increasingly relevant leading up to the trial against Oslo terrorist Anders Behring Breivik. There is talk of a "Lex Breivik," a proposed law which would allow authorities to keep mentally unstable convicts in psychiatric care indefinitely, not because the person in question is deemed a danger to society, but because of probable threats to that person's life by unknown elements, a kind of protective, psychiatric detention (TV2 2012).

Lundgaard (2011) has shown how New York-style policing, the penal trope of “zero tolerance” and “law and order” have penetrated the upper stratospheres of Norway’s justice policy leadership, even if these policies has been exported imperfectly, largely confined to changes in police rhetoric. Newspapers are routinely filled with instances of “penal populism” (Pratt 2007); for instance, Per Sandberg of the right-wing popular Progress Party and chairman of the Justice Committee in the country’s parliament, has repeatedly called into question the size of daily wages paid to inmates. In 2009, he claimed that inmate wages were equal to the “average wages of an industrial worker in Romania,” implying that Eastern European migrants would not be deterred from crime given such favorable prison conditions in Norway. They might even be spurred on by the fact that wages in their home countries were matched by welfare allowances in Norway’s prisons (Klassekampen 2009), the message being that “lesser eligibility” in Norway’s prisons would now have to compete not only with the “slums” (in George Bernard Shaw’s phrase) of Norway, but of the entire European Union. Segregated prison wings for foreign inmates are in the making, discussed at length in chapter 6.

Public debate remains filled with concerns with “security,” for instance, in the assumed connection between asylum seekers and sexual assault in Norway’s major cities. After a number of incidents of sexual assault in Oslo in the fall of 2011 – including a growing concern with the ethnic minority status of many alleged perpetrators of sexual assault – the Conservative Party mayor of Oslo, Fabian Stang, suggested that asylum seekers should be held in closed camps, noting that “in an extreme situation” it was important to “be able to discuss whether we must modify our principles to protect our girls.” (Aftenposten 2011a) The right-wing Progress Party leader Siv Jensen seized the opportunity to suggest sentences of ten, twenty and thirty years for repeat sex offenders, arguing that sentencing levels were “too low.” (Dagbladet 2011) At present, these are not politically feasible proposals, but taken together, they show a field in flux.

Furthermore, Norway has seen the employment of broad, extra-penal measures, as in the case of asylum seekers, some of whom have been forcibly detained in a specially designed remand facility, Trandum Detention Center. While the total number of inmates in Norway in all of 2009 was only 14,731 persons (Kriminalomsorgen 2010), a special “Foreigner Unit” of the national Police imprisoned 575 persons that same year, in order to investigate their identities and possibly evict them from the country (Politiets utlendingsenhet 2010a). The same police unit forcibly evicted some 3,343 foreign citizens in 2009 alone (Politiets utlendingsenhet 2010b), yet these persons do not appear in correctional statistics, since they are under the

auspices of the police, not Correctional Services. Norwegian authorities have been criticized for providing bare-bones amenities to persons at Trandum Detention Center; there have been known cases of persons detained for twelve weeks or more in lowly conditions (CPT 2006).

There are also signs that the use of detention in police lock-ups (*glattcelle*) is more widespread than low incarceration rates would suggest. While statistics showing detention rates in police lock-ups are either sporadically collected or not publicly accessible, lawyers estimated that there had been over 51,000 separate instances of detention in police lock-up in 2009, including over 2,000 minors; only 10 percent of detainees were ever transferred to remand prisons to await trial, while the rest were released (Advokatforeningen 2010). According to a statute from the Ministry of Justice, persons are to be held for a maximum of 48 hours in police lock-up before release or transfer to remand prisons. Figures collected from the Oslo police precinct by the author show that this rule is violated routinely and with impunity: In 2010, more than 1,500 persons were held for longer than 48 hours in the capital city's police lock-up cells under the barest of conditions, and 115 persons were detained for a whole week. Pre-trial remand detention (*varetekt*) is similarly widespread: In 2005, the average remand prisoner spent 63 days in jail, which had increased to 70 days by 2010 (Aftenposten 2010). The European Committee for the Prevention of Torture has admonished such extensive use of remand detention (CPT 2006).

Furthermore, if one accepts the argument that Norway's prison conditions are humane, it should still be noted that the *clientele* of the correctional system shares many of the characteristics of inmates in other advanced countries. Skardhamar (2002: 117) noted that Norway's prisoners "represent a section of the population that is far worse-off than most people along many dimensions." Only one-third were enmeshed in relations of wage labor at the time of arrest, remarkable for a society with generally low unemployment figures; only one-quarter of surveyed inmates reported non-use of illicit substances. Inmates in Norway have been found to have been drawn from the most socioeconomically marginalized portion of the population, with half lacking education beyond the mandatory 9 years in elementary and middle school, 40 percent living beneath the poverty line, and two-thirds having experienced severe problems in their childhood (Friestad & Skog Hansen 2004). Norway's prison population is far from an embodiment of the egalitarian ethos of the Scandinavian societies that Pratt and others affirm; rather, if prison populations are small in Norway, it is because a generally high standard of living and functioning welfare state keep the potential clientele of the prison to a minimum.

In Denmark, Smith (2012) has shown that the rise of penal populism and widespread use of pre-trial solitary confinement both qualify Pratt's exceptionalism thesis. In response to Smith and others (see Ugelvik & Dullum 2012), Pratt and Eriksson (2012) contend that pointing out adverse effects of prison conditions cannot disqualify the exceptionalism thesis, which "does not stand or fall on what effect prison conditions have on prisoners," but rather it is the "*conditions themselves*" (my emphasis) that are at stake. This is surely a piece of sophistry – for how can one separate the assessment of conditions from consequences? Such a position would reduce analysis to a description of the physical environment and programs on offer in Scandinavia's prisons. A sociology of penalty does not engage with penal practices for their own sake, but is ultimately interested in consequences for people.

### **Cognitive Categories: "Open" vs. "Closed" Prison**

Observant visitors to Prison Island will quickly come to learn that a fundamental duality in the mind of inmates is the binary opposition between "closed" and "open" prison. These categories of thought are the product of now-outmoded, official categories of the state bureaucracy in charge of Norway's prisons. Norwegian Correctional Services now prefer the somewhat graceless terms "prisons with high security levels" and "prisons with lower security levels." As recently as 2008, "open" and "closed" were the categories of choice in official parlance. One could interpret the abandonment of the terms "closed" and "open" prisons in official terminology as a way of removing oneself from the implicit *danger* of operating the latter facility to the popular mind. To have an open prison is, in effect, to have a *non-prison* since the very definition of a prison must involve enclosure and the negation of openness. But the duality of open and closed prison is used below because it is a mainstay in the inmate lexicon.

What are distinctive characteristics of these two modes of incarceration? According to a government white paper, tellingly entitled *Punishment That Works* (Justis- og politidepartementet 2008) in an attempt to lend legitimacy to national punitive practices, a closed prison has a "wall or high fence around the prison area. All doors are locked. When inmates are not at work, attending classes or participating in leisure activities under the auspices of prison officers, they are locked in their cells." In other words, prisons that fall into this category are intended to resemble the popular conception of a typical, modern prison. In Norway, 63 percent of prison beds fell into the closed category in 2008. On the other hand, an open prison "usually has a fence around the prison area and inmates are not allowed to leave the area. Prison buildings are locked during the night, but inmates are not locked into their cells," and Correctional Services notes that there are "fewer physical

security measures” and more “gentle control measures.” In addition, “extensive contact” between inmates and officers is encouraged under this custodial form (Kriminalomsorgen 2012). In 2010, one-third of all prison sentence time (*fengselsdøgn*) was served in Norway’s open facilities (Kriminalomsorgen 2011).

Who gets into open prison? Almost all inmates start their prison careers in higher-security facilities, and only later earn transfer to open prison, by producing a favorable impression on Correctional Services, or by making the case that “socialization” in an open facility would facilitate community re-entry. The Norwegian Execution of Sentences Act (*Straffegjennomføringsloven*) emphasizes the principle of efficient penalty, that sentenced persons should “not be transferred to a more restrictive prison than is necessary.” Persons with sentences shorter than two years can therefore be permitted to serve time in open prison from the outset, but for a number of reasons, 40 percent of eligible convicts are placed straight into closed prison (Justis- og politidepartementet 2008). One year prior to release, Correctional Services is legally obligated to consider transferring the inmate to open prison. However, risk of escape or “security concerns” can nullify this obligation; in addition, if the “purpose of the sentence” is such that it “speaks against” transfer, an inmate may lose the right to be assessed. It is unclear what precisely such a “purpose” constitutes, and the legal framework governing transfer allows for a great deal of leeway by the criminal justice “street-level bureaucracy” (Lipsky 1980); it has previously been shown that discretion in this area can give rise to discriminatory practices around who gets funneled into open prisons (Sarille 2008). Finally, inmates otherwise eligible for open prison may be kept in closed confinement if capacity is low because of staff or space shortages (Justis- og beredskapsdepartementet 2002); this qualification is crucial since throughout the 2000s, severe shortages in prison beds has been perhaps *the* defining issue in Norway’s penal administration (Justis- og politidepartementet 2006).

The inmate cognitive categories of “open” and “closed” prison are used extensively to organize and sort prison experiences. Daily life on Prison Island is compared and contrasted with experiences from what is thought of under the umbrella term of closed prison, and how the institution of Prison Island is perceived on a daily basis arises out of a relief against closed prison. Being able to walk around on the island is experienced in a particular way because in closed prison “you can spend maybe only an hour, thirty minutes [outside in the yard], then they take you out and then lock you back in, every night.” (Mikel) Being able to speak on the telephone for more than a fixed number of minutes per week takes on a distinctive feel because “when you call from closed prison, you have twenty minutes a week. Ten minutes on Monday and ten minutes on Saturday.” (Joseph) Practically none of the

perceptions of Prison Island go uncomparing with the memory of closed prison. This cognitive pair allows the inmate to organize his mental life, to understand *how he is doing*, to reflect on and check whether life on Prison Island is good or not. To the inmate who has spent hard time in higher-security facilities, it keeps his mind focused on the memory of a more painful, perhaps slightly mythologized past.

### **A Theoretical Outline of Self-Government and “Soft Power” in the Open Prison**

How should we understand the operation of power in the open prison? In a revisitation of an established criminological debate on Sykes’ “pains of imprisonment,” Crewe (2011) argues that a reappraisal is in order of what these pains constitute in the present era. To a certain extent, modern prisons continue to inflict pain in the same way as before: Staff abuse of power, overcrowding and loneliness can all be parts of the modern prison experience – by design or not. But in addition, new pains have crept in, specifically, Crewe argues, those deriving from psychological assessments, the “indeterminacy” of the inmate’s future and the requirements of “self-government.” In some places, there has been a “softening of penal power” internal to prisons. Prisoners are neither made to obey a strong, coercive force, nor are they left entirely to their own devices. Instead, they are “granted some degree of choice” over their own prison term under the ideology of “responsibilization,” which opens up for broader avenues of risk, fear and anxiety in the prisoner. Crewe’s theory of ‘new’ pains underpins this study.

Foucault’s (1977) vision of the “capillary functioning of power” and of the regulatory, disciplining effects of Benthamite panopticism are relevant to this vision of “soft” penal power. The Panopticon, whose all-seeing gaze Foucault used as a metaphor for the actual functioning of power in the modern penitentiary may be an empirically false reflection of the state of most modern, closed prisons, at least in the U.S. carceral experience (Alford 2000). Incidentally, this may not impinge on the value of Foucault’s contribution - the historical-carceral experience is essentially a launch pad in his writings for broader analyses of the evolution of power and subjectivation in *all* areas of social life; also, Garland (1995) has noted that his work has been an invigorating device for the sociology of punishment as a field of study. But Foucault’s view has great empirical relevance to the open prison. It is precisely here that one departs from the crude authority of high-security confinement into what Foucault ([1977] 1995: 139) could call a new “micro-physics of power,” exercised as a more subtle “producer of reality” where the purpose is to re-create subjects and manufacture “docile bodies.”

Contrast this with Conover's (2001: 96) experience as an officer-journalist in Sing Sing, a maximum security prison, which he saw as a "a microcosm of a totalitarian society, a nearly pure example of the police state" in which "the military provided for the chain of command" among officers and inmates alike. This is Alford's (2000) prison, where "lock 'em up and throw away the key" is the dominant control practice, a top-down, crude relic of a pre-Foucauldian mode of detention. But in the open prison, it is the "submission of subjectivity" (Foucault 1983: 213) that constitutes the vector of control, in other words, the remolding of the subject. Inmates are not beaten into submission with clubs; instead, a whole host of fine-grained "technologies of power" are mobilized so that they may be made anew into self-governing subjects; a new "governmentality" (Foucault 2007), that is to say, a "conduct of conduct" (Dean 1999) is set in motion. To govern in open prison is tantamount to producing the conditions that give rise to mostly *self-governing* prisoners. Dean (1999) describes this tendency as "authoritarian governmentality," while Crewe (2009: 144) prefers "neo-paternalism," but the ingredients are essentially the same: Power is, in Crewe's phrase, "soft, but tight, with hard edges" instead of "heavy." It pursues the inmate into the depths of his being, and it becomes part and parcel of him, rather than being a solely external force that occasionally swings past.

In the empirical investigations that follow, two broad theoretical conceptions are put forth and employed: First, in order to purchase consent from inmates, officers use what we may call "techniques of micro-constraint," and one, overarching "macro-constraint," the threat of return to closed prison. These techniques remind the prisoner of his place and, ideally, produce order, discipline and docile bodies. Second, the open prison model that exists on Prison Island results in "pains of freedom," an expansion of Sykes' original pains and in part inspired by Crewe's (2011) late-modern, soft penalty. In the case of Prison Island, these pains of freedom consist of, on the one hand, the bittersweet, at times confusing "taste of freedom" that arises out of living in a state of half-liberty, half-incarceration; on the other hand, the frustrations of "boundary-work" (Gieryn 1983), i.e. the labor of demarcation that goes into separating out categories of phenomena from one another, which, as Åkerström (2002) has shown in the context of a nursing home in Sweden, can be a troubling work indeed. Boundary-work is illustrated with two cases: *First*, in the boundaries between freedom and imprisonment that must constantly be negotiated by the Prison Island music collective as they organize an "outside-world" organization - a music band - from within a site of confinement. *Second*, in those boundaries drawn up by ethnonational divisions under a regime of "forced multiculturalism," as an increasingly ethnically diverse prisoner population strains the prison's ideal of rural communitarianism. In coming to terms with the pains of freedom, new subjects are molded by the institution.



Finally, appreciating the salience of soft power in the open prison experience carries two benefits: On the one hand, it insulates experimental penal institutions against the political-polemical attacks of penal populists who can contend that such places are “cushy” to the extent that all the suffering of incarceration has gone out the door, which, if accepted as true, risks debasing their institutional legitimacy.<sup>1</sup> On the other hand, it more accurately reflects the experienced life of inmates in such places; it brings the social scientific gaze of the prison up to speed with developments on the ground.

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<sup>1</sup> An example from English public debate: “Lurid stories of parties with smuggled-in booze and other headline-grabbing regulation breaches feed images of open prisons as holiday camps and call into question their relevance or necessity.” (The Guardian 2011)

## 4. Life and Times in the Half-Prison: Constraint, Control and the Fear of Hard Time

*“But there is one thing you should understand: It is still prison here.”* – Joseph, interview transcript

*“There is, like, 50 percent freedom here.”* – Stanley, interview transcript

### **Fresh off the Boat: The Shock of Prison Freedom**

What does the newly arrived inmate think and feel about the open prison, and how is the first encounter with a new institution portrayed? One can learn a lot about an institution from the way the moment of joining its ranks is described and remembered. Since the vast majority of inmates that are transferred to Prison Island have served time in a higher-security prison, the transition from being locked away in a cell for the better of the day to the seemingly near-total possibility of free movement can be a momentous one, both grandiose and terrifying. It is perhaps at this point of transition that distinctive institutional characteristics are most clearly seen in relief.

The positive sensation of freedom upon arrival on Prison Island is described compellingly by some inmates. Steffen remembered his arrival to the island with fondness: “When I came here, the first thing I remember was the boat ride over where I just stood outside, breathing in the fresh sea air. Just standing out there in the middle of the day – you weren’t allowed to be outside in the middle of the day in [closed prison], yard time was at night, right, you could maybe grab a moment in the yard down by the school building now and then. But that’s when I felt that, all right, the world just became a whole lot bigger.”

Joseph said he would “never forget” his first hours on the island. He had already spent several years pent up in a high-security, closed prison, and from the moment he received the message that he would be transferred to Prison Island until he arrived there, he considered himself “one of the happiest guys on Earth.” He had been transferred from closed to open prison several months before completing one-third of his sentence - an important landmark in an inmate’s prison career in Norway - and he considered it unusual and a rare stroke of good fortune. Magnus, an inmate in his 20s, recalled a “tremendous culture shock” in making the mental transition from closed to open prison: “You’re coming from a place where they lock

the doors *all the time*. When you walk through a door, they lock it right behind you... You hear keys and locks and stuff all the time.” On Prison Island, on the other hand, his initial meeting with officers suggested a more relaxed security regime. Arriving early in the morning, he was told by the officers on duty to take a stroll around the island for a few hours while they sorted out his paperwork and room. Such liberties were unthinkable to him while the memory of closed prison regulations were still fresh in his mind.

But an inmate’s first encounter with Prison Island can also be marred by anxiety. Magnus discovered that suddenly being thrust into quasi-liberty did not come without a price. While waiting for the officers to sort out his papers, he heeded their advice and went for a stroll around the island, but unused to the sudden expanses and open space, it turned out that going for a simple walk “was *too much*. First of all, I didn’t know how far I was allowed to go, so I just took a chance and went for it. And then I discovered a sign that read ‘Prison Area: No entry.’ But it was *turned around*. So I thought I wasn’t allowed to walk any farther, but I thought to myself, ‘I’m already in prison, I’m a prisoner.’ So I just started walking real slow in case anyone were to start yelling after me.” Since a small tip of the island is reserved for recreational boaters, such signs are put up to warn outsiders against stepping onto prison land. Magnus mistakenly assumed he had violated a rule and was terrified that already within an hour of arrival, he had committed an infraction against prison regulations.

His moment of terror passed, Magnus found himself alone, at the southern tip of the island, staring out at the open sea. “And suddenly you’re *completely* alone, no-one knows where you are. There are no officers around, something you’ve gotten used to after 2 years [in prison]. People have been following your every step, all the time. Then, there it was, the ocean. The thought that ‘I could just jump, I could go swimming, *this is it*, I can escape. I could *actually* escape if I wanted to.’” But after this initial surge of freedom, Magnus quickly reined himself in: “But I’d never do that, because then I’d have to live in a state of paranoia until they find me again, that would just be tiresome. I’d just as soon stay here [laughs].”

Joseph described a similar mental rollercoaster ride in making the jump from closed to open prison. After having been taken on a brief tour of the island by one of the officers, he was taken back to the officers’ building to have his transfer paperwork processed. “And then she [the officer] said I can go,” he recalled. “I said, ‘Go?’ I said, ‘Go where?’” It was unthinkable that he would be able to walk around freely on the island after years in closed prison. “So when I came outside, I stood in front of [the officers’ building]. I was waiting for her, you understand, because normally, in closed prison, if you go outside, there must be an officer following you around, like if you go to the doctor, or the lawyer, if you go to the *wherever*,

they follow you around. So I thought it would be the same here.” After some reassurance from the officer on duty, Joseph walked over to the commissary and bought a phone card, so that he could call his wife and tell her the news of his arrival. He was amazed to learn that he could dial the number himself, that he could speak for more than ten minutes at a time, and that he could use his mother tongue without breaching prison regulations (a standard rule in some closed prisons in Norway is that telephone conversations must be conducted in either Norwegian or English). It was an unusual feeling.

Some inmates are so surprised by the sudden feeling of liberty upon arrival on Prison Island that they refuse to accept that it is real. Mikel recalled how, while waiting for his transfer paperwork to be processed on his first day on the island, he thought the officers had arranged to test his obedience to prison regulations. “They told me that I can walk around and come back after two hours' time. So I was like, is this a set-up or something? I thought they were going to see if I was going to run away or something like that.” When the officers told him to take a few hours off and tour the island on his own, his suspicions were only further aroused. Nearly three years in a closed, high-security prison had made him wary of the games of power that officers and inmates often play there. He simply “didn't believe it was prison” because being in prison to him meant precisely not being allowed the liberty and leisure of a few hours out in the open. “I was *very* surprised. I just came out of the officers' building, you know, and I thought, ‘No, maybe these people just want to set me up.’ So I didn't want to move around. So I stood in front of the officers' building.” After doing time in closed confinement, he could not believe that the liberty which the officers were proffering was genuine. Mikel assumed that it was all part of a trick of some kind, played on him by his custodians to confirm whether he was truly suited to the privilege of doing time in an open, low-security environment. Finally, “after about 10 minutes, one of the officers came out and said, ‘You can go to the kitchen, you can go wherever you like and come back after an hour and we can talk, we can give you a room.’” Even after this confirmation that his newly-won freedoms were real and true, he moved about on the island only unwillingly in those first hours. “So I said, OK, I have to move around. I went to the kitchen and then I came back.”

It is no doubt difficult for those who lack first-hand experience with the closed walls of a cell for months on end to imagine just how profound the moment of transition to the open prison can be. Mikel emphasized the “big change” in coming to Prison Island by contrasting his new place of detention with the almost suffocating spatial limitations of years in a closed, high-security prison where “you go to work, come back at 3 o'clock, and you work underground, in the same building, one building. You don't go outside [when you want to]. Sometimes in wintertime, I didn't even go out, for one month, two months, because the weather is cold, you

know.” It took him nearly a month, he said, to grow accustomed to the circumscribed freedoms of Prison Island to which he had grown so estranged, to the fact that “here you are more free. You can walk around, go to work, no-one is following you.” On his first night in the dormitory where newly arrived inmates spend their first months on the island, he assumed that the officers would come and lock him into his room when evening came, as they do in higher-security prisons. “I thought maybe I have a time limit when they will come and lock me in the room until the next day, but it wasn’t like that.” Instead, he discovered that, if he so wanted, he could get up in the middle of the night, open the door of his own room and walk around the darkened dormitory hallways by himself. Of course, he admitted that the inmates were locked into the *building* after the 11 pm curfew set in, but even so, “you are in control of everything. You can open your door when you want. If you need anything in the kitchen in the middle of the night, you can walk down, you can make food.” As we will see later, these liberties do not come without a cost to the prisoner. They come with the risk of slipping up, of breaking the rules. He warned: “If you are not careful you might think you are not in prison after some time.”

Magnus recalled the profundity of being given his own key by the officers on the first day, an act seemingly so contrary to the fundamentals of what a prison constitutes and so in contradiction to the nearly two years he had already spent in closed confinement. “I can lock and unlock [the door] when I want to. That’s really strange because it’s not something you’re used to any longer, even though 2 years [in prison] isn’t a really long time, I mean, if you think like [in the perspective of] a hundred years. But you become so used to a system and that you have to follow rules and regulations, and suddenly you come here and you’ve got a key in your hand to a *room*.” Another inmate, Mario, recalled a similar sense of wonder at suddenly being able to regulate access to his own sleeping quarters: “What was strange for me was having a lock on the *inside* of my door, so I could decide when I wanted to keep it open or not.” Showing me around his sparsely decorated room, he demonstrated how on his first night on Prison Island, he had walked over to the door and simply stood there for a few minutes, turning the key back and forth repeatedly, just to make sure that it was real, that it was not all part of some fevered dream. Perhaps this is the secret reason why Prison Island inmates refer to their places of residence not as cells, but as *rooms* – a cell is a place that you are locked into, a room is a place you choose if and when to lock yourself into.

Some inmates use the moment of transition from closed to open prison as a way of drawing into question the reasonableness of the system of incarceration in more general terms, the implicit critique being that one day, you are deemed dangerous and are therefore kept in a locked cell, while the next day, you could be scheduled for transfer to more liberal conditions

of detention. All of this can take place without having changed substantively as a person in the intervening time period. Fredrik, an inmate in his 50s, described the moment of transition with the metaphor of a “light switch”: “I remember the last night in [closed prison], I said to the officers before they locked me in for the night, ‘Isn’t it remarkable, tonight I’m still *dangerous*, you have to lock me in. Isn’t it going to be strange in the morning when I’m no longer dangerous and I no longer have to be locked in?’ Because they really do just flip that switch on and off.” Implied in Fredrik’s comment is the notion that the bureaucratic re-sorting of inmates between different modes of incarceration is, at least to a certain extent, arbitrary. Moving between the different organs of the custodial body can accentuate this arbitrariness.

### **Techniques of Micro-Constraint**

Scholars of the prison have been concerned with how prisoners cope with and resist the coercion employed by custodians of these institutions. Sykes ([1958] 2007) famously unveiled “the defects of total power,” essentially demonstrating that officer control in the prison was imperfect and subject to resistance. Mathiesen (1965) showed how prisoners could contest officer power even from a position of weakness. Ugelvik (2011b) demonstrated that inmates in a closed prison in Norway covertly prepared “illegal or semi-legal alternative food” as a way of resisting the custodial regime – since the official prison fare was part of a broader attack on identity, resisting its imposition became a way of maintaining competence and independence. Bosworth and Carrabine (2001) have noted the limitations of prison scholars’ interest in resistance, which has tended to view resistance as a form of “rudimentary political action” or interpret the lack of visible resistance as acceptance of institutional legitimacy. In general, these “escape attempts” (Cohen and Taylor 1992) are frequently small and, in the larger scheme of institutional survival, insignificant: The prison continues to grind along uninterrupted by such acts. One could describe these acts as ‘microscopic’ forms of contention. And yet prison scholars are often interested in acts of ‘micro-contention’ because they are taken to demonstrate that human agency cannot be broken, that no institution can entirely erode man’s desire for freedom.

Analyzing prisoner identity work in an *open* prison paves the way for a different approach to the problem of coping with power and control. Certainly, inmates on Prison Island engage in micro-contention: Inmates recalled how some occasionally shirked work duties; once, when a French TV camera crew were on the island, filming for a news report, a few inmates were found sleeping in the sun and had to be goaded into returning to their labors in the fields.

Complaints of theft were occasionally heard, for instance, from the prison store. And drug-taking could be construed as a way of denying the custodial regime its preeminence.

But the problem can also be turned on its head. Prisoners resist the open prison regime in a number of ways, but since it is “softer” than that found in closed prison (for instance, a greater degree of personal mobility is possible), one can study how the prisoners are made to face “micro-constraints” that serve the purpose of reminding them that they are still, in fact, inmates in a prison. With only slight simplification, one might say that whereas the “baseline” in closed prisons is a strong sense of being un-free (and an attendant scholarly concern with discovering how prisoners make themselves free, how they liberate themselves through microscopic forms of resistance), in the open prison, the “baseline” is a kind of generalized freedom (prisoners can walk about, make phone calls almost as often as they like, purchase groceries in the prison store) - certainly, they are bounded by visible or invisible walls against the outside world, but they are nevertheless what one might call, for lack of a better term, “generally free” within those boundaries. Under this very peculiar scenario, the focal point of scholarly concern can then be to understand how prison authorities nevertheless continually need to convince and remind inmates that they are, in fact, residents of a prison. This can only be a limited problematic when studying closed prisons, since there the techniques are frequently so obvious and omnipresent, but on Prison Island, they can be subtle and therefore more liable to go unnoticed by the casual observer.

The Benthamite dream of the Panopticon, the Foucauldian vision of the disciplining effects of punishment, the *self-regulating* prison – all this arguably resides more perfectly in a place like Prison Island than in any San Quentin, Sing Sing, La Santé, Pentonville or Kumla. The latter are prisons that are governed with plenty of sticks and few carrots. Control and consent – to the extent that they *are* attained at all – are won through static security, by bars, locked doors, batons, security cameras, high walls, isolation cells. On Prison Island, where such measures are mostly lacking, control and consent must be garnered by other devices. On the whole, the strategy of the prison warden and officers – and, in the broader political economy of corrections, the Correctional Services - has been to instill in open prison inmates a sense that they have something tangible to lose. For instance, Mikel explained why drug use was rife in closed prison, but, to his knowledge, comparatively rare on the island, with the *explanans* that there, prisoners have few privileges they stand to lose if they violate the rules. “Even when the guard catches you there [using drugs in closed prison], they can’t do much to you,” he said. “Maybe they’ll take your TV for one day, then they’ll return it to you. It’s nothing, you know. In closed prison, they can lock you, they say, ‘OK, don’t come out for a day or two.’ Then they open again. They [the inmates] continue with what they are doing. But

here it is not the same, you know.” Here, inmates enjoy more privileges and are therefore subject to a broader, more finely-calibrated system of working incentives and disincentives.

We might call these reminders ‘techniques of micro-constraint,’ which will be discussed serially below. Why have micro-constraints developed as components of a custodial regime in a place like Prison Island? The number one priority of officers is to maintain security. In all likelihood, the natural and unfettered environment of a rural island community that bears little resemblance to a traditional prison will, unchecked, tend to produce a mentality unlike what one might find in a traditional prison. It would be comparatively easy to forget one’s true surroundings in the absence of micro-constraints. This could result in the phenomenon of the *unruly prisoner*. An analogous problem is found in the realm of ‘race relations’: Whites in the U.S. South complained of and feared the “smart” or “uppity Negro” who did not know his place in the ethnoracial hierarchy and therefore had to be reminded of it through coercion and violence (Myrdal [1944] 2009: 563); the contemporary language of Brazilian racism contains the synonymous term *nega besta* (“stuck-up negro”), which, Guimarães (2003) points out, characterizes an “attitude of resistance as being a function of the petulance and arrogance of someone who usurps a social position (of equality with the aggressor) of which they are not worthy.” Along the same principle, the custodial regime fears the unruly prisoner, that is, someone who forgets his place in the institutional hierarchy, who begins to think too much that his liberties are rights and not privileges, and that officers are equals and not superiors. No matter what the rhetoric that surrounds a prison, a minimal commitment to reminding inmates that they are in fact inmates must be woven into the daily work of the custodians, even though these techniques can vary widely between institutional regimes.

The fear of the unruly prisoner is illustrated by officer talk. Every year, Prison Island opens its doors to neighboring communities for a day of “open house” – hundreds of outside civilians flock to the prison ferry and come over to the island for a few hours on a Saturday, and they are given the chance to take a peek behind the institutional veil at what goes on in a place that all local residents know but few have seen first-hand. Speaking of the “after-effects” of one such Saturday, the officer commented that “there’s always a bit of unrest after something like that.” Contact with the outside world, the sudden influx of persons who have not been screened in the way that most visitors are (a background check for a criminal record, for instance), the ‘carnevalesque’ atmosphere of such a day – all this had disrupted the subtle balance of power on the island. When asked what he meant by “unrest,” the officer pointed out that, “well, they [the inmates] begin to think that it’s not quite a prison.” But, he hastened to add as a matter of course, “it’s very nice to be able to show off the island in that way.”



### *Prisoner Population Counts*

Prison Island inmates are counted many times every day. “The count” (*tellinga*) is a crucial event because it temporally organizes prison life, slicing up the day into discrete intervals, and because failure to submit oneself to counting is a serious rule-infraction. On weekdays, inmates are counted around 8 am, just after 12 pm following the lunch break, and there is a line-up at around 5 pm. Inmates are counted one final time before the curfew at 11 pm sets in. “The count is the most important,” Peter said, when asked what he would emphasize first if he were to help new arrivals adjust to life on the island, because “if you don’t show up there, you’ll get kicked out of here. If you get three strikes, you’re finished here. They’ll say goodbye and [back to] closed [prison].” While it is unlikely that an inmate would actually get booted from the island for failure to show up for the count, failure to submit oneself to inspection signalizes a refusal to rehabilitate oneself and live according to routine. It could be interpreted as a symptom of a more problematic, underlying attitude.

The official reasoning for why inmates need to be counted is to ensure that no-one has escaped since the last count. The longest time interval an escaped inmate could go without being detected by the officers is around nine hours, the space between the nightly rounds at around 11 pm and the morning count at around 8 am. But some inmates suspected there was a more subtle reasoning behind the tedious business of being counted as well: To be counted is to be kept in line, to learn to show up on time, or else face a strike on one’s record. The pedagogical-disciplinary component of the count may indeed be equally important to the security function. For instance, when asked whether he had ever overslept or forgotten to show up for a count – an innocent enough mistake in the daily hubbub of prison life – Mikel hastened in assuring that he had not missed a single one yet: “No, I don’t joke with that,” he said repeatedly. He no longer considered the count as anything but a normal part of life, like brushing one’s teeth or drinking water.

This was an accepting stance, but others had a more conflictual relationship to the count. They resisted it and, in so doing, they resisted the legitimacy of the prison. For instance, an older, college-educated inmate had embarked on a course of self-study, and he had been given permission by the prison to work by himself in his room in place of laboring in one of the prison workplaces. Now he had missed three counts in one month. The officers had called him in for questioning, a routine process. A report would be written; if worst came to worst, he could get sent back to closed prison, a dire fate indeed, particularly the date of planned release was drawing near. “And so I was called in for *questioning*, right, one of those formal interrogations where this jerk is sitting there, taking a statement, just like the police, typing with one finger,” he said, sarcastically. “And the guy says, ‘I’m sorry, [name of inmate], I

don't like this, I feel almost like an idiot doing this, but it applies to everyone.' I said, come on, I haven't asked for any special treatment. The only thing I ask is to give an explanation as to why I haven't turned up."

His explanation illustrated the conflict between freedom and discipline on Prison Island. When he was studying in his room, "I'm not in prison any longer," he said, but rather, he would "delve right into the text." The inmate's room looked like the comfortable office of an academic: Rows of books lined the walls, there was a computer and a desk by the window overlooking the sea, manuscripts and stacks of paper were everywhere. One could easily forget the count in there, maybe even the prison altogether. The prison had equipped him with conditions of life in ways conducive to an outside-world mentality and mode of existence. But these freedoms were precisely the things that were causing trouble. By allowing him to forget that he was in prison, he had landed in a great deal of trouble. He worried the disciplinary report would disrupt his planned date of release.

Resisting the count carries the risk of paying a hefty price. One inmate had grown so tired of officers coming around on the nightly rounds that he decided to pull a trick on them. Usually, his housemates said, he would go into his room just before 11 pm at the time when officers would come around and announce the curfew. He would get into bed fully-dressed, pull the covers over his head and pretend to be asleep. After the officers on patrol stuck their heads in to confirm he was inside, he would get out of bed and join the rest of his housemates for a while longer. But all this changed one day after he went into town on leave and purchased a 'horror' mask of the kind used on Halloween. On a following night, he waited in his room for the officers to come around. As his housemates told it, the lights in his room were dimmed low and he had donned the mask, sitting with his back to the door, music playing low. As the woman officer opened the door, he turned around and let out a roar. By all accounts, she was terrified, scared witless. The officers confiscated the mask, treating it as "evidence," and the next day, he was called in for questioning. There was talk of it blemishing his record; it could even get him kicked off the island for good. But his housemates found great pleasure in this act and spoke of it giddily for days. The mask signified a refusal to submit one's *corpus* to inspection and discipline by the prison, a denial of docility.

#### *"Three-Strikes-You're-Out"*

Inmates are subject to a disciplinary strike record. Infractions against rules can earn the inmate a "dot" or a strike. Three strikes in the course of a month results in an officer writing a report and calling the inmate in for questioning. Such reports count toward broader institutional assessments of the inmate, and can form part of the reason for why an inmate is

deemed unfit for further residence in open prison. An inmate recalled how he had woken up late for the 8 am count, where officers come around and check inmates' rooms in the reception dorms.

I think it was three minutes before the count and [another prisoner] comes knocking on my door, 'Mario, you've got to get up, get up!' And when the officer walks in, I hadn't made my bed, but at least I'd put my trousers on. And she says, 'We-ell, so you're not ready?' – 'No, but give me two minutes, just count the others and I'll be ready!' But I got a strike.

### *Locked Isolation Cells*

While most inmates live in relatively comfortable one-man rooms and a few spend their first months in two-man rooms, the prison keeps a set of more traditional prison cells on hand for a number of uses. They are a small slice of closed prison on the island. They are out of sight, tucked away inside the officers' building. When a prisoner has been deemed unfit for Prison Island and is waiting to be sent back to closed prison, he may be locked into one of these cells. When a prisoner fails to produce a urine sample for a drug test, he may be placed in one of the cells with a pitcher of water for a few hours. These places of confinement are referred to as "solar cells" (*solcella*), a euphemism that plays on the fact that on sunny days, the sun will be trained straight on their windows. In the prison handbook for newly arrived inmates, the euphemism is taken one step further: Here they are referred to as "leisure single rooms" (*fritidsenerom*), though no-one used that term in conversation. The fact that these cells must be shrouded in euphemism is in itself telling of the fact that the prison has an uneasy relationship to their existence.

Peter, an inmate who had spent nearly a year in higher-security prisons, said being placed in these cells was a harrowing experience because he was suddenly thrust back into a mode of confinement he believed he had left behind. He had made the mistake of going to the bathroom before the morning count; his name was picked for a drug sample and the officers placed him in the cell for four hours when he failed to produce a urine sample. He found it excruciating because he was no longer used to being locked up in a cell.

I was forced to sit there. You're worn out by that time. I called the officers three times. I said, I can't stand sitting here all by myself. I *need* some free time. I can't just sit here.

Magnus believed inmates would rather go to work with a fever than "call in sick," because sick inmates were supposed to spend the day in the cell (they would also have their daily wage reduced by nearly one-third). Most inmates therefore preferred to stick it out. "I've seen people cold-sweating, totally out of it, but they don't want to go to the 'solar cell,' because,

firstly, it brings back *very* bad memories from closed prison, and secondly, because it's dead boring, no TV, no radio, you've got no sound."

### *Visitor Regulations*

Receiving visitors is a significant event for prisoners. It gives them a taste of the outside world, imported into their site of confinement. However, certain rules apply. According to prison regulations, inmates can receive guests on four designated days a week, including Saturdays and Sundays. Visitors have to be pre-approved, and they are checked for a criminal record. Visits on Wednesdays and Fridays can last for a maximum of 3 hours and 55 minutes. Two separate visits can be received on weekends; on Saturdays, the first is between 9.35 am and 2.55 pm, and the second between 3.15 pm and 5.55 pm. On Sundays, the first goes from 11.15 am until 13.55 pm, the second from 2.35 pm to 5.55 pm. Visitors must bring ID cards and a visitor approval slip each time they visit.

Visits take place in the visitor's building, a one-story building with around ten rooms. Officers pick up visitors from the boat while the inmate waits in the designated visiting room. They are sparsely decorated rooms with a pull-out sofa, a floor lamp, paper towel dispenser and wastebasket. At the end of the hallway is a cupboard for soiled linen. There is a small play room with a few toys strewn about for children. There are two restrooms and a small kitchen with an electric coffee drip brewer and as much free ground coffee as the inmates want. Inmates are allowed to take their visitors out to one side of the building for fresh air or cigarettes. Visitors can bring food and drink with them, but inmates are not allowed to take leftovers with them after the visit. When time is up, an officer will knock on the door and visitors say goodbye inside the rooms. On Saturdays and Sundays, where there are two separate visiting time slots, morning visitors are not allowed to return to the mainland and then come back out for the evening slot. Visitors can give certain items to inmates, including toiletries, clothes, shoes, books and newspapers. Money can be deposited on the inmate's account, administered by Correctional Services. CD players, TV sets (maximum 32-inch screen), non-pirated DVD films, stamps and phone cards are also allowed. Computer equipment must be pre-approved, including any software. Flowers must be "trimmed," and one pot per flower bouquet is allowed. Visitors are not permitted to give inmates tobacco.

Three inmates per week can receive their families in a separate, fully-furnished Visitor's House. Visitors with children and without the right of home leave are prioritized. If the inmate's spouse or partner arrives without children, the house is "offered to another inmate who either is on a waiting list or is being visited by children or his family in the visitor's building" at the same time. Visits to this separate house are of a longer duration, over 8 hours

of visiting time during the Saturday slot, for instance. The absence of purely conjugal, overnight visits – common in some closed prisons – means sex must be a scrambled, awkward affair on couches in small visiting rooms, where noises easily feed over into adjoining chambers.

Despite comprehensive regulations, many inmates expressed satisfaction with the visiting system. Andreas appreciated the fact that inmates themselves were responsible for booking visits. In closed prison, on the other hand, it was the friend or relative who had to book a time with officers. “And that’s really a lot more convenient than relatives having to mess about with the prison, he said.” After all, “they’re not the ones doing time here.” On the other hand, despite the comparative advantages of visiting when contrasted to closed prison, it is clear that the prison cannot allow such a significant event to go unregulated. Rules must apply, or else the officers risk having unruly charges on their hands.

### *Controlling Drug Consumption*

Substance abuse is an integral part of the modern prison experience (Fazel et al. 2006; Carpentier et al. 2012). But unlike closed prisons, where strict controls at the gate are the norm and visitors are frequently checked for possession of illegal substances, the open prison model on Prison Island entails few and rare controls of visitors. For instance, in the course of the fieldwork, officers never once openly checked the contents of the author’s backpack, and several weeks passed before an officer commented that the author was not allowed to carry his backpack around while collecting observational data and conducting interviews on the island. The backpack was supposed to be deposited for safekeeping with the officers, but even this was practiced haphazardly, so that toward the end of the fieldwork, the author and the officers on duty more often than not again forgot about this requirement. Returning to Prison Island a month after completion of the fieldwork for a prisoner-run conference on rehabilitation, it was possible to witness how dozens of outside visitors from various walks of life and professions flowed into the prison – not a single one was frisked (though all were required to leave their cell phones behind on the prison ferry). In short, it would be a simple feat to smuggle in substantial quantities of illegal drugs by outsiders during the course of visits, and probably also quite easy for inmates.

The ease with which illicit substances could be brought into the prison seems to suggest an unusually high level of institutional trust on Prison Island, bordering on naïveté. In reality, however, prison authorities have opted for a *demand-side control mechanism* rather than a *supply-side* mechanism in checking the flow of illegal substances into the prison. Knowing that they could not adequately sweep the many miles of shoreline for deposited drugs

packages on a regular basis, nor frisk all persons flowing in and out of the prison every day, officers have chosen urine tests as the main device for such demand-side substance control. Urine tests are frequently administered to capture abuse, either randomly administered after one of the counts, or more specifically targeted toward known former or present substance abusers.

“They hand you a piece of paper with your name on it at the second count [in the evening],” one inmate explained. “It’s mostly if you’re on leave or something like that, then there’s random sampling or they sort of have a slight suspicion or they know that you’ve got a problem or you’ve had a problem, then they’ll definitely check you more often,” another inmate, Fredrik, said. “For me, they checked me the first day I arrived and then they checked me when I was getting my approval from the maritime doctor [mandatory for working on the prison ferry]. And then there was a drug test of the entire island.”

Another inmate, Magnus, explained that urine tests were administered after the morning count. This made having to give up urine samples regularly into a hassle “because if I have to take a piss at 4.30 in the morning, I can’t go, I’ll have to hold it in until 8 am for the urine sample. If you can’t deliver a sample to them at the right time, they send you up to [the isolation cells] and you have to sit there for four hours until you need to take a piss again.” In other words, ending up on what the inmates believed was an institutional watch list for suspected substance abusers could incur a significant detriment to life quality – having to check basic bodily functions or else risk being thrown into an isolation cell, a small slice of closed prison in the otherwise almost entirely lock-free open prison environment. To Magnus, this was particularly salient, because while he admitted to an occasional joint of hashish, he did not see himself as a drug user. “I have no need for alcohol in here,” he said during a conversation about bootlegged prison alcohol. “Hashish has been more my thing. If someone offers, I’ll take a couple of drags. But it’s not like I go hunting after it.”

However, his status in the realm of drug abuse or non-use had been called into question during one particularly bizarre incident: He had bought a winter jacket from a now-released inmate – a practice common enough among the community of prisoners where clothes, bicycles and television sets are frequently traded by soon-to-be released inmates with those left behind – and this particular winter jacket had been ‘marked’ by a drug-sniffing dog when Magnus visited another prison on other business. If Correctional Services sent a patrol of drug-sniffing dogs to Prison Island, as they occasionally did, there was the chance that his jacket would be marked once more and that his name would be placed on the alleged drugs watchlist. This was a risk he was unwilling to take. “That would focus their attention on me,

and it might mean having to deliver regular urine samples,” he said. So, he had the tainted jacket put into storage and went to the lengths of purchasing an almost identical jacket from the sparse reserve of spending money available to him, a drastic step for inmates, who usually do not have many financial resources at their disposal. Such are the lengths that some inmates are willing to go to avoid the sometimes painful gaze of the institution.

The consequences of delivering a positive urine sample can be dire. One inmate, Ahmed, said he knew of several inmates who had been kicked off the island and sent back to closed prison over drugs. On the other hand, “it’s a bit good to be able to give them a clean test,” he said, because it showed the officers in clear terms that you were abiding by institutional rules. Another inmate who worked on the prison ferry and was therefore well-situated to observe the comings and goings of men and material in and out of the prison, claimed he had seen “around thirty inmates” getting sent back to closed prison over a period of three months – this figure admittedly also included inmates who had been sent away for carrying a cell phone or breaking other rules in addition to drug use. “I don’t know so much about [drugs] either, because I’m not a person who feels the need to get high or anything,” he hastened to add, “but you notice some things and you hear rumors and you *pick up on things* when you’re on the ferry as well. Both in terms of who gets arrested and sent off the island, right, we see them on the boat. People coming back from leave, right, you *see* a lot of them are high. There was one just a couple of days ago who turned up with 1.7 on his blood-alcohol levels [*promille*], right. I think that *all* Norwegian prisons are having a hard time with that particular problem.”

Alcohol is occasionally available to inmates as well. “I know of people who have drunk themselves completely wasted and brought liquor in here,” one inmate recalled. Another prisoner noted that during the 2009 swine flu pandemic, the prison authorities placed out antibacterial gel dispensers in some of the residential halls to prevent the spread of the contagious disease. The way the inmate told it, the authorities soon could not help but notice the exceptional cleanliness demonstrated by inmates as they went through the packs of antibacterial gel with remarkable speed. It turned out that some of the inmates had worked out a way to distil the antibacterial gel and separate out drinkable alcohol from the substance, according to this inmate. Such are the entrepreneurial skills and acts of resistance which prison administrators must confront on Prison Island.

How prevalent is drug use on Prison Island? Out of 890 deposited urine samples in 2011, around 5 percent showed illegal use (Journalen 2012). Drug use “comes in waves quite often. Someone gets something brought in and then they’ll offer it around to others that don’t have

the willpower to refuse and suddenly lots of inmates will get sent [back to closed prison],” one inmate observed. Drugs tend to be less readily available in prisons than on the street, and may be less prevalent on Prison Island than in closed prisons because of the great risks associated with being caught out as a substance abuser; the inmates here have more to lose. An officer recalled that only some months before, the entire inmate population had been subjected to urine tests, as part of a broader drugs sweep of prisons in this part of Norway. According to him, not a single positive urine sample turned up – a surprising fact indeed to anyone familiar with substance abuse trends in prisons. The way this sweep was portrayed by officers and inmates illustrates some fascinating differences between the two groups: While the officer in question used the event to argue that Prison Island was exceptionally well-run, inmates used the results to argue that the drug testing procedures were fundamentally flawed.

According to Fredrik, an inmate, the officers “don’t have a clue.” He explained: “You see it with [drug] abuse here. There’s *lots* of it, right, but [the officers] don’t see it...There’s lots. And it’s a lot of that synthetic stuff that doesn’t show up on the tests. That’s what’s happened...It doesn’t show up, they don’t have tests that pick up on it. Those ‘designer drugs’...There are lots of people who are using and getting high here. It doesn’t show up. They don’t see it. We [the inmates] see it, we see it straight away...you don’t see it if you don’t have an eye for it.” Another inmate, Espen, agreed that synthetic drugs were being consumed for which there were no meaningful drug tests. “The *problem* is that the smartest abusers, you know, they’ve got medicines and substances that don’t show up, right. There are certain chemical substances and things, right, which aren’t, you need expanded tests, you know, which are *expensive*, right. So there is actually a bit of drug abuse here.” He claimed to be able to *see* the external, physical signs of drug use on “many” inmates.

Some time after the completion of fieldwork, one inmate communicated to the author that a new form of drug testing had been added to the arsenal of the custodians. Inmates could now be required provide spit samples, “to pick up on the synthetic cannabis stuff.” These tests were presumed to be more effective at picking up difficult-to-detect synthetic cannabinoids, which have become part of the drug repertoire in Norway’s prisons and are viewed as a growing problem (NRK 2011). According to this inmate, Prison Island was no exception, and the officers were catching up.

### *Restricting Telephone Calls*

The prison telephone is an important link between the inmate and the outside world. For some inmates, particularly foreign citizens, the telephone is their one and only mode of contact with the distant outside world. At the same time, its use is regulated by the institution.



For nearly all inmates, the telephone is a precious medium for keeping in touch with wives, girlfriends, partners, children, relatives, potential employers, government case workers, lawyers and state bureaucracies. Since carrying a private cell phone is strictly prohibited, inmates must share 5-6 old-fashioned telephone booths between them (one was broken for part of the duration of the fieldwork). Inmates line up outdoors, rain or shine or howling winter gales, waiting for their turn with one of the phones. The phone booths, reminiscent of the classic UK red telephone boxes, are located next to the officers' building and they are switched on for half an hour in the daytime and for the entire evening until just before curfew sets in at 11 pm.

Inmates with experience from closed prisons often recall bitterly that they were only allowed around 20 minutes of phone time a week there. Prison Island, on the other hand, keeps its telephones switched on for several hours every day. As long as inmates can afford the prison-issued telephone cards in the commissary and are able to negotiate the line of other inmates waiting to dial home, phone time is plentiful. While the theoretical liberties of phone time are therefore incomparable with closed prisons, it is far from an uncontested good in practice. Like most goods and services available in the prison, it is hotly contested, debated and assessed from nearly every conceivable angle. For inmates, the regulation of telephone access reminds them that their liberties are circumscribed.

(i) Price and practical complaints. Some foreign inmates complain that purchasing phone credits is prohibitively expensive, since keeping in touch with family to them means making long-distance calls overseas. A young male inmate from an African country thought that most things in the prison were fine, "but making telephone calls is so expensive." He believed the prison had heightened the price on purpose, so that wages earned from the prison in the daytime were 'earned back' by the prison during the inmates' calls in the evening. "Most of the money you earn here goes right back to them when you make telephone calls. They give us money for work and then they take it back. Write it just like that – they give us money and then take it right back." Another inmate explained that the phone card agreed that "it's very expensive. Six or eight *kroner* per minute to call." Given his price estimate for an overseas phone call, he would be able to afford between seven and nine minutes of phone time a day if he spent no money on food, accessories or anything else. When a group of five inmates were asked what they thought about the prison, they all immediately complained that calls were priced too high. When Mikel was asked what he would change with the prison if he was put in charge for one week, he said: "I would make the telephone calls very cheap so that people can talk more with their families, communicate more with people outside, you understand me." He lamented the fact that the price per minute was unnecessarily expensive, "cheaper

outside than here.” By reducing prices, prisoners could stay more closely in touch with their families, “because most of the people here have family problems.”

This is not exclusively a concern for foreign inmates. Native inmates also complain over inflated prices. “The phone cards or telephone prices are expensive here,” Jonathan, an inmate in his 20s, commented. In the face of financial constraints, he had devised a cost-saving method. He would telephone home and ask whoever answered to call back right away, thereby avoiding inflated prison prices for phone time. But even the minimal expense of start-up fees could prove costly. “I think they withdraw 5-6 *kroner* [ca. 1 U.S. dollar] right when you call and they pick up the phone and say ‘hello’ and you hang up for them to call you back.” This was a sum equivalent to around 10 percent of his daily earnings. He had therefore taken his cost-cutting measures to the next logical step. “Now I hang up before they even get around to answering it. But they’ve got hidden caller ID here, you know, so you have to plan in advance, tell them that if there’s a hidden caller then it’s me, just call me back on this or that number.” Since every booth has its own, unique telephone number, Jonathan also had to make sure that the pre-appointed phone booth was not being used by other inmates. Phoning home could therefore be quite laborious. “Couldn’t they just make it easy and take away the hidden caller ID? Then I could let it ring once and hang up and they’d [his family] be able to see the number and call me back up on that number. I don’t understand why the prison has hidden the number. We’re giving our families the number anyway when we speak to them. If you tell them or if it shows up, it doesn’t make a difference, right.” But in prison, all goods are open for restriction and contention.

(ii) Self-improvement and time restriction complaints. Steffen, an inmate, had discovered that living up to the institutional goal of self-improvement was partly impeded by the rather banal fact that telephones were largely unavailable to prisoners in the daytime. “It’s very strictly practiced here that the phones are shut down during working hours. It’s a pretty stupid thing because the only time during the day before two-thirty, three pm [when you can use the phone] is during the lunch break, and if you want to take care of anything practical in terms of an employer, in terms of public offices and those kinds of things, then you have to go through a big process and ask [the officers] *nicely* if you’re allowed to call, and you may not be allowed to even make the call.” Inmates would occasionally hit the buzzer to the officers’ building and try to explain into the speaker to the invisible officer’s voice on the other end why they urgently needed to make a phone call outside of official phone time.

He viewed this as a contradictory institutional fact: Inmates needed to maintain relations with employers and state agencies – for instance, to apply for outside work as the date of release

drew nearer, or deal with the potential custody, legal or welfare service conflicts that might arise during their term of incarceration – but using a phone was largely off-limits at precisely the time when these parties were likely to pick up the phone. “It’s exactly then that people who are getting their lives straightened out need to be able to communicate.” Steffen dismissed the notion that extended phone hours would be abused by prisoners. “That’s not when you’re going to call your family and deal with all kinds of private stuff – you do that in the evening when the kids are back from school and the wife [is back from work]. All that stuff goes on at night, mostly. Being able to make a phone call when something suddenly comes up – you need to call [welfare services], social services, call someone about a job or something, [the officers say], ‘Yeah, you’ll have to fill out this form.’ Well, then it might take a day or two before you get a chance to make that phone call.” But instead of following institutional routine and filing the paperwork for permission to make a daytime call, inmates that need to make a call during the day will occasionally go in search of sympathetic officers or work supervisors who look the other way on prison regulations. “We’ve got guards that are more understanding than others and we have work supervisors that are very understanding in terms of that stuff and they’ll say, ‘Yeah, just come into my office and make the call, that’s fine.’”

(iii) The pains of public intimacy. Speaking on the telephone with spouses, partners and children allows for a rare moment of private intimacy. But since the telephone booths are placed out on an open, grassy field and are largely transparent, the facial expression of the person speaking cannot betray too many feelings against the public scrutiny of others. Wooden boards have been put up in some of the booths and they shield against the eyes of others. Occasionally, these moments of intimacy can infringe on the rights of other prisoners. Fredrik noted that “there are people here you just want to tear their heads off, real assholes. People standing around *masturbating* in the phone booth next to you, in public, while you’re making a phone call. You just have to overlook that sort of thing because you’ll just mess up your own sentence, if you were to really grab hold of that kind of guy, a bastard like that, *he’s* not the one that’ll get punished.” When private moments of communication with loved ones are put on display behind glass telephone booths, such conflicts can flare up.

#### *Retracting Privileges: The Incident with the Stolen Speakers*

Many Prison Island inmates enjoy access to a handful of shared computers with bare-bones, heavily limited Internet access.<sup>2</sup> Foreign inmates use the computers to keep up-to-date on

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2 In 2009, Norway’s leading tabloid newspaper reported that several inmates on Prison Island were operating a casino-style gambling website from within the prison. The warden at the time made a public apology and promised to initiate an investigation of prisoner Internet access (VG 2009a). A few months later, it was reported that a 33- year old man had been convicted of running an Internet prostitution ring, established while serving

events back home, Norwegian inmates from other parts of the country catch up on local news via news websites, and those in school use them for study. But one day during the fall, inmates arrived to find the door to the computer room locked. No explanation had been given. Later, a few inmates learned that, earlier in the day, a pair of PC speakers had been stolen from the room. As a collective punishment, the room had been shut down for an unannounced time period. Inmates' only legitimate link to the Internet was whisked away.

“They just went ahead and locked the door,” Steffen recalled woefully. “They didn’t put up a note about why they did it, they just told a couple of prisoners about why it was happening. It was one of those reactions that came without further explanation.” He compared the prison administration's actions to “beating a child without telling them why you’re doing it,” the child being the inmates and the stern parent being the prison warden or the officers on this analogy. While most people in the outside world would probably shrug indifferently at losing their home Internet connection for a few days, to at least some of the prisoners, this abrupt loss was nothing short of a traumatic experience. “Since we’ve got such limited freedoms you get thrown completely out of balance when stuff like that happens,” Steffen said. By abruptly withholding the luxury of Internet access, the men had been reminded by the administration that they were still prisoners, and their destiny lay partly in the hands of superiors. In a place where few doors were ever locked, being confronted with the suddenly locked computer room door was a reminder of what this place was.

The inmates reacted by mobilizing one of the few resources available to them, that of collective action and the force of the “society of captives” joined together in common purpose. During one of the daily counts, several inmates asked one of the officers for permission to speak before the assembled men. As Steffen recalled it, “they spoke up during the count and at the various workplaces and said, ‘God damnit, you all better bring those speakers back because this is hurting *us*, I haven’t been able to read the news because some idiot from around here went and stole those speakers.’ And it *worked*. The speakers were returned anonymously, and everything was all right again.” By mobilizing a dormant sense of internal self-government in the prisoner population, the guilty party was quickly coerced into righting the wrong that had been wreaked upon the prisoners, first by one of their own through the loss of the speakers, then by the prison administrators who had retracted a dear privilege among a very limited stock of goods. At the same time, this cat-and-mouse game

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time on Prison Island. (VG 2009b) Clearly, then, the question of inmate access to Internet resources has the power to mobilize public attention and can be damaging to the institution’s reputation and, perhaps, political legitimacy.

between prisoners and the officers, while painful to inmates as it takes place, might ultimately be the only way to resolve conflicts with some measure of success.

*Dynamic Security, Room Controls and Domestic Discipline*

While inmates occasionally comment on the fact that officers spend a surprisingly large proportion of their working day in the officers' building, leaving the inmates largely to their work in the daytime and the quiet of their rooms in the evening, correctional officers are required to spend at least part of the working day on inspection rounds of a more or less formal character. This working practice is part of the "dynamic security" philosophy, coined by Ian Dunbar, a British prison governor, in the 1980s. In its essence, dynamic security entails building "good relationships" between officers and prisoners in order to achieve stable, safe prison environments (Leggett and Hiron 2007). This control strategy sees static security measures – the bars, cells, batons and security cameras – as just one part of the correctional mix; equally, or perhaps more important, is the role played by solid, equitable human relations in maintaining order and control, according to this view.

Prison Island inmates occasionally experience the relationship-building practices of dynamic security as problematic, or they see through the facade of trust-building work that always runs the risk of masking the underlying power imbalance between officers and inmates. "The problem with the officers," Steffen said, "is that they come in here and we'll have a nice chat and everything, but suddenly they're here, snooping around as well." He and his housemates had come to understand that officer-prisoner relations could never be on equal terms, even if occasional house calls by the guards seemed innocent and amiable enough. The ambiguity of what role the visiting officers were shouldering meant that the prisoners in this particular house preferred playing it safe rather than risk being sorry afterwards. They were cutting back on the hospitality shown toward officers, because they had trouble discerning what role the visiting officers were occupying: Were the officers playing the part of the friendly neighborhood cop on a quiet beat, or were they actually hunting after drugs or other signs of rule-breaking, eager to report any violations to their superiors? Tiring of regular house calls by these ambiguous officers, Steffen and his co-residents had started showing more restraint in offering cups of coffee to patrolling guards, previously a sign of goodwill. They had "talked it over, *don't* start offering coffee straightaway because then they'll never stop coming. It's a bit like giving food to dogs that come begging at the table."

For rule-abiding inmates, keeping officer housecalls to a minimum can still be important: "Even if you've got nothing to hide, it's best not having someone go through your things all the time." In fact, the possibility of privacy – threatened by prying officers – was one of the

definitive perks of serving time in an open prison, because in closed prison, “you’ll get your cell turned upside down every third day” and “it can get tiring when you’ve never got anything that’s private.” According to this inmate, there was a tacit agreement between some officers and inmates that mutual trust made possible non-interference and gave benefits for both groups: For officers, trusting that inmates would stay out of trouble meant less work from disruptions and conflicts; for inmates, keeping their end of the bargain meant keeping snooping officers out of their houses, rooms and lives. “That’s the message I got the first day I came here, that ‘we [officers] understand how you [inmates] want things, we’ll keep out of your way most of the time.’ Now, we think that’s a pretty convenient attitude,” an inmate said. In reality, officers kept a focused eye on prisoner residences, making regular rounds in the mornings at the two reception dorms, housing nearly one-third of the prison population, and nightly rounds with the onset of the nightly curfew. If Steffen and his co-residents wanted to minimize officer intrusion, it was to limit the extent of the prison regime’s micro-constraints on prisoners.

Domestic discipline as micro-constraint includes the ideal of tidy, neat rooms. This rather conventional notion of domestic presentability is enforced by officers on at least parts the inmate population, particularly those residing in the reception dorms. “They’ll come around these two buildings every morning and then they’ll check whether we’ve made our beds,” Mario said. Just as the fresh army recruit can be punished for not tidying his bed or cleaning up properly, the correctional administrators on Prison Island feel a responsibility to sanction newly arrived inmates that do not live up to their ideals of domestic habitability.

Techniques of micro-constraint can inscribe themselves directly onto the corporeal substance of the inmate. Control of physical appearances and assumptions of incompetence among inmates and their immediate social world is a well-known empirical phenomena in prison studies: Comfort (2008: 53) showed that female partners of San Quentin inmates were told to not wear clothes that “expose your genitals”; Hannah-Moffatt (1999) argued that rehabilitation programs for Canadian women prisoners made “a series of moral assumptions” about character that had a disciplinary, “risk management” component insofar as they assumed a low degrees of competence. On Prison Island, all newly arrived inmates must take part in a Domestic Training Course, which teaches the rudiments of personal hygiene, cooking and cleaning, described sarcastically by one prisoner as the “learn to wash your cock course.” Through the course, the prison imposes a unified vision of inmates as more or less incompetent in personal matters. “For my part,” Mario said, “I’ve lived on my own since I was 17 years old, and I’m married and I have two kids.” This was his first stint in prison. For him, the course was superfluous, a reminder that he was being reduced to the lowest common

denominator in the prisoner population. But he was not offended because, after all, he thought “there's probably quite a few who need to learn about hygiene, to wash your hands, that you're supposed to brush your teeth every day.” But behind the practical argument for teaching inmates the basics of life skills – two Norwegian inmates told me they had to teach a foreign inmate how to use the toilet without leaving a trail of feces on the floor – lies an impulse to control the basics of prisoner behavior that arises out of the disciplinary regime. Because inmates are so free to control their own lives, the prison must be sure that this freedom is practiced in accordance with their vision of a responsible life.

One of the central dilemmas in building dynamic security lies in the danger of routinization of relation-building. Since building genuine human relations can never be the outcome of overly mechanical procedures, but must to a certain degree arise willfully and with spontaneity, the work of building dynamic security should be “neither a procedure nor a physical restraint.” (Leggett and Hirons 2007: 234). But the daily organizational reality of any large institution, and certainly a prison, is that all tasks must be described and delineated in procedural terms if they are to be undertaken with any kind of regularity. As such, one risks precisely the routinization of relation-building to the extent that this work becomes reduced to making the regular morning or evening rounds.

### **Self-Disciplining Subjects and the Fear of Return as Macro-Constraint**

“I don't want to go back to closed [prison],” an inmate, Peter, said during an interview. “That's the only thing I'm afraid of, because it's really terrible in closed [prison].” Indeed, if there is one abiding fear that governs the lives of Prison Island inmates, it is the fear of being returned to closed prison. “In the bigger, closed prisons, people there don't have a lot to lose. But when you come to a place like this, you're well-off, so you don't want to go back to closed [prison]. You *really* don't,” Mario admitted. The autonomy, the relative liberties and comforts of open prison life, the freedom to move around the island with almost no hindrances – all these goods are paid for with the knowledge that there is an overhanging risk that one or more infractions against prison rules could result in getting kicked off the island. Inmates speak of “getting sent back to closed” (the “prison” part of “closed prison” is implied in daily talk) with a blend of terror and respect. Possession of weapons, drugs, cell phones, wireless Internet modems, the use of violence, a positive drug test: All these are possible grounds for “getting sent.”

The fear of transfer to closed prison has a self-regulating, pacifying effect on the inmate population.

(VLS) Considering that there are so few officers on duty at night or that they are not so visible, to me, it's strange that there aren't more fights and more trouble.

(Mikel) Yeah, because nobody wants to go back to closed prison. You have to be careful. You have to discipline yourself. Everybody here is mature. You have to behave well, you have to behave yourself. Discipline yourself. Live your life. Don't make trouble, don't go against the law, you understand.

Even so, in 2011, a total of 29 inmates were sent back to closed prison over infractions against prison rules. Given a total prisoner count of 161 persons that passed through the facility that year, this yielded a Prison Island failure rate of 18 percent. Partly, the administration explains this with the presence of a semi-experimental treatment program geared in toward self-declared inmate drug addicts.<sup>3</sup> But since these addicts are not exempt from rules against drug-taking in prison, they contribute to a higher fail rate than what might otherwise be the case.

Mario explained how getting sent can take place abruptly and seemingly without warning:

Now my pal, one of them, he was sent to [closed prison] yesterday. I didn't even know. I thought I was going to meet him today, and then I don't see him at all and they tell me, 'No, he got sent.' Like, what the fuck? He was smoking [cigarettes] in his room and he'd placed a sock over one of the smoke detectors. It's the kind of small stuff you don't think about, right. It's really just petty stuff, but with big consequences. Yeah, yeah, if you start a fire then you'll risk the lives of 15 guys, so that's *fair enough*. But like, just that little thing. I think I would have almost started *crying* if I'd been caught over something like that and gotten sent. Oh, damn! I mean, I can *see* the reason why they're doing it, and I understand that it's a fire hazard and all of that stuff, but it's like, it doesn't take much [to get sent].

When I reminded Mario that he himself was wont to cover the smoke detector in his own room with a plastic bag when he wanted to smoke cigarettes, he grew excited. "Yeah, I did think about that when I heard, like, 'Oh shit, lucky that I didn't get sent,' right, 'or that they didn't see it.'" He had gotten into the habit of taking down the plastic bag every night, he said, and so implied that he was smarter than the inmate who got sent, but he admitted that it was still "easily done, fucking up on that tiny stuff that you really don't think about." Contemplating the hypothetical situation of getting sent from Prison Island, Mario realized that it would carry dire consequences for his life chances, since he was about to transition over into a halfway house and start a civilian job outside the prison, while finishing off the remainder of his sentence. "If I'd been sent to closed [prison] now, I could really just forget

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<sup>3</sup> Private correspondence, deputy prison warden. January, 2012.



about the job and the halfway house, and even the missus and everything, right.” Getting sent can have serious consequences for an inmate’s life chances, and getting sent is a process without means of redress.

When goaded, Mario admitted that his friend had not *only* covered up a smoke detector.

Yeah, because he’d brought some amphetamine back after his first leave, and he hadn’t taken any during his leave [but] then he’d taken it afterwards, and when he took the urine test it didn’t show up, but they sent it in [for closer examination], and when they send it in, it stays in the urine longer than in the rapid drug tests. So he was a little afraid that it would show up there. And then he came back completely wasted after his second leave and so he got kicked out of the Drug Rehab House and sent up [to another house]. And then he got a report [written warning] for smoking in his room. And then two days later they found that thing [covering the smoke detector] *and* he was sitting there, smoking in his room. So it’s a bit like, it’s several things.

Mario implied that it was a string of risky, rule-breaking behavior that finally led to the other inmate getting sent. The episode is narratively interesting since it illustrates how prisoners frequently portray events that are initially to great discredit to their custodians and only later nuance the picture as they gradually warm to their interlocutor. In the initial description, the inmate was seemingly booted off the island over a trifle, thereby implying that the officers were unjust, but later he admitted that there was more to be said about the event and the eviction was made to seem more just. Aside from this, the episode shows that inmates are willing to engage in quite risky behavior, even though they know the consequences they face in doing so. Therefore, the custodians must continuously be prepared to feed the inmates with *micro-constraints* that limit and demarcate the liberties of the open prison regime, lest they wish to face an inmate population that is increasingly daring and increasingly composed of risk-takers.

### **Trust, Violence and Deceit**

With the absence of gates, locked doors and frisks, the threshold for smuggling illicit substances is lowered. One inmate recounted: “So I know that (laughs), that it goes on – at this time of the year [winter] it’s harder, but I know that [drugs] are smuggled in at least when there’s a lot of boats and things, summer, [in the] spring, summer and fall, where people come in and they leave drugs on land in certain places.” Since the surrounding area around Prison Island is a popular spot for recreational boating, particularly in the summertime, one or two boats in the vicinity of the island would not arouse much suspicion or warrant police action. The beach on the northern tip of the island is open to outsiders with boats. This inmate

believed that drug smugglers, posing as recreational boaters, might use the seasonal opportunity to deposit drugs packages on the island, unnoticed by the authorities.

The temptation to smuggle illicit substances into the prison for some inmates confronted with the desire to be on good behavior for other inmates, can result in serious conflicts between inmates. Espen, who worked as a trusted inmate crew member on the prison ferry, became embroiled in one particularly harrowing conflict over drug smuggling:

Seeing as how I was let onto the ferry and the [seamen's] house from the beginning, there were some intrigues and jealousy, because many of the foreigners, they want to be on the boat, but then they don't speak the language so well and that's one of the conditions. And the ferry, in a way, it's the artery into the island here. All the staff, food, yeah, it all comes through there. Also the stuff that gets smuggled, right. Either when people are on leave or through the work they do on the boat. So I was asked to bring something with me – and I refused.

Espen had never been “in trouble” before. He claimed his incarceration was the result of a fluke in the legal system, a miscarriage of justice. He was far from socialized into the society of crime, and he emphasized the dilemmas of incarceration for the middle-class prisoner, with a job to look after, a house to maintain, car insurance to cover and familial relations to maintain. All this contributed to making him an unlikely candidate for the job of drug courier, and according to himself, he made this clear to the would-be drug buyers, a group of “foreign” inmates, in no uncertain terms.

They did not take kindly to his refusal. According to Espen, he got punched in the stomach on one occasion and received bruises. On a second occasion some weeks later, he was cornered and his head got clobbered so that one of his ears swelled up and turned blue. This was truly exceptional, since by all accounts, both by inmates and officers, outright physical violence is comparatively rare on Prison Island. “I raised myself above it a little, because in an environment like this, either you can allow yourself to be pushed around or you can go and squeal. None of those are any good. Or you can be strong and just stick to your position. I just gave them the message that ‘no way, it's not happening and I'm going to talk to the others on the boat. If I see anything, I'm going to report it. I'm not going to accept anyone else bringing anything in.’”

Finally, the prison authorities snapped into action, calling him in for questioning, he said. Espen explained the situation without giving up the names of the prisoners responsible.

(VLS) Were they punished, did they get sent out?

(Espen) No, I didn't want to, if I had said anything, they would have been sent away immediately. But these guys are part of a group, so the others would still be here. I didn't dare to [reveal their names]. And then I thought, 'What about when I'm finished?' I couldn't take ending up in trouble just because some guy is sitting in [name of closed prison], bitter over being sent away from here and wanting revenge. Because I've noticed that about some of these foreign groups, they're very proud and stubborn – pride, you know. So in a way, I rode it out. It's been a bit tough.

Espen managed to find a positive take-home message from the episode. While it clearly strained on him to know that he had enemies on the island, he was able to carve out a moral space in a 'criminally-minded' environment. He had refused to commit a crime, an act in accordance with civilian standards. But he had also refused to give up the names of the responsible parties, an act in line with prisoner norms. Finally, he had protected the integrity of the *trusted* work he had been tasked with. "So something good came out of it because [the prison authorities] called a meeting on the boat and spoke in general terms about security and what was acceptable and not acceptable. 'Don't get tempted by anything' and that it was a trusted job, right, and so don't abuse it."

(VLS) So they trust you a little more –

(Espen) Yeah, they have to. We're a *crew* on the boat, we're not *inmates* there. We're inmates when we set foot on land, right. There's the captain and there's us, and all the others have to listen to us – the instructions we give, if an emergency were to arise, and when passengers get on and off and everything. That's the way it has to be on a boat. There are other rules there.

His confrontation with a violent, "foreign" criminal element in the otherwise trust-oriented Prison Island regime, while to a certain degree traumatizing, nerve-wracking and costly, was turned into an opportunity to prove his worth to himself (do not commit crime), to at least parts of the prisoner code (do not squeal on other inmates) and, crucially, to the prison authorities (do not betray trust). An episode like this might not seem like much to observers of the closed prison, where violence is some places frequent and brutal, but in the open prison, with its comparatively pacified modes of social interaction, such violent outbreaks are significant events. How frequently drugs are brought into Prison Island remains unclear, but some inmates, at least, are willing to go to certain lengths in order to have it brought in.

## 5. Blues Behind Bars

*The prison band was there and they began to wail. The band was jumping and the joint began to swing. You should've heard those knocked out jailbirds sing.* – Elvis Presley, *Jailhouse Rock*

How does one make time pass when the days, weeks, months and years stretch before you? Some prisoners commit themselves to their work, throw themselves at their jobs and try to tire themselves out as much as they can, to make the time between getting out of bed and crawling back under the covers as short as possible, or to produce a favorable impression on their custodians for some real or imagined privileges in return. Some take up learning a foreign language in the prison library. Some spend hours on the phone every day, talking to their kids or significant others. Some spend countless evenings in the prison gym, building up their bodies into brick-like hardness in a fellowship of muscly men. Others struggle with drugs and illicit substances to construct a kind of comfortable sanctuary in what would otherwise be the cold, lonely world of the prison. A number of the latter are inevitably caught and sent from the island, returned back to closed prison as punishment for violating the institutional contract.

But others yet play music. In Rock House, a music collective on Prison Island, seven inmates live and play together in a rock 'n' roll band, which, symptomatic of their brand of humor, they have called *Guilty as Hell*. Music is perhaps first and foremost a way to make time pass, but picking up new skills and building confidence by playing on stage are added benefits. In addition, it is an activity around which a natural community of like-minded inmates can congeal - their kitchen is always buzzing with discussions of conditions of life on the island, even general analyses of the prison system. To play music is also an act of resistance. Their very name – *Guilty as Hell* – admits of their crimes and toys with their guilt. In a sense, the act of making music challenges the fundamental basis of the prison: To play is to simultaneously deny the mind-numbing qualities of monotonous prison life and to deny the individualizing ideology of the late-modern prisoner, who is alleged to wage a struggle of survival only against *his own* crime, sentence and conscience. Steffen illustrates the possibility of solidarity that arises out of the collective:

It's a *very* special house. Because it's not just about the music and the fact that we practice a lot and play together, it's all the *organizing* around it. We do a lot of work that's not just about our own future, but about other prisoners' future as well. We're trying to set up music projects in other prisons. Build

something here that can stand even when we leave, trying to leave a functioning project that will keep running afterwards as well.

The Rock House inmates derive a heightened sense of self-worth from their music, which then gives them surplus energy to think of a broader community of inmates. But they are also in a position of privilege, with access to certain luxuries, like the opportunity to leave the prison regularly and play scheduled concerts outside. This warrants a delicate balancing-act in order not to create feelings of unfairness among other prisoners.

The band rehearsed two nights a week. Once a week a music instructor taught the rudiments of music theory. They arranged workshops once a week where inmates outside the band could learn to play an instrument. Funds for instruments were solicited from state-funded organizations outside the prison. In this way, the band could loosen its bonds to the prison and become less reliant on what they saw as meager budgets for leisure activities. Several of the more enthusiastic members refused to see what they were doing as yet another leisure pastime on par with lifting weights or playing soccer. Instead, the band was a vehicle for “self-habilitation”, autonomous from officer supervision.

The band contrasted their work with the goings-on in the neighboring residence, the Drug Rehab House. The drug addicts who lived there for intensive counseling were “trying to cheat the prison as best as they could and keep getting sent to closed [prison] all the time, or up to [the isolation cells] or back to the reception dorms, and then they'll maybe get another chance,” Jan said. But if the addicts wound up back in the Drug House for a second try, they would inevitably “screw up again.” The band erected a “symbolic boundary” (Lamont and Molnár 2002) between them and their neighbors, between competent and self-reliant inmates (the band), and those who were helped every step of the way by therapists, counselors and social workers (the drug addicts). The latter were co-opted by the prison ideology of “rehabilitation,” by “that Canadian cognitive therapy shit,” which was disparaged by some in the band as a cost-intensive failure. The Drug House had three full-time positions paid for by the state, while the band lived on funds largely gleaned from sources outside the prison. “Over there, *none* of them are going to give up drugs, *none* of them are motivated to try it even,” Jan said. The band, on the other hand, was independent, committed to self-help, which, by divorcing itself from prison-directed pedagogy paradoxically had the greatest chance in producing better citizens. Several of the band members kept returning to the case of a young inmate who had learned to play the guitar under their supervision, and he had “blossomed”, even going head-to-head with a visiting guitarist in a guitar solo duel during a concert. He was an example of the success of their model for self-improvement.

## Traps and Pitfalls: Confronting the Hidden Walls of the Open Prison

Organizing a civilian organization like a band in prison opens up a whole host of challenges vis-à-vis prison authorities. Both costs and benefits accrue which other inmates do not experience. By gaining autonomy through music, there is the potential for clashes with that most fundamental prison logic, namely that the custodians and administrators should stand above their charges.

Take Jan, the informal leader of the band, and how he had been summoned to the warden's office for a scolding. The background was this: Earlier in the fall, the band had been contacted by a radio station looking to record what would become an hour-long broadcast for a popular music program. Then, while they were out playing a gig at a women's prison, the band had met with politicians and representatives from Correctional Services, and the radio documentary came up in conversation. Correctional Services wanted to send a representative of their own to cover the event their online news portal and publicize the concert as an example of rehabilitation successes in prison. Jan told them that was fine with the band, and when he returned to Prison Island, he left the administration a note about developments. But as Jan told it, somewhere along the line, the note was never passed along to the warden. Instead, a few days later, the warden received a telephone call from the Ministry of Justice. They had heard about the band, the documentary and the prison concert and they wanted to let the warden know that the Minister of Justice was planning on inspecting the prison - what time of day should the Minister plan on arriving? "It blew his *mind*," Jan said of the warden. According to Jan, the warden scarcely knew the concert was being set up - since it was formally being organized by the prison priest - and now the higher-ups, the brass, the minister that could hire and fire officials at will, was asking when she could arrive for a visit. Jan had been summoned for a rebuke, and he said the warden warned him that

I mustn't make arrangements with other prisons without informing our [officer contact person]. And all band purchases have to go via the Chief of Recreation. We couldn't order anything - we had ordered a couple of guitar stands when we were going to [the women's prison concert], we were short a few and we just told them that the money was on its way, we'll take it off [our budget], just send the bill to Recreation, right. We couldn't do that any more.

Another time, a temporary stage had been built out on the grass by the officers' building for the yearly "open house" event. The band was going to play for the hundreds of visitors that flock to the island on that day. But the stage had been built several sizes too small for the guest musicians. Magnus was asked by the band to sort it out. He walked up to an officer and said,

‘The stage has to be expanded a bit, it’s too small.’ Right, in a completely, *completely* neutral tone. And the officer just blows up. No *fucking way* if I was going to talk to him like that, [he said]. I was stunned. I said, ‘Hey, hey, breathe, I’m asking you a perfectly normal question. You don’t need to raise your voice with me.’ And then he just raised his voice even more. In situations like that, it’s like a switch flips over inside me, (snapping his fingers), [I said], “*You* shut your mouth and don’t talk to me that way! I’m a fucking human being. I’m not a fucking animal in a cage. And you can come talk to me when you’ve grown up, when you’re an adult.”

In both these situations, the band was seen to have forgotten their place. Such situations can be dangerous because if they become sufficiently heated, as Magnus pointed out, the inmate can lose self-control and do or say things he will later come to regret. (Another inmate pointed out that in shouting matches with officers, inmates always lose because the officer leaves the prison behind at the end of his shift, seeking solace in friends, family, and ‘normal’ distractions, while the inmate is left to ruminate over words misspoken.) They are also dangerous because they can form part of a broader institutional assessment as the inmate passes through sentencing stages. But such confrontations seemed inevitable as they went about doing all the normal things a regular band would do.

For instance, how do you sell a recorded album and collect money for it when there are strict limits on how much cash an inmate can keep inside the prison? The band was forced to innovate. Earnings were channeled to the prison priest, an informal figure of sorts, half-way between officers and inmates, who then dispensed it as band-related expenses arose, a semi-legitimate practice. Or how do you keep in touch with charities that fund you, or the prisons that want to invite you for concerts, when you are not allowed to write e-mails from within the prison? The band devised a collective system of e-mail correspondence: Each time one of the seven inmates went on leave, the person would, in addition to running errands for the other band members (like buying tobacco), print out whatever new e-mails had arrived and bring them back to the house for collective reading. These small subterfuges were practically necessary, but also a source of entertainment, as the inmates relished in ‘cheating the system’:

In and of itself I suppose it isn’t illegal to set up an [e-mail] account on the outside, but we’re using the name *rockhouse.prisonisland@[e-mail].com*, right, so some smart-ass could claim that ‘you’re behind bars and [yet] the seven of you share an e-mail account in Prison Island’s name,’ in a way, to communicate with the outside world. It’s kind of a grey zone because we’re not allowed access to e-mail in here, but then we thought, OK, we’ll have [access] on the outside. One of us is always going to East City to see a dentist or something, or going on leave.

Another time, the band were planning a concert and music workshop, and they wanted to send out invitations to members of the press, politicians and criminal justice bureaucrats to showcase their work. But their collective e-mail solution had come up short: No-one was going out on leave any time soon, and now the band was running out of time to mail out invitations before the event. They approached the priest and asked if he could help them send out a few e-mails from his office computer. He agreed. Two of the inmates went to his office, and they were typing up the invitations when an officer suddenly showed up. As Jan told it, the officer sensed something was amiss and he hung around in the priest's office, asking questions. The officer had asked if the "boys" had "forgotten you're in prison," Jan said. But while the officer was distracted by the priest, they managed to send out the invitations to a number of prominent guests, including several government ministers.

"We sent that e-mail to the Minister of Justice, I mean, you don't get much higher up than that, and we did it right under this officer's nose, and we sent it from Rock House's e-mail account," one inmate told me. While it is difficult to know how this scene really played out – it was recounted to me second-hand a few hours later – it illustrates the *perceived* duress which a 'normal' organization like a band operates under within the confines of prison, and the great pleasure inmates can derive from resistance to the custodial regime. Such acts bolster a sense of competence. A band member recognized that these small "conspiracies", as he called them, could seem "childish," but they arose out of a need to deal with the practical tasks facing an increasingly popular prison band. And they made the band feel good, a conspiracy that bound them together.

Along with playing in a band follow the mannerisms and expected behaviors of a group of musicians. At one point, one of the inmates "conspired" with a group of female musician inmates in a women's prison in another part of the country. They had met at a prison gig. Now they were corresponding covertly via e-mail. The female band was working to invite the Prison Island band to play a gig at their facility, and both groups had already gone over all the details of the planned show, but if a formal request came in, one band member said, "we have to pretend like it's the first thing we've heard about it." Otherwise, Correctional Services might suspect they were in communication, they feared. There was an element of flirtation involved as well, a toying with the possibility of liaisons in the sexual austerity of the prison. One of the band members said, laughing, that the women had said they "would have liked to move in here, you know, but unfortunately, that just won't be possible."

On another occasion, for no apparent reason, one of the band members had taken his old TV set and carted it out a second-floor window in the Rock House, letting it crash to the ground



in a broken pile. Normally, the officers would have been able to detect any anomalous activity outside the house, since the officers' building sits perched atop a slight incline only a few hundred meters away. But it had been a foggy day and the house was shrouded in mist, out of sight. "I don't know why he did it, he just gets that way sometimes," one of the band members said afterwards, shrugging. "It was broken from before, and he wanted to get rid of it." Perhaps this was what it meant to play in a band: The annals of rock history are filled with stories of bands decimating hotel rooms, smashing guitars, of the twin energies of creation and destruction. And since nature intervened with a thick fog in an otherwise heavily routinized prison day, which for a moment obscured the Panoptic gaze of the officers, acting like a *proper* band could be done with less risk. The other band members tolerated such outbreaks of "madness", in fact, relished in retelling stories of acts of "insanity," but all were at the same time aware of the inherent dangers in such acts. They could at any time threaten to place the entire band on the chopping block.

### **Appeasing the Society of Captives**

There are dangers associated with the band that relate not only to the officers, but to the broader society of captives. The band admitted that their activities afforded them certain conveniences not available to other inmates, most visibly, the opportunity to go on leave outside the prison for concerts; in the space of five months, they were scheduled to play fourteen concerts, eight of which were outside Prison Island. This was a significantly greater access to ordinary society than other inmates enjoyed. But the band was not oblivious to the potential dangers that this entailed, like the possibility that other inmates would grow jealous and destabilize their venture. One such conflict arose with some urgency during the Christmas season one year. Curiously, it has been a tradition for a number of inmates to receive invitations to a Christmas party on the mainland by a local Christian motorcycle club. This year the Prison Island band had been asked to play at the party, to which they had agreed. But they were approached by the priest, who said he only had room for fourteen inmates in the minivan that would drive them to the venue.

'There's fourteen places and if you're going to play, only seven inmates will be allowed to go to the Christmas party,' [the priest said]. That came us a surprise to us. We thought we were going to play. But then we said, OK, we're pulling out of that gig, because we're outside a lot these days, we're going to [name of prison] and we've been to [city]. Then we made sure we *communicated* that via a few strategic people on the island that the reason we're pulling out is because we want to show solidarity with those who need [outside time].

The band member thought other inmates “really appreciated that” gesture - giving up the opportunity to leave the prison in favor of those with less time outside - because it counteracted what he called a “me first” attitude, which he believed to be prevalent among inmates, where improving one’s own lot was a dominant principle of action. On the other hand, it was recognized that refusing certain privileges was also a strategy of survival.

(Jan) We would have gotten into trouble if we hadn’t done it. Right, ‘Shit, you guys are out all the time and then you’re asking to have seven, half the places [at the Christmas party].’ That wouldn’t fly.

(VLS) What could the other prisoners have done?

(Jan) Well, they could have kicked up a tremendous fuss and said this a bunch of...right. And then they’d probably get the support of some officer shit who doesn’t like what we’re doing. So it’s very important to build alliances and try to think tactically now and then.

For the Prison Island band, music is a contradictory thing. On the one hand, it affords them privileges, provides skills, helps ease the time and creates a tightly-knit sub-group within the prison. But on the other hand, it complicates life. The fledgling musicians must constantly be wary lest they overstep their bounds vis-à-vis inmates, officers and the administration. While the ideology of rehabilitation would have it that inmates should be “treated as independent, thinking, responsible individuals,” in the words of a former warden of the prison (Alnæs 2002), giving them *too much* independence, thought and responsibility can produce dangerous conflict.

## **6. Across the Great Divide: Making a Society of Captives in the Era of Ethnonational Tension**

In Norway, the ethnic and national composition of the inmate population has become a politically charged issue. In 2012, it was widely reported that one in three inmates was a foreign citizen, alleged to be the highest proportion in prison out of all the Scandinavian countries (VG 2012a). Only two years earlier, the right-wing populist Progress Party had launched a 10-point program for prison reform specifically geared toward making life in prison for inmates in general - and foreign inmates specifically - more intolerable. Daily wages for Norwegian inmates were to be cut in half and foreign inmates should have no right to wages at all; foreign citizens should serve their sentences in prisons with “lower standards”; taking part in work activities during the daytime should be mandatory, so that studying for a high school diploma would have to take place at night; all social welfare provisions from other parts of the welfare state to foreign citizens should be sliced to nil. “Nobody gets frightened off by Norway’s prisons,” Per Sandberg, deputy leader of the Progress Party, said at the party’s annual national conference, by way of explanation for their new prison policies (Fremskrittspartiet 2011).

In response to the pressures of such penal populism, Norway’s Labor Party-headed Ministry of Justice announced in 2011 that it was considering segregating foreign citizens into separate prisons (Aktuell 2011a). A large prison officers’ union in Norway supported the idea, but was undecided as to how the segregatory measures should be worked out in practice: whether they would push for “separate prisons or [separate] sections in existing prisons.” (Aktuell 2011b) The Ministry had proposed concentrating foreign citizens from all over the prison system into a separate wing of the 190-man, high-security Ullersmo Prison, with the justification that most foreign citizen inmates from all across Norway’s prison system would be deported from Oslo’s Gardermoen International Airport upon release, and so, apparently, warehousing the foreign prisoner population close to the runway, so to speak, would make “deportation more efficient.” (Justis- og politidepartementet 2011: 80) Segregation would also be beneficial to foreign inmates since the Ministry promised to provide programs “tailored to this inmate group.” (Justis- og politidepartementet 2011: 16) Some wondered whether this “tailoring” did not simply mean a reduction of benefits to foreign inmates (Aktuell 2012).

A formalized, ethnic segregation was slowly creeping into the criminal justice system. Norway was coming face-to-face with that most sacred bounding limit of the welfare state –

the exclusionary principle of citizenship as criterion for worthy receipt of state goods and service provisions – and was now busy working out the details of “separate but equal” segregation. A few Norwegian inmates on Prison Island nodded in approval upon hearing this news. They wanted the prison to themselves, for their own kind.

It will be the argument here that ethnicity and nationality have come to play a large role on Prison Island. But a regime of what one might call ‘forced multiculturalism’ has been established, under which various ethnonational groups occasionally self-organize and enter into conflict with one another, but where, mainly, an uneasy peace has been brokered that guarantees the maintenance of orderly daily life. In accordance with Kymlicka’s (1995) vision of multiculturalism, “group-differentiated rights” have been established – foreign citizens have rights to Norwegian lessons, Norwegian citizens are more likely to have family and so can go on leave more easily. Group differences are criticized by inmates but mostly tolerated, and ethnic boundaries (Barth [1969] 2010) are fluid and permeable. Max Weber reminds us that to have a “race” group one must have certain commonly inherited traits and shared ancestry, but these must also be subjectively perceived as common traits in order to form common bases of action (Weber ([1918-20] 1978); Swedberg 2005: 91); in this prison, ethnic commonalities may at times be downplayed to the priority of other characteristics, thus straining the notion of ethnic groups. We are dealing with a ‘forced’ multiculturalism because inmates sense that they have no choice but to get along. For instance, one inmate from an Asian country recalled living in a house with three persons from a different Asian country in which one of the three continuously exhibited anti-social behavior. But instead of raising the issue, he quietly tolerated it, fearing that overt confrontation might spark a fight, which would inevitably land him back in closed prison.

Demographically speaking, out of 115 inmates in early 2012, 43 were non-Norwegian citizens and most of them were set to be deported from Norway after completing their sentence.<sup>4</sup> Even so, this proportion of around 37 percent foreign nationals does not capture what ethnically Norwegian inmates mean when they employ the folk notion of “foreigners” (henceforth without quotation marks) in talking about some of their fellow prisoners, since some of the inmates who are Norwegian by citizenship have an ethnic minority background. Official statistics do not record inmate ethnicity. As an example of the historically contingent fluidity of ethnic categorization, Wagley (1965) showed that “race” in the Americas could be based on criteria of descent, phenotype or socioeconomic variables. His notion of “social race” arises out of the intersection between citizenship, national origin and phenotypical

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<sup>4</sup> Private correspondence, deputy prison warden. January, 2012.

characteristics – what we might call ethnonational groups – and this concept comes close to capturing how inmate talk blurs these three forms of categorization. Espen, a Norwegian inmate, viewed the foreign inmates as the “majority” and the Norwegian group of inmates as a squeezed minority. Fredrik initially suggested when asked about the formation of groups in the inmate population, that such divisions “work according to nationality, [that’s how] groups are formed.” A few minutes later, he used the notion of “race” to describe the same phenomenon of group formation.

In prison, the opportunity to self-organize into ethnonationally stratified clusters arises with the chance to socialize freely with inmates of one’s choosing. These opportunities are in some ways greater on Prison Island, first, because inmates are seldom locked into cell blocks with a prison-selected subset of inmates (which would allow administrators more leeway in ordering the prison population according to criteria like ethnicity; see Goodman 2006), and second, because inmates are able to choose their place of residence after spending time in one of the two reception centers on the island. “You’ve got the Albanian house, the African house,” Jan had observed. “They group themselves. In a way, it’s natural that things turn out that way.”

But as we will see, the force of ethnonationality as a “principle of vision and division” (Bourdieu 1989) in prison life is never unidirectional. Instead, it splays in a number of sometimes contradictory directions. On the one hand, there exists a broader cultural trope of prison life as necessarily dominated by concerns of ethnonational characteristics, in part imported from the American penal scene in which the racialization of inmate affairs is by now a broadly publicized phenomenon. This is absorbed by some inmates on Prison Island and sometimes taken as a basic principle for organizing living arrangements. On the other hand, the shared conditions of life give rise to a basic prisoner sociability that cannot be avoided, either out of concerns with civility – for instance, a strong norm in much inmate talk is that one should be courteous and greet any other inmate when passing on the gravel roads around the island – or quite simply because the mandatory nature of work jumbles inmates into an (admittedly uneasy) multicultural melting pot.

### **The Gaze of the Native**

And yet the specter of ethnonationality as a “principle of vision and division” remains a force to be grappled with in daily life. From the perspective of some Norwegian inmates, though certainly not all, the presence of foreigners can be experienced as troublesome. On the basis of conversations with Norwegian inmates, five key points of contention with *the foreigner* can be extracted:

First, some feel that precious resources are spent on foreigners who are less worthy of the benefits of the welfare state. Steffen, who otherwise presented himself as a left-leaning, progressive and politically conscious inmate, argued that the foreigners were forcing the prison to shift focus away from preparing Norwegian inmates for return to Norwegian society (*tilbakeføring*) to dealing with foreigner-specific problematics. This was essentially an argument that the prison was shifting away from an institutional goal of *rehabilitation* to a more basic *warehousing* function: Foreigners would more likely than not get deported after completing their sentence and so were seen as less worthy of the privileges and services of the welfare state, and this was seen as leaving the prison with the task of stowing away men with no desire to learn, work or integrate themselves because of the overhanging threat of deportation.

“Unfortunately, return to Norwegian society has more and more been relegated to the background,” Steffen commented. “It’s becoming more difficult for people to get the help they need because a lot of the focus is on *completely* different issues.” Education, for instance, was geared increasingly toward equipping foreign inmates with the rudiments of Norwegian, he said, while secondary education for Norwegian inmates had been pushed down the list of priorities. “The school spends a lot of resources on Norwegian training for foreigners, but if you go in there as a Norwegian and tell them you haven’t completed Norwegian in secondary school, ‘I’d like to do it now,’ then you’ll be told that, well, you’ll have to sit the exam as an external candidate, but you won’t get any classroom time,” he said. “And that seems a bit hopeless because ‘return to Norwegian society’ seems to imply things like finishing secondary school.”

Second, it is occasionally alleged that the foreign element brings violence, drugs and theft into what would otherwise be a harmonious, rural community. Espen’s violent encounter with a group of foreign inmates who wanted him to bring drugs into the prison has already been recounted in chapter 4. Fredrik had another tale to tell of the malignant foreigner: The prison store and kitchen, two important institutions in daily life for prisoners, were becoming the domain of “the Albanians.” This ethnic group was seen as having conquered strategic inmate jobs in these institutions, and it was said that “they control what gets brought in and they control the selection” in the commissary. Since price levels are higher in the prison store than outside – the costs of transport and low-volume purchases makes this unavoidable – this too was blamed on the foreigners: “Probably there’s a lot of theft and that makes the prices go up.” Espen was of a similar mind, and he had “seen it in the shop, it’s a lot about catering to the majority [the foreigners] and so it’s their taste, their eating habits [that matter].” He

bemoaned the loss of right of way for his native way of life; the foreigners who controlled the store were ordering in strange spices, vegetables and halal meat, in place of familiar, wholesome Norwegian culinary staples.

Third, language barriers introduced by the large number of non-Norwegian speakers is seen to create a crisis in inmate society by some. Magnus had spent his first six months in Red House and out of the fifteen-twenty inmates, there were hardly any Norwegian-speakers living there. “There were a lot of people from Poland there and some foreigners who didn’t speak Norwegian, so there were a lot of language difficulties and so it was hard,” he recalled. Feeling like a stranger in his own country, he fled over to the houses where inmates were mostly Norwegian. Furthermore, since so many inmates do not speak Norwegian, officers often have to communicate with groups of inmates in English. This can cause friction with Norwegian inmates who do not speak English comfortably. Jonathan said the mandatory Domestic Training Course had been delivered in English on account of non-Norwegian inmates, and since he did not master the language, he said he “would be sitting there, asking them to explain everything all over again,” which was frustrating.

Fourth, foreign inmates are sometimes viewed as lazy or less competent. Fredrik was frustrated at working with inmates of African origin and had said they were not to be trusted with work tasks. “There’s a completely different work ethic among, for example, Somalis and Africans. And that makes it hard if you’re *one* Norwegian in a group of workers, right, and maybe you want to work, and then there’s five guys standing there watching with their hands in the pockets the whole time.” In a matter-of-fact tone he declared that, “you know, it’s not by chance that underdeveloped countries are underdeveloped.” Steffen claimed that “language barriers mean that a lot of the things that go on here are operating at half capacity and hardly even that.”

Fifth, foreign inmates are viewed as importing troublesome cultural values that are diametrically opposed to the Norwegian way of life. A Norwegian inmate recounted how in the outside world, he had no non-Norwegian friends and little contact with foreign cultures; suddenly being placed in closed quarters with alien ways of life had “frightened” him. He had spoken to an inmate of Middle Eastern origin and “there are a lot of weird comments, like, the women should be 14-15 years old and it doesn’t matter if you’re 50 years old,” he said. The inmate continued,

It’s completely normal down there, right. The family gets to decide if they can marry. Four wives and all of that stuff... This [Middle Eastern] guy, he says, ‘[Middle Eastern] women are very good,’ he says, ‘very good. They’re like a dog. You just say ‘sit’ and they sit.’ He’s sitting there bragging about how

never cooks and she brings him tea, she does everything he asks, right. And we're trying to tell him that's not how it works around *here*, and is she really happy with that sort of thing? 'Yes, yes, very happy.' [...] And then he talks about how if they have sex with each other down there [in the Middle East] and it isn't approved by the imam and the family and all of that stuff – I don't know if it's true – but then the family can take the law into its own hands and almost chop their heads off. So, yeah, there's a lot of strange stuff.

But in this case, the collision of cultures did not lead to overt conflict. The inmate and his Norwegian housemates listened to the foreigner's narrative with rapt fascination, not enmity. At most, those who were provoked by his talk got up and left. Just as Fredrik had sat in the cafeteria, quietly listening to inmates talk about whether "it's the dark or the light[-skinned] girls that were the most fun to rape" and checking his rising, violent anger at such shocking, profane talk, the inmates learn that to keep one's cool is paramount. Fighting will only land the inmate on the first ferry back to the mainland, back in closed prison.

### **The View from Afar**

On the flipside, foreign inmates have their share of troubles to deal with that arise out of the specific material conditions of their status as non-citizens. The foreign inmate belongs to one of the most stigmatized categories of an already stigmatized population, what Matthews (1999: 224) calls "marginalized in the world of the marginalized." Many have received deportation notices from immigration authorities – in Norway, foreign citizens with a temporary residence permit (*midlertidig oppholdstillatelse*) can be deported if they have been sentenced to more than one year in prison; foreigners without a residence permit can be deported if they have received a prison sentence of more than three months (Justis- og beredskapsdepartementet 2012). However, deportation cases can go unresolved for years on end, leaving the prisoner unsure of what will become of him. This gives rise to sense of shared destiny among some foreign men on Prison Island.

Admittedly, to some inmates, the prospect of deportation presents few problems. Usually, these are inmates with no connection to the country other than the fact that it was here the commission of crime took place, as in the case of narcotics smugglers. Stanley said he was "100 percent" sure that he would get deported, but since his family was living in another European country and he had nothing to bind him to Norway, it did not trouble him. In Norway, he had "nothing" he said. "The only thing I have here is [a] sentence."

But to other potential deportees, it is a source of trepidation. An inmate of Middle Eastern origin approached me one day, out of earshot of the officers, saying he did not fully



understand the deportation notice he had received. Would he get sent back to his home country after serving his sentence, or was there some way out? “I don’t want to go back,” he said weakly, “every day on TV I see that it’s bad.” He pulled up his shirt and showed me scars on his chest. He said he had been shot in the sternum, and the bullet had escaped from his back. “Can you help me? I want to stay on here in Norway afterwards.” The insecurity of his fate was eating away at his resolve, and he looked tired and depressed. While such cases are almost hopeless – Norway’s Ministry of Justice has made the deportation of foreign inmates a “fast-tracked priority” (Aftenposten 2011b) – I provided him with the contact details to a student-run legal clinic that gives free consultations to inmates.

Mikel spoke of his case in a similar tone of resignation: “I think they will send me back to [European country] or Nigeria, I don’t know for now. I’m not quite sure about that now. But I am working to learn where they are sending me, because I don’t live in Norway, you know.” His wife and children were living in another European country, and so losing the right to live in Norway was unproblematic, but since deportees can lose the right of residency in the entire EU area after the commission of a sufficiently severe crime, there was an underlying fear that he would get sent back to Africa. He ran the risk of separation from his family even after becoming a free man.

And what of the foreign inmate who has established his life in the country from which he will almost certainly be deported? “They brought me a paper that [said] I will have to leave Norway when I finish my sentence. I have *kids* in Norway, how can you bring me such paper? What about my kids?” Joseph said of his case. With small children and a partner living in Norway, a country he had called home for the past eight years or so, the prospect of deportation was devastating. He had contacted a lawyer to speak with immigration authorities, and they were re-assessing his case. “After my lawyer had a discussion with UDI [Norwegian Directorate of Immigration], they brought a different paper that said that I am legal until the case is finished,” he said. But the process of redress was uncertain and he did not seem hopeful. He used the opportunity to launch a broader critique of the system of deportation, which neglected the rights of children to have access to their parents. He lamented the hypocrisy of Norway, supposedly committed to children’s rights by international human rights conventions. To show that his concern with high-minded ideals was not a ‘trick’ to improve his own lot, Joseph brought up an inmate in a predicament worse than his own:

There was one guy that was sentenced to nine years in prison. He stayed on Prison Island for three years and he had a little problem with a guy here, so they brought him to [closed prison]. He has two kids with a Norwegian, and this Norwegian has a child from a previous relation. They sent him out of

Norway, and the wife was sick, and they took his children and gave them to [Child Protective Services]. You understand? So tell me how Norway is, where is the humanity?

His fear in connection to his own legal status was simultaneously the fear that the actions that landed him in prison would now permanently destroy the only stable source of hope he had in the world, namely his children. Joseph noted that,

If you look outside the world, outside in the society, you see that kids from a broken family, they always fail. They turn into one thing or another that is not good for society. It's obvious that people make mistakes in their lives. Like myself, I can use the example of myself, I made the mistake of trusting someone, and the person fucked me up, and it's going over to my kids.

This fear underpinned his sense of anomy, that his actions as an adult would permanently wreck the lives of his innocent children. "My best friend right now is my wife, my kids," he had said earlier in our conversations. "Those are my best friends. Those are the only people I'm happy to be with." He would not be there to help them. His absence would instead set them on the course of failure, inevitable for those "from a broken family."

But even to those without children, the near-certain fact of deportation sets all sorts of anxieties into motion. Peter, an immigrant from an Asian country who came to Norway in his teens, found the uncertainty of deportation painful:

I have trouble sleeping. That's my biggest problem. I wake up normal, as usual, but without the alarm I don't wake up at all because I fall asleep late. I sleep 2-3 hours, sometimes I don't sleep at all. I think a lot. [...] The thoughts won't leave my head. It's because I'm thinking a lot about my future, how it will turn out, because I can't plan anything. I've got a deportation notice. I don't know if I'll stay *here* or I'll get sent back to [Asian country].

Whatever chances he might once have had to establish a functioning adult life in his native country, were now rendered null and void, he felt. He spoke the language, but had no friends, family or connections to find a job if he was sent back to his country of origin after more than a decade in Norway.

What, then, does the fact of the uncertainty of deportation do with the community of inmates? First, it disrupts the sense of shared destiny, since the inmate population is cleft into those who may be deported and those with a firm right of residence. Second, it creates anxiety in the deportee population because they must live on uncertain terms. This creates apathy and negative tension. Third, it creates anxiety in the native population because they must all the time live with frustrated inmates who are not motivated to take part in communal activities,

who do not see a future for themselves in the same community after release. In many ways, the insecurity associated with the threat of deportation mimics the uncertainty of the remand prisoner, whose fate is also not yet sealed. Steffen spoke of how tiring it was to serve time in closed prison alongside short-term remand prisoners, “because they’ve always got that, ‘Oh, I wonder if I’ll get out on Friday, I’ll probably get out on Friday,’ while you know that you’re going to have to go through *quite* a few Fridays before you’re free.” What remand prisoners are to sentenced prisoners, foreign deportation prisoners are to Norwegian prisoners. Serving time alongside foreign inmates is experienced as painful to non-deportees because, as Steffen pointed out, “they’ve constantly got a legal process running in terms of their deportation” and this can create unrest that spills over to the native population.

### **Combined Realities: Life under Forced Multiculturalism**

From both sides of the ethnonational divide, occasional outbursts of jealousy or hostility will be heard. The Norwegians are jealous of the in-group solidarity which they occasionally see the foreigners put on display - while the latter are bound together by their Otherness, the former are atomized and fragmented, a mass of marginalized individuals. “They’re better at sticking together,” Espen said. “They’re better at cooking meals together, visiting each other at the various houses. In a way, they’re a lot better at taking care of each other.” Norwegians were not bound together by such common cause. He fantasized about what it would be like if he could replicate the foreign in-group cohesion with his fellow countrymen:

I keep thinking, like, if one of my *pals* by chance was doing time out here, how different everything would have been. Then I’d have someone to cook meals with, right, make a pizza. Work out. Go on walks, do stuff together. That would be fucking great. It’s a trial of patience.

And the foreigners occasionally view themselves as superior to their Norwegian brethren. For example, one had landed a privileged job, working for the senior officers, and he felt it proved he was more hard-working than Norwegians, who had grown complacent. “I know that some Norwegians cannot do the work I do,” he said. Norwegian inmates were not eager to gain privileges. “Sometimes it’s laziness,” he continued. “Sometimes they don’t want to do the job because they feel that in their own country they have more, they get everything more than you, you understand. Sometimes they don’t need to do the job.”

But for all the contention that arises out of ethnonational divisions, there are four key factors that nuance the image of prison life as dominated by such principles, some of which are a direct product of the increased liberties of open prison life.

First, the prominent role played by mandatory work has a mildly multicultural functional tendency, since labor throws inmates of different origins into close proximity. Inmates simply cannot avoid but having to deal with one another across the divide. One can observe that, on the ferry, there are many Norwegians, but also a few inmates of Middle Eastern or South American origins. The kitchen has Africans and Middle Easterners. In the stables, there are also many Norwegians, but a few Eastern Europeans have also landed jobs there.

Second, living arrangements are a force for integration. In the first few months, inmates reside in one of two large reception dorms, where everyone is jumbled together. While inmates can later self-segregate as the time comes to choose which houses they wish to live in, even so, there are intermixed housing groups that are stable and functioning. For example, when one of the members of the Rock House music collective was asked whether they were not running the risk of turning into a “Norwegians-only house,” he said:

It’s something we’ve joked about, that one of the side-effects – not directly intended, but an unintended side-effect – is that we’ve made a sort of free zone, a Norwegian house. But it’s not like that any longer. Our keyboard player is African. Our bass player is from Poland. [...] We got three new members at the workshop last week who wanted to sign up – an Arab who wanted to play the drums, two Lithuanians that wanted to sing.

Third, there exists a kind of forced sociability that arises out of the communal, rural way of life on the island. “I’m the kind of person who likes other people and I greet everyone, even if I don’t know all of them, no matter what, I’ll say hello to anyone I pass that I don’t know,” Peter said. While some of this sociability can be explained with personality traits, the impulse to treat others with a basic courteousness, like greeting those one passes as one goes about one’s business on the island, is prevalent. Decency in human relations creeps in unwittingly because of the environment.

Fourth, personal suitability, not ethnic or national origins, is occasionally more important in selecting one’s companions. For instance, an inmate of African origin denied that ethnicity was important in picking one’s company; what mattered was whether one could get along with the other person.

They say birds of the same feather flock together. It’s supposed to be like that. When you’re a mechanic who repairs cars, you can’t talk to a carpenter because the carpenter will not understand you. [laughs] You need to look for a mechanic. Even if not a car mechanic, maybe a bicycle mechanic, because they know more about the tools.

By this analogy, like-minded persons could be found in any national camp and whether a person was Norwegian or foreign did not matter. “The important thing is that, you know, some people have brains, some people don’t have,” he said. Another inmate of foreign origin echoed this sentiment: “Like me, I move with Norwegians, I move with Serbians, you understand. That you’re a nice guy, that’s the important thing. If you are Norwegian or this or that, it doesn’t make you a man. What makes you a man is *upstairs*, it’s intelligence, that’s it.” Such talk counters narratives of prison daily life as necessarily dominated by questions of ethnicity and national origin.

### **An Aside on Social Class**

Finally, it is worth briefly reflecting on the class dimension of the prisoner population. Studies have documented higher rates of conviction and incarceration in Norway for persons with “welfare deficiencies” and lower-class origins (Friestad and Skog Hansen 2004; Skardhamar 2005); Skardhamar (2003) reports that almost one out of three surveyed inmates had been cared for by Child Protective Services before adulthood and only one-third were employed prior to incarceration, both truly astounding facts in an otherwise well-functioning universal welfare state with consistently low levels of unemployment. Just as ethnonational divisions can be constructed as bases of division and action, so socioeconomic characteristics can split inmates as well. And yet there is no proposal on the books to establish segregated prison wings for university-trained, middle-class inmates, though they may thirst for class-specific programs of rehabilitation, and officers and lower-class inmates may experience their presence as disruptive.

Take the case of one particularly well-educated inmate. During conversation, he admitted he was working on a book about his prison experience. He had read all the volumes of Karl Marx’s *Capital*, and we spent the better part of an hour discussing Marx’s labor theory of value. “When I was in police custody for four weeks, I read *Capital* all over again, just to keep me from going crazy, to keep me going.” He was, in short, nothing like any other inmate I had ever encountered.

When they came to assess me, they asked: ‘So, you’ve got a drug problem?’ ‘No,’ I said. ‘I haven’t touched drugs.’ – ‘Oh, so it’s alcohol then?’ – ‘No, I drink alcohol, but I don’t have problems with it.’ – ‘Well, then it’s pills you’re into?’ – ‘No,’ I tell them. You know, it was completely *impossible* for them to understand who I was and why I was here. ‘We can see you’ve got a house,’ they said. They just couldn’t figure out who I was. ‘You’re not in our target group,’ they told me in [closed prison]. And that’s part of the problem. Out here they don’t know what to do with me, what use they can find for me. I suppose I’m the only one who is allowed to not work outside, I can work in the house in the daytime.

You're not really supposed to be in the house in the daytime, you're supposed to work or be in school. I told them, let me use my time to finish my doctoral thesis, that's what's useful *to me*. I won't benefit from standing around, digging potatoes all day.

Life in prison for a college-educated prisoner has its perks – like the ability to find solace in the world of reading and writing – but the downsides are also striking. The prison system has difficulty categorizing resourceful inmates, and on Prison Island, they can be a headache because they are overqualified for menial labor and educated beyond the level of most school courses provided. Their class background disrupts the tidy categorization of inmates as overwhelmingly drawn from the ranks of the marginalized elements of society, particularly, drug addicts and homeless. In this light, it is worth remembering that ethnicity and citizenship are not the only salient sociodemographic characteristic of inmates that can form bases of action and policy.

### **Not Race Wars, But Forced Multiculturalism**

The question of ethnonational divisions will no doubt continue to be at the forefront of political discussions of the prison in Norway, and it will unavoidably be a topic for discussion and a “principle of vision and division” on Prison Island also. However, if this remains true internally to the prison, it is partly because material life chances for the two groups are so bifurcated, given the large numbers waiting for deportation, and not because of an inherently racist inmate code. Philipps (2008) found that in one English prison, inmates had grown so accustomed to an ethnically diverse prisoner population that ethnicity was down-played and considered as “not really a big thing” in the words of one prisoner. Similar tendencies are apparent on Prison Island. Even inmates like Fredrik, who expressed strong ethnonational stereotyping, describing African inmates as undisciplined, showed tolerance for the ‘Other.’ He “understood” their alleged laziness and rationalized it with the fact of deportation: “I can understand it if you’re a Somali, an African and you come here, you’re in prison, you’re not going to go the extra mile, you don’t see a future here [in Norway].” Instead, the uneasy coexistence of differing ethnonational groups mimics what Crewe (2009) describes as a “fragile calm.”

Prison Island is a small, rural community that for many years was the preserve of a nationally homogeneous inmate population. The sudden influx of foreigners into the prison - and the broader penal system as a whole - is a phenomenon wardens and officers are still coming to terms with. On the island, ethnonational groups have been allowed to partly self-segregate into residential houses, but in order to balance this out with the constraints of running what is ultimately a tight, small-scale community of men – in which basic courtesies and the ability

to 'get along' are needed as social lubricants – an element of 'forced multiculturalism' has also gained foothold. In actual practice, Prison Island inmates show a surprising degree of tolerance and toleration for one another as life under forced multiculturalism churns on.

## **7. The Bittersweet Taste of Liberty: Self-Government and the Pains of Freedom**

*“It is almost universally supposed that to give a caged bird freedom is a kind thing to do and the happiest for the bird.” – Olive Thorne Miller, “On Caged Birds” (1897)*

New opportunities for mobility, self-improvement and outside-world contacts arise for inmates fortunate enough to be transferred to an open institution like Prison Island. But with these “gifts” – and few would trade them for the confines of a high-security cell in a traditional site of confinement – come new risks, costs and frustrations. Writing on the theme of “high modernity,” Giddens (1991: 12-13) notes that with the arrival of this fluid social system, “there is much to be gained; but there is unexplored territory to be charted, and new dangers to be courted.” So, too, with the open prison. It is a breaking-apart of old molds of penalty, but entails new modalities and vectors of pain and power. Earlier, we have described briefly these dangers and frustrations as “pains of freedom,” an expansion of Sykes’ ([1958] 2007) original “pains of imprisonment” and following the lead of Crewe’s (2011) “pains of self-government.” These frustrations can be divided into two camps: On the one hand, open prison freedom pains internal to the prison and not identifiable in closed prisons; on the other hand, open prison freedom pains immediately external to the prison, but facilitated by the prison and fueled by increased opportunities for outside-world contact.

### **Prison-Internal Pains of Freedom**

The first category is illustrated by several inmates’ comments that a particular brand of “confusion” arises out of their half-confinement. One inmate who spent his days holding down an outside world job and commuted between the prison and ordinary society, said open prison life was surprisingly hard work because “you’re free and you aren’t free” and “you get confused moving between the outside and in here.” In the morning and at night, he had to abide by officers’ rules and inmate society; in the daytime, the very different standards of working life applied. One inmate who was embarking on an outside-prison job as a salesman said he was worried what would happen if his boss would keep him behind for overtime work, like planning the next day’s clients, which might delay return. “See, that’s the thing, you don’t know where they draw the line,” he said of the ambiguity of balancing prison and civilian demands. Another said some of his fellow inmates “get confused by doing time in open prison and say they actually prefer closed.” In fact, there seems to be a vocal minority



of prisoners who so fear the frustrations and risks of open prison that they warn others against this institutional form altogether; Espen remembered being told to serve his time in closed prison, “because then there isn’t a lot that can affect you, you just enter into your own world.” We have already seen many more signs of these kinds of prison-internal pains of freedom. Magnus described his anxiety at moving around on the island, scarcely believing that mobility could be so extensive in a prison. The prison band encountered numerous new trips and pitfalls as they maneuvered to operate a civilian band within the framework of the prison.

In part, this form of pain is a role strain (Goode 1960), a struggle with the expectations of how one is to act as an inmate when that role is ambiguous and multidirectional. For example, Jan was provided with the means for rehabilitation – a computer, a working space in his room, access to academic texts – and in the hours he spent in study, for a while he forgot that he was in prison. But then he would suddenly realize he had forgotten the mid-day count, ultimately leading to three strikes on his record in one month and a disciplinary interrogation. On the one hand, the prison had provided him with the tools needed to live a near-ordinary life within the prison; simultaneously, it was expected that inmates be able to manage the process of self-improvement within the framework of security and control constructed by officers.

But in part, this form of pain also contains a condition of anomie, in the Durkheimian sense of a confusion over governing norms (Scott & Marshall 2009). The inmate who commutes between the prison and outside-world work or schooling may experience that this transient state gives rise to restless impulses. Mario remembered he had feared the day of transfer to open prison: “When I get to open and get a taste of freedom, what’ll it be like,” he recalled thinking in his cell before transfer. He was grateful for the ocean on all sides because that made his new home into an “open, closed” prison, as he described it; it was, after all, not excessively open. He speculated that if he were to do time in one of the other open prisons on the mainland, where there were even fewer constraints, it would be too tempting to “just walk out the gate if you get annoyed with some officer, you’ll just go, ‘Fuck it, I’m out of here.’” But since he was scheduled for transfer to a halfway house, he still worried that “it’ll get hard again because you get even more freedom.” Implicit in his concern with the dangerousness of freedom was the idea that with liberty comes a responsabilization of the inmate: Things can go wrong, you could have a bad day, and, as an inmate, you must constantly perform according to a set of more or less reasonable expectations. “You’ve got your working day and then there are a few things you have to follow up on and lots of shared group activities you have to take part in.” There is also partly ambivalence about the sensory stimulus which a more active prison life entails, demonstrated by the inmate who had been recommended a

closed prison term because there time slowed down and the outside world was shut off, first physically, then mentally. In the broader economy of corrections, freedom is nothing to be taken lightly.

In a more directly material sense, physical deprivations can arise out of greater freedom as well. Inmates occasionally reported difficulties in obtaining sufficient amounts of food. The problem was that, in an effort to make the inmates more self-reliant, the prison only provided one prepared meal per day. Groceries needed to prepare breakfast, lunch and supper had to be purchased by inmates at the commissary, in contrast to Norway's closed prisons where all meals are provided, and additional purchases from the commissary are only meant as a supplement to (dull) prison food (Ugelvik 2011b). A circular from Correctional Services (*Regler for dagpenger til innsatte og dagpengers størrelse*) notes that inmates had the right to a daily wage of 57,50 Norwegian *kroner* (ca. 10 U.S. dollars) in 2011, but does not differentiate between open and closed prison inmates. Mikel reported that some inmates would overspend their – by Norwegian standards – meager wages, so that “before the end of the month, you see that they don't have anything. They don't have any food to eat.” Those unfortunate inmates would borrow money, borrow food or fill up on the one meal they were served in the mess hall once a day. With his own co-resident inmates, Mikel had devised a strategy of cooperation to counteract these hardships. “We cook together, we do everything together. If you don't have anything, you can ask, and if anybody has anything, they will give it to you.” According to him, this was an unusual collective action response since such uncalculating sharing did not square with the more competitive and ego-centric aspects of inmate society. But the strong in-group solidarity in his collective meant that “we don't *borrow*, you just make food, everybody eats. You help each other as much as possible.” When expectations of self-government increase without concomitant resource increases, however, such pains seem inevitable for prisoners unable or unwilling to develop such relations of mutual dependence.

The open prison, lacking the ham-fisted security devices of more traditional, closed facilities, must to a greater extent inscribe itself on the body of the inmate. Mauss (1973) pinpointed the body as a central site of social action, “man's first and most natural technical object,” from which action flows and onto which meaning can be stamped. Bourdieu's (1992) notion of “habitus” followed this lead, showing that social agents act on the basis of “acquired dispositions.” (Thompson 1991) On the basis of such dispositions, agents develop a practical “feel for the game” in social life, a “generative grammar” of how agents come to make decisions (Bourdieu 1990). The open prison demands of its charges a new set of dispositions, a feel for the game distinct from outside-world or even high-security prison conditions:

pacified, docile bodies, who do not escape, do not commit acts of violence, who strive for an amelioration of the self. But since dispositions are deep-seated – the *habitus* cannot be remolded at will, but gives “disproportionate weight to early experiences” (Bourdieu 1992: 54) – institutional expectations of a certain “body technique,” a particular bodily disposition, may be out of step with the actual orientations of inmates. One striking illustration of the need for the prison to inscribe itself on the body is how inmates will refrain from early morning urination – a highly ‘natural’ human act – so that they will be ready to deliver a sample at the morning count if their name is selected for screening, described by Magnus in chapter 4. As was shown in the same chapter, another inmate, Peter, made the mistake of relieving himself after waking; the price paid for this was being placed in solitary confinement for four hours as officers waited for him to produce a sample. If the prison provides its charges with the liberty of open conditions – by reducing physical perimeter checks, by avoiding frisks of visitors for smuggled drugs – it must still obtain control via other, more discreet measures, which can nevertheless be painful and frustrating.

### **Prison-External Pains of Freedom**

There are also pains of freedom which take place in the outside world, a direct result of the liberties provided in a more relaxed place of confinement and, more broadly, in a relatively (in international terms) liberal system of corrections. Primarily, these pains revolve around various confrontations with the outside world during home leave or town visits. Take Magnus on the occasion of his first leave in three years; the prison had let him out before his regular leave quota began, which one might expect would be a coveted privilege. But coming face-to-face with freedom was instead a distressing experience, one which manifested itself somatically:

I had my first overnight leave, a welfare home leave, and at that point I’d been in for three years. It was *not* a great experience.<sup>5</sup> Way too much stress, so much stress in fact that I developed a rash all over my back. Uncomfortable.

He continued,

Well, I went straight to a family party. I met relatives I hadn’t seen in three years. I met my cousin who had become an adult all of a sudden. He didn’t talk to me before, he used to be very shy and now he was sitting there, telling jokes – it was very like, ‘Who is this man?’ And my other cousin, she talked

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5 “Welfare leave” (*velferdspermisjon*) comes in addition to the standard 18 day home leave quota which childless inmates usually receive after serving one-third of their sentence in Norway, and it is granted on a case-by-case assessment for special events, like funerals, baptisms and other significant family events.

lots, and it was very like, I didn't *know* them any longer. [...] I was there for an hour-and-a-half before I said, 'Look, I *have to go* now.' I was dripping with sweat. It was all too much. [...] I had to go home and get changed because I was *soaking* wet. I've always been very social, but all of a sudden it's uncomfortable being close to lots of people, even my own family.

But the worst part was going to a café in downtown [city]. That was a very bad idea because there were *lots* of people there. [...] First, I sat with my back to the other patrons, but that meant I was sitting there constantly turning to look over my shoulder, 'cause when people passed right behind me I got real jumpy, so then I moved to get the wall behind me, but it was still like, 'Ah, people keep looking at me, people know what the fuck [is going on].' Thoughts started piling up. But the worst part was coming home to your own house and not managing to relax. Not feeling at home when you're visiting. [...] They'd changed the kitchen floor and the carpeting, new shelves, a new TV set, lots of things had changed. [...] I spent more time out on the porch, smoking cigarettes because then at least I could breathe a little.

On a town visit, accompanied by officers, Magnus had walked into a grocery store for the first time in years,

and I didn't know what to do. Walking into the store and having *so many* choices instead of the sixteen products we've got here. [laughs quickly] Suddenly I saw stuff I used to buy before. I just got dizzy in there.

Freedom is *confusing*, it produces *sweat* and *dizziness*, even a *rash*. Freedom is problematic and frustrating. What should have been positive events were converted into moments of dread. Joseph had a similar story to tell. He too had been taken out on a town visit with an officer, and they walked into a department store. But touching the outside world only reminded him of obligations unmet:

My mind was occupied with my family mostly, so I didn't get a chance to *feel* the atmosphere, *feel* being among people again. And then when I came into the shop, I see some stuff that's for kids, you know, and I'm supposed to buy this for my kid or I'm supposed to buy that for my kid. But I don't have the money. Then it left you just thinking about them.

Instead of contact with the outside world being a pleasant experience – a break from prison life – it was a source of trepidation and anxiety. He was reminded that he had failed as a provider for his family.

Steffen had been out on leave and described a number of bittersweet, painful experiences he encountered there. He visited a pizza restaurant, his first taste of restaurant food in almost three years, but said he "couldn't deal with the menu" and that it was "hopeless." He continued: "I just told the others: Pick something. Because it was all just too overwhelming."

He admitted that “even something so simple, right, it was all just too much.” On another occasion, on town leave, he went out and bought clothes so that he would not look “so worn out and prisoner-like.” On the one hand, he felt the prison-created awkwardness around large crowds and wearing “prison clothes” (civilian clothes he was used to wearing in prison) would make him identifiable as an inmate to ordinary people in the street. On the other hand, he realized that people he encountered on leave could not actually detect that he was anything other than an ‘ordinary’ person.

It’s not like they actually notice me, but on the other hand it’s good to know that you’re dressed the same as everyone else on a regular Saturday afternoon. There’s nothing special about you, you don’t look tired, you’re healthy and energetic and reasonably well-groomed. When you get that feeling [that people are looking at you], you can just tell yourself that of course they aren’t. If someone’s looking at you it’s because they’re interested in you. They’re wondering if they know you, but no-one’s staring at you because they understand that you’re a prisoner.

In this way, he had to balance between the anxiety of being identified as a member of a stigmatized group and the self-assurance that he was a ‘decent’ human being. When he went out on leave to see a dentist in a nearby town, he was accompanied by two uniformed officers, and he “almost panicked” out on the street, but, he said, “I was *glad* to have two uniformed officers with me because then it was *safe*. But that says something about how weak and dependent you can get.” Contrasting this with his pre-prison identity, in which he had travelled throughout Europe as a backpacker, visiting foreign cities with few qualms, he suddenly realized that prison had changed him into a person who had an ambivalent relationship to the possibilities of freedom, even when doing something as simple as walking down a quiet street in a small town in the middle of the day. The fear of freedom meant that it had to be carefully scripted and planned around. For his very first home leave, he said,

I had planned a very *calm* home leave for my first time. I was at home with my father. We went out shopping, but we chose one of those *small* department stores in [rural area], and we spent a lot of the day at his place, far out in the woods. So I had a really quiet day and that was good because you get real, real tired around lots of people.

Steffen also noted the *confusion* that arises out of freedom for prisoners. Visiting a grocery store, he too had been overwhelmed by the large range of products there compared with the narrow selection of products in the prison store. And there were new technological innovations to deal with: Electronic coin counting machines, credit cards with electronic chips instead of magnetic strips. “You become insecure, you’re standing there in line, and then you *definitely* feel like people are looking at you. They understand that here’s a guy who isn’t quite right.” To him, freedom was not something to be clutched after because years in

prison had made him wary of it; freedom was something to be analyzed and accepted piecemeal, only after consideration.

### **Civil Death Meets “Civil Resurrection”**

Prison Island inmates suffer strains to their civic identity, albeit in varying degrees, depending among other factors on their background, sentence length and type, past experience with crime and incarceration, ability to make meaningful use of time served and embeddedness in social relations inside and outside the prison. The notion of “civil death” (Goffman ([1961] 1991; McLennan 2011) captures the assault on identity common to inmates in total institutions. However, the institutional attack on identity is not passively accepted. In conversation, most of the inmates employ various strategies to reclaim purged identities, untouched by the effects civil death. Six strategies of what one might call “civil resurrection” were identified through inmate talk.

(1) Living thriftily. Given the material scarcity of prison life, one’s ability to save money and live thriftily becomes a way of narratively reducing the perception of negative qualities of prison life and displaying survival skills in the face of adversity. One inmate claimed, “I’ve got enough [money]. I don’t smoke, right, so I’ve got too much money, really, I can’t spend it all. I don’t eat a lot of candy, I just buy fruit and sandwich spreads, so I’ve actually got money left over at the end of each month.” Another inmate recounted with some pride that he managed to set aside part of his daily wage for his family overseas: “Even if you pay me 1 *krone* a day, I can save it.” When asked how he found the spare resources to accomplish such a feat, he emphasized that it required self-control and a “need to regulate the things I can decide” on. “Maybe every week I shop chocolate, biscuit, bread, cookies, bananas, everything. I keep and I eat. I can do that. But I need to take the things that are important.” The inmate felt that he had already placed his family in a difficult situation by getting himself incarcerated; self-control and almost ascetic regulation of desires was the least he could do to avoid straining their economic resources (via cash transfers into the prison) additionally. A third inmate also emphasized the importance of self-regulation: “It’s all right if you don’t smoke. Don’t smoke, don’t use chewing tobacco, don’t just buy chocolate.”

(2) Emphasizing outside world skills. In interviews, inmates tried to weave into conversation some links to a pre-prison past where they were skillful or talented. Some Prison Island inmates are allowed to take up employment on the mainland during the day, and one inmate noted that he had several job offers lined up outside the prison, which he had organized on his own rather than via the social case worker employed by the prison. This was a sign that he

was 'well-connected' and did not have to rely on the formal welfare apparatus established for less resourceful prisoners. Legitimate business enterprises before and after incarceration were brought up. One discussed at length his talents as a mechanic, another spoke about business ventures and problems related to running a large business. A third discussed how he had been able to put his outside world knowledge of equestrian care to good use in his work in the prison stables. He had been given "sole responsibility" of the stables, he said, "and that lead to me getting to set up the stables in my way, right. And it's just kept on that way, all the inmates who have come in are new and, it sounds a little stupid, but I'm the one running those stables." A fourth slipped into conversation how he used his college education to help semi-illiterate inmates fill in applications for early release and home leave.

(3) Denigrating other prisoners. By attacking other prisoners, prisoner groups or prisoner qualities, inmates were able to cast themselves in a more favorable light. For instance, rapists and child sex offenders are almost universally seen to be at the bottom of the pecking order on Prison Island. One inmate said, "I've got a wife and child and so I'm very much into not hanging out with rapists, hell no. I mean, do *you* hang out with rapists? [laughs]." We have seen how race and ethnicity can be a focal point in the act of denigration in chapter 6. In terms of work, one inmate lamented the lack of work experience among prisoners from marginalized populations in general. He commented that "a lot of the ones that end up in prison don't have a great deal of work experience. You notice it all the time. [They're] not used to working, get terribly tired after just an hour, while those of us who have held jobs, we're used to keeping it together through a regular working day. We don't get tired from it." He pointed out the frustration of working alongside persons unaccustomed to the discipline of regular wage labor. "A job that should have been done by two, three, four people, you're stuck with it on your own after a while because the others are sitting down and they're so tired, they can't take it." There are varying degrees of malevolence in how the prisoner out-group is portrayed, but the work of contrasting oneself with others is a regularly encountered method of civil resurrection; if it is resisted, it is perhaps because outside-world impulses restrain malevolence, and civil resurrection can more fruitfully be obtained from other sources.

(4) Disparaging prison officers. While many inmates expressed a surprising degree of confidence in the work of the prison officers, most had some complaints and a few were vehemently opposed to the officers. Many commented on the fact that officers were an 'invisible' presence in the prison. "You have to go looking for them. They don't have any function. The less you see them, the better it is. The ones that work down [in the officers' building], they don't have any other function than signing off paperwork," one inmate said.

When asked whether he thought the officers “knew what was going on” among inmates, he repeatedly claimed that “they don’t have a clue.” One questioned what skills or qualifications went into the “profession” of becoming a prison officer, and viewed them as glorified gatekeepers whose sole task was to open and close doors. Another inmate caustically described the prison officers’ academy as a place where “they teach you how to lock a door,” an education only in name. He also claimed that officers often had trouble helping semi-literate inmates fill out application forms because they themselves were poorly qualified. “They’ve got a hard time filling out [the paperwork], the guards here. Like the simple application form for booking a room for a visitor, it’s just a form where they’ve got rooms 1 to 9, and then there’s a space for what day and time. But they still manage to mess it up and overbook the visiting rooms.” If inmates look down on their keepers, perhaps it is to escape from the trauma of continuously being subjected to an asymmetrical power relation, a subjection that is alien to the civilian resident of the outside world. It is a strategy of self-liberation to disparage one’s gaolers.

(5) Emphasizing quality of relations outside the prison. Inmates resist civil death by claiming that they are still embedded in healthy relationships with family and friends. “I’m fortunate in that way, I’ve got my family real close. So I’ve got visitors every Saturday and Sunday,” one said, laughing. “I’ve got a lot of friends, right, so, you know, I’ve damn near not got the time to be here [in prison].” Another inmate also joked about being too busy to receive all his potential visitors: “I’ve got a lot of people around me who support me. I think that in these three months, nobody has had more visitors than me. I’ve got up to four visitors a week. I think seventeen different people have been around up until now,” he said. This kind of meticulous record-keeping of friends and family may seem strange to outsiders, but in the prison, the number of visits becomes a kind of currency for which one can purchase a less prisonized identity. Furthermore, since the prison is an arena where resources and social standing are competed over, talk about one’s own good fortune in visitors can be offset by a form of self-inflating sympathy for those with few or no visitors on the books: “I see it here. There are many who don’t get visitors at all,” one inmate said. “There are nine rooms here, usually not full. There are 115 inmates here and nine rooms and they’re not full, you know, it’s a little strange.”

(6) Innocence and miscarriages of justice. Questioning the legitimacy of the very basis of incarceration is perhaps the most total strategy for reclaiming a purged identity. That is not to say that it is the most successful strategy. A number of inmates claimed that their trial was a miscarriage of justice and had initiated legal proceedings to challenge their sentences. “I’ve never been mixed up into any trouble and I’m fighting for my case. Things haven’t been done



properly,” one inmate said. He had lawyers draft statements in support of his case and he had showed these statements to some of the officers, including the officer in charge of his workplace, because “it has been important to me that the people I deal with on a regular basis know what’s what from both sides of the case. So I’ve brought along papers and they’ve seen some of them, the papers that have been sent to... [The European Court of Human Rights in] Strasbourg.” Another inmate showed off his room, which was stacked from wall to wall with crates, stacks and folders full of paperwork related to his case. He had spent years on his case. “I know where *everything* is. And I can prove that they’re lying.”

Crucially, while maintaining one’s innocence might be the most total counter to civil death, it is not necessarily the most effective one. When the latter inmate was asked whether the perceived miscarriage of justice was something he discussed with other inmates, he replied that it was “difficult to talk about and explain” – knowing only too well that prisons are rife with persons who uphold their innocence, he did not want to be seen as part of the ‘complainers’ who don’t have the ‘street smarts’ to settle in and stoically serve their time. The dilemma of maintaining innocence is illustrated by a third inmate’s case. He was embroiled in a similarly complex juridical process, bringing up his case in the Norwegian Criminal Cases Review Commission, Supreme Court and planning an appeal at the European Court of Human Rights in Strasbourg. “So I’m working on three cases with lawyers. So I’ve got two lawyers working on it, and I want to have a meeting in [city], but they didn’t fucking let me get leave for it.” Speaking about innocence was also a narrative opportunity to put on display the considerable financial resources he wielded: If the prison authorities would not let him travel to visit with legal counsel, he would be willing to pay the lawyer’s fee to come up and see him. If that failed, he would offer to pay the Correctional Services a sum equivalent to a prison officer’s wages for a prison escort to the offices of his legal counsel.

The mental strain of rejecting the legitimate basis of incarceration seemed to make daily life all the more intolerable, particularly when contrasted with those inmates who accepted full responsibility for their sentence and simply settled in to serve their time as quickly and painlessly as possible. To be constantly engaged in one’s case was to experience constant frustration vis-à-vis prison authorities. For example, one inmate had applied to the prison authorities for the right to carry a USB flash drive containing all the documents relevant to his case, but after almost two months weeks, he was still waiting for a reply. When he used the prison computer facilities to read up on his case, he discovered that a free, online legal database containing Norway’s code of criminal law (*Lovdata.no*) was unavailable, since it had been placed on the long list of websites that are kept off-limits to prisoners, perhaps unintentionally. When he went to the prison library to find a hard-copy of the relevant laws,

he found that the latest edition of the national code of law was from the 1980s. To be engaged in work on one's case is to reject the prison that surrounds one, but all too often the process of case work only serves to remind the inmate that he does not enjoy those same privileges that ordinary citizens take for granted.

### **Concluding Remarks**

There is a contradiction at the heart of the correctional economy in Norway. Most prisoners who make it into open prison have already spent a sizable portion of their sentence in higher-security confinement. Here they have become prisonized to varying degrees, and some will have unlearned useful outside-world skills, absorbed mental disorders, and so on. Think of Magnus who had developed obsessive-compulsive disorder while in closed prison, where he was "going through a fucking heavy period," which drove him to start "hitting the table all the time," he said, "because I thought my family was going to die." At the same time, the open prison requires autonomy and resourcefulness from its inmates, in a sense, requires all those competencies and attributes of self-government which the closed prison has been busily chipping away at, if they were there to begin with. Norway's Ministry of Justice has asked why so few inmates seek transfer to the open prison. One possible explanation is that inmates sense the skill demands of open facilities and, conversely, the de-skilling and de-autonomization which they have undergone in higher-security conditions. One policy amendment, then, is to reverse the order of sentencing. In the interests of rehabilitation, for certain additional categories of inmates, it may be more functional to allow them to serve their sentence in an open prison at the outset, by default; transfer to closed prison would be reserved for those unable to cope. This would save the correctional system from stripping away all those skills which it later counts on re-inculcating in its charges as inmates flow from closed to open confinement. Fiscally, it could be a cost-cutting measure: Each additional low-security prison bed costs between one-third to half of a high-security prison bed (Justis- og politidepartementet 2008: 213). The price to pay would be a willingness to sacrifice the strength of deterrence effects, but with a proper understanding of the pains also found in open prisons, that price may be lower than some imagine.

The argument that has been made throughout is certainly not that most inmates would trade the open prison for the paranoid confines of a secure cell or the drab, monotonous expanse of high concrete walls. Rather, it is to pinpoint more precisely the nature of confinement under the open penal regime, and to suggest unusual modes by which late-modern punishment can operate. It is frequently asserted that, in Norway's prisons, it is the *loss of freedom* which constitutes the bulk of the punitive component in a sentence. Several inmates on Prison Island

repeated this notion, as if to rationalize what they understood to be relaxed (and therefore potentially illegitimate) conditions of confinement. Scholars of the prison are also liable to assert this. “It is important to remember that, in Norway, it is the actual deprivation of liberty that is the punishment. Conditions while serving one’s sentence should, as far as possible, be the same as life elsewhere in society,” criminologist Jane Dullum told a newspaper journalist on the occasion of a report on Prison Island, in which inmates were shown enjoying an outdoor barbeque on a warm summer day (VG 2012b). But it is the argument here that insofar as the penitentiary mimics outside-world conditions, this very attempt is bound to give rise to new, perhaps difficult-to-imagine forms of punishment, precisely because liberty is still being proffered within the frame of criminal sanctioning and constraint. Even a seemingly simple act like banding together to play music becomes a bittersweet, contradictory experience. Perhaps the best one can hope for with a proper understanding of the pains of freedom is to avoid the inclinations of penal populism, which, in lieu of careful empirical work, will always be ready to portray such prison models as the product of the careless, excessive humanism of the naïve and the misguided. “There is one thing you should understand: It is still prison here,” one inmate, Joseph, emphasized during an interview. In an international context, the prison model studied above is undoubtedly unusual and exceptional, but it remains committed to the basic facts of security, control and punitiveness, even if these may take on new and unfamiliar guises.

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All sources used in this thesis have been referenced above.

Word Count: 40,752.

# Appendix A: Invitation to Participate in Study

## Vil du være med i min intervjuundersøkelse?

Mitt navn er Victor Lund Shammass, og jeg er masterstudent i sosiologi ved Universitetet i Oslo. Jeg skal skrive masteroppgave om hvordan det er på Bastøy, og jeg vil vite hvordan du opplever soningen på Bastøy.

Intervjuet vil foregå på et passende sted i fengselet og vil vare rundt én time. Jeg vil stille deg spørsmål om din hverdag i fengselet, om arbeidsoppgaver og tanker rundt tida på Bastøy. I tillegg har jeg lyst til å følge med på arbeidsoppgavene dine i løpet av en dag, for å få innblikk i hvordan arbeidet på Bastøy fungerer til vanlig. Du kan velge å bare la deg intervjuet også.

Hvis jeg stiller spørsmål du føler deg ukomfortabel med å svare på underveis, kan du unnlate å svare. Du kan når som helst trekke deg fra undersøkelsen, uten noen konsekvenser. Deltakelse i prosjektet er helt frivillig. Jeg vil behandle all informasjon konfidensielt, både med tanke på selve intervjuet og i den endelige oppgaven. Jeg har taushetsplikt, og det er bare jeg som har tilgang til informasjon som kommer frem underveis. Når masteroppgaven er ferdig vil alle eventuelle lydopptak slettes og all informasjon som kan identifisere deg destrueres, senest desember 2012. Prosjektet ventes å være ferdig innen juni 2012. Velger du å trekke deg fra undersøkelsen underveis, vil all informasjon bli slettet umiddelbart.

Den endelige oppgaven skal skrives på engelsk. Alle personer som deltar anonymiseres. Ledelsen og ansatte ved fengselet vil ikke på noe tidspunkt få innsyn i intervjumateriale eller personopplysninger knyttet til dette materialet.

Prosjektet er meldt til Personvernombudet for forskning, Norsk samfunnsvitenskapelig datatjeneste. Jeg har også lov av Kriminalomsorgen region sør og ledelsen ved Bastøy fengsel til å gjennomføre prosjektet.

Jeg kan nås på telefon 483 60 509 eller epost: [victor.shammass@gmail.com](mailto:victor.shammass@gmail.com). Min veileder, professor Willy Pedersen, kan nås på telefon 22854096 eller epost: [willy.pedersen@sosgeo.uio.no](mailto:willy.pedersen@sosgeo.uio.no). Hvis du er interessert, ta kontakt med meg per telefon eller epost.

Jeg setter stor pris på om du vil delta i denne undersøkelsen!

Med vennlig hilsen

Victor Lund Shammass