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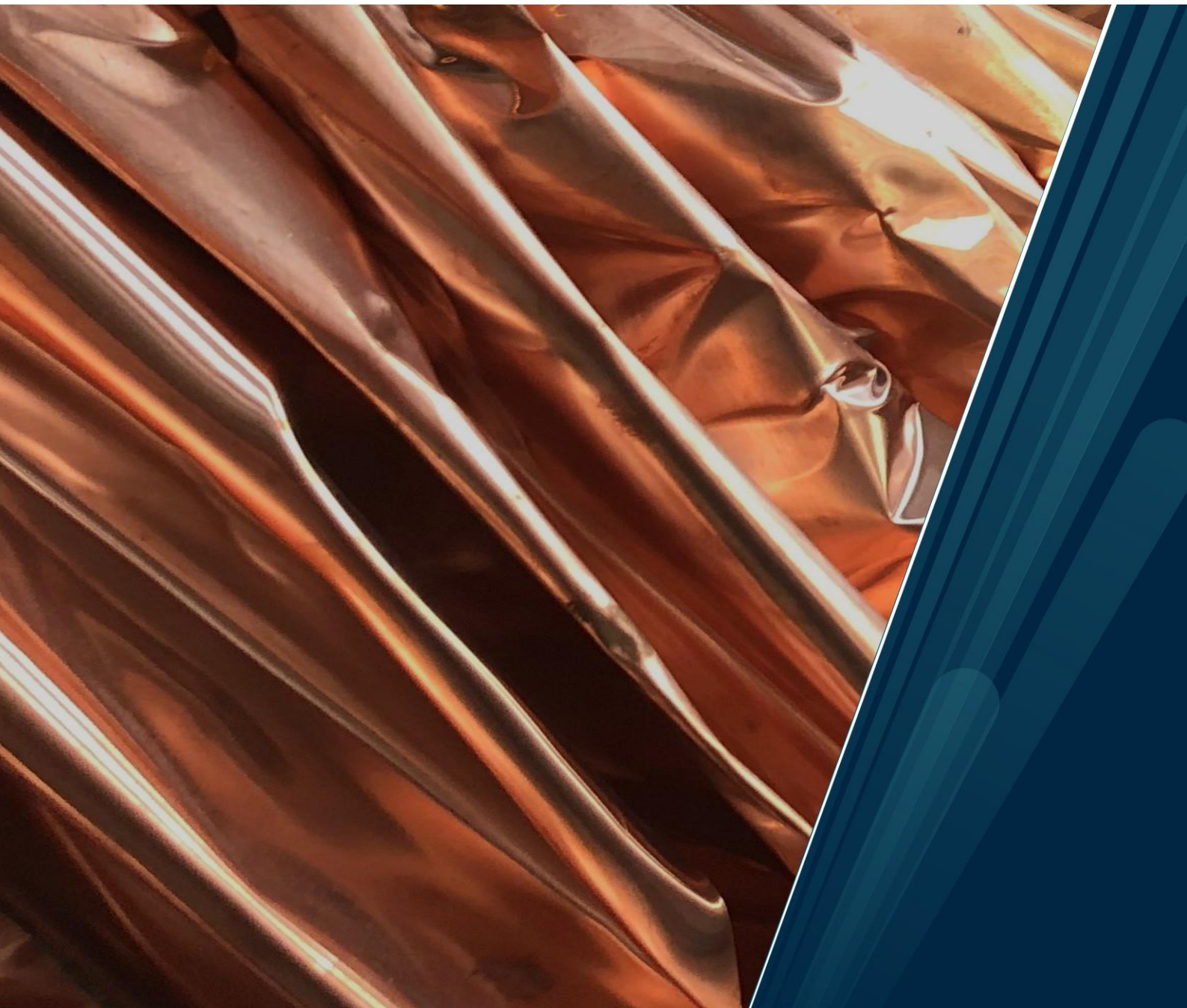
Faculty of Humanities, Social Sciences, and Education

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## **Exploring the Exceptional Corrections Paradigm: An Analytical Case-Study of the Norwegian Model of Criminal Justice**

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Master's Thesis in Philosophy of Peace & Conflict Transformation [SVF-3901] May 2024





*The caged bird sings with fearful trill, of the things unknown, but longed for still,  
and his tune is heard on the distant hill, for the caged bird sings of freedom*

-MAYA ANGELOU

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## Abstract:

The Norwegian model of criminal justice—a facet of the Scandinavian paradigm of alleged exceptionalism, is one of the unique attributes of this Nordic approach to social welfare, with a focus on aspects of normalization and rehabilitation as apparent fundamental principles and guiding philosophies. This study walks the reader through an outsider’s exploration of a case study in Norway, on the premise of understanding why there appears to be a conflict of interests. Media and outgroup research portrays the model for being progressive: encapsulating an approach which provides a guidepost through which the other systems can learn. Alternatively, some (not all) Norwegian’s tend to critique this viewpoint, pointing out several emerging flaws within the model. This research begins with an examination of the Avbyråkratiserings og effektiviseringsreformen (A.B.E reform), and its effects upon this model of justice. Following this, the discourse then analyzes prospective issues unearthed through a gendered perspective, as well as a dualistic view upon certain aspects of normalization. Using the evidence uncovered within this analytical case study, the research then attempts to theorize the overarching inquiries related to a narrative and image of exceptional corrections for the modern context going forward.

## Keywords:

Scandinavian Exceptionalism, exceptionalism nostalgia, ABE Reform, Restorative Justice, criminal justice, critical criminology, Norwegian model

# TABLE OF CONTENTS

1. Introduction.....	8
1.1— Peace & Justice... Can you truly have both?.....	8
1.2— Background & Motivation of Research.....	10
1.3— Problem Statement.....	12
1.3.1— Research Question.....	12
1.3.2— Research Sub-Questions.....	12
1.4— Distinguishing Intentions and Structure of Thesis.....	13
1.5— Relevance to topic discussions of Peace & Conflict.....	14
2. Methodologies.....	15
2.1— An introduction via the limitations, challenges, and barriers to the accurate production of knowledge .....	15
2.1.1— Further reflection on chosen methodologies.....	17
2.2— Data Collection Methods.....	18
2.2.1— Fieldwork Locations for Data Collection.....	20
2.3— Credibility: Reflexivity, Positionality, and Ethical considerations.....	22
3. Applied Theoretical / Conceptual Framework & Literature Review.....	24
3.1— Introductory Overview.....	24
3.2— Scandinavian Exceptionalism (Theory).....	24
3.3— Intersectionality (Theory).....	26
3.4— Penal Abolitionism, via Critical Criminology (Theory).....	26
3.5— Transformative Justice (Conceptual).....	27
3.6— Restorative Justice (Conceptual).....	28
3.7— Literature Review.....	30
4. A Brief History of Norway’s Criminal Justice.....	32
4.1— Introduction: Late 19 <sup>th</sup> Century Justice in Norway.....	32
4.2— Early to Mid-1900’s.....	33
4.3— KROM: The Norwegian Association of Criminal Reform.....	34
4.4— 1980- Late 90’s : Surmounting Challenges.....	35
4.5— The 21 <sup>st</sup> Century.....	37
5. Key Findings.....	39
5.1— An Introductory Overview.....	39

5.2— Part I : Financial Restrictions Upon Modern Norwegian Justice.....	39
5.2.1— Introduction.....	39
5.2.2— What is the A.B.E Reform?.....	42
5.2.3— Constrictions of Budgetary Issues for Norwegian Correctional Services.....	43
5.3— Part II : Women’s Plight in the Norwegian Correctional System.....	48
5.3.1— Introduction.....	48
5.3.2— A Prevalence of Substance Abuse and Other Mental Disorders.....	50
5.3.3— The Case Example of Bredtveit Prison.....	54
5.4— Part III : Duality of Positive and Negative Aspects : An Emphasized Reflection upon Data Collected.....	62
5.4.1— Introduction.....	62
5.4.2— The Electronic Control Agenda.....	62
5.4.3— The Reintegration Principle & Post-Release Problem.....	64
5.4.4— Individuated Treatment Plans.....	67
6. Conclusions & Implications.....	70
6.1— Introduction: Addressing the Exceptionalism Narrative & Image.....	70
6.2— Suggestions.....	71
6.3— Final Reflections.....	73
Appendix (A) Information & Consent Letter.....	76
Appendix (B) Semi-Structured Interview Guidelines.....	79
Bibliography.....	81

# 1 : Introduction

## 1.1 : Peace & Justice... Can you truly have both?

Within democratic governments, the relationship between the central authority of the state and its citizens is one dictated by the power granted to the state by its people. The state holds what sociologist Max Weber called the monopoly on violence<sup>1</sup>, or in other words the sole legitimacy in the use of force against others. This dichotomy between the power of state and the variance in reciprocation by citizens is often what remains a major proponent of violence seen in the world throughout human civilization. However, in democratic societies this violence can be more subdued, remaining more elusive within the system of institutions that vary state to state. The intersection between a democratic nation's influence and its citizens is the system of law established over civil society, and the means of enforcing these laws: the justice system. The procedures of criminal justice are where the practices of law enforcement become enacted upon citizens deemed to be non-abiding to the terms of peaceful society. Therefore, one might correlate the enforcement of these laws, as well as how a state meets with offense, as means which illustrate exactly how that state embodies conflict transformation into practice within its own institutions, both at the domestic and regional level.

A state's justice system essentially represents the sovereign ideals of peacekeeping, and what that particular state deems necessary in maintaining orderly society. Peacekeeping institutions in both the historical and modern context have been primarily founded upon a punitive approach to enforcement. These systems of justice via punishment are in place to ward society from wrongdoing: through sufficient evidence that cost would ultimately outweigh reward, thereby deterring potential criminals from acting out of accordance with the law. In the international context, there is significant variance amongst societies in how they enact their systems of justice, as is the right of sovereignty. Serving as an ongoing debate: the question whether policy-making whose effects are made in the name of justice, can at the same time serve in tandem with, or as an expansion of peace. This is to say that justice in a traditional sense usually becomes represented by the offending party suffering the consequences of their actions, in order to properly compensate the victims of wrongdoing. Such is the nature of retributive



justice, and regardless of its merits and drawbacks, it remains a constant throughout the development of human society due to its dependability in desired effects of deterrence. However, in this form of justice there must always be one party who suffers consequences, or in other words violence is answered by, and becomes quashed by further violence. This begs the question: does this historical and modern nature of justice, (punishment) if in fact perpetuates a deeper system of conflict rather than building upon a more holistic semblance of peaceful society?

Of course, not every society follows this same model of retributive peacekeeping and those that do, enact it in varying degrees of severity. There are less frequent examples which illustrate an approach centric to community resilience, rather than individual “correction”. Such examples of this have been led by the Scandinavian welfare states. A main aspect of this thesis is attempting to present a qualitative and localized view of the modern Norwegian model of justice. Additionally, this is accomplished by using “Scandinavian exceptionalism”<sup>2</sup> as a framework upon which the study explores the modern context of this model, relative to the exceptionalism narrative. Within this critical analysis, a central focus will be given to the ingroup perspectives of this justice system, in attempts to understand the gap between ingroup and outgroup perspectives on the Norwegian model. Pratt’s exceptionalism refers to an outgroup perspective of the welfare states implementation of a system of justice which contradicts the general culture of punishment, and by doing so strives for what seemingly portrays a more humane approach within assessment of internal wrongdoing. This exceptionalism is often stressed as the role model by which other more punitive systems should become exemplified. However, one of the more common if not realistic beliefs is that the system of justice in the welfare states would indeed fail if exported and attempted elsewhere.

The criminal justice system is an institution which represents a part of a larger structure, whose affectivity relies upon the conjecture between policy-making and the interconnection of resources available to both the state and its citizens. Of the Scandinavian model, Norway at the time of this writing stands out as having the lowest recidivism rate in the world, alongside one of the lowest percentages of crime globally.<sup>3</sup> However, these statistics depend on what variable you are using to measure the figures. Nevertheless, these achievements are often attributed to factors which demonstrate a certain upholding of dignity, humanity, as well as a core belief in the potential for rehabilitation *at any stage* in a criminal’s life within Norway’s system. (Sterbenz

2014) Although offenders have made grievous mistakes, it would seem that one of the greatest values of the Norwegian model is in considering them as retaining value to society at any stage of criminality, and in almost all circumstances rehabilitation is viewed as possible. Offenders are perceived by the state as retaining the ability to contribute within their communities given the proper tools to succeed in turning their lives for the better. The specificity of Norway as a peace nation is defined by policy-making which relates to peacebuilding both internally and externally.<sup>4</sup> This project takes an explorative look into Norway's justice system from multiple ground-level angles, in addition to measuring the effectiveness of its unique rehabilitation methods via the voices those making the journey of treatment and the ultimately intended reintegration.

Norway's criminal justice system has been critically analyzed by researchers in the field of criminality and penal institutions due to its various practices of humane standards and rehabilitative approaches which focus on reintegration. In many senses what makes the system so adaptive is the democratic (people-centric) backing it has received from its citizens. There are critics which propose that perhaps the style of this justice system is too lenient with offenders, especially in the case of more extreme crimes. These voices of disagreement come from both within and outside Norway. However, if history has shown us anything it is that repeating the cycles of retributive and arbitrary action against one another for wrongdoing does not transform conflict, but rather deepens the cycle. Nonetheless, Norway appears to unify across multiple demographics to support the philosophical undertones of communitarianism, and to empathize with a holistic endeavor to solve these issues in light of a more positive outcome. Their gamble has indeed been a successful one, with Norway holding evidence of overwhelmingly positive statistics in light of their approach to justice and punishment. (Sterbenz 2014) Most of the outgroup research which analyzes this model; either seeks to understand the successfulness of these practices, or rather situates it as a comparative guidepost to other societies. This is done with the assumption that the rest of the world has something that can be learned or adopted in regards to the differences in approach.

## 1.2 : Background & Motivation of Research

As with most interested in this type of work, one could say that the original basis for this project began with my personal experience serving time within multiple institutions within the

United States. Although the justice system is not uniform across the US nation, generally it consists of a capitalistic, profit driven and punitive style of adversarial enforcement. In most cases this system appears to contradict rehabilitation, and instead reinforces the negative aspects which bolster intense societal and deeper systemic issues. However, due to the unfortunate nature of these experiences, it inspired and taught me through counter-example that perhaps this methodology could be re-envisioned, and hence inspired my interest in alternative forms of justice. I was incarcerated first for graffiti (Vandalism) and later on two more times for driving while intoxicated (DUI). Throughout the times I have found myself “behind bars”, it always became a moment of reconciling with myself about why I was there, a sort of reality-check that often occurs in this moment of unpleasant awakening. However, regardless of the arduous processes of time, money, community services, drug-testing, probation, et cetera— I never found that these requisites of “rehabilitation” truly addressed the behaviors at their core. Therefore, in reality this attempt at rehabilitation fell short of actually helping me along the path to a change in perspective. This made me curious if others might share in this same sentiment, which inevitably has become apparent in truth. In turn, one of the major philosophical drives for my work has revolved around the inquiry of rehabilitation, accountability, and transformation of both internal and external conflict within affected populations who are viewed in general society as the “problem to be swept under the rug”. In one aspect, it has inspired me to wonder if the common state correctional systems may be lacking the reach and impact required in order to affect change from the bottom up. In some cases, I would argue this short-coming has more to do with the approach rather than a lack of resources or inabilities. No form of conflict transformation can, or ever will achieve perfection... as issues, improvements, and adaptation to the task are never-ending.

It became apparent that upon admission to university in Norway having worked within this field previously, that it presented an opportunity to further explore the alleged holistic approach to rehabilitation taken upon by the state. Further, after reading articles and research about Norway’s positive prison conditions and cutting-edge institutions— I was going to be given a chance to experience and explore this alternative take on the institutional practices of punishment and the end goals of rehabilitation and community solidarity. In some ways the empirical learning experience has been true to these preliminary ideals, but the manifestation of this project came into existence upon living in Norway, after having the opportunity to hear and

read more what Norwegians think of their criminal justice system, contrast to the outside world's perspective, and previously my own.

### 1.3 : Problem Statement

In the modern context of Norwegian criminal justice, there is growing debate to the ideological standpoints which view the Norwegian model as *retaining* the “best in the world” standard, proposed behind the image and narrative of the “outgroup” perspective. In recent years, there has been studies made by Nordic researchers which have begun to inquire into the modern status of the statistically successful institution, implicating that emerging issues are developing that the larger community may not be entirely aware of.<sup>5 6 7</sup> This research project unfolded as an exploration into these underlying issues, as to better understand the scope of Norwegian criminal justice as an “outsider-looking-in”, and to help spread the internal knowledge to the greater audience.

#### 1.3.1 : Research Question

— *What modern challenges are faced within Norway's criminal justice model that illustrate a gap between ingroup knowledge and the prevailing outgroup narrative/image of Scandinavian Exceptionalism?*

#### 1.3.2 : Research Sub-Questions

1. What is the “Avbyråkratiserings- og effektiviseringsreformen” (*A.B.E reform*), and how is it affecting Norway's system of justice?
2. What is the modern context in relationship to women's treatment and a gendered perspective in the Norwegian correctional system?
3. How can three major aspects of normality for Norwegian justice; electronic control, individuated treatment sentencing, and the reintegration principle be viewed dualistically?

## 1.4 : Distinguishing Intentions and Structure of Thesis

Within this section, I will further define the aim of this project, and following this present the structure of the thesis. Although attempting to help uplift and expose some of the issues of the Norwegian penal system via expanding upon this knowledge to the larger audience, this study does not take a stance which demeans these institutions or intends that they are insufficient. Norway's criminal justice system still is in fact quite functional, and this certainly was a factor continually demonstrated in the data collection found upon research for this project. Further, this project does not attempt to compare the Norwegian system to other models in the international context. Research which focuses on comparison between Norway and other institutions, such as the United States (ranking the worst statistically) for example, are well documented. It is my assumption on this premise that continuous knowledge production of this type does not benefit research in the same way for Norway in the modern context. This research focuses upon a Nordic perspective alone, in order to further assess the gap between Norwegian ingroup knowledge and the outgroup international community perspectives. Therefore, this project does not so much question whether the uniqueness or exceptionalness of Norway's model is true or not, as this would require comparative analysis between other systems. Rather, this study walks the reader through an analysis of the modern Norwegian model via the voices of the Norwegian ingroup, and their views of the (outgroup) exceptionalism narrative. The structure of the thesis chapters (excluding the introduction discourse) is as follows:

1. The methodological approach in the conducting of this research.
2. The outline and descriptive definitions of theoretical frameworks of analysis for the knowledge production in the thesis.
3. A literature review of the study, which takes into account the current state of the context analysis as well as what was used in the thesis to support arguments.
4. A brief historical recount of the Norwegian criminal justice system, where it came from, how decisions were made, and what informs its current position.
5. The presentation of the key findings of the research— A descriptive overview of: the A.B.E reform and why it affects the current model of Norwegian justice, current issues faced by women in Norwegian prison, and a reflection upon some of the more subtle influences found within the data collection for this project.
6. The concluding reflection upon the research questions posed and correlation to the outcomes of the study, following with suggestions going forward.

## 1.5 : Relevance to topic discussions of Peace and Conflict

This research, *Exploring the Exceptional Corrections Paradigm: An Analytical Case Study of the Norwegian Model of Criminal Justice*, is a thesis project for a Master's in Philosophy of Peace and Conflict Transformation. One of the underlying drives for this project comes from one of the general debates in Peace Studies cannon, which is the scale between justice and peace. It is commonly believed that peace in a general sense works in tandem with justice, and perhaps there is only peace for the individual and the larger community when there is justice. This may be true, and it certainly begets peace to those who receive justice for wrongs done against them. However, in the larger picture we must ask ourselves if there truly is a type of justice which brings peace to all, not just the majority. We must also inquire, how might justice be defined, when it is viewed vis-à-vis the peace cannon? Some may define justice as caring for those who are worse off than themselves, to lend what resources can be spared in order to uplift those who need help. While others, may view justice from the sense that evil-doing shall be met with retribution, and that is the order of peace in their worldview. Regardless, the question of justice is inexorably tied to the question of peace. In a traditional sense, it would appear that within the attempt to pursue a semblance of justice in answer of wrongdoing, we inevitably further ourselves from peace as we transfer the implications of being “wronged” to the other. I would argue justice in this sense fails to achieve a more lasting form of conflict-transformation, and only works to further the divide between victims, offenders, and the community. The discussion of Norwegian criminal justice is therefore relevant to such overarching questions because of the challenge this alternative model presents to the traditional punishment archetype. What Norway and Scandinavia have is an approach which potentially defines a type of justice which is attempting to mend or remove conflict for both the individual and the community. I believe that Norway's philosophy in this sense is to think of peace in a context that encompasses the entire community, but also includes the perpetrator within that scope of that community and does not marginalize or exile them. Therefore, it is essential that we acknowledge such attempts at conflict-transformation as a discussion necessary to the modern question of peace

## 2 : Methodologies

### 2.1 : An introduction via the limitations, challenges, and barriers to the accurate production of knowledge

Within this research project methodology, the approach has been centric to garnering an understanding of the Norwegian model of criminal justice as it stands today. Therefore, because the attempt is to make some sort of claim of knowledge specific to the current state of this institution, it requires a thorough investigation of the system in order to accurately describe its situation. Specific to this, the goal has been to accumulate data which expresses and encapsulates the modern context of this system as understood by the individuals directly involved within the institution. This has been conducted through an inquiry of qualitative analysis, review and research. The original intentions of methodological design in some ways have persevered from the planning stage up until fruition. However, there have also been some adaptations to the approach and changes made necessary in order to accomplish the research project. That is why a discussion of some of the limitations, challenges, and barriers of this research must preclude the discussion of methodologies.

Firstly, it is important to acknowledge the limitations of this research project's range of informants, and therefore the accuracy of backing up the claims stated within the correlation of representational data. This study has relied upon participation from a total of twelve individuals in formal interviews, as well as many others in non-formal discussion settings, who although together represent a spectrum across positionality of the justice system, are also proportionally a small number. Because of this, data representation lacks a somewhat more in-depth analysis of the system based on the number of participants in accordance to such a large case study. Further, data collection from these individuals does not include any register-based survey or queries which would help to quantify data across results. Another limitation of this project's reach is the regional data collection for study only occurred within Oslo municipality. Oslo, being the largest metropolitan hub within Norway and both the economic and political center of the state, thus provided the best chances for data collection based on availability and time.<sup>8</sup> However, being that data was solely collected within Oslo, still remains somewhat of a limitation of the research project. Oslo does provide the most resources for reliable data as well as the ideological and

political history of the system stemming from this region, however it does *not* accurately surmise the entirety of Norway when thinking of it in terms of samples in data collection for research. For example, what one individual may find difficult about issues of reintegration to society, or the faculties of that particular institution they were incarcerated within, may differ greatly between the cities of Oslo and Tromsø. Because of the time and resources available within the scope of this research it becomes necessary in recognizing this limitation in the accurate production of knowledge as within the basis of data. A final reflection in terms of limitations to the study relates to my positionality as an outsider to the Norwegian model of criminal justice, more on which we will return to within the concluding section of this chapter.

Challenges of the project were thankfully less prominent throughout the process, although were still of course present. One such major issue to overcome was the delicacy and tact required when working within relative data that is representative of a vulnerable population (criminals currently incarcerated / those with criminal history).<sup>9</sup> In addition, there was the challenge of gaining trust which became further exacerbated with the added pressure of a very short time frame. In regards to (vulnerable) data collection, it was a prerequisite to be careful with the storage of data and how it was collected. In addition to this, it was necessary to omit any private information which would lead to recognizable evidence of the participant. In a few cases the individuals who participated in data collection displayed indifference to their information being recognizable, whereas the majority were more concerned with privacy for obvious reasons. Leading into this, gaining trust for individuals to willingly sit down for participation in data collection was in itself a difficult challenge. In general, it may have appeared to these prospective informants that I was simply a researcher coming into their setting to poke and prod, simply take the information I needed for my project and to give nothing in return— quick to exit the scope of their lives. This is usually a general challenge of any research project based in demographic fieldwork data collection, but certainly was accentuated by the circumstances of vulnerability. Not only concerning the sensitive information, but also that which constitutes the life circumstances of these individuals, their history as well as their present reality of stress and change. (Malgieri 2021) Thankfully, the observation of this project's data collection went relatively smooth, and that can be entirely attributed to the open, caring, and kind culture of people I was met with in my attempt to pursue data. In the general sense people were empathetic to my goals, and did what they could to help— and for that I am thankful. Although every step of



the way I was encouraged to share my own personal history of criminality, which was likely a very beneficial aspect to crossing the gap of common identity and gaining trust.

One major barrier presented itself in the process of this research project unfolding. This was the inability to gather empirical data from inside the institutions, and perhaps may represent somewhat of a limitation in the key findings. When designing the structure for the methodological approach taken within the research, it was considered a major element that I would set up visits with some institutions across Norway in order to experience the difference in facilities first-hand, and potentially get the chance to speak with both inmates and prison staff in the contextual daily routines. Upon applying for certification to visit these institutions through the government's operative organization "Kriminalomsorgen", (Norwegian Correctional Service) I was told that it was not likely to be a successful endeavor. Upon further inquiry, it turns out that visiting prisons in Norway in lieu of their notoriety for successful and alternative approaches to justice, is a very busy and popular venue for both researchers and other groups.<sup>10</sup> In terms of research for university it is prioritized to give PhD students the availability of spaces to conduct research within the institutions. I had also received a similar response from the governor of a special open low-security prison called Bastøy, which had previously been one of my designated and intended focal points of study.

### 2.1.1 : Further reflection on chosen methodologies

In lieu of the above-mentioned inabilities, I abandoned the pursuit of any empirical data to be gathered upon institutional grounds and instead designed a plan which focused on opportunities outside the institutional facilities. This began by searching for ways in order to connect with the populations related to providing social services for individuals in reintegration, or those currently still serving time on probated work-release. The philosophy behind this being that through the analysis of the positive and negative affects reintegration for participants, this could perhaps give a portrayal of Norwegian corrections as a whole, as reintegration is in fact the end-all goal of the system.<sup>11</sup> Thankfully, with some help I was able to establish two focal points for data collection: Wayback, and Røde Kors Oslo (Nettverk etter soning). Through these two organizations I was generously given time by the data informants and non-formal assistance which has manifested into the ability to conduct this study as presented.

## 2.2 : Data Collection Methods

The constitution of data collection that is represented in this project is an attempt at triangulating sources across various positions within the case study. As previously mentioned, a major barrier to the original project goals was the inability to have access inside the prison institutions themselves. This in a sense ruled out a major form of empirical data collection. However, due to the nature of examining the ingroup perspectives of the system, it does not detour from the quality of data that is able to be represented in terms of the support of the argument. It can be said that Norway's true intentions in lieu of their efforts to treat the convicted with respect and humanity is to focus all efforts on rehabilitation and reintegration. (Høidal 2018) In this sense, the individuals who have traversed the journey through the system and are currently attempting the work at reintegration into society, represent a very critical aspect of what constitutes the data that this project claims. Data is represented through qualitative evidence collected in semi-structured interviews with participants. In order to garner interest in participation with my project, interviews were conducive to an open experience. Thus, the participant would be able to speak on not only conversations directly related to their experience of treatment, rehabilitation, reintegration, but also whatever else was potentially on their mind. This methodology was applied in order to encourage a non-strict form of data collection, and to attempt in identifying with the participants with their current problems, issues, successes, et cetera. In other words: meeting them where they are at, and not asking more of them.

The attempt at triangulation of data within this project was to gain coverage of actors within the system who represent various positionalities in that context. In terms of convicts, this was represented by individuals currently serving their sentence, and adversely those who had finished their sentences and were either within the early stages of reintegration, or late/completed stages. As for data which is representative of individuals outside the group of "treated" individuals, this is constituted by those in direct participation with the system, or frontline justice workers. Adjacent to this, data collection is also to represent those with indirect participation with the system, or individuals who work or participate at social service hubs such as the fieldwork locations used for this project. The data for this project is represented by ethnographic and qualitative evidence which supports a ground-level measure of the current status quo based on positionality. Further, the data is used as a means of correlation to, or contradiction against the literature claiming arguments in support of, or contradiction to, the exceptionalism narrative.

This method will help to triangulate the data found, as a means to deepen the understanding of how the justice institutions serve individuals, or fails to, from a variety of standpoints. The methods put in place for data collection are based upon an experiential and prospective view of how the Norwegian system serves individuals, and its intentional philosophies. Therefore, these methods of data collection will rely upon a qualitative analysis of actors involved in both past and present circumstances, in order to gain a close ethnographic illustration for data correlation. The rationality for these methods is based on a comprehensive interest of the connections between strong rehabilitation initiatives taken by the state of Norway, and the resulting alleged [lack of] well-being of those on the receiving end.

Over half of the data collected within this project is from individuals who fall under the description of “vulnerable populations/groups” within Norway, and as such this data is subject to certain obligations regarding privacy and confidentiality.<sup>12</sup> Each individual within the data collection period was given a participatory disclosure statement to read and sign before their data was collected. Following this, I am obligated to provide the necessary information to the participants, and follow their requests in regards to their data. This is done so that each individual may track the use of their information, and as such have the right to request any data omitted or removed prior to publication. Data collection was performed with the exact same method for each participant, with the exception of some additional questions related to the vulnerability of their position. In specific, ten of the twelve interviews were with men, the last two were women. The age range for all informants was between 30 and 50 years of age. Three of the informants were based from Røde Kors Oslo (Nettverk etter soning), all of which were still current inmates. Eight interviews were conducted at Wayback, four of which consisted with recently released inmates, and four interviews with Wayback administration. The final two interviews took place in Tromsø Municipality, one of which being Are Høidal, the sole data participant whose real name is used within this research. The data collection period was observed for a total of 3 weeks, between December 2023 and January 2024. The time of each participant interview varied between an average of 20 to 40 minutes, and followed the same format of the semi-structured interviews for each participant. Data collection from these individuals is representative of their personal experiences, all of which contributed in shaping a general localized and “ground-up”

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<sup>i</sup> For more information, please visit the [sikt.no](https://sikt.no) website regarding data privacy in Norway.

perspective of the justice system. Data is purely observed from a material standpoint, and purposefully does not include quantifiably ethnic or identity (beyond gender) considerations to the variance of results. This was avoided on the premise of ethical considerations.

### 2.2.1 : Fieldwork Locations for Data Collection

There were two fieldwork locations used for the basis of this project: **Røde Kors Oslo (Nettverk etter soning)** and **Wayback**, both of which are non-profit organizations in Oslo, Norway. The focus behind working with both of these organizations was to dedicate volunteer time working and to assimilate with staff and clients by gaining familiarity with those who might participate within the project. Although the goals and outcomes were similar for each fieldwork location, there were some differences between the two. The Røde Kors Oslo organization and its Nettverk etter soning (Network after serving) branch maintains a support system for convicts both post release and in the final segments of their sentences. This is accomplished by providing various levels of assistance through job skills training, networking, and other forms of general help and guidance. The Nettverk etter soning directly partners with the Norwegian Corrections Service, Norwegian Labor & Welfare Organization (NAV), and Conflict Counsel, as well as a number of other collaborators. In their words the mission is to provide a chance to increase coping with reintegration, and to assist in the establishment of life devoid of crime and drug abuse.<sup>13</sup> The Nettverk etter soning building was a multifaceted hub of individual but interconnected services and projects related to prison via work, education, and creative opportunities. Through this connection there was an ability to perceive unique operational facilities each endeavoring for their own task and goals, but all at the same time connected through the vulnerable population being serviced. Because of the way this system was set up and its connection to the Norwegian Correction Services, the individuals I was able to interview here were all on probated work-release, or in other words in the final years of their sentences. This presented a unique opportunity as the previously mentioned inability to conduct research within the prison institutions, so this became an amazing compromise in terms of research and data.<sup>ii</sup>

Wayback is a somewhat different dynamic. A non-profit organization which was cofounded in 2013 by one of the main progressives for the modern rehabilitative movement in

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<sup>ii</sup> A non-disclosure agreement was signed at Røde Kors for privacy protection purposes.

Norway, Are Høidal, although today he no longer is connected to the organization.<sup>14</sup> Wayback's focus is generally on reintegration, although the organization's staff participates in a plethora of other modalities related to criminal justice in Norway. Wayback describes itself in these words:

*We focus on coordinating the relationships between various agencies such as NAV, educational institutions, doctors, drug addiction care, et cetera. This means that the transition to freedom is facilitated for the individual on his and her own terms. Our objectives are that inmates who are to be released get a better basis for building a crime and drug-free life if they are motivated to do so. We want to help those who come out after completing their sentence so that they have an easier transition into society and do not return to crime and drug addiction.*<sup>15</sup>

Wayback provides systems of support and connection for individuals who are looking for help when they are going through the journey of reintegration. A common misconception with the experience of doing time in Norway (being so humane and with low recidivism) is that reintegration would seem as most likely an almost normally guaranteed after affect. Whereas, the reality is that the journey is changing one's life and perspectives is difficult no matter where you are in the world, or however you may placate it. Emphasized in the earlier quote from Wayback is the self-motivation required for such endeavors. What was found at Wayback when conducting research and data collection was that a large majority of people were there because they wanted to be there. These individuals were interested in giving support to those still on the journey "back to themselves", and also by doing so resolidifying their own choices to change their lives.

Between these two organizations, the data has comprised of a mix between individuals of various positions and ethics. Data collected from the two locations is indicative of two similar non-profit organizations with what could be attributed as parallel goals and participation with clients. However, there are some distinctions between the two that helped to provide a variance in data that was collected for the project. To reiterate, due to its direct collaboration and work with the Norwegian Correctional Service, the Røde Kors Oslo organization provided the ability to have participants who were still finishing the terms of their sentence, which was a critical aspect for the project regarding the previous barrier to data collection within the prison institution. At the same time, the Wayback organization was able to provide connection to individuals of various positions and identifications with the justice system, thereby eliciting data from sources of different perspectives and participation.

### 2.3 : Credibility: Reflexivity, Positionality, and Ethical considerations

The considerations of knowledge production play a crucial role within this research project as it relates to credibility and claims. Firstly, there needs to be the recognition of many potential biases within the process of this research. In context of this case studies' aspirations, my research has the bias of being produced from an outgroup positionality. Therefore, I am certainly unable to grasp the full measure the ingroup experience, in addition to encompassing the existing knowledge available due to the language barrier. Regardless of the attempt of this research to pursue a close inclusivity and exploration of the ingroup perspective contrast to the general narrative, it is required to acknowledge the potential pitfalls.

However, in addition to the negative aspects of being an outsider to the case study of the system, there is also the possibility for some benefits to this "outsider" viewpoint. As this research is produced from the outgroup perspective looking in, it holds the possibility for a macro-level, or a further back viewpoint of the modern Norwegian Criminal justice system, and thus having the potential to add a unique contribution to existing knowledge. Regarding this, there is my background to consider as well. This must be acknowledged due to my previous experience serving time within correctional institutions and related rehabilitative efforts that have been experienced, made both by the system and myself. Because of this background there is consideration to be made regarding my viewpoints in all aspects of this project. The stance of this research is presented as based off the conditional experience and formed identity, producing the bias with which I have operationalized the project. This research is an exploration of the Norwegian Model as a standalone case study. With this in mind, the study comes from a viewpoint of ethnographic research, and therefore represents a potential discrepancy to the authentic portrayal of knowledge production vis-à-vis the ingroup perspective.

Exposing the Norwegian ingroup perspective is crucial within this project to understand the proposed gaps between it and the general exceptionalism narrative. That being said, it is my assumption that in this case, the ingroup perspective has a natural tendency towards the (critical) perceived reality of the system more than an outsider, although normally these roles are reversed based on social identity structures.<sup>16</sup> This is because the outgroup perspective in this scenario is synonymous with the Scandinavian exceptionalism theory, or rather a futuristic or elite view of the practice and philosophy. (Pratt 2007) However, this is not represented as uniform across the data, which begs the question of how much this knowledge is actually widespread within the

ingroup. Consideration is to be given to the various forms of positionality within the ingroup, and their biases. It is important to keep in mind that positionality not only affects the perspective bias of this research, but also has much to do with the variables of data collected. However, to reiterate: the aspect of positionality which is focused upon within the project centers around the individual's perspective in relationship to the case of the Norwegian model. A person who works in the justice system and has never served time will very likely have some striking differences in opinion regarding the political and social climate of the Norwegian justice system in contrast to a (rehabilitated) convict. Here it is to be understood that although the variance among these positions will be an inclination for strong differences of opinion, all of these prospective positions are also a part of a greater connection under the ingroup schema and collective voice. The intention of this case study is to be inclusive of this variance in the Norwegian ingroup collective voice, thereby collecting data from these various positions and producing an informed yet layered ingroup narrative.

Reflexivity in my case as the curator of this project positions me as an outsider to the subject of study. I have certain traits, experiences, and common views that have paralleled many of those who participated in data collection, however my reflexivity in the observation and production of this knowledge will remain understood to be separate from the system, until the conclusion chapter where I will supplement my own reflections. By recognition that I am an outsider to this study, my goal will be to accurately portray the ingroup, and therefore must acknowledge that my grasp on complexities will not run as deep as those of the ingroup understanding.

Finally, there is much concerned with ethical considerations within this project. All participants within the study will be properly informed of the intended goals, procedures, and should they choose, be permitted access to the outcomes of results. The handling of the collected data will be kept securely through private electronic devices, as well as the handling and intended use registered with the SIKT organization of Norway. Consent to participate within the project will include full privacy to all individuals providing data, along with each provider receiving a full discourse on what the project entails and intends to explore. The intention is that participants putting forth data knowingly understand their contributions, and willfully consent out of a desire to participate. This project does not seek a consensus from individuals who would not willingly contribute data about their personal lives and perspectives on their situations both

past and present. In a general sense, many of those dealing with the negative aspects of reintegration can feel insurmountable pressure from the outside world. (Andvig et al., 2021) It becomes a huge ethical concern as the researcher not to add to any of this pressure felt by the individual, and therefore the process of data collection was continually stressed as an open and welcoming atmosphere of optional contribution towards research. Norway's justice system and criminality has continued to be thoroughly researched due to its unique nature and past successes, and many of the contributors to data for this project have been interviewed several times. It remains an important ethical concern to be considerate of these factors for those participating in data collection and its relativity to the data that is produced.

## 3 : Applied Theoretical / Conceptual Framework & Literature Review

### 3.1 : Introductory Overview

The following chapter will provide a descriptive overview of the framework applied within the theoretical examination of the research. The selected design of conceptual critique is aimed at helping to provide further connection between the results of data collection and the empirical reflections upon the study. These intentions are to be accomplished by the appropriate use of concepts as they relate to analysis of the Norwegian model case study, including its philosophical underpinnings and aspirations. Finally, the use of these theoretical concepts are designated to help strengthen the proposed speculations by deepening the critical inquiry in dialogue. The structure of this chapter will proceed as a descriptive overview of each suggested concept/theory, following with a reflection on the relevance to the study, as well as the intended use of application within the research.

### 3.2 : Scandinavian Exceptionalism (Theory)

— Coined by British criminologist John Pratt in his 2008 article duo of “Scandinavian Exceptionalism in an Era of Penal Excess” Parts I and II of Pratt's Scandinavian Exceptionalism theory has stipulated a great deal of discussion within the sphere of criminality studies since publication.<sup>17</sup> Pratt's theory has helped to contribute to comparative research between the



ecosystems of criminal justice. Moreover, it has generated greater interest and discussion in the ideals of looking to the Scandinavian model for incentives on how to approach the development of systems with higher figures in the negative statistical averages. The Scandinavian Exceptionalism theory relies upon the statistics of relative prison population within a given country, and the conditions of the prison institutions to base evidence for the argument. Further, Pratt's theory is structured upon the idea that social welfarism, strong egalitarian cultural beliefs, social structures and solidarity form the basis for this exceptionalism. Therefore, this alludes to these traits being unique to a specific state's cultural characteristics and history. (Pratt 2007) The theory stresses that a societies' punitive nature is less likely to increase if supported by a combination of inherent institutions. These are; politically independent state organizations, media outlets that present relatively objective information, resources of social capital, and a social environment which tends to be influenced by expertise. In addition, the theory claims that a history of social welfare-ism and the development of more lenient attitudes towards punishment and justice are requisites of the exceptionalism.<sup>18</sup> (Pratt 2007) Although Pratt makes the claim that the outcomes of the previously mentioned requirements may result in the ability to mitigate or prevent punitive excessiveness, he does disclaim that penal exceptionalism is a factor based off of unique cultural attributes and influences, and does not necessarily guarantee the same outcome per each society. (Pratt 2007) The Scandinavian Exceptionalism theory is perhaps the most pertinent to this study, as it most plainly summarizes the census behind the outgroup general narrative of the Norwegian model. Within this research, I am presenting the argument and encouraging the reader to be critical of this theoretical representation of our case study, as this narrative is allegedly rejected by many Nordic criminologists. (Ugelvik 2023) (Jewkes 2022) The Scandinavian exceptionalism theory is the framework most prominently referred to throughout the thesis. This can be demonstrated as a requisite to the research question of the study, which drives at an exploration of the Norwegian model on the premise of an "exceptionalism" narrative and ideal. This framework will be a consistent theme in most of the thesis, however it is also directly used in theorizing the first 'key findings' chapter, which regards financial issues of the modern context.

### 3.3 : Intersectionality (Theory)

— Kimberle Crenshaw, an American civil rights activist/scholar and critical race theorist coined the Intersectionality theory in 1989, becoming a key analytical framework for the discussion around structural ideas which concern race, class, gender, and sexuality.<sup>19</sup> The proposed ideas of the Intersectionality theory center around questions of power dynamics via systems of political systems, identity and exploitation. Intersectionality is a theory used to analyze the variance of inequality represented in society. The intersectionality theory provides an analytical framework to describe the effects of marginalization, discrimination and privilege, and has been used as a tool to promote visibility in women's differing experiences and identities. Crenshaw's theory is primarily themed by the concept that an individual's social status, power, and maneuverability is determined by a multitude of characteristics which define the crossing borders of identities and traits. Such as the definition of the word *intersectional*, which is to describe the intersection of lines and surfaces. Mainly, an intersectional analysis considers a collection of factors that affect a social individual in combination, rather than considering each factor in isolation.<sup>20</sup> The intersectionality theory is one that has been used very thoroughly in the evidence to describe variance among issues of women's rights and pro-feminism discussion. In use of this theory to show the relationship of women's power identity to the larger picture of the Norwegian justice system, it provides a theoretically macro-perspective of how things stand today for incarcerated woman in Norway. The application of this theoretical framework is used in the second 'key finding' chapter of the thesis, which assesses the current position of women's issues in the Norwegian model of criminal justice. The intersectionality theory is used as means of deepening the line of inquiry which is used to conceptualize what potentially represents the causes and implications of women's issues in modern Norwegian correctional systems.

### 3.4 : Penal Abolitionism, via Critical Criminology (Theory)

— The Abolitionism theory directly stems from Critical Criminology, which is a framework for critically deconstructing the study of, and conceptions related to crime. The theory asserts that crime is a factor represented by the structured inequalities of class society, and the conflict which emerges as a natural consequence of these divisions.<sup>21</sup> Abolitionism Theory takes these concepts even further, to describe the power of the state which defines acts as

criminal, and the correlation to crime is directly related to the state, not the individual—for without the creation of laws by the state there would be no representation of the breaking of these laws, or of crime.<sup>22</sup> Generally, the Abolitionism theory supports a more radical approach in the characterization of state systems which promote structural violence by seeking their removal. In a sense, the penal abolitionism movement is centric to an idea of either reducing or completely replacing prisons and the greater prison system rather with institutions of rehabilitation and education which do not focus on punishment or governmental institutionalization.<sup>23</sup> The Abolitionism theory is a framework which seeks identify the characteristics of racial discrimination and cultural fragmentation via capitalism within the traditional origins of systematic punishment. The theory carries pragmatic ideals of concentrating on a humane and democratic (people-centric) approach to conflict in society, and heavily scrutinizes the traditional government-controlled systems.<sup>24</sup> Penal Abolitionism can be considered a more radical form of approach in the questions regarding justice and peace. This theory becomes relevant within this research discussion because of its use as a point to help locate the Norwegian model’s position along this line of philosophy, and therefore better understand the relationship to humanitarian people-centric ideals. The Abolitionism theory is used as a framework in conjunction with Scandinavian Exceptionalism theory within the first ‘key findings’ chapter, which regards financial issues of the modern context. This theory is used to help pose questions and make possible connections in summarizing the reflections on these financial concerns.

### 3.5 : Transformative Justice (Conceptual)

— The concept of Transformative Justice contains a very strong relationship to Abolitionism Theory, and tend to give support to the design of Transformative Justice as an appropriate alternative methodology to traditional punitive forms of justice. The promotion of Transformative Justice stems from the continually developing civil rights activism of the United States. The conceptual design of Transformative justice shares the sentiment that traditional methods of state-sanctioned punishment such as police, prisons, courts, juvenile delinquency programs, et cetera—are premised on the assumption that these institutions inflict more harm and victimization upon individuals through surveillance and social control. Thus, the theory stipulates that such structures tend to foster more violence within prisons as well as outside in the communities they serve.<sup>25</sup> Transformative Justice arises out of the perception of systemic and

structural violence by marginalized communities, with the inability to rely upon any accountability from state and government powers to provide equitable justice.<sup>26</sup> Transformative justice uses a systems approach, seeking to perceive arising issues as not only the beginning of the crime but also the precursor of crime, and attempts to perceive an offense as a transformative, relational and educational opportunity for victims, offenders and all other members of the affected community.<sup>27</sup> Ultimately what Transformative Justice intends is to create positive change within social systems, and to promote conflict transformation for the community concerning root causes and comprehensive outcomes. Transformative justice can be seen as a general philosophical strategy for responding to conflicts akin to peace-making.<sup>28</sup> With a clear relationship to Abolitionism theory as well as related to Restorative Justice (which we will cover below), Transformative Justice Theory is applicable to this research in the sense that we use this framework to contextualize and compare the rational and philosophical underpinnings of the Norwegian model. By using Transformative Justice Theory within this research, we are able to see the distinction and positionality of the Norwegian model in its impact of the community and greater society.

### 3.6 : Restorative Justice (Conceptual)

— In many ways, Restorative Justice represents a validation of values and practices that were characteristic of many indigenous groups, as means that would protect the integrity and solidarity of the group and community through the attempt to heal the relationship rather than punish the wrongdoing. The theory behind Restorative justice is a juxtaposition against the "retributive justice" framework, where crime is viewed as an offense against the state, with a restorative justice framework, where crime is viewed as a violation of people, relationships, and the wider community.<sup>29</sup> The Restorative Justice Framework follows a set of guiding inquiries that are addressed in the process of restoration, and are as follows:

1. Who has been hurt?
2. What are their needs?
3. Whose obligations are these?
4. What are the causes?
5. Who has a stake in the situation?
6. What is the appropriate process to involve stakeholders in an effort to address causes and put things right?<sup>30</sup>

These principles of Restorative Justice can be viewed in contrast to the systems approach of traditional retributive justice practices which focus upon the actions against the state: the offender, the laws broken, and the reprehensible damages to be exacted. As previously mentioned, Restorative Justice is related to Transformative Justice along certain lines, although it is distinct in the procedure and actors involved. With this in mind, the use of Restorative Justice is relevant to the conceptual framework of this research in that it provides an additional marker for positionality in the theoretical approach of justice and how these systems are implicated. By the combined use of the Restorative and Transformative framework, we are able to better contextualize the Norwegian model in its distinct relationship to these theories and where it differs.

#### Distinguishing from Transformative Justice

Similar to Transformative Justice, the Restorative Justice model is given support by those who subscribe to the abolitionism theory as a more positive form of justice which could replace the punitive and arbitrary systems. However, there are some stark differences in the approaches and intentions of the two frameworks. In Transformative justice, no quantification or assessment of loss or harms or any assignment of the role of victim is made, whereas Restorative Justice is centric to involving the victim in the process. In addition, there is no attempt to compare the past (historical) and future (normative or predicted) conditions as within Transformative Justice. (Morris 2000) While Restorative Justice seeks to return the victim to their initial state before the harm occurred, Transformative Justice is more concerned with questioning whether the conditions in place before the harm are themselves equitable and just, and looks to redress them in order to prevent further harm within the community.<sup>31</sup> Further, Transformative Justice is distinguishable from Restorative Justice in that Transformative Justice places emphasis on addressing and repairing harm outside of the State, rather than incorporating the state as part of the process.<sup>32</sup> Due to their similar nature, both concepts of Restorative and Transformative Justice are used in theorizing within the third and final ‘key findings’ chapter. This chapter reflects upon some of the deeper implications and trends found within data collection for this research. Specifically, the discourse looks at concepts which have both positive and negative connotations, and in summary of this chapter I use the Restorative and Transformative Justice concepts to theorize these ideas and illicit deeper meanings and inquiry.

### 3.7 : Literature Review

The literary analysis of this research focused in one sense upon publications which spoke of Scandinavian exceptionalism from the Nordic perspective. However, the study was generally inclusive of almost any English wrote publications, as well as some translated from Norwegian, material which had been published in recent years by Nordic authors, or studies which simply focused upon Nordic correctional systems. The literature review process started in light form prior to the fieldwork and data collection segment of the study, and once obtaining results from data, the delving into research began more fully. Via this method, I was able to observe any trends which correlated to the data, and not surprisingly, most everything tended to correlate to my findings in participation with the Norwegian data informants in Oslo. The state of the field in regards to the Norwegian model of criminal justice has rapidly changed over the last decade. This research attempts to cover the major aspects of these emerging changes, however, there are likely other subtle influences which may have not been included. The way things currently stand, it can likely be assumed that there will be even more changes going forward, which could be either positive or negative as the recent emergence of issues are still in development. Prior to this, there were major positive changes demonstrated over two decades, from which the major positive connotations of this model got their notoriety. This research also covers a time range before these eras within the Norwegian correctional system, and provides a brief overview of the historical background in order to contextualize and provide a linear understanding of the developments today.

Starting with the historical literature that was investigated in order to write this discourse, it was found that very little had been published which covered the developmental period of the Norwegian correctional system. Thankfully, Are Høidal, a principal source for both research and data within this project, has contributed to most of the publications that were found to describe conditions of treatment in early Norwegian corrections. Using Høidal's publications: *The Norwegian Prison System: Halden Prison and Beyond* (2023), and *Normality Behind the Walls: Examples from Halden Prison* (2018), which both had large sections dedicated to historical background information on Norway's correctional system, I was able to constitute most of the information provided in this chapter. This, alongside some publications made by the Norwegian Correctional Services (Kriminalomsorgen), is what enabled the potential to write this chapter.

That being said, literature which comes from a pre-modern time is certainly available from the notable figures such as Nils Christie or Thomas Mathiesen. However, it appeared that much of their work centered on the philosophical inquiries surrounding punishment and justice rather than a factual recounting of Norway's correctional history.

The major body of this research focuses on a consideration of the recent changes of the last 10 years respective to the legacy of the “positive 20-year era” prior. In formation of the pillars of ‘key findings’ in this research, a major foundation rests upon factual evidence supporting the negative effects of the A.B.E reform upon Norway's correctional model. I attribute this to the inclination that all following issues, although stand-alone factors, have been greatly influenced by the initial impact of the A.B.E reform. In order to effectively analyze current research and produce the discourse on this chapter, much of what I investigated were public reports by Norwegian organizations such as FAFO and Oslo Economics, machine translated from Norwegian to English. This was not the most ideal way of gathering information on this subject, although there were little to no research publications made in English which covered the aspects of the A.B.E reform. Be that as it may, there appeared to be more than enough information which covered the overarching themes of the reform, as well as Norwegian's perspectives upon its after-effects.

The literature that was available in order to produce the discourse on women's issues, as well as the following chapter on some positive and negative aspects of normalization were rather scarce. That being said, the literature which was available was published in English and made for more accurate representation of facts. Upon investigation, it appears that the only major research published on women in Norwegian corrections thus far is from Svendsen, Bukten, Stavseth and Skadhamar's *Psychiatric Morbidity Among Women in Norwegian Prisons, 2010–2019: A Register-Based Study* (2023), and *Mortality in Women with a History of Incarceration in Norway: A 20-year National Cohort Study* (2024). These publications, alongside some public reports by the civil Ombudsman, constitute everything I was able to uncover regarding these topics. This indicates that much more focus is needed upon incarcerated women in Norway in the area of research. In order to produce the discourse on a dualistic view of normality principles, as well as the concluding summarizations within this research, I relied upon the publications from Thomas Ugelvik, as well as a separate study from Andersen & Telle focusing upon electronic control monitoring. In examination of Ugelvik's publications of *In Searching for Rehabilitation*

*in All the Wrong Places: Understanding (Allegedly) Exceptional Penal Systems* (2023), *Prisons of Labor: Social Democracy and the Triple Transformation of the Politics of Punishment in Norway* (2017), and *Scandinavian Penal History, Culture and Prison Practice: Embraced by the Welfare State?* (2017), I found that thankfully much of what this research tries to inquire into (vis-à-vis data analysis), is touched upon within this research. Using this literature, I was able to summarize ideas related to critically viewing aspects of the Norwegian model of criminal justice.

The structure of the thesis was built in a way that pointed to the concluding results of the data collection, and the use of research literature intended to support these claims. In summary, the literature I was able to study originates almost entirely from a Nordic perspective, as the goal of this research was to explore this side of an apparent dichotomy. Reflecting upon the literature I was able to gather and research, I would say that in most cases there was not very much published upon the subject, and in fact there was in an honest sense just enough data to correlate to my own arguments. In observation of this, I would assume this partly has to do with my not speaking Norwegian and therefore my inability to search the entirety of literature available upon the subject in a non-English speaking country. However, I do get the sense that there is not quite an overwhelming amount of research posted upon these subjects. In terms of Scandinavian Exceptionalism, this has been well critiqued and supported from both sides. However, within the pillars of my research; A.B.E financial restructuring, Female inmates in Norway, and my deeper observations of data trends, these subjects did not have nearly as much background and research available to them. That being said, these developments have all been taking shape within the last decade, and additionally their negative effects have been in slow development rather than immediately apparent. Therefore, it would appear as though it is all the more pertinent to continue the discussion upon these subjects, and attempt to raise the general awareness to their detriments.

## 4 : A Brief History of Norway's Criminal Justice

### 4.1 : Introduction: Late 19<sup>th</sup> Century Justice in Norway

In the past, Norway's criminal justice institutions represented nothing abnormal from what you would find elsewhere in the world. Shifts in the conditions and treatment of the



incarcerated really only started to take place in the late 20<sup>th</sup> century. Although the preparation for these reforms began much earlier, the major implications of these steps took time to develop and manifest. The first of these processes took shape in the late 19<sup>th</sup> century. Prior, Norway's effective style of punishment in these times was much cruder, bordering on what could be viewed as almost "inhumane" certainly in retrospect to what the state has accomplished today. Norway's view of rehabilitation in the late 19<sup>th</sup> century was putting a bible in the hands of the convicted and sentencing them to long periods of isolation. Trusting in rumination of their wrongs which coincided with religion to foster a change in these troubled individuals, but more likely induced further mental and emotional distress in most cases. In 1875 Norway saw the first establishment of a prison board, the intention being regulation upon prisons and punishment due to disease with the treatment of offenders.<sup>33</sup> After which the conditions of food, clothing, care of prison cells, and the training and discipline of prison staff became better regulated. In 1890, Norway made the first major step in considerations of treatment by easing the use of severe isolation as means of correction.<sup>34</sup>

#### 4.2 : Early to Mid-1900's

Around this timeframe in the turn of the century, we see the early stages of reforms beginning, with reduction of corporal punishment and forced labor, alongside the increasing of basic educational opportunities and hygiene. In addition, there were shifts in the emphasis on the size of prisons, and the introduction of more individualized plans of sentencing/treatment. (Høidal 2023, p.27) Although these changes began in small steps, they demonstrate the foundation some of the major steps towards reformation of the system of punishment in Norway, mostly because the previous conditions had remained constant for over 100 years. The size of prisons, as we will touch on later in this research, has been shown to directly correlate to successful and effective treatment within the prison.<sup>35</sup> The two periods of time that Norway has experienced overcrowding and larger capacity institutions were in the early 20<sup>th</sup> century, and to some extent, today. (Høidal 2023, p.27) The issue of overcrowding in the 1920s was due to closure of many prisons at the turn of the century, alongside economic stresses. In addition to prison population issues at the time, there was also many sanitation problems which led to health risks and perpetuated violence within the prisons. This became eventually addressed with the opening of a new prison institution in 1933 within Oslo. (Høidal 2023, p.29) The next wave of positive

reforms started in the 1950s, with the Prison Reform Committee further analyzing the issue of scale and size of prisons. They concluded that keeping capacity and scale reduced was the best option to combat some of the inherent issues and promote wellbeing of the incarcerated.<sup>36</sup> In 1958 we saw another major shift in the ideology of Norway's criminal justice, as the re-conceptualizing of punishment and what serves as acceptable punishment in the eyes of the state was changed. It is at this time is when we see the concept of taking away one's freedom being "punishment enough" starting to become the focus, and shifted to become the central philosophy of this institution.<sup>37</sup> An idea which is very much still alive today, if not one of the founding ideologies behind Norway's modern justice praxis.

Although Norway's criminal justice practices at this time were still far from a holistic emphasis upon humane practices and rehabilitative focused goals, these reforms represented major step towards imagining a new style of enacting justice for Norway. Further, the "Special Measures Act" of 1958 began the first introductions of alternatives to punishment, allowing for things such as community service sentences, and probation for early release. The Special Measures Act helped alleviate issues with the incarceration rate, which also in turn benefited the philosophy behind greater impact via smaller scale of the prison institutions. (Wheeler 2020) During the 1970s Norway had increased focuses on providing opportunities to prisoners, namely in education and work training which allowed for the self-betterment and the end-goal of successful reintegration of these individuals back into society. (Smith & Ugelvik 2017) One of the fundamental reasons behind these changes began with the formation of KROM, or the Norwegian Association of Criminal Reform. KROM was formed specifically to address some of the harsh living conditions and general dissatisfaction with the outcomes of the correctional system at the time.

#### 4.3 : KROM: The Norwegian Association of Criminal Reform

It is possible that the foundation of KROM represents one of, if not the most important part of the development in Norwegian Criminal Justice history. It certainly represents the beginning spearhead of the prison movement in Norway for change and betterment. I would argue that without the founding of KROM, it is very likely that Norway would not hold the current favorable statistics regarding the system experienced today. These are: Norway having one of the lowest rates of recidivism in the world. In 2016 the rate was 20%, and since then has risen to

25%.<sup>38</sup> In addition, Norway also has one of the lowest crime rates in the world.<sup>39</sup> From a criminality perspective, this positions Norway as one of the safest countries globally, and this is largely due in respect to the reforms made which shaped the past successes of the current system.<sup>40</sup> KROM was formed in 1968 as means of response to the negative conditions of the prison system at the time. The group is a non-governmental organization, and therefore served as a venue to advocate and apply pressure upon the governmental system with the goal of manifesting the appropriate changes.<sup>41</sup> Further, KROM enabled its forward-thinking members to have political maneuverability through the collective, and a means through which ideas and opinions were given consideration at the larger scale. KROM as well as its allied Scandinavian penal reform organizations (Swedish KRUM, Danish KRIM, and Finnish KRIM counterparts) have been closely affiliated with the prisoners' attempt to organize to win their rights, and a role in the institutional decision-making process. After its founding, KROM was headed by Norwegian criminologist Thomas Mathiesen for 5 years, after which he stepped down, but remained a part of the board.<sup>42</sup> Some of the early successes of KROM were the abolition of forced labor in 1970, and later the abolition of juvenile delinquency centers in 1975. (Høidal 2023, p.28) Overall, KROM plays a significant role in the advocacy towards humane treatment, while also lobbying for a more effective Norwegian criminal justice system. This effectiveness being the observed goal of having more treated individuals return to society and become contributing members of their community. KROM has been versatile in ways of assistance to both individuals and the larger community. The organization provides legal aid and forms of counsel/advice to prisoners and their families, while also organizing public events promoting awareness, yearly teach-ins debating current issues, and research conducted upon the developing penal system.<sup>43</sup> Their work has undoubtedly contributed to the positive changes observed in the Norwegian prison system over the past decades.

#### 4.4 : 1980- Late 90's : Surmounting Challenges

The 1980s was perhaps the most challenging time for the Norwegian Criminal Justice system in terms of modern issues, however this was certainly what culminated a movement toward the major reforms that began in the next decade to overcome them. In the 1980s the recidivism rate in Norway lay somewhere between 63-70%, the fluctuation depending on the number of previous offenses by individuals and being more likely to reoffend past your third

offense. (Høidal 2018) As defined by Are Høidal, the 1980s criminal justice system in Norway was characterized by several negative aspects which plagued the institution at the time.<sup>44</sup> Tension, disease, and violent behavior of the inmates was quite normal, and to juxtapose this, the approach of the system prioritized security, with prison guards in the general sense demonstrating antagonistic and “power-over” driven as means to maintain control. In addition to this, the 1980s saw several attempted as well as successful prison escapes, and major prison revolts. (Høidal 2018) What this led to is the recognition by politicians and the Norwegian parliament that conditions of treatment within the prison institutions were unsatisfactory. However, regardless of the conclusions, it took time as well as overwhelming evidence for the reforms to be put into motion. Oslo penitentiary was an institution that was put under scrutiny because it was the location of a major riot that happened in 1984. (Høidal 2023, p.29) What the minister of justice had concluded, and then informed the Norwegian parliament in speculation of the causes were; a lack of space, stimulating activities (of inmates), and insufficient training (of staff), and an excess of crowding within the prisons and isolation in punishment. It was also considered that not only was this particular institution suffering from unmodern and inhospitable premises, but rather this was common across most of the prison institutions in Norway at the time.<sup>45</sup>

The 1980’s are known in part for the rise in awareness related to issues of drug abuse, and Norway was no exception to these problems. In 1980’s Norway saw the general issues related to, and societal battle against illegal drugs increase dramatically, which became represented by increased criminality, then reflected upon and further exacerbated the conditions of the prison environment. In addition to these constrains, there was also increased drug use within prison, organized crime, as well as issues related to the HIV/AIDS epidemic. (Høidal 2023, p.29) As a response to this strain put upon the system, new laws were enacted in 1988 which emphasized a prioritization in security and eliminating drug use within prison. Upon being passed into effect by the Norwegian parliament, the enforcement of these laws saw the rampant increase in organized securitization. Therefore, this correlated to an increase in mental illnesses, longer sentences, violence, and drug issues for the incarcerated. At this time there was no bond or connection between prison staff and the inmates, as there was generally a lot of mistrust between the groups, and working together would be perceived as negative due to the commonality of poor outcomes. (Papendorf 2006)

The beginning of the next decade for the Norwegian criminal justice system did not prove to be much different from the 1980s, and if anything, the negative aspects continued to culminate. Two prison officers were killed on site, one in 1987 (Ila Prison) and one in 1991 (Sarpsborg Prison). (Høidal 2018, p.6) Violent and drug offenses continued to be prolific, and the crime rate continued to rise until the end of the decade. The recidivism rate rose to a staggering 70% during the early 1990s, which motivated the Norwegian parliament to continue looking at reforms and redefining the system that was obviously not achieving the desired positive outcomes. (Papendorf 2006) The first change began in 1990, with the age of criminal responsibility being raised from the age of 14 to 15. This meant that children below 15 were immune to criminal allegations brought against them. The Minimum-Security Act of 1992 encouraged a more open and humane prison environment for both staff and prisoners. In this legislation, the act aimed to loosen the restrictions within prisons, fostering a less punitive approach and rather a more open atmosphere. (Papendorf 2006) This openness was intended to better prepare inmates for reintegration into society upon release, and was a step in the direction of normalization. The act also encouraged improvements in living conditions within the prisons, shifting away from the inhumane and harsh environment of outdated and neglected premises.<sup>46</sup> The Special-Measures Act of 1958 began to circle back around and gain more prominence. This further enabled the alternatives measures within punishment that we previously covered. Taking a look at the 1990s decade for the Norwegian criminal justice system, the negative statistics of crime rate and recidivism were at their all-time highs for the country. However, this decade also marked the beginning of the reformed system known internationally for its remarkable success in reintegration, and humane rehabilitative focused emphasis.

#### 4.5 : The 21<sup>st</sup> Century

The end of the 1990s marked change and significant progress by Norway in the philosophy towards the rehabilitative approach in criminal justice. Globally at the time there was a growing movement in this direction to embrace the addressing of underlying problems in one's (criminal) life, perceiving the individual as someone who potentially needs guidance or healing rather than a lesson learned through punishment.<sup>47</sup> Research suggests that there was no certain event that triggered the shift at the end of the decade for Norway, but rather resulted from the previously mentioned gradual changes in law, the general philosophy behind rehabilitation at the

time, and the strenuous negative effects of the past two decades for the system. The end of the 1990s marked the beginning of a very successful era for Norwegian criminal justice that appears to have lasted around two more decades, up until the most recent nine years (ongoing), with issues and constraints emerging on the horizon. Scandinavia as a whole has made great leaps in these attempts to reimagine justice and punishment, and as such all of these countries have been subject to much research in alternative approaches criminal justice. Norway has been significant in contrast to the others, and to this day still retains one of the lowest recidivism rates in the world. (Papendorf 2006) This truly exemplifies the Norwegian model as a progressive and positive development that has seen much success. Although the factors of crime rate and recidivism certainly have a relationship basis upon the underpinnings of politics, population, culture, well-being and other factors at play within a given state, this does not at all deter from the outstanding achievements made by this institution.

Norway has set many successful milestones over the past decades, each notable in their contribution to the overall desired outcome. Dynamic security, meaning the development of relationships and understanding between prison staff and prisoners, is certainly a hallmark of this institution. Individualized treatment plans, which transition between staged normalization; going from high security prison to low security or open prisons, then eventually probated and monitored work-release out in society has a unique and impactful approach to reintegration. Connection between the prisoner and the outside world is thoroughly stressed with abilities to be in nature, to be trained, educated, and to have some opportunities for spiritual retreats just to name a few of unique characteristics of the Norwegian criminal justice system. The construction of Halden prison in 2010 was another one of Norway's big leaps, often attributed as Norway's "crown jewel" of rehabilitative institutions.<sup>48</sup> To reiterate, the current state of the field within Norwegian criminal justice is that things are changing once again, and not for the better. On the one hand we have a state-of-the-art corrections system very much still operating under the philosophies which guided the past successful years. However, there are several indications that things are not as they once were, and this is especially echoed by the Norwegians who work within the system, voicing their concerns of the evolving environment. In addition to this, there emerging evidence of some neglect and insufficiencies within the system which according to Norwegian researchers need to be discussed and brought to the forefront. Here we have our issue: common knowledge production suggests that things are carrying on within the pinnacle of

modern justice systems as they have previously. However, why is there a gap between this and what a growing number of Norwegians are voicing internally? How much of the Norwegian model is still exceptional from a “run-of-the-mill” operation? These are some of the questions which drive a necessity to help contribute and uplift this knowledge so that the discussion continues to unfold for modern criminal justice in Norway.

## 5 : Key Findings

### 5.1 : An Introductory Overview

The structure of this chapter is set to succinctly address each of the research questions provided, while correlating the relationship to observed data and theoretical context. In essence, each of the research questions pose a separate prospective issue within the case study, and the goal of each subsequent section of this chapter is to address the particular issue as it relates to the larger picture of a narrative of exceptionalism. Within each section, the reader will find a summary of relevance to data collected which supports the claims made, as well as selected theoretical framework used to contextualize that particular issue. As it stands, each section is intended to help illustrate and frame the question of the gap between the ingroup and outgroup narrative. Additionally, the concepts used are interconnected, and descriptive evidence may cover the same element in different lights to understand the variations.

### 5.2 : Part I : Financial Restrictions Upon Modern Norwegian Justice

#### 5.2.1 : Introduction

Although the Norwegian system of justice carries the standards of a uniquely humane and alternative approach to rehabilitation, not without the demonstration of positive statistical results, this comes at a cost: a high price tag. The Norwegian model of rehabilitative justice is an expensive pursuit, especially considering the versatility of resources both material and educational put into the system to assist in the “normality principle” (the retention of rights and connection to society) and rehabilitative efforts. (Høidal 2018) Put into simple numbers, the expense from start to finish for the rehabilitation efforts put in by the state is somewhere between

1,346,000-1,455,000 NOK/year for each individual in prison. For contextual comparison, the cost of imprisonment is 269,000 NOK/year average in the United States,<sup>49</sup> and 630,000 NOK/year average in the United Kingdom.<sup>50</sup> These figures are representative of the fiscal 2021-2022 year. Further data from (Kruze and Priede 2020) shows that although Norway is the highest spender on its corrections system, Norway also is a top performer in recidivism rate vs. cost and prison population vs. cost. What this can be perceived as is an investment which yields a high productivity rate of success. However, one would assume there are also several other factors to this equation rather than just finances, as described by the exceptionalism theory of John Pratt. Regardless, it appears as though largely what has been accomplished by Norway simply would not be at the same level had there not been the availability of financial resources. (Pratt 2007) See [Figure 6.a](#) below for a wider comparison chart of cost per prisoner expense per state in 2018.

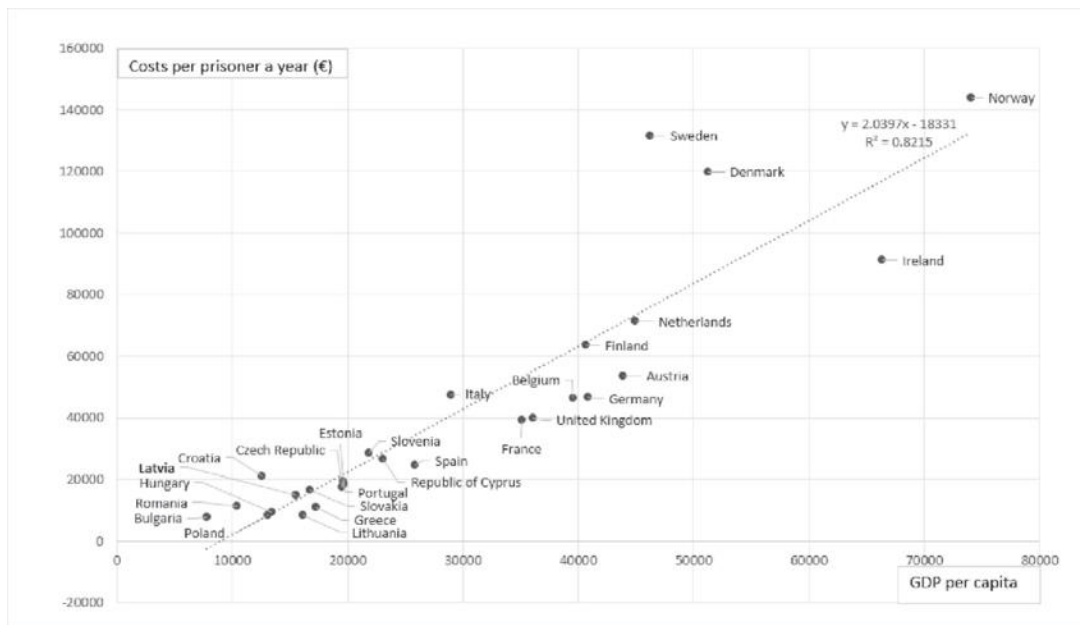


FIGURE 6.a

Calculations regarding imprisonment costs and GDP per capita of the European countries, based on data available from Statista for the year 2018.<sup>51</sup>

The high-cost expenditure of Norway’s justice system is representative of the alternative and purposeful approach Norway takes to prioritizing rehabilitative efforts. For example, the training of prison staff is taken much more seriously in Norway than in other countries. While in most other countries socio-educational workers and correctional officers are two separate professions, Norwegian prison staff function within both roles. (Kruze and Priede 2020) Are Høidal, one of the participants of data collection in this research, pointed out that the time



required to train a prison officer in most other countries averages around six to eight weeks. In Norway the training of prison officers can range over two years before completion. (Høidal 2024) In addition to this, Norway's costs are representative of the institutional facilities, education and skills training opportunities, and other investments in "normality" for prisoners such as crafts, hobbies, and outdoor activities. (Kruze and Priede 2020) What Norway has arguably achieved is not only a system that is cost effective as per the recidivism and prison population rates, but also represents a successful investment for the well-being of the state.

In examination of the preliminary issues regarding the modern Norwegian model of justice, it is in fact financial constraints which is the foremost concern, as all other issues seem to either stem from this, or be greatly enabled. It may come as unexpected to learn of these financial problems, especially in light of the previous discourse on Norway having the highest expenditure on their justice system. What is truly the origin of financial concerns for the Norwegian justice system is actually not a lack of resources. Monetarily speaking, Norway is one of the richest countries, and averages being ranked between 10<sup>th</sup> and 24<sup>th</sup> in the world depending on what variable is being measured.<sup>52</sup> Rather, what appears to be the cause is the strain of a politically-based redirection and restructuring of fund expenditures within the state's systems. To further define the issue, we will take a look at what is the direct cause of these financial constraints (for Norwegian Correctional Services) from the perspective of Norway's government as a whole. Firstly, by zooming out positionally on the issue, what is effectively a financial constraint on the justice system is in fact a political budgetary restructuring reform that affect all of Norway's government operated agencies, enterprises and ministries. Therefore, very same financial constraint felt by the justice system in present day Norway is also shared by other sectors such as the education system. Although there are several factors at play, and the financial and services context for each sector varies, most of what is representative of the financial strain that is put on the justice system as well as other sectors is a budget reform by the Norwegian government. This reform is known in Norwegian as the "Avbyråkratiserings og effektiviseringsreformen", which translates to "de-bureaucratization and efficiency reform" in English, and hereon referred to as the A.B.E reform.

### 5.2.2 : What is the A.B.E Reform?

Proposed in 2014, the A.B.E Reform is an alleged de-bureaucratization and efficiency policy rollout within the Norwegian government under the prime minister Erna Solberg's cabinet which was then introduced in the 2015 fiscal year. The proposition stated that it intended an annual public productivity growth of 0.5%, while government agencies were expected to implement measures every year in order to increase productivity. Essentially, by cutting 0.5% of the operational expenses of all government agencies, then allocating and redirecting these funds to politically prioritized areas, the government would therefore stimulate more efficiency from the public sector operations, creating space for political mobility of new initiatives.<sup>53</sup> The A.B.E reform takes inspiration from the OECD's (Organization for Economic Cooperation and Development) recommendations for socio-political maneuverability, and the positive experiences from the other Scandinavian countries, as well as Australia, and New Zealand.<sup>54</sup> The categorization type of this public measure is called an 'Automatic Cuts of Productivity Dividend' (ACPD). (Oppegaard et al., 2019) The previous evaluations of such measures in these other countries have demonstrated that ACPD can in fact increase efficiency statistics. However, within the case of Norway, efficiency gains have gradually declined over time after implementation of the reform. This has been attributed to the potential gains for increased efficiency lessening over time, as the agencies have gradually reached higher levels of productivity, and perhaps their limitations. (Oppegaard et al., 2019)

In a study conducted in 2019 by FAFO (Social Welfare Research Organization) on the A.B.E reform in Norway, the results pertained that in some cases the worker's unions were able to limit the amount to which the reform (monetarily) affected that particular workplace. In general, FAFO's study found that the Norwegian government agencies were not unanimous in positive or negative viewpoints respective to the restructuring, but rather a mix of opinions. In addition, FAFO's results reported that the A.B.E reform potentially had a positive impact on innovation and the use of new technology. (Oppegaard et al., 2019) However, the conclusive findings of the study of the Norwegian A.B.E reform have additionally resulted in *many* of the government agencies being forced to reduce staff and limit the services offered, in order to compensate operations within the new scale of these limitations. The A.B.E reform has been implemented through means of reducing the amount of staffing, and by management restructuring, in order to proposedly increase efficiency.<sup>55</sup> What this directly resulted in was

increased workloads, a negative effect on the quality of service provided, and has subsequently put pressure on the working environment over time. In the long-term effects of the A.B.E reform, it has become increasingly difficult to sustain the core activities of Norway's government agencies, and additionally maintain service quality, even though these objectives carry the highest priority for the agencies. For a portion of the Norwegian government enterprises, the A.B.E cuts eventually led to the need to reduce staffing and the services offered. For majority of these agencies, the A.B.E cuts have led to increased workloads, and the employees being over stressed. (Oppegaard et al., 2019) The result of a more stressful working environment and increased workload tend to stipulate a negative impact on service quality standards. According to the FAFO survey, of the government agencies where budgets have been cut, 43% of respondents say that their agency has managed to implement measures to increase efficiency. This includes measures that ensure that fewer employees have to take on more work, the use of digital solutions that increase efficiency, restructuring, use of new work methods, and reductions or cuts to some services or tasks. Only 7% of respondents within the survey *believe* that the A.B.E reform actually assists agencies in implementing measures to increase efficiency. (Oppegaard et al., 2019) When the A.B.E Reform was implemented in 2015, there was no designated or suggested "end date" to the policy, and it still continues to be in effect.<sup>56</sup> In summary, the A.B.E Reform in Norway has yielded what appears to be a higher prevalence of negative after-effects rather than positive ones, and the topic remains undoubtably controversial.

### 5.2.3 : Constrictions of Budgetary Issues for Norwegian Correctional Services

The Norwegian Justice system is one such governmental enterprise which has experienced an acutely negative reaction to the A.B.E Reform, resulting in reduction of the ability to perform at the core active efficiency. The case of these financial constraints for Norway's correctional system is in part due to the reform, but also a result inflation and apparent budgetary miscalculations by the Norwegian Minister of Finance. According to relevant data on the A.B.E reform aftermath, the justice system (which also includes all prison institutions) is among the government agencies which are "bleeding the most" after the A.B.E reform.<sup>57</sup> Although the initial proposal of the reform was scheduled for a 0.5% reduction of allocations per year, this figure has almost always been increased every fiscal year. The rate of budget reform has been between 0.5%-0.8% annually.<sup>58</sup> With this, there are growing concerns for the state of

the Norwegian Correctional Service as it is generally understood that the tightness of the financial situation has led to a regression of sorts, with the cuts having led to more isolation, and an overall reduction in the rehabilitation services available for inmates. (*Abe-Reformen* 2020)

How the financial constraints for the Norwegian Correctional Service actually look like on the ground is a complicated answer, due to the vast regionally based services that affected at an individual level. As an acknowledgement, to the in order to properly assume accurate figures of how the A.B.E reform have affected the system, one would need to look at each of the departments within the prison institutions individually in order to ascertain the finer details. The Norwegian justice system is divided into 5 separate regions; West, Southwest, South, East, and North. Each separate region has a variance of financial expenses and figures which represent their unique relevant data context. However, for the purpose of this study only the overarching effects of the reform will be covered, with the data that is relevant to how the system is operating across the board. For more information on the specific figures related to individual cases, see the Oslo Economics 2018 analytical report for the Ministry of Justice and Emergency Preparedness, from which this research relies upon for the following data.<sup>59</sup>

#### Probation Offices and Services

The Norwegian probation offices and services provided by this department have reported high strain on general efficiency and provided services as a result of the A.B.E reform.<sup>60</sup> The probation offices are responsible for a variety of services related to serving time outside of the prison institutions and managing early reintegration, namely the electronic control bracelets which play a vital role for the modern Norwegian Correctional system context. In conjunction to the probation offices having received A.B.E cuts, in recent years several new tasks have been added to the probation offices workload, among other operations related to the creation and expansion of sentencing with electronic control bracelets. (*Oslo Economics & Agenda Kaupang* 2018) Subsequent to this, additional criteria have been added as a result of the A.B.E restructuring. According to Norwegian Correctional Services, the probation offices have received funding for the additional criteria.<sup>61</sup> However, data suggests that the monetary supplement used to strengthen the probation offices has not been sufficient to accommodate the increase electronic control duties. (*Oslo Economics & Agenda Kaupang* 2018) As a result, the probation offices across Norway are experiencing that they are insufficiently compensated for the additional workload, requiring the reallocation of resources internally. According to the data

collected by the Oslo Economics report, this has had major consequences for both employees, the services offered and the academic content available. (*Oslo Economics & Agenda Kaupang* 2018)

#### Program Activities, Dynamic Security, and Facilities/Equipment

In interviews conducted within the report, both the Directorate of Correctional Services (KDI), all regional boards, and all prisons have a clear perception that the operational situation has become more demanding under the A.B.E reform. This is due, in addition to tight financial frameworks, to the fact that the inmate population has become further in need of support—in light of prison staff having less time to do their jobs. At the same time, the front line of justice workers tasked with more administrative duties in turn reduce the time spent with the inmates. In general, there has been an overall reduction in the interaction between prison staff and the inmates across the whole of the Norwegian Corrections system. (*Oslo Economics & Agenda Kaupang* 2018) Dynamic security represents a major attribute to the effective Norwegian model of humane practice, which requires time and in-depth attention given to each inmate in order to foster relationships, trust and understanding. As a direct result of the stress and increased workload placed upon prison staff, the characteristics of dynamic security are suffering efficiency consequences. (*Oslo Economics & Agenda Kaupang* 2018) Several prisons share the experience that the dynamic security has deteriorated: the prison officers are less present with the inmates now than before. Several prisons also consider that it is too expensive to prioritize resources to run all program activities. When it comes to developments in the content of sentencing, many have expressed concern that the prisons have had to cut out or reduce rehabilitative program activities. (*Oslo Economics & Agenda Kaupang* 2018) These programs are considered by many to be a central part of the service offered in the prisons, and several point out that it is of growing concern that the program activities have been reduced. Further, in light of these issues the general public viewpoint of A.B.E reform is growing in controversy. When considering all the governmental enterprises and agencies, the correctional services are a state obligation that should not be subject to arbitrary cuts nor the de-prioritization to the point of insufficient funds in order to properly function and complete the job at hand.<sup>62</sup> The A.B.E reduction is reported to have an additionally direct effect of reducing time to follow up for the inmate post-release. According to the prisons, they are also increasingly postponing major maintenance work and replacements of material and equipment. Among other things, it is

pointed out that many prisons have outdated cameras and security equipment, which is now becoming further neglected. (*Oslo Economics & Agenda Kaupang* 2018)

### Staffing

The issues with recruiting for the Norwegian Correctional system are becoming particularly evident for the employees with vocational skills, those who perform a vital role within the training workshops. Considering factors of rehabilitation and reintegration into society (preferably coinciding with training and education) represent one of if not the most important function of prisons in Norway. The prison institutions also have issues retaining staff because of the salary level caps due to the budget restructuring. Reports in 2018 demonstrated there is a necessity to reduce the training and visiting services for inmates, in order to meet staffing reductions in the prisons. (Sæbø 2023) For the south-west region, the seriousness of the economic situation has strengthened because of increased demand for the year 2021 and 2022. The consequence of these factors has represented a halt to hiring and employment, leaving position vacancies within the front line of service staff. (Sæbø 2023) Finally, according to the 2018 report, employees at the prison submitted feedback that as a direct result of the above-mentioned difficulties, the general context of the prison environment has been, and will continue to develop into a more unsafe situation. Due to the stress put upon the cohesiveness of the system as a whole, this jeopardizes the establishment of general safety and security within the institutions because this stress effectively transitions to the inmates as their services and treatment becomes limited.

### Supported Data Collection Notes

Within the data collection period for the research, the most thorough assessment of issues regarding the modern Norwegian Correctional system continued to circle back to financial stress and the A.B.E reform. Multiple informants for data collection echoed the sentiment of deterioration of exceptional procedures. Comments particularly highlighted how each prison now has different opportunities and programs, and in order to access a certain program or training, you would need to apply to transfer to that particular institution. Comparatively, in the past you would find that the entire catalogue of programs available to inmates would in fact be available at any prison a particular individual was assigned to. Additionally, there were reported limitations on education opportunities available when incarcerated. It appears that although you will generally retain access to some obligatory courses, one might find it difficult to access a

particular program stringency. It was also reported that there were case handling and processing delays that appeared to be a result of the previously mentioned stresses upon the system. As a direct result of the financial constraints, the Norwegian model of staged normalization (high security>low security>electronic monitoring) for some participants was either delayed, or the transition to low security entirely removed from the process.

Within several instances of the data collection for this research, it was emphasized that the Norwegian Correctional Service certainly “*would not* have survived” the stress of the budgetary constraints if not for the mass adoption of the Electronic Control operations agenda. To break down the budget differences, I was described the discrepancies in expenses when it comes to electronic control:

- 1,400,000 NOK/year per person average across all institutions
- 3,000,000 NOK/year per person in high security institutions
- 500,000 NOK/year per person on monitored Electronic Control

Essentially, Norway realizes a two-part benefit in leaning heavily towards a large precedent in electronic control agenda. One being the normalization aspects for those who get to participate in this alternative sentencing, but there is also a major form of savings to the state. However, as will be covered later in this study, this agenda does not come without its non-monetary costs to the system.

### Theorizing the Financial Issues

In order to better understand the issues and provoke deeper questions regarding the financial concerns of the Norwegian Correctional system, I will use the frameworks of the Exceptionalism and Abolitionism theories to contrast and contextualize the problem. Firstly, by using the Exceptionalism theory, the argument supplements the understanding that the Norwegian model derives its nature of excellence out of network of supportive institutions and elements, such as the availability of social and equitable resources, and public support and expertise. If anything, the current situation regarding the A.B.E reform and the deterrence of resources away from the justice system is an indicator of deterioration in the status of excellence. While the exceptionalism thesis is an adequate representation of the enduring vision and philosophy of the Norwegian corrections system, recent Norwegian criminology research suggests that the modern context necessitates a more nuanced and empirically grounded approach to rehabilitation and Nordic corrections. (Ugelvik 2023) The A.B.E reform, classified as a redistribution of finances

to state oversight, supports a claim of bringing about efficiency (by achieving the same work standard with less therefore increasing efficiency). (Svalund & Seip 2019) However, many criticize the A.B.E reform methods as being merely financial cuts disguised with the positive affirmations of an efficiency reform. (Sæbø 2023)

The Norwegian correctional system is effectively a state operated enterprise, and as such is therefore subject to the socio-political decisions made by that entity. The financial constrictions placed upon the Norwegian correctional system is one such aspect of political movement of which the system of justice is subject to under governmental power. The effect to which these movements can entice positive or negative change, is a situationally based answer. However, viewing this situation via the lens of Abolitionism theory would provide a valid counter-argument to the current financial issues. This can be viewed in the sense that a justice system completely devoid of government subsidiaries would therefore be financially invulnerable to the effects of such negative consequences as of the A.B.E reform; inflation, and apparent budgetary miscalculations. Additionally, the argument via Abolitionism theory would be that justice is too valuable an asset to place at the risk of de-prioritization and depreciation upon core efficiency. The theory places the value of such justice as necessitating a decentralized and local involvement, as to preserve its integrity. However, the Norwegian model of justice is a rather alternative approach compared to the global context, and I would argue that many of the ambitions of Abolitionism theory are actually met within this state-operated system. Nevertheless, within this situation where the Norwegian justice system is suffering because of state-based political decisions, this portrays the Abolitionism perspective as having certain credibility in a situation where the government is causing a detrimental effect to the system of justice being unable to function at core efficiency.

## 5.3 : Part II : Women's Plight in the Norwegian Correctional System

### 5.3.1 : Introduction

The representation of the female population in prison is considered marginal not only in Norway, but also across the global context. The reason for this being that crime is primarily committed by men, and the prison demographic for men vs women is an average of 93.2%-94.5% men and 5.5-6.8% women between the EU and the United States as major examples.<sup>63 64</sup>



The global average for women prisoners is 6.9%, with the highest percentage of female prisoners being in Hong Kong-China (19.7%), followed by Qatar (14.7%) and Macau-China (14.1%) as of 2022.<sup>65</sup> With this large disparity between the prison population in the west in mind, it is granted that conditional procedures of justice, rehabilitation, and incarceration will be angled towards men, as they constitute such a vast majority. However, women are indeed still a present demographic of the criminal community, and it tends to be the case that they are suffering due to factors of negligence and discrimination. These factors are what put women in states of vulnerability both within the prison and post-release, and lead to the issues this following chapter will cover. Research suggests that women in prison have more mental health problems than men, are prone to suffer from more severe psychiatric disorders, and have higher percentages of substance abuse issues than men.<sup>66</sup> They have more often been victims of abuse in childhood, have untreated mental health problems and substance abuse problems. Further, an even higher percentage of women in prison come from disadvantaged backgrounds than men do. (*Women in Prison* 2017)

Within this chapter, the research will cover some of the most predominant issues related to incarcerated women in Norway. Unfortunately, there is little research published on the subject within the state, and all notable publications have been made in very recent years. Although the topic has been around for quite some time globally, it appears as though it is only until recent decades that it is becoming the subject of wider discussion in Nordic research. This is likely due to the fact that the A.B.E reform appears to be only helping further exaggerate the problems faced by women in the Norwegian model of justice. (Sæbø 2023) Surprisingly, out of the few research articles wrote covering the subject, there are counter-arguments to this knowledge production, provided by Ragnar Kristoffersen who is a researcher at the University College of Norwegian Correctional Service. Kristoffersen has written more than one article which supplement a counter-argument which considers discrimination of women in Norwegian corrections to be rather a myth, and they are instead treated favorably.<sup>67 68</sup> However, given a macro-perspective of these issues, it appears that an overwhelming amount of support is put forward in the discrimination and neglect argument, and Kristoffersen is representative of a small minority that thinks otherwise.

### 5.3.2 : A Prevalence of Substance Abuse and Other Mental Disorders

In Norway, the gender divide is representative of 5.4% women and 94.6% men in 2024.<sup>69</sup> In addition, this figure has remained relatively static for over ten years.<sup>70</sup> More than 200 women are held in Norwegian prisons at any time. Globally, the number of women in prison has increased considerably in the recent decades, while it has remained relatively stable in Norway. (*Women in Prison* 2017) Despite having one of the smallest prison populations and lowest incarceration rates in the world, Norway's per-capita female prison population however, is one of the largest in Europe.<sup>71</sup> Although women currently within prison or a history of incarceration represent a very small minority, data shows that pre-mature deaths, substance abuse, and mental health issues are of concerning prevalence at the national level within Norway.<sup>72</sup> (Svendsen et al., 2023)

In regards to the equality of treatment between men and women, the interaction with prisoners is a subject with many dimensions, covering everything from how they are spoken to, to how the prison staff make operation decisions on an everyday basis in the institution. An especially prominent topic were experiences of unlawful discrimination. In the 2017 survey conducted by Ugelvik and Smith, roughly half (49 %) of respondents stated that there is too much discrimination in the prison they served time in. However, it was determined that women and foreign citizens have experienced this to a far greater extent within the Norwegian prisons. (Smith & Ugelvik 2017) The general consensus being that they felt inaccessibility and non-provision to the same services as others, therefore not having the same potential opportunities to progress during the sentence period.<sup>73</sup> This unequal division appears to be an issue which is linked to the organization and development of service programs based on treatment of the primary population of criminals and inmates: Norwegian males. International research shows that the low number of women in prison compared with men often leads to the prison administration and prisons in general being organized upon the basis of accessing the needs of male inmates. (*Women in Prison* 2017, p.8) This is then reflected within prison architecture, security, available activities/resources and health services, among other factors. Issues of discrimination recognized to be at play within the Norwegian prison context for female inmates include the physical environment, sense of security, activities, health services and even contact with family. (Smith & Ugelvik 2017)

Possibilities for physical activity are of a particular importance for mental as well as physical health during sometimes long periods of imprisonment. Some institutions of mixed-gender prison populations have separate exercise yards for the women, yet they are smaller and not as well equipped as the men's yards. Further, female inmates in a general have a high risk of requirement to serve their sentence in prison institutions distanced from their families and their children because of the low number of suitable prison locations for women. (*Women in Prison* 2017) Women additionally risk the potential of having to serve in prisons with a higher level of security than their case mandates, due to the limited number of places available. Women serving in mixed gender prisons carry the increased risk of unwanted attention or sexual harassment by male inmates. (Smith & Ugelvik 2017) Obviously, these concerns are not a conscious neglect on the part of the Norwegian Correctional department, rather the discriminatory effect appears to be simply a byproduct of treatment efficiency standards even at the global scale. However, this does allude to a potential negligence of service programs which encompass a holistic view of the prison population, and certainly contributes to a shortfall of proposed standards of exceptionalism, when it comes to the case study of the Norwegian model.

Issues of psychiatric disorders and mental health have been at an alarming prevalence within the women's prison population of Norway. Although this is not a new occurrence, these issues are demonstrated as containing sparse research upon the subject. Female inmates often have other health problems than men, which therefore require different attention to health services. (*Women in Prison* 2017) Due to the previously mentioned operative design of prisons catering to men, this often becomes represented as prison institutions being ill equipped to handle women's health services. The data from which this research relies upon majorly consists of the findings from Svendsen et al.'s register-based study of women in the Norwegian prison system in 2023. Within their report, these researchers acknowledge only one other report as having similar relevance, which is a Swedish-based study on psychiatric disorders and mortality after prison by (Chang et al., 2015)<sup>74</sup> What the Norwegian study adds to the Scandinavian literature is the inclusion of dual disorders and data which is collected over an observed time of 10 years in sentencing and psychiatric morbidity. Svendsen et al.'s study is proposedly limited by the requirement of Norwegian personal identification numbers, as the participants within the research needed to have some form of Norwegian residency, and excluded those who did not have an identification number. Therefore, these researchers acknowledged that the results of their

study would be slightly shifted if retaining inclusivity of the entire prison demographic for Norway. However, this does not in the slightest detract from the validity of the call-to-attention regarding these issues for the state.

While the psychiatric morbidity among women serving medium to long sentences has remained high and relatively stable since 2010, the observed increase in both psychiatric morbidity and mortality rates are most pronounced among those serving either a short or short-to-medium sentences. (Svendsen et al., 2023) Additionally, the proportion of women entering prison with a recent history of mental health problems has increased rapidly over the last decade. Women have demonstrated greater susceptibility to vulnerable states of health both within prison and post release, as is in most cases these issues are enabled by pre-existing conditions which affect them. (Svendsen et al., 2024) Svendsen et al.'s research points out that the high rates of comorbid psychiatric conditions among women, especially the co-occurrence of substance-use disorders with other psychiatric disorders (so called dual disorders) are of particular concern for the modern Norwegian corrections system. Further, research shows that female inmates definitely have more extensive substance abuse problems than their male counterparts when compared with the general population. (Svendsen et al., 2024) This makes it particularly important to establish substance abuse rehabilitation measures especially adapted for this group. Stavanger, Bergen and Drammen prisons, among others, have stated that they have limited to no services for women comparatively to men. (*Women in Prison* 2017) See [figure 6.b](#) below for the statistical data analysis of the gender divide between pre-existing conditions of mental health and psychiatric issues as per the results of register-based study by Svendsen et al.

	Women	Men
	n = 5,429	n = 45,432
<b>Demographic variables</b>	n (%)	n (%)
Median Age (IQR)	37 (28, 46)	34 (26, 45)
Low Income Background	3,085 (58)	23,457 (53)
Low education	1,706 (31)	14,250 (31)
Non-Western Background	684 (13)	8,037 (18)
Parent to underage child(ren)	2,365 (44)	16,517 (36)
<b>Variables regarding incarcerations</b>		
History of more than one incarceration	1,019 (19)	12,909 (28)
Median Sentence Length, days (IQR)	30 (20, 77)	49 (23, 121)
<b>History of psychiatric disorders<sup>a</sup></b>		
At least one psychiatric disorder	4,075 (75)	26,666 (59)
Alcohol and Substance Use Disorder	3,031 (56)	19,394 (43)
Alcohol Use Disorder	1,413 (26)	10,031 (22)
Drug Use Disorder	2,614 (48)	15,576 (34)
Any Dual Disorder	2,056 (38)	10,911 (24)

**FIGURE 6.b** <sup>a</sup>Over the observation period (10 years)

*Data from a register-based study which demonstrates the differences in gender demographics for psychiatric diagnosis and other preliminary factors of (total) Norwegian inmates from 2010 to 2019 71*

Following the results of the study, one can see that both women and men have consistent rates of demographic variables with the exception of parentage to underage children. However, when observing the factors under history of psychiatric disorders, the rates of women who suffer from both issues of mental health and substance use are comparatively much higher than to males. The rate of psychiatric, substance, and dual disorders is highly prevalent in Norwegian prisons for both genders, but is much more acutely prevalent for women: a cause for serious concern. Any individual that is in prison with severe mental health problems, such as dual disorders, are more likely to also have other social, health, and behavioral problems, such as recidivism, increased risk of self-harm, overdose and suicide. (Svendsen et al., 2023) Given that the prison institutions in most instances do not provide an ideal environment for treating or managing people with substance use disorders and/or mental illness, the accumulation of women with severe psychiatric conditions in prison represents a significant public health concern for Norway. A declining prison population notwithstanding, women who have the most severe cases of substance use and/ or other mental health problems, and more likely requiring more support from health services rather than a prison term, are still being sentenced. (Svendsen et al., 2024)

In Svendsen et al.'s publication, the research reflects upon prospective answers to issues for women in Norwegian prison. In essence, they encourage the awareness of law and policy makers as well as the providers of health care and correctional services, not only to be more perceptible to these issues but also to strengthen means of communication between these

branches. Particular attention is drawn to the potential implications of this scenario, and how these issues could evolve should they continue to be overlooked. As such, they offer that the correctional institutions may need to scale up their psychiatric and psychological treatment capacity. Additionally, it is suggested that increasing of staff awareness and competence in mental health and dual disorders in the prison context would be a great place to start. Finally, the research pursues encouragement of enhanced co-operation between health and correctional services, as is necessary for measures to facilitate appropriate levels of health care both during and after imprisonment.

According to a study of inmates' growing up conditions, four out of ten inmates have been mistreated growing up, and the proportion is significantly higher among people who have served previous sentences than among those who are serving time for the first time. (Loesche & Richter 2017) Male and female inmates both state to an equal extent the exposure to physical and psychological abuse prior to serving their sentence, but a number of surveys show that women have been to a significantly greater extent exposed to sexual abuse. (Svendsen et al., 2024) According to a study carried out in three women's prisons in Norway, 57% of the female inmates had been exposed to sexual abuse as adults, and 42% had been exposed to sexual abuse as children. Research shows that women struggle with anxiety and depression to a much greater extent than men before serving time.<sup>75</sup>

### 5.3.3 : The Case Example of Bredtveit Prison

Within Norway, there are three correctional facilities exclusively for women. Additionally, four prisons have permanent capacity reserved for women, with a handful of other prisons accepting women in a needs-based context. The largest of the three exclusively female prisons is Bredtveit, with forty-five places for women.<sup>76</sup> It is a well-documented fact that Norwegian prisons have a problem with old premises, and in particular several of the women's prisons are located in old and unsuitable buildings. (Høidal 2023) Bredtveit Prison is where a 25% average of the female inmate population serves in Norway, and in recent years become a subject of discussion regarding several cases of improper prison facilities, as well as other surmounting critical health concerns. Bredtveit Prison's history as an institution began as a correctional institution for women began after World War II, whereas during the war it was

occupied by Nazi Germany and used as a political prison. Prior to this, it was a planned juvenile center that never became operationalized.<sup>77</sup>

It was reported that during some recent visits to the prison by the Minister of Justice and Emergency Preparedness Emilie Enger Mehl, which has revealed critical and even life-threatening conditions for the women inmates at Bredtveit prison. Further investigation of Bredtveit has been conducted by Mehl's "Prevention Association against Torture and Inhumane Treatment by Detention", a subsidiary group of the national Ombudsman that was established in 2014. The purpose of this group is to visit and investigate all of correctional facilities in Norway to attempt to prevent poor conditions for the inmates. (Geelmuyden 2023) Much of the following information has been gathered using the published report by this association in 2023. In addition to this, Bredtveit prison has been gaining the attention of several other Norwegian media outlets and criminality research organizations which have of late been highlighting the extreme concerns due to health, improper management, and other intermittent factors. This portrays a major current issue for both Norwegian Correctional Services as well as a serious risk for women currently serving time at the institution. It is important to note that all following issues have become further bolstered by the budget cuts of the A.B.E reform.<sup>78</sup>

#### Improper Facilities

The first of several critical issues with Bredtveit is that the building facilities are considered to be at a highly unsuitable state, not being up to modern standards for a Norwegian correctional institution, even in the general habitable sense. In reports based from the parliamentary Ombudsman's 2017 publication titled *Women in Prison*, the prison is cramped and the cells being difficult to clean and maintain. The former boys' home is not constructed in line with the requirements of a modern penitentiary.<sup>79</sup> Bredtveit Prison is located on a large plot of land, however, the main exercise yard is reportedly small and poorly suited for activities and forms of exercise other than basic ball games. Within the civil Ombudsman's report, upon collecting survey data many inmates expressed dissatisfaction with the exercise yard. Bredtveit's plausibility for physical activity is acutely deficient comparative to the big prisons for male inmates that Emilie Mehl had visited. (*Women in Prison* 2017) The yard is reportedly very restricting in relation to the space necessitated by outdoor activities, essentially limiting any activities which require running. Comparative to the other prisons visited by Mehl, Bredtveit Prison had a greater variety of tasks available for work, but also only provided a limited range of

work activities. (*Women in Prison* 2017) Since 2018, the prison has more than tripled the number of placements in security cells, the most invasive form of isolation a prison can implement. A security cell is a small cell with only a plastic mattress and a toilet on the floor. Food and water are pushed in through a hatch in the floor and it is not possible for the inmate to wash themselves. Most of the communication between the inmate and staff takes place through small hatches or plexiglass barriers. (Geelmuyden 2023)

#### Inadequate Mental Health Treatment

Echoing the previous section on women's mental health in Norwegian corrections, analysis of Bredtveit Prison has confirmed that a large majority of inmates describe poor mental health, either for short periods, or over time. According to the prison health service, there has been an increase in inmates with extensive mental health issues in recent years. (Geelmuyden 2023) Bredtveit is the largest high security female exclusive prison in Norway, and therefore receives inmates with such extensive mental health problems from all over the country. Although prison staff has allegedly cooperated well with the prison health department, recent reports confirm that there appears to be insufficient resources to properly handle inmates suffering from serious mental health issues, not to mention rehabilitate them.<sup>80</sup> This has been confirmed in the Ombudsman's Association for the Prevention of Torture interviews with prison officers. (Geelmuyden 2023) The health service pointed out that an increasing number of inmates with more extensive mental health problems has highlighted the need for a separate enhanced section that would have a greater capacity for accommodating the needs of this group. (Geelmuyden 2023) The fact that these objectionable conditions at Bredtveit have not been sufficiently followed up by superior authorities gives cause for concern that these issues also reflect wider challenges in the correctional system as a whole, for both men and women.

#### Staffing and Management Issues

At Bredtveit prison, the buildings have a need for greater staffing than is currently available at the women's prison. (*Women in Prison* 2017) In the parliamentary Ombudsman's report, many inmates pointed out that the constant rotation/replacement of officers and the high use of substitutions, have made it increasingly difficult to establish positive relationships with the staff in the prison. Many of the conditions uncovered by the Civil Ombudsman appeared to be directly caused by weaknesses in the staffing and management of the prison. (Geelmuyden 2023) At the time of the report as well as recently, the staffing of the prison has been so low that



unplanned absences effected serious consequences for the operation and thus directly affected the inmates.<sup>81</sup> It is clear that staffing challenges have directly correlated to the cancellation of rehabilitative measures such as activation, access to fresh air, meaningful human contact and activities, simply because there is not enough prison staff to enable these activities. (Geelmuyden 2023) Additionally, medicine handling at Bredtveit prison has been irresponsible, posing a risk to the inmates' patient safety. In cases where the officers contacted the health department to request more medication after it had been “misplaced”, no reason was given except as lost or reported deviation. (Geelmuyden 2023)

#### Over-Isolation

Within Bredtveit, there was reported use of excessive solitary confinement which can cause health damage even after a short time, and the negative health effects can persist long after the isolation has ended.<sup>82</sup> People who are young, have mental health problems or developmental disabilities are particularly susceptible to developing injuries from isolation. (Geelmuyden 2023) Additionally, the prolific use of isolation in penitentiaries has been linked to highly increased rates of mortality after serving a sentence, a problem which incarcerated Norwegian women are shown to be susceptible to.<sup>83</sup> (Svendsen et al., 2024) In the period 2018-2022, Bredtveit’s records had registered a doubling of inmates who were isolated in their own cells. The prison's work to prevent negative health effects of isolation was found to be inadequate in the report by the civil Ombudsman. (Geelmuyden 2023) Upon investigation, the Association for the Prevention of Torture found almost no documentation that inmates who had been excluded from the community (isolated in their own or reinforced cell) had been offered social contact that met the minimum requirement of two hours of meaningful human contact a day.

Section 49 of the Execution of Sentences Act states: “Inmates have as far as practically possible access to participate in work, training, programs or other measures.” The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment recommends that prisoners be allowed to be out of their cell for at least eight hours each day, engaged in meaningful activities. (*Women in Prison* 2017) Granted, some prisons in Norway are having difficulty complying with these recommendations. However, recent publications suggest that the conditions within Bredtveit prison fall much further below the recommendations for time outside the cell, as well as the stipulations of the previously mentioned Section 49 of the Execution of Sentences Act. Further, no examples of inmates in security cells having been allowed to go out

into the fresh air were found by the Ombudsman's prevention association, not even when they had been there for several days. (Geelmuyden 2023) The visit and subsequent documentation review revealed that the prison does not adequately comply with the requirement that inmate isolation should only be used in particular or extraordinary cases: as a last resort and for as short a time as possible. Throughout the report by the Ombudsman's prevention association, the prison appears to lack understanding of the great health risk that over-use of isolation can cause, and of the limits set by legislation. (Geelmuyden 2023)

#### Suicide and Self Harm Incidents

Finally, there had been several suicide attempts at Bredvjet Prison, in addition to a massive amount of self-harm incidents. Between the years of 2018 and 2022, Bredtveit prison recorded a twenty-fold increase in self-harm incidents. (Geelmuyden 2023) Further, there has been extensive and critical failure in efforts to prevent suicide and self-harm. In the year 2022, 145 incidents of self-harm related to 14 inmates were registered in the report by the Ombudsman's prevention association. (Geelmuyden 2023) Overall, the prison's work to prevent suicide and suicide risk has been reported to be deficient, unsystematic and not based on concern for or knowledge of general health. Additionally, the continued attempts to gain support to alleviate the situation have appeared to fall through. (Hauge & Bråten 2023) This contributes to increasing the risk that the prison does not fulfill its obligations to treatment, ensuring the inmates' "right to life" in the Norwegian context. In the 2023 report, most of the inmates spoken to expressed strong frustration and concern about prison conditions and experienced everyday life as unpredictable at best. Many inmates confirmed that the additional burden of a psychologically unstable environment, along with the conditions of inhumane treatment to be a very difficult experience while serving time. Further, inmates disclosed that being within close proximity to inmates who harmed themselves, and/or struggled with mental disorders caused a detrimental effect upon their own mental health. Conversations between the prevention association and the interviewed inmates told of long periods where they heard sounds of inmates banging their heads on floors or walls, kicking cell doors and fixtures, or screaming and crying loudly. (Geelmuyden 2023)

#### Supported Data Collection Notes

During the data collection phase of this research, it was continually stressed by formal and informal conversations how necessary it was to explore women's issues in the Norwegian

correctional system context, and the importance of a gendered perspective in this investigation. Although the discrimination of female prisoners is not necessarily a new topic of discussion within Norwegian justice, I believe that in tandem to the constraints and emerging concerns as a result of the A.B.E reform, the Norwegian justice system has seen a critical increase in the detriments of women across the correctional institutions as well as in post-release. Out of the participants for data collection, 2 out of the 12 interviews were with women, and both individuals recited a nearly identical account of current issues for women in Norwegian prisons. In addition to this, several of the non-participant informal data sources for this research pointed to the intense situation for women's mental health and self-harm incidents. What this has appears to have demonstrated is that not only are there serious concerns regarding the conditions and well-being of women in the Norwegian justice context, but attempts to mitigate these issues are not meeting with success.

Primarily, the data points via the semi-structured interviews for this research saw focus upon the psychological environment for women inside the correctional institutions, as well as concerns for what is happening at Bredtvet prison.<sup>84 85 86</sup> Therefore, it appears that there is a negative cycle of maltreatment and neglect for women progressing through treatment within the Norwegian justice system, and it remains an issue that hopefully garners more attention due to the increased stresses of the A.B.E reform. Research suggests that for the Norwegian context there have been several serious incidents, as well as several warnings from both staff and prison management on behalf of what is perceived as an increasingly disadvantaged and sick group, who neither get the help nor the framework they need in prison. In the worst-case scenario, the state will continue to lock up women with critical and lack of treatment mental disorders without recognition before it is far too late. With this knowledge of the full extent of mental disorders that female inmates bring with them into prison, it is unfortunately not surprising to read that things are going very badly for them inside the prison institutions. (Smith & Ugelvik 2017)

#### Theorizing Women's Issues in Norwegian Prison

In order to conceptualize the problem from the point of theory, I have selected Crenshaw's Intersectionality theory to provoke a deeper understanding of the issues at hand. As previously described, the intersectionality theory provides a means to relate a particular issue via the different advantages and disadvantages of a person or group based upon the intersectional values of identity specific to race, class, gender and sexuality. (Cooper et al., 2015) What has

become a growing concern for women's status within the Norwegian justice model is undoubtedly linked to a question of discrimination via inequalities between the genders. This discriminatory effect has manifested itself throughout the previously covered aspects of neglect such as the lack of oversight, treatment, reintegration, and overall recognition of a serious threat to this minority group within the Norwegian prison population.

In applying an intersectional analysis to the issue, there are a couple of considerations to take into account. First of course becomes the largest dividing characteristic being gender, but below this there is more to the equation. Why this group has effectively been marginalized in this justice system is a factor that relates to the heteronormative principles in the Scandinavian practices of "normality" in justice, which further is defined by aspects of sexuality, safety, privilege. In the case of mixed-gender prisons, the normative power and social practices at work fosters an environment where women report being coveted as sexualized objects, and the only way to escape this they need to seek out male protection from other males to escape the harassment. In this way, they represent a type of being in prison which is both agentic and kept within the legitimacy given by the heteronormative frame (seemingly with repressive elements) because they need protection from other males and from isolation, respectively. (Smith & Ugelvik 2017)

However, it can be argued that whether and how gender equality is actually established and practiced within the prison context is intimately connected to the ratio of men to women in each prison. It also depends on the professional practices in that particular prison context. It is therefore important to consider how this professional philosophy is co-constituted with assumptions about gender, normalcy and underlying causes for women being incarcerated. (Smith & Ugelvik 2017) However, often the women who are unsafe in mixed-gender regimes require services and possibilities that remand facilities cannot provide. So, re-locating such vulnerable women may harm them even further. The so-called principle of normalization draws heavily on a heteronormative conception of 'normal' gender relations— women are supposed and expected to live with men because it is normal and reflects life outside prison— but this ignores other ways of expressing sexuality (femininity and masculinity) such as being gay, lesbian or transsexual. In addition, some Nordic research argues that mixing genders in prison can foster a more relaxed atmosphere, and establish a form of normality. (Smith & Ugelvik 2017)

The issues women face within the Norwegian justice system context represent a multifaceted problem which extends beyond the interiors of the prison walls to the societal effects and upbringing of a given individual. Granted, Norway places second best in the WEF gender-equality rankings for countries world-wide, only behind Iceland.<sup>87</sup> However, no matter how progressive the effects of equality in Norway between the genders, there is still going to be forms of abuse and discrimination that effect that smaller percentage of individuals, and it is this very group of women that are ending up behind bars. Rather, because the group being of such a small proportion of marginalization, this effect potentially acts as a contributing factor to the neglect which manifests itself in the issues discussed in the previous chapter.

Of the points that were collected within data yet not necessarily demonstrated within other analyzed research, is the issue linked with women having to share prison facilities with men as a result of the low availability of female-exclusive institutions. On the surface, co-gendered prison facilities while not necessarily practiced elsewhere besides Scandinavia, may not appear to be such an issue within the context of Norway (due to the progressive system of justice and general society). However, I would argue that serving time, akin to therapy, treatment, and rehabilitation, can be a task made more difficult by adding a co-gendered element. By this I mean to say that for the women it becomes a potential safety issue, having to remain in a sort “fight or flight” or on-guard condition when out of the cell. It has been reported that at least 25% of women who serve time in facilities that also have men have experienced harassment during incarceration, and these are just the numbers relative to those who report the abuse. (Smith & Ugelvik 2017) In addition to this, in general it is easier for one to be open about personal issues, health concerns, or various other personal elements when surrounded by the same sex. This is often why therapy work can operate under a single gender admittance.<sup>88</sup> Regarding a mixed gender prison facility, the statement ‘Women have a calming influence on the male prisoners (and female officers have a calming influence on the prison atmosphere)’ is often used as a form of complacency. (Smith & Ugelvik 2017) On this line of argument, women are positioned as instruments to facilitate a pleasant atmosphere. It seems unlikely that using one sex as a ‘tranquilizer’ in this way supports the ambition of equality between the sexes. According to Butler, prisoners who do not adhere to these stereotypical gender expectations risk becoming non-existing because they violate dominant norms of how to do both “man” and “woman” in prison. (Smith & Ugelvik 2017)

## 5.4 : Part III : Duality of Positive and Negative Aspects : An Emphasized Reflection upon Data Collected

### 5.4.1 : Introduction

Within this final chapter regarding the Key Findings of the research, there will be a focus of reflecting upon the more nuanced implications found in data collection. A general trend observed within data analysis portrayed some of the major aspects of normalization within the Norwegian justice system as having potentially both negative and positive connotations concurrently. The following chapter dedicates a review to some of these metaphorical “doubled-edged swords” in finer detail, as well as other concluding take-aways regarding data collection. The following chapter is representative of my personal implications regarding data, and although research which paralleled these views points were scarce, there indeed was confirmation found amongst other studies conducted.

### 5.4.2 : The Electronic Control Agenda

The modern example of the Norwegian justice system is one that has shifted large emphasis upon electronic control monitoring, (or ankle bracelets which report the offender’s location to the authorities) regulated by the respective probation offices across the state. This agenda is made in the attempt to keep the offenders, when possible, from necessarily requiring a sentenced stay in the prison institution rather preserving the individual’s connection to their family, jobs, and larger community. (Høidal 2023) An increasing number of individuals who are sentenced to prison never actually end up spending time inside, due to the rapid increase in the amount of people who are serving their sentences in full with on electronic control monitoring. (Ugelvik 2023) The use of electronic control increased by 50% from 2014 to 2021, with a total of 3692 men and women, sentenced to imprisonment, serving their entire sentence at home with an electronic tag in 2021— not by any means an insignificant number of people, compared to the 5855 prison entries that year. This has contributed to a significant drop in the mean number of people in prison from 3850 in 2016, to 3072 in 2022. (Ugelvik 2023) In addition to the proposed humanitarian benefits of agenda rollout efforts made by the Norwegian Correctional Service, there is also the incredible benefit in difference of cost to the state when an individual does not

require a sentenced stay at the prison facility.<sup>iii</sup> Additionally, the large implementation of the Electronic Control agenda is what has enabled the Norwegian Correctional Service maintain base-level operative function in result of the A.B.E reform measures. To reiterate this important fact, without the large-scale rollout of this home-probation style of punishment, there allegedly would have been an increasingly detrimental effect upon Norwegian justice and correctional services to the point of severe destabilization as a result of the A.B.E reform.<sup>89</sup> (Høidal 2024)

The electronic control rollout arguably has, and continues to be a positive influence upon some forms of humane standardization within the Norwegian model. The fact that Norway as a state is willing to allow offenders to remain within the community post-conviction says a great deal about the willingness to preserve these individuals “right-to-life”, and additionally demonstrating an investment of trust and belief in rehabilitation by the state. Within the data collection phase of this research, there did not appear to be any particular negative viewpoints against the implementation of the electronic control. Concerning data collection at the Wayback site in Oslo, a theme demonstrated was as an organization, Wayback declares support the electronic control sentencing.<sup>90</sup> Further, it was communicated that they support this agenda regardless of the severe drawbacks, although I was assured of the awareness regarding detrimental factors. In summary, it is hard to pinpoint whether that the home-probation style of sentencing on the macro-level potentially is affecting more positive or negative effects within the system, although it remains pertinent that Norway is aware of these factors before further rollouts.

However, it is clear there appears to be a pressing need for a tighter focus upon Norwegian policy-making to re-examine the effects of the electronic control rollout specific to the prison environment. At the very least, an allegedly exceptional system certainly should not neglect a marginalized prison population at the cost of benefiting those on electronic control monitoring. Within Norwegian criminology research, as well as being echoed by the trends of data analysis for this study, it was demonstrated as a necessity for an increased speculation, especially regarding media and research focuses, upon the use of electronic control in the Norwegian correctional system going forward. (Andersen & Telle 2019) The electronic control agenda needs to be viewed both on how it comes into practice, and not least on how this has

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<sup>iii</sup> See section 6.2.3 under ‘Supported Data Collection Notes’ for the cost differences between electronic control and prison

radically changed the Norwegian prison population demographic. (Andersen & Telle 2019) By staying connected to their lives outside prison, those who are able to serve their sentence on electronic monitoring are indeed in a better position to retain their livelihood and reintegrate into society successfully. However, while this is good on the surface level, one might inquire what is happening with those still required a sentenced prison stay?

Although the inmate population in Norwegian women's prisons has likely at all times had a majority of people from marginalized or vulnerable backgrounds, it has equally changed considerably in the last 10-15 years: from consisting of a relatively heterogeneous group of people from all walks of life to a prison environment predominantly characterized by the resource-poor, alongside substance abuse and psychiatric problems. (Andersen & Telle 2019) Similarly, a parallel effect is happening within men's and mixed gender institutions as well. In essence, what electronic control monitoring is effectively doing is taking many of the more "normal" or "general" criminal offenders and removing them from the prison population that are inside the walls. Those with more light crimes or sentencing appear to almost always be deferred to the home-probation sentencing. Meanwhile, the offenders going to prison are more often those who suffer from greater forms of trauma, substance and other forms abuse, as well as psychiatric conditions. (Svendsen et al., 2023) What this equates to, is prison environments progressively becoming spaces which are characterized by institutionalized mindsets, alongside psychological issues being in excess. These conditions are what leads individuals to experience an adversely negative reaction to serving their sentences within prison, and rampant issues among these inmates tend to only exponentially increase when grouped in concentration within the prison population. Home probation has completely changed the rules of the game for prison probation, and by all accounts will be used more and more. The correctional service must nevertheless realize that many of the most vulnerable offenders still end up in prison. (Andersen & Telle 2019)

#### 5.4.3 : The Reintegration Principle & Post-Release Problem

An additional aspect of rehabilitation one might expect to see in an allegedly exceptional rehabilitation-oriented penal system would be a focus on throughcare and post-release help and follow-up. However, it may therefore come as a surprise to hear: inmates, as a rule receive no



follow-up at all from the correctional services in post-release. A small minority, typically repeat offenders who have served long sentences, do get mandatory post release supervision, but only if they are given early release. (Ugelvik 2023) During the data collection period for this research, I was introduced to the concept of the “Paper Bag” analogy. What this metaphor portrays is the general understanding of how upon release, an individual is left with virtually no follow up or connections to look to in this time of vulnerability. The paper bag analogy illustrates a picture of what the typical post-release support from the state upon release looks like: a depiction of the inmate’s belongings in a paper bag, and sent on their way without anything else to guide them from returning to their old criminal life. This symbolism is what was used to describe the extent of Norway’s rehabilitative efforts upon completing the sentence, quite literally it ends synonymously with the sentence.

Norwegian Correctional Service maintains the principle that the punishment is settled when the sentence is completed. This principle implies that people should be considered as “treated”, “free” and “ordinary” citizens upon completion of the term of sentence. Effectively, this works to ensure that prisoners will normally face fewer legal restrictions upon release, in general terms of where they can relocate, who they can see, and what they can do post-release. (Ugelvik 2023) For instance, Norwegian employers as a general rule have very limited access to the criminal records of potential employees, unlike other countries. This kind of information is not publicly available, and only a few specific kinds of employers such as schools, kindergartens, et cetera—may request access. Even in these cases, the employers will be given selective information about few offence categories only such as violent and sexual offences; namely, they will not receive a full transcript of the criminal record. (Ugelvik 2023) What this demonstrates is an additional point of evidence which portrays the incredible dedication to the trust in rehabilitation of treatment.

Recent research on Norwegian criminology has acknowledged that people don’t always feel that their punishment is settled after their release, and that they often also struggle to return to ordinary life and to experience inclusion through work or in their local communities. (Ugelvik 2023) To put it different perspective: people are legally free and legally unhindered when the punishment has been completed, however their formal inclusion does not mean that people necessarily feel substantially included in society. The fact that the punishment is viewed by the state as settled when the punishment is completed is, arguably, a defensive principle: it defines

what the Correctional Service proposedly should not do (to continue to interfere in peoples' lives and liberty), but it says less about what the system should actively do to promote inclusion. (Ugelvik 2023) It is possible that a more proactive approach in staying connected to the offenders might hold a wider rehabilitative promise and potential. However, it is also clear that the current defensive detachment approach prevents the Norwegian state from establishing the kinds of supervision arrangements, restrictions and legal barriers that have been shown to effectively hinder societal reintegration and post-release inclusion in many other jurisdictions. However, independent of evaluation, Norwegian research points to most people in agreement that this lack of supervision, follow-up and support post-release fits poorly with what one might expect of an exceptionally rehabilitation-minded penal system ideology. (Ugelvik 2023)

One trend remains consistent among both corresponding research as well as the data collected for this study: there appears to be a considerable dilemma concerning the “paper-bag” analogy, and continuously there are individuals who complete their sentences only to be thrown back out into a world that is often abrasive and unwelcoming. (Andvig et al., 2021) How the individual manages to re-negotiate their criminal past and handle their new identity in encounters with the outside world is a critical point in the re-entry process. (Ugelvik 2023) A criminal's point-of-view which may perceive authority and society as actively working against them, is an issue most likely out of reach regarding a treatment process of prison rehabilitation, and probably requires more of a personal and proactive transformation in perspective. However, the ability to provide forms of support and networking to these individuals post-release is not intangible for the Norwegian Correctional Service. The argument of state involvement and monitoring in individuals lives post-release can be easily be viewed both in a positive and negative connotation. Nevertheless, what needs to happen is optional post-release through-care, and potentially some additional forms of social support should the treated person desire it at the very least. It does strike an interesting contrast that the Norwegian in-depth practice of dynamic security (having the prison staff connect with inmates on a deeper emotional level) in comparison to when these individuals are done serving their time, there is no follow-up in these new relationships. In consideration of the previous discourse, it can be portrayed that the Norwegian Correctional Service is found somewhat lacking in regard to this issue, and it necessitates some sort of adaptation in order to amend this fall-through of (exceptional) support.

The “reintegration guarantee” emphasizes the importance of individually accommodated re-entry work with the aim of reintegrating prisoners to the community with enhanced chances of living a law-abiding life. How prisoners have to behave to earn their rights, and how they experience their opportunities to participate in decision making processes, is critical for understanding how re-entry works. The legitimacy of a criminal justice system is constituted to a large extent through actual encounters with those who represent that system. (Smith & Ugelvik 2017) This relationship between individual treatment and equality of treatment poses a dilemma throughout the welfare state’s service provisions generally, but gains particular significance in the prison context, where inmates are in a relatively good position to compare their own treatment with that of others (Mathiesen 1965; Sparks and Bottoms 1995). (Smith & Ugelvik 2017) However, research points out that many describe quite the opposite dynamic: stating that as a prisoner, it was easier to gain access to eligible services and benefits than it was as a free citizen. They felt they were treated with a respect and consideration in prison which was lacking in the outside world. (Smith & Ugelvik 2017) This point was demonstrated concurrently within my own data for this study, where both formal participants as well as informal conversations described a life that was much simpler and more predictable within the penal institutions, where upon release the weight of societal obligation was considered to be a crushing and overwhelming force.<sup>91</sup>

#### 5.4.4 : Individuated Treatment Plans

One unique aspect of Norwegian Justice is how sentencing and authoritative decision-making processes, in regards to the treatment of an individual, can be tailored specifically to a particular person’s needs and judicial assessments. The evolution of this characteristic I would attribute to having both a direct relationship to Norway’s rehabilitative efforts in justice, as well as likely a result of having a smaller percentage of crime-rate, allowing less standardization and more individualization of the justice and treatment procedures. Julian (name changed for data privacy reasons) is a district judge in Tromsø Municipality, and represents one of the participant data sources of this research. One of the hallmark points covered in my conversation with Julian, was his commentary on the judicial processing abilities of Norwegian justice. Julian mentioned that a remarkably good sensation can come from his work as a judge when the justice system is really actually able to help someone specific to their needs, and you as a justice worker become a

part of this successful process.<sup>92</sup> He attributed the sometime successful justice and treatment procedures as resulting from the ability to adapt individualized treatment plans in procedural justice. (Julian 2024) Individualized treatment as a characteristic of Norwegian Justice for the most part can be viewed as a positive influence upon the procedures and outcomes of justice. Through the process of individualization, judiciary officials in some circumstance can attempt to steer a particular criminal down a treatment path that may include special attention to their traumas, dependencies, and other pre-existing conditions as examples. Additionally, they can decide if someone should actually go to prison or not, due to their potential mental health or other concerns.

There are a range of examples of how special treatment can have a profound impact on the prisoners' change process. Gendered constructions of victimhood can be emphasized as a mitigating circumstance by the court because they are more likely to view female offenders as victims of bad health or social conditions than men. (Smith & Ugelvik 2017) Considering this, efforts are required at many different levels, and in many different areas before one can say that treatment conditions are equal for men and women under the responsibility of the Correctional Service. (*Women in Prison* 2017) At the same time, there remains a great importance and inherent value to individually accommodated decision processes that take the specific needs of the inmate into consideration. Recent research confirms that rehabilitation in some institutions is deeply embedded in the penal practices and that staff at treatment wings seem committed to maintaining what can be characterized as "exceptional" and humane procedures. (Smith & Ugelvik 2017) The wide range of approaches and extensive use of discretion makes it possible to enable inmates to feel that their specific needs are often borne into consideration, and not their risks to reoffend. (Smith & Ugelvik 2017)

However, what this individualization potentially means is that significant discrepancies can arise with regard to who gains access to different procedural and treatment measures. This procedural arbitrariness, as a structural feature of the welfare state, may have major consequences for the intrusive use of repressive state power against individuals. (Smith & Ugelvik 2017) A high level of individualization in sentence implementation is undoubtedly problematic when considered in prospective view of the equality ideal of criminal justice, namely that particular types of offences should be punished in a standardized way. (Smith & Ugelvik 2017) Procedural justice concerns whether the decision-making process is adapted to the

abilities, needs and potential the individual possesses. Procedural injustice has the potential to arise through important decision-making processes linked to the sentence conditions being left to the whims of chance, resources, favoritism or personal characteristics. (Smith & Ugelvik 2017) In the study published by (Smith & Ugelvik 2017), individual discrepancies between decisions that were to have serious consequences for an individual's sentence conditions were perceived as unreasonable. Convicts reacted in particular to situations where the decision-making processes did not appear to be neutral, leading to an ungrounded inequality of treatment. Instances of treatment that can contribute to feelings of inferiority and powerlessness cover a wide range of situations; everything from being addressed in an offensive manner to "micro-humiliations" in everyday contexts, where staff either ignore, or are slow to respond to, the inmate's enquiries. (Smith & Ugelvik 2017)

#### Theorizing Positive & Negative Aspects

Using the conceptual framework of Transformative and Restorative justice in theorizing the forementioned aspects of the Norwegian model of justice, there are certainly some correlations between these concepts. As previously mentioned within the chapter which describes the Transformative/Restorative framework, these approaches to justice are quite similar, branching from a similar goal-oriented process of achieving conflict transformation through justice, rather than perpetuating a cyclical negativity within society. When analyzing the concepts of positive and negative duality within the Norway model, one thing appears to be a theme across them all: an upholding of the normality principle. (Høidal 2023) In this previous discourse it was analyzed how these aspects appear to have adversely both positive and negative after effects in their implementation within the Norwegian model. However, it does stand out that the intentionality behind these motivations does stem from striving for normality, and therefore a deeper sense of conflict transformation through justice. I would argue that through the lens of the Transformative/Restorative justice frameworks, it can be demonstrated how these drives towards normality are intended as ways of trying to rethink the way that justice is implemented, and in a sense get closer to lowering recidivism, and ultimately transform cycles of crime. Regardless of how I previously portrayed how these aspects of normality do not always work as intended, and sometimes counter-intuitively, it nevertheless still demonstrates how Norway takes the approach of reframing standard ways of enacting justice, which traditionally appear to not succeed in the long-term endeavor of conflict transformation. In this sense,

Norway's initiatives appear to contain and parallel semblance to the philosophical approaches that are intended within the concepts of Restorative and Transformative Justice.

## 6 : Conclusions & Implications:

### 6.1 : Introduction: Addressing The Exceptionalism Narrative & Image

The following chapter represents a summarization of ideas regarding research conclusions and data analysis, beginning with a dialogue upon the exceptionalism narrative and image. Following this, the research is concluded with implicated suggestions resulting from the study, as well as a final reflection. When questioning the production of a certain picture of Nordic models and systems as exceptional, it relates back to issues of how one analyzes and compares different cultures and societies. (Ugelvik & Dullum 2012) The conjuring of an image that is Scandinavian exceptionalism, mostly derives from the outside world looking in, comparative to their own culture/society. There are plethora of methodological and theoretical discrepancies at play within this comparison, and this exact line of thought is what many Nordic criminology researchers have depicted in their critique of the theory. Regardless of the theoretical debates, the fact of the matter is: that the *narrative* and *image* of Scandinavian exceptionalism is most definitely a solidified entity within the global consciousness, as representative by a simple google search on the topic. What I would seek to contribute to the discussion on the subject of Scandinavian exceptionalism vis-à-vis criminal justice, is a constructivist perspective on the potential harms of such ways in picturing and describing this Norwegian model. Echoing the arguments of (Ugelvik & Mjåland 2023), I am also trying to move beyond the discrepancy of whether or not Scandinavian exceptionalism actually exists. Rather, I consider the implications of how the narrative itself represents a potential counter-productive measure to the addressing of emerging deficiencies. There is a dichotomy of exceptionalism viewed externally, and simultaneously non-exceptional internal perspectives from within Norway. In the general sense, it appears as though Norway at the state level, as well as greater Scandinavia in a lot of ways reciprocate and welcome the connotation of being “exceptional” in comparison to the rest of the world. Additionally, there are Norwegians on either side who either support the claim or critique it. Nevertheless, what the narrative and image

effectively engender is contributing to an ideal of everything working progressively, seamlessly, and without issues which, following the progression of this research, is apparently not the case.

In regards to the concluding ideas concerning this research project, it is pertinent to reiterate some macro-level perspectives first put forward in the introduction of this case-study. In no sense does the study argue that the Norwegian Criminal Justice system is as it currently stands, insufficient to the obligatory task. If this were the case, Norway would likely not achieve such positive statistics in regards to recidivism and crime rates. Rather, it would appear that the modern context of the Norwegian model is suffering from the certain deficits and deficiencies (covered within the 'key finding' chapters), of which I would attribute to be hindering obstacles of efficient adaptation and development. At the same time, you have the exceptionalism narrative, and a global image of a utopic paradigm in holistic and rehabilitative correctional systems. Instead of claiming a negative perspective upon this case study, it is my hope that readers will find this critical analysis to aim at being constructive: in the sense that an exceptionalism narrative is in fact rather counter-productive, and draws attention away from these current developing issues of the modern context. Wider discussion of these points put forward by the Norwegian in-group hopefully will contribute to changing the general narrative. Such a discussion, I would argue, ultimately contributes to the conversation necessary to engender modern solutions. Without recognition and dialogue of such nuances, the adaptation and evolution of the system surely will not be as succinct or in-depth. In fact, the data from this study parallels research in suggesting that as for the integrity, morals, and philosophical work ethic of the Norwegians who make up the justice system: they are very much still preserved. (Engelmark 2021) These constitute the same hearts and minds as within the previously alleged exceptional and efficient system dynamic. Although there is certainly frustration and conversation which alludes to the inability to efficiently do one's job as before, there exists still the same passion for this work as in the previous successful years.

## 6.2 : Suggestions

Within this section, I will provide some of the informed concluding suggestions that directly result from the data collected and research performed for the study. I would argue that one of the most pertinent issues at present for the Norwegian model of corrections is lack of cohesion between the health sector and the Norwegian Correctional Services. As demonstrated in

the previous sections, there is an alarming number of inmates who are sentenced to prison without the proper analysis of whether or not they should actually be there for mental health reasons. Research upon the subject suggests that often these individuals become inmates and start serving time long before there is any acknowledgement of debilitating psychological issues or other traumas. (Svendsen et al., 2023) Further, it appears as though women are generally the ones who suffer these consequences the most, and as such this necessitates including this perspective in analysis, among other discrepancies related to women. (Svendsen et al., 2024) This, alongside the previously mentioned neglect of prison environments, resulting from both the stresses of the A.B.E reform as well as the electronic control agenda, is adding to an increasing mental health crisis within these walls. Research shows that correctional staff have voiced in many contexts that there are inmates who, due to various forms of illness, possibly in combination with a low level of functioning, should not be in prison. In essence, the prison system can never provide the ideal environment for institutionalizing persons with severe psychiatric disorders, and only works to exacerbate the issue. (Geelmuyden 2023)

Therefore, it is presented as a dire need for the dividing lines between health services and the correctional system to be better exemplified, as echoed by the research of Svendsen et al.<sup>iv</sup> From a macro perspective, there appears to be a lack cohesive work and communication between the two sectors in order to better assess needs, and more importantly the applicability of treatment. Additionally, it would seem what requires more attention to scrutiny is the pre-conviction and sentencing stage of analysis, which would allow for a better deterrence of individuals who not only will gain nothing from correctional service treatment, but would rather be further marginalized as a result. Further, Norway's use of (pre-trial) solitary confinement, and other forms of excessive isolation use within prison sentencing needs to be reconsidered as potentially detrimental in relationship to the prominence of mental health issues. On a surface level these practices seem out dated, and I would argue that there needs to be more analysis regarding the mental health repercussions of this approach in case-handling.

Lastly, I would call attention to the concepts related to prison and institution size in the modern Norwegian model. The development of newer institutions with more humane facilities is certainly a benefit for the inmate population and correctional system as a whole. However,

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<sup>iv</sup> See "Clinical implications and conclusions" (Svendsen et al., 2023)



alongside the construction and implementation of newer facilities in the Norwegian justice system, there appears to be a transition towards larger institutions which house more inmates. Research shows that there are differences; small prisons have more positive scores on several dimensions than their larger counter-parts. (Wheeler 2020) This contradicts the trend in Norwegian penal policy today, where the ‘new penology’ is influencing the leading discourses regulating penal policy. This entails the closing down of older and smaller prisons. Managerial considerations seem to lie behind this development. (Smith & Ugelvik 2017) While there are likely benefits from other variables and reasonings for which Norway has been going this direction of which I am negligent, I would call attention to the fact that much of Norway’s success in practice appears to directly correlate to smaller facilities, which enable better treatment for these individuals. Studies which have comparatively looked at Scandinavian prisons across the board have found that smaller institutions generally constitute more positive statistics in regards to treatment and practice. (Wheeler 2020)

### 6.3 : Final Reflections

Alongside the normality principle, the maintaining of inmate’s rights, dignity and status could be portrayed as the fundamental pillars of the Norwegian model of philosophical practice within criminal justice. (Denny 2016) (Høidal 2023) Strictly speaking, Norway defines a criminal sentence as the deprivation or revoking of freedom, and purposefully nothing more. (Høidal 2018) All aspects which represent that individual’s life as a citizen and abilities hitherto, are meant to be kept intact and preserved, allegedly progressing one’s rehabilitation and ultimate reintegration into society. Hans Jørgen Engbo, a former Norwegian prison governor writes: “All other freedoms and rights are maintained, and it is an essential obligation on the authorities to avoid any interference with inmates’ rights and conditions of life other than the restriction on the freedom of movement and the inevitable consequences of such restriction.”<sup>93</sup>

Some of the criticism for the Norwegian model and Scandinavian practice in general is the general leniency this approach takes in terms of conceptualizing punishment. Considering the methodology of Norway’s approach in criminal justice, it begs the question: is this “punishment”, or in other words sufficient repercussions to one’s criminal actions, actually being enacted in the Norwegian Correctional Service? Regardless of the true answer to this question, it becomes easy to perceive this dichotomy of debate, and why those who lean more towards a

more traditional and retributive form of justice would question the Norwegian methodology and general Scandinavian model. However, what can be considered as the idea behind rehabilitation, is attributed to represent a fundamental drive behind the Norwegian model.<sup>94</sup> Ugelvik and Mjåland have addressed this very concept in their 2022 publication: *Searching for Rehabilitation in All the Wrong Places: Understanding (Allegedly) Exceptional Penal Systems*. In this article, the authors cover many of the aspects which have been included within this research, but more specifically, they address the conceptualizing of rehabilitation in its various forms, and its presence (or lack of) in the modern context of Norwegian corrections. Ugelvik and Mjåland go as far as to assert that after the recent decade of austerity measure and budget cuts of the A.B.E reform: “what used to be rightfully seen as an exceptional penal system has been reduced to a run of the mill operation not worthy of special attention, according to many prison and probation service professionals.” (Ugelvik 2023) Following this, Ugelvik and Mjåland attribute a sense of “exceptionalism nostalgia”, a phrase which I feel in a sense adequately surmises a major portion of Norwegian ingroup’s viewpoint respective to the narrative. According to this study, both prisoners and prison staff alike share the sentiment that the ideals of a “future-oriented” and other idealistic views of the Norwegian model are concepts found in this outgroup perspective of Norway, but rather are not existent within the actual prisons themselves. (Ugelvik 2023) Within the data collection for this study, several of the sources denounced the fact the rehabilitation is actually happening within the Norwegian prison institutions. One source, who we will call Frank, put it bluntly: “*I have nearly completed my sentence, I have done my time and I don’t necessarily feel negative about prison in Norway. Although, I am still the same asshole I was before I was caught.*”<sup>95</sup> Many of the data sources expressed an innate desire to not return to jail or repeat their previous actions however, it was found that almost none of my data participants openly communicated a “rehabilitated” mentality. Those that did, appeared to do so through their conviction and work to help others find it. “If you spend any time in a Norwegian prison as a visitor, you are bound to hear the claim that rehabilitation is dead, a relic of a distant past that, if it ever truly existed in the first place, is now long gone (see e.g. Jewkes 2022).” (Ugelvik 2023)

Following this line of thought, it can be asserted that despite Norway’s determined efforts to promote a rehabilitative centric practice, there is contrarily a surprising lack of this goal being met for the individuals serving time within these institutions. Another data source for this research put forward another perspective, illustrating that rehabilitation was not something he

found inside the walls, but rather a perspective he learned much later, following more criminal activity and personal transformation through self-inquiry. It would appear as though rehabilitation, regardless of however the correctional produces a conducive environment to the task, is still something only producible through personal perseverance. That being said, Norway's development and goals as a criminal justice system are certainly applaudable in respect to what it strives to achieve. In addition to this, Norway has succeeded in fostering a philosophy promoting humane solidarity and normalization, and the statistics do point to success in battling recidivism. (Sterbenz 2014)

No form of conflict transformation is a flawless process, and rather is a progress-based endeavor which takes time and careful modification in order to meet the oncoming hurdles of uncertainty. Therefore, this is why I argue against the complacency which can be portrayed as a byproduct of the Scandinavian exceptionalism narrative and image. The Norwegian model of criminal justice represents a daring effort to confront reciprocal injustice, and furthermore seeks incorporating an inherent form of both political and localized peace within the justice process. This is an admirable effort, and I think Scandinavia has been on progress to achieve it. However, we should caution ourselves with the sentiment that this progress has reached its completion.

# **Are you interested in taking part in an analysis of the Norwegian Justice system (*research project*)?**

**Purpose of the project:** *Exploring the Exceptional Corrections Paradigm: An Analytical Case Study of the Norwegian Model of Criminal Justice*

You are invited to participate in a research project where the main purpose is to get a sense of the current benefits and drawbacks of the Norwegian justice system as it relates to a philosophy of institutional peace. In the pursuit of this project, the aim is to bridge the gap between the ingroup and outgroup perspectives on Norway's justice system, and thus illuminate how the prevailing narrative may not accurately describe reality. Central to the project is drawing connection between Norway's model of justice and the way this then reflects upon peaceful conflict transformation. Other research perspectives drive at inquiring if the Norwegian practice of "loss of freedom" is a sufficient deterrent to crime, and a successful teacher to inspire change, as well as examining the current conditions of the system to grasp a realistic picture of the ingroup perspective. In addition, the project considers a look at the differences gender brings to the impacts of the system. This case study is conducted as a master's thesis research project at UiT's CPS (centre for Peace and Conflict research). The Data Controller is academic faculty Christine Smith-Simonsen, whose contact information can be provided upon request. Data collected for this project will be solely used for the purposes of exploring the projects research and will not be used beyond these means.

### **Why are you being asked to participate?**

Participation in the project comes to collecting data from those who participate in the Norwegian justice system, either as a frontline employee of the state, or as an individual currently under-going treatment. In addition, individuals with past experience as employees of the state's system or having completed treatment will in result be the major contributors to the research data. There is no set number of people being asked to participate, only the hope that as many with the experience and means of an opinion may contribute to ascertaining quantitative evidence to direct the research. Your participation is extremely appreciated in helping the accurate account of the Norwegian ingroup perspective of the system of justice in Norway.

### **1 What does participation involve for you?**

Participation in this project will entail either a semi-structured interview, or observation in order to gather relevant research data. You are only inclined to share what you feel contributes to your opinions regarding the projects research. No information is necessarily required to be of a certain amount or quality to participate. The recording of this project will be done through notes and using an audio recording device, to analyse the data more thoroughly, but the actual recording itself will not be used in any other means except for this data analysis by the research student.

Information collected from you would be basic identification, and any background information you chose to share which would be relevant to your expertise on this research subject. You will have complete access to information used for the project, and at any point before publication, you can choose to revoke your participation in the project.

### **Participation is voluntary**

Participation in the project is voluntary. If you chose to participate, you can withdraw your consent at any time without giving a reason. All information about you will then be made anonymous. There will be no negative consequences for you if you chose not to participate or later decide to withdraw.

### **Your personal privacy – how we will store and use your personal data**

We will only use your personal data for the purpose(s) specified here and we will process your personal data in accordance with data protection legislation (the GDPR). • The research student conducting the project, as well as the project supervisor are the only individuals who will have access to the data collected for the project. No other persons involved will have access to any of the data which you share. • Measures of protection of the data which you share will be keeping the said data upon a physical encrypted device, and at no point will the data be uploaded to the internet. The list of names, contact details and respective codes will be stored separately from the rest of the collected data • Participants will not be recognizable in publications unless they would choose to be. For individuals of either post or current rehabilitation treatment, the data will be anonymized so at no point will the participant be recognizable in research publication.

### **What will happen to your personal data at the end of the research project?**

The planned end date of the project is June 30th, 2024. Data which is stored upon the project's completion will be kept anonymized, and stored securely on a physical encrypted device. Should the participant choose, their data can be destroyed upon the completion of the project.

### **Your rights**

So long as you can be identified in the collected data, you have the right to:

- access the personal data that is being processed about you
- request that your personal data is deleted
- request that incorrect personal data about you is corrected/rectified
- receive a copy of your personal data (data portability), and
- send a complaint to the Norwegian Data Protection Authority regarding the processing of your personal data

### **What gives us the right to process your personal data?**

We will process your personal data based on your consent. Based on an agreement with Centre for Peace and Conflict Studies (CPS) at the Arctic University of Norway UiT, The Data Protection Services of Sikt – Norwegian Agency for Shared Services in Education and Research

has assessed that the processing of personal data in this project meets requirements in data protection legislation.

### Where can I find out more?

If you have questions about the project, or want to exercise your rights, contact:

*UiT The Arctic University of Norway* via

- **Sean Thomas Toedtman** +4741397482 / [sto122@uit.no](mailto:sto122@uit.no)
- **Christine Smith-Simonsen** +4777646761 / [christine.smith-simonsen@uit.no](mailto:christine.smith-simonsen@uit.no)
- Our Data Protection Officer: *Elisabeth Sanderson* ([elisabeth.sanderson@uit.no](mailto:elisabeth.sanderson@uit.no))

If you have questions about how data protection has been assessed in this project by Sikt, contact:

- email: ([personvern tjenester@sikt.no](mailto:personvern tjenester@sikt.no)) or by telephone: +47 73 98 40 40.

Yours sincerely,

*Project Supervisor*  
Christine Smith-Simonsen

*Student Researcher*  
Sean Thomas Toedtman

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## Consent form

I have received and understood information about the project *Exploring the Exceptional Corrections Paradigm: An Analytical Case Study of the Norwegian Model of Criminal Justice* and have been given the opportunity to ask questions. I give consent:

- to participate in interviews for research
- for information about me to be published in a way that I can be recognised

I give consent for my personal data to be processed until the end of the project.

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(Signed by participant, date)

## Appendix (B) : Semi-Structured Interview Guidelines

### **Semi-Structured Interview Outlines:**

#### ***Exploring the Exceptional Corrections Paradigm: An Analytical Case Study of the Norwegian Model of Criminal Justice***

Interview Outlines to be conducted with consenting individuals who understand their privacy and are given options to omit personal information, and to follow the results of the project to their conclusion. Listed below are the corresponding samples for data collection of varying groups. All consenting interviewees will be informed that the interview process is of an open format, with the goal simply being for them to share their experience and what they feel is relevant to them. Questions are pre-ordained guideposts to a conversation which can be either closely related to the subject or more abstract.

#### **Sample 1: Wayback participants**

1. In as much as you feel compelled to share, what brings you to participate at Wayback services?
2. Do you feel that your reasons for coming to Wayback stem from the justice systems inability to provide everything you need for re-integration?
  3. What does participation at Wayback do for you? (If not answered in question #2)
4. In your view, do the Norwegian correctional services help with broadening your perspectives, and in any way provide you with the tools to transform the issues which brought you there?
5. Do you feel the treatment you have received has caused reflection about your own life, any interests or changes that may have sparked as a result of it, or in any way caused you to desire for a betterment of your current situation? (different wording from question 5)
  6. What else would you be interested in discussing regarding your present situation?
7. If you could contribute your opinion to the state of Norway to have anything done differently in regards to your treatment, or perhaps to bring more attention to what worked for you, what would that opinion be?

#### **Sample 2: State Judicial Employees**

1. What brought you to pursue a career in the justice system?
2. Do you feel that the Norwegian justice system contains any advantages or disadvantages in regards to its resources?
3. What is your opinion concerning the current state of the justice system, alongside the view that the system is losing impact due to lack of funding?
4. Do you feel that your job helps positively impact lives, or contributes to the greater workings of a positive influence?
  5. What are your views on any imperfections that cause harm to the justice system in Norway?
6. Do you feel that fair and humane treatment for all individuals of all degrees of criminality is the correct approach in peaceful justice?
7. To open the interview, what else would you share regarding your position in this system of institutions?
  8. Is Norway doing the "right" thing in its approach?

#### **Sample 3: Correctional Facilities Staff**

1. What brought you to pursue a career in the justice system?

2. Do you feel that the Norwegian justice system contains any advantages or disadvantages in regards to its resources?
3. What is your opinion concerning the current state of the justice system, alongside the view that the system is losing impact due to lack of funding?
4. Do you feel that your job helps positively impact lives, or contributes to the greater workings of a positive influence?
5. What are your views on any imperfections that cause harm to the justice system in Norway?
6. Do you feel that fair and humane treatment for all individuals of all degrees of criminality is the correct approach in peaceful justice?
7. To open the interview, what else would you share regarding your position in this system of institutions?
8. Is Norway doing the “right” thing in its approach?

#### **Sample 4: Inmates**

1. Is there anything you would like to contribute to questions regarding the validity of Norway’s justice system?
  2. In as much as you feel compelled to share, what brings you to where you are today?
  3. Do you feel safe to do self-inquiry while incarcerated in Norway?
4. Do the jail facilities make you feel adequately in touch with the society and world outside the jail?
5. Does the treatment you receive make you feel encouraged to change any patterns in your life?
6. What are some of the positive and negative things about your incarceration that you have experienced?

**NOTES ON POTENTIAL INMATE INTERVIEWS: Based on the possibilities of interviewing vulnerable groups and not being able to ask certain questions, this rough outline is subject to change, and is not a determined format for the structure of the interview. Simply allowing inmates to share what they will is enough for research data regarding their situation. Important to note is that should I be granted the ability to interview female inmates thee questions might also revolve around their ideas and feelings surrounding being in their current situation as a woman, and if any discrimination comes from that position.**



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