

A prison without walls:

Alternative incarceration in the late age of social democracy

Victor L Shammass is based in the Department of Sociology and Human Geography at University of Oslo, Norway.

The Nordic societies have concocted a series of alternative penal measures to correct and control criminal offenders. Chief among these is the open prison. In Norway prison administrators regularly channel around one-third of the incarcerated population into minimum-security, open prisons. Here inmates enjoy greater autonomy and freedom of movement, more meaningful work, and increased opportunities for immersion in ordinary society. While open prisons are significantly less expensive to operate than higher-security facilities, largely thanks to the fact that they require fewer security personnel to control the prison population, it remains a contentious issue whether such prisons are better at rehabilitating offenders and delivering reduced recidivism rates. What seems certain, however, is that such prisons are uniquely suited to disciplining and controlling prison populations, crucially, by giving inmates something to lose and then threatening to take it away. Maximum-security prisons, on the other hand, are unable to produce fine-grained gradations of incentives and disincentives to regulate inmate behavior for the simple reason that inmates there have practically nothing to lose. This is perhaps the fundamental disciplinary innovation of the open prison: it corrects, in some sense, because many inmates learn to desire to be corrected.

Introduction

The United States has witnessed a spectacular boom in prison populations over the past four decades, peaking at some 2.3 million persons behind bars by the early 2010s, and Western Europe continues to converge on its trans-Atlantic counterpart with rising prison populations and increasingly severe conditions of confinement. Austerity policies will likely make matters worse: by creating fertile conditions for the commission of crime, by reducing the funds available to the public sector. But in the face of the seemingly unstoppable

tide of proliferating punishment, a few select northern European societies — Denmark, Norway, and Sweden — have seemingly withstood this veritable ‘punitive turn.’ The Nordic countries have relatively low prison population rates: around 70 inmates per 100,000 persons, that is, *one half* of England and Wales’ rate of incarceration and *one-tenth* of the US imprisonment rate.¹ The Nordic societies’ prison populations are spread far and wide in relatively small institutions: Norway’s *entire* prison population could be contained in California’s San Quentin State Prison. Fewer than 4,000 inmates are spread out across 44 separate correctional institutions, making Norway’s prisons almost comically petite (the smallest jail holds 12 persons),² particularly when compared with the carceral behemoths of North America, like the people-processing plant that is Los Angeles Men’s Central Jail (with a capacity of more than 5,000 inmates) or Miami’s bloated Pre-Trial Detention Center (with its approximately 1,700 beds). Indeed, prison size matters: evidence suggests that smaller prisons (fewer than 50 prisoners) make for higher staff satisfaction, which could plausibly have beneficial effects on inmates’ quality of life.³ Suggestive of a relative absence of punitive sentiments in the legal system and general population, Norway’s prison sentences are relatively short: around two months on average.

In Norway, around one-third of prison beds are located in minimum-security, ‘open’ prisons. Inmates receive quite generous welfare benefits. All inmates who work or study are paid around 300 Norwegian krone (around £28) per working week — certainly not sufficient to live comfortably in a society that has a high cost of living, but enough to buy snacks, phone credits, and tobacco from the commissary — and it is very nearly lavish when compared with England’s minimum rates of prisoner’s pay, a meager £4 per week for prisoners who work (or £2.50 per week paid to inmates who are willing to work but for whom no work is made available, an allowance rate widely ridiculed *excessively generous*, as ‘unbelievable’ and ‘hugely offensive to taxpayers,’ as consisting of a ‘handout for doing

1. Walmsley, R. (2013) *World Prison Population List (Tenth Edition)*. International Centre for Prison Studies. http://www.prisonstudies.org/sites/prisonstudies.org/files/resources/downloads/wppl_10.pdf
2. Norwegian Correctional Services (2012) ‘Norges Kriminalomsorg i et nøtteskall’ [Norway’s Correctional Services summarized]. <http://www.kriminalomsorgen.no/getfile.php/2086478.823.rftwuuerux/2.tertia+2012%5B1%5D.pdf>
3. Johnsen, B., P. K. Granheim, and J. Helgesen (2011) ‘Exceptional prison conditions and the quality of life: Prison size and prison culture in Norwegian closed prisons’, *European Journal of Criminology*, 8(6): 515-29.

nothing,' by right-wing politicians and pundits when the program was revealed in the *Daily Mail*.⁴ By this simple metric alone, and correcting for differences in price levels, Norway's prisons are nearly ten times more generous than those operated by Her Majesty's Prison Service.⁵ On the whole, the Nordic prison systems seem to perform well, at least within the narrow parameters set by the state bureaucracy: between 20 and 30 percent of released convicts were convicted of additional crimes within a two-year follow-up period in a study conducted in Denmark, Norway, and Sweden.⁶ While such statistics are notoriously difficult to compare, a UK Ministry of Justice showed that nearly 40 percent of a released cohort of offenders had re-offended after two years.⁷

No doubt these characteristics have sparked the curiosity and imagination of progressive and liberal elements in the United States and Europe. As an American theologian who visited Aarhus, Denmark in the early 2000s commented, 'Many Americans have felt that the social justice of our dreams has come true in Denmark. The streets are safe and clean, everybody seems to have decent clothing, healthy food and a nice home.'⁸ The ambulatory scholar could have substituted Norway or Sweden for Denmark and added the prison system to their catalog of virtues. Indeed, there is no shortage of paeans to Nordic punishment in the world press. *Time Magazine* judged Norway to have constructed the 'world's most humane prison.'⁹ A recent documentary sees a former warden of a New York prison, James Conway, tour four separate prisons in Norway, playing on the dramatic disparities between US mass incarceration and Nordic penal tolerance. At one point, Conway remarks, 'I'm having a hard time believing that I'm in a prison.'¹⁰

Still, there are good reasons to be skeptical of rose-tinted portrayals of what is at heart the deepest

intrusion into personal liberty that a state can commit next to the death penalty. Imprisonment remains a powerful instrument of state coercion. In reality, the prison that the *Time* reporters described was a high-security facility with as imposing a set of concrete walls as any maximum-security facility found elsewhere in the world; inmates were still locked up for large portions of the day, and they were still kept at a distance from the world outside. The nearly mythical qualities that many political reformers ascribe to far-away societies always contains an element of the quixotic; romanticized representations are frequently infused with Orientalizing tendencies (the belief in an essential difference between us and them), threatening to derail what may be worthy instincts in the producers of those representations. To make political reforms work means taking heed of the *realities* of those representations and the *contexts* that made the dreamed-of policies realistic in their host societies.

Writing on the export of leftist ideology from China to the West in the postwar era, Andrew Ross observes, 'No one would reasonably dispute that Maoism was received in the West in a highly idealized version.' Continuing, Ross notes, 'What we think of as Maoism was often far removed from how the Chinese themselves experienced [Mao's] shifting body of doctrine.'¹¹ With only slight exaggeration one could draw parallels to the probable success of attempts to export prison policy from northern Europe to the rest of the world. Those who wish to import the Nordic prison system to their own societies face two essential challenges: First, that their representations and understandings of the actual mechanics of those prison systems are flawed and faulty as a result of their lack of immersion in the societies that their energies are directed toward. To take but two examples: journalistic representations are deficient because journalists spend

4. Dolan, Andy (2010) 'Prisoners paid hundreds of pounds in unemployment benefits to sit in their cells.' *The Daily Mail*, 8 March 2010. <http://www.dailymail.co.uk/news/article-1256166/Prisoners-paid-unemployment-benefits-sit-cells.html>
5. I assume that prisoners are paid no more than the minimum employed rate. In reality some English prisoners may have the opportunity to seek higher-paid work. For instance, in 2012 *The Guardian* reported that a number of Category D prisoners at HMP Prescoed had worked in a nearby call center for £3 a day. This would make the Norwegian prison system only approximately twice as generous as its Atlantic neighbor. On the other hand, Norwegian prisoners are also in a position earn additional wages and allowances, including childcare benefits and higher daily wages for skilled or technically challenging jobs, which, if taken into account, would further widen the gap between the two prison systems. For details on prisoner's pay in England and Wales, see HM Prison Service (2004) 'Prison Service Order 4460 — Prisoner's Pay', http://www.justice.gov.uk/downloads/offenders/psipso/psio/PSO_4460_prisoners_pay.doc.
6. Graunbøl, H. M. et al. (2010) *Retur: En nordisk undersøgelse af recidiv blandt klienter i kriminalforsorgen*. Oslo: Norwegian Correctional Services. p. 25.
7. Ministry of Justice UK (2012) '2012 compendium of re-offending statistics and analysis.' Ministry of Justice Statistics Bulletin, 12 July 2012. p. 4. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/278126/2012-compendium-reoffending-stats-analysis.pdf.
8. Saarinen, R. (2003). 'The surplus of evil in welfare society: contemporary Scandinavian crime fiction', *Dialog*, 42(2): 131-35.
9. Adams, W. L. (2010) 'Norway builds the world's most humane prison', *Time*, 10 May 2010. <http://content.time.com/time/magazine/article/0,9171,1986002,00.html>
10. Sterbenz, C. (2014) 'An American warden visited a Norwegian prison, and he couldn't believe what he saw', *BusinessInsider.com*, 20 October 2014. <http://www.businessinsider.com/an-american-warden-visited-a-norwegian-prison—and-he-couldnt-believe-what-he-saw-2014-10>
11. Ross, Andrew (2009) *Nice Work If You Can Get It: Life and Labor in Precarious Times*. New York and London: New York University Press. pp. 64-65.

too little time getting into and around the 'belly of the beast' to produce honest knowledge, or their representations are skewed by the logic of the press; bureaucratic representations are liable to glamorize the facts on the ground in the interests of protecting the prestige of the state. Second, their vision may be excessively substantialist and insufficiently relational: as Guthrie reminds us, 'Men and societies differ widely, and so therefore do their needs.'¹² It is impossible to understand the Nordic prison system without reference to the existence of a *tolerant penal culture* and the *political economy of universalist social democracy*. Piecemeal reforms of the prison system based on an accurate appraisal of Nordic realities may be possible in some limited sense: for instance, one might experiment with raising inmate allowances in English prisons, which would lower levels of conflict and violence, and raise the quality of life for inmates therein.¹³ However, even such fragmentary improvements are likely to be unsettled by the animus of the polity and particular politicians.

Ultimately, what makes the Nordic prison systems unique is not the mundane regularities and empirical details of their institutions. Rather, it lies, on the one hand, in the web of *popular mentalities* that envelops the process of punishment, those collective representations that construct and construe both crime and punishment in particular ways; on the other hand, in the *structure of the welfare state*, particularly the generous and universalist character of the assistive and social wings of the state that regularly generate low levels of unemployment, equitable access to educational opportunities, public housing, healthcare, and so on.¹⁴ To imitate punishment Nordic-style is to buy into a whole package of welfare state solutions: quite probably, one cannot construct Nordic-style tolerant, humanist punishment without also buying into the entirety of social democracy at the same time.

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In the autumn of 2011, I spent three months visiting *Prison Island*, a Norwegian open prison widely regarded as the crown jewel of the nation's penal system. In some ways, it was easy to forget that Prison Island was a prison at all. At first glance, it seemed so strangely mundane. One arrived by way of ferry, walked along a gravel path for about half a mile, along an avenue of trees. Fields surrounded one on all sides where wholesome staple crops were grown and tended. Dotted around the island were a number of small wooden houses where inmates lived in groups of four to six persons. Beyond the fields lay the sea. Much of the island was dotted with trees. There was a path running along the edge of the island, and inmates could be seen running along the path for exercise at night. As one approached the main square, a large chapel built around the *fin de siècle* became apparent, surrounded by the white-painted school building, a low red stable where horses were kept, and the two-story main barracks where the guards spent most of their time. Inmates walked or rode their bicycles as they moved to and fro between their homes, workplaces, and school classes.

Perhaps the fundamental features of this institution were the degree of *permeability and porousness* of its boundaries to the world outside, evidenced in part by the great regularity of contacts it maintained with ordinary society. There was a constant coming and going of visitors, journalists, social workers, lawyers, construction workers, and correctional staff. Inmates enjoyed spectacular — albeit gloomy, in the depths of stormy autumn — views of the constantly roiling sea and the nearby littoral communities with their luminous homes and alluring sense of ordinariness, a constant outlook that was nevertheless tinged with a certain bittersweet flavor for a number of inmates because of

12. Guthrie, W. K. C. (1969) *A History of Greek Philosophy: Volume 3, The Fifth Century Enlightenment*. Cambridge: Cambridge University Press. p. 187.

13. Kirkup, James (2010) 'Prisoners to earn minimum wage', *The Telegraph*, 5 October 2010. <http://www.telegraph.co.uk/news/politics/8042568/Prisoners-to-earn-minimum-wage.html>

14. This point was noted by Loïc Wacquant, who cogently argues that decarceration in the United States will only succeed if the 'urban wastelands where race, class, and the penal state meet and mesh' are improved through concerted public spending on 'schools, social services, health care and...drug and alcohol rehabilitation,' that is to say, the 'reconstruction of the economic and social capacities of the state.' See Wacquant, L. (2010) 'Class, race and hyperincarceration in revanchist America', *Daedalus*, 139(3): 74-90.

the promises outstretched that those same panoramas somehow failed to deliver on. Here, then, was a prison that at first glance had all the appearances of a non-prison. And yet a prison it remained.

Around half of the new entrants to the prison resided in one of two dormitory-style brick buildings, while the other half lived in small wooden houses dotted around the island, where they were largely left alone to work out domestic living arrangements with a handful of fellow inmate residents. Most inmates were gainfully employed or pursued various educational opportunities: pursuing a high school diploma, university-level qualifications, and so on. A privileged few were allowed to work as shipmates on the ferry running between the prison and the mainland. This was a coveted position because the inmates were shown a great deal of trust: it would have been comparatively easy for them to escape the prison altogether when the ferry lay in dock. On the other hand, most prisoners, with a minimum of effort, could have escaped the prison. Few doors were locked. After completing fieldwork, I learned that an inmate had escaped in a stolen canoe. But by and large, inmates did not escape. And why would they? In tightly woven, modern societies, an outstanding arrest warrant makes life difficult if not impossible to live comfortably, as Alice Goffman's study of fugitive men 'on the run' convincingly demonstrates.¹⁵ As one inmate said, 'If you wanted to escape you could just run away. But then you'll never get it over with. Be done with it, that's what I've got on my mind. That's my goal. Complete my sentence so I can start over again. Go back to school.' Open prisons may look easy to escape — and in some sense they are owing to the comparative paucity of physical security measures — but beyond the prison lies a 'surveillant society' ready to effect tasks previously carried out by high concrete walls, steel doors, and grated windows.¹⁶

Many inmates in Norway are permitted eighteen days of home leave per year, and those with parental responsibilities are typically granted thirty days' worth of leave per year. This meant that a certain amount of flux in the prison population was not uncommon. Also, it was not uncommon for a few prisoners every week to travel to nearby towns for dental or medical

appointments, or to buy clothes, toiletries, and other necessities, typically under the supervision of prison staff. The reasoning behind such frequent exchanges between the prison and the world outside was that the prison was by design meant to act as a *last stop* before the convicted offender was released into the community for good. Typically, inmates had served at least half their sentence in a higher-security institution. Therefore, open prisons were meant to act as *socialization machines*, in the parlance of the prison guards, to reacquaint inmates with some the routines and normalcy of humdrum life. Inmates had their own peculiar language to describe the suffering and sorrow perpetrated on their minds and bodies by long months or years spent behind bars in closed prisons: they were

tormented by 'sentencing injuries' (*soningsskade*), a term with its own peculiar and wistful musicality when pronounced with the rough, working-class vernacular that most of the Norwegian inmates spoke.

Such sentencing injuries are probably familiar to all observers of maximum-security prisons in modern societies: a loss of autonomy, the breaking of the independent will, a certain social awkwardness, the gradual normalization of the strangeness of institutional time (its curious temporal rhythms, exemplified by the fact that most meals are consumed at inordinately early times, dinner being served at 2

pm in places, for instance). It is precisely all those little things — the alien gestures, the sweaty palms, the dread and fear of crowds, loud noises, and traffic sounds — that make the released ex-convict a difficult-to-integrate subject. Quitting addiction, gaining access to housing or a non-criminal peer group, and finding a stable job: these are all important components in prisoner reentry, certainly, but so is the ability to handle the routines of daily life and the ability to get a corporal and cognitive grasp on the way a modern society feels.

So goes the reasoning of the Norwegian Correctional Services, in any event, which notes that most inmates at the outset of their prison sentences will 'start off strict,' that is, be confined under strict measures of control, but who will then have to be reacquainted with normalcy before being let loose on society again: transferring inmates to open prisons is

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15. Goffman, Alice (2014) *On the Run: Fugitive Life in an American City*. Chicago: University of Chicago Press.

16. Mathiesen, Thomas (2013) *Towards a Surveillant Society: The Rise of Surveillance Systems in Europe*. Hampshire: Waterside Press.

'based on the need for a gradual resetting from prison to total freedom.'¹⁷ No doubt there is a tyrannical potential in such 'resetting.' Rehabilitation, a 'return to competence,' wins its legitimacy from the axiom that the fault of the offender's offence lies with the offender alone.¹⁸ In Norway's open prisons, however, it is quite readily admitted that the crucial task is to correct those injuries perpetrated by the closed, higher-security wing of the prison system. By and large, Prison Island, with its quaint historic buildings, its ecological farming techniques, and its apparently relaxed conviviality, impressed most visitors with all the apparent opportunities to carry out the task of rehabilitation in a most agreeable manner.

For instance, one inmate described how he landed a prison job in the horse stables. The prison kept a stable of five horses to carry out practical tasks: collecting garbage from the various houses or plowing the fields in the harvesting season, for instance. Perhaps more important than the practical labor the horses carried out was the *emotional* labor they carried out vis-à-vis inmates: to calm them unsettled and to teach them the value of compassion and nurture. The inmate thoroughly enjoyed the equestrian labors he had been assigned. 'I like being in here best of all,' he said. 'You might say that riding the horses, collecting the garbage and all that, that isn't very interesting to me. What's important is that I can work in here with the horses, make sure they have enough water and food, that they're being treated properly, that the animals are being cared for. That's what matters to me.' Clearly, then, such pursuits could have a deeply soothing effect. The stables were a very soothing place. There was a kind of quiet, contemplative affection in the air as he showed me the room where they stored the hay in bales stacked up to the ceiling, the sweet and rotten smell of drying grass and horse manure pervading the air. He showed me how one should approach a horse — 'You should approach him sideways' — and to let the horse know that you are approaching by talking to it. Quietly, he rubbed the horse's sides as he explained all the steps involved in caring for the animal. Such work certainly

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seems more meaningful than the stultifying monotony that more traditional prisons have to offer, a boon that is not entirely unimportant. As the legal scholar Franklin Zimring acutely observes on the nature of daily life in most prisons, 'The leading public health problem in prison is boredom.'¹⁹

The Concealed Discipline of Permissiveness

Not everyone sees it this way. In a 1976 talk on alternatives to imprisonment, Michel Foucault took a distrustful view of open prisons, arguing that 'new methods that try to punish without imprisonment are basically a new and more efficient way of re-implementing the older functions of the carceral.'²⁰ Certainly, there were improvements inherent in such experiments: inmates, 'though forced to work of

course, were not subject to the usual kind of stupid, uninteresting, mind-numbing, humiliating, unpaid labour.' Rather, it was 'proper, real, useful work,' Foucault argued. Like on Prison Island, these early experiments in punishment emphasized 'reintegration into society' through two mechanisms: first, by encouraging visits from families and friends, including constructing visiting centers in the fashion of a 'small hotel or boarding house' so that the

inmate could 'make love with their wives or girlfriends'; second, by offering leaves of absence so that the inmate could rub up against the reality of society with greater ease and frequency. But on the whole, Foucault believed such experiments were condemned to fulfill the original ambitions of the prison in an essentially unaltered form: Sweden's attempts to construct alternatives to prison in the 1970s were 'not so much alternatives as quite simply attempts to ensure through different kinds of mechanisms and set-ups the functions that up to then have been those of prisons themselves.' Prison Island seemed no exception.²¹ This strangely un-prison-like prison nevertheless contained two crucial elements that displayed its subterranean disciplinary potential in ways that a brief encounter with its institutional features — as journalists and

17. The quotations are excerpted from a primer produced by Ila Detention and Security Prison, a penal institution outside the capital city of Oslo in Norway: <http://www.ilafengsel.no/sikkerhetsnivaene.html>.

18. Mathiesen, Thomas (2006) *Prison on Trial*. Winchester: Waterside Press. p. 28

19. Brown, Patricia Leigh (2014) 'Inmates' newspaper covers a world behind San Quentin's walls', *The New York Times*, 20 May 2014. <http://www.nytimes.com/2014/05/21/us/inmates-newspaper-covers-a-world-behind-san-quentins-walls.html>

20. Foucault, Michel ([1976] 2006) 'Alternatives to the prison.' *Theory, Culture & Society*, 26(6): 12-24.

21. For a detailed elaboration of this argument: Shammass, Victor L. (2014) 'The pains of freedom: Assessing the ambiguity of Scandinavian penal exceptionalism on Norway's Prison Island.' *Punishment & Society*, 16(1): 104-123.

official visitors are likely to engage in — might not reveal.

First, there was the potential for conflict ingrained in the very fabric of the society of captives. One of the downsides to constructing a tight-knit community of prisoners was that inmates *rubbed up against each other*, plaguing one another with irksome personal habits and the temptations of substance use or illicit attitudes that threatened to derail the ideal of ‘sentencing progression.’ One inmate, Joseph, described how he enjoyed the comparative anonymity of the dormitories where he resided the first months of his stay on Prison Island. However, the prison required that prisoners gradually transitioned over into one of the smaller houses where they would live with a select handful of other inmates. This troubled him to no end. Living in the dorms, he said, ‘you are living on your own. You don’t have to have anything to do with anybody. When it’s your time to clean, you clean. But when you live in a house, you come out in the morning, you share one bathroom, maybe you want to use the toilet, and then you have to wait. It’s too intimate, you know.’ Intimacy was dangerous because it was potential closeness to the wrong type of people: poor influences and disreputable persons.

Mikel, another inmate, described the dangers of hanging out with the wrong crowd: ‘Yeah, you have to be very careful. Make sure you move with good people, you know, nice people, you understand. That’s very important.’ A third inmate described how he had become embroiled in a messy conflict in his house since he lived with housemates who were inconsiderate of his personal space; they broke a number of rules: playing music too loudly, smoking cigarettes indoors, and violating the nightly curfew. Such infractions could be punished swiftly by the guards should they so choose. His fear, perhaps not entirely unfounded, was that the guards, were they to crack down on the infractions, might not bother to investigate who the culprits were, or rather interpret the entire house as consisting of ‘troublemakers’ who could not be trusted to make their ways in the comparatively liberal prison environment. They might therefore ‘get sent,’ prisoner idiom for a forcible transfer back to a higher-security, closed prison. Getting up close and personal with other prisoners was therefore *risky*: staying in the comparative luxury of an open prison gave them

something to lose, and the community of captives could potentially lead them to lose that privilege.

Second, the prison officers maintained a toolbox of disciplinary instruments to establish incentives for behavior deemed worthy and disincentives for assumedly disruptive behavior. Despite the fact that inmates were free to move around on the island, certain rules existed to regulate their behavior. After 11 pm a curfew was in force, and while inmates were not locked in at night, they were expected to remain inside their houses after nightfall. Officers went on inspection rounds at night to ensure that all persons were accounted for, and, more informally, to ensure that illicit activities were not taking place. Any drug use or alcohol consumption was strictly prohibited, and inmates could be made to deliver urine samples at random. Daily roll

calls were widely viewed as an intrusive element in their daily lives: three times a day inmates were made to line up outside the guards’ barracks and submit to ‘The Count,’ as it was known colloquially. Breaking the rules could result in a strike against one’s personal record, and three strikes would more likely than not land one back on the mainland in a higher-security prison. Serious infractions, like getting involved in a fight, would probably entail automatic suspension. On the whole, in 2011, a total of 29 inmates were sent back to closed prison for breaking prison rules,

around twenty percent of the total number of inmates that passed through Prison Island that year.²²

The constant threat of ‘getting sent,’ that is, facing expulsion from the island and transfer to a higher-security facility, had a certain severe effect on the corrigible population of convicts. Mario explained how getting sent could happen abruptly:

Now my pal, one of them, he was sent to [closed prison] yesterday. I didn’t even know. I thought I was going to meet him today, and then I don’t see him at all and they tell me, ‘No, he got sent.’ Like, what the fuck? He was smoking [cigarettes] in his room and he’d placed a sock over one of the smoke detectors. It’s the kind of small stuff you don’t think about, right. It’s really just petty stuff, but with big consequences. Yeah, yeah, if you start a fire then you’ll risk the lives of 15 guys, so that’s fair enough. But like, just that little

22. Private correspondence, deputy prison warden. January 2012.

thing. I think I would have almost started crying if I'd been caught over something like that and gotten sent. Oh, damn! I mean, I can see the reason why they're doing it, and I understand that it's a fire hazard and all of that stuff, but it's like, it doesn't take much.

When I reminded Mario that he too was wont to covering the smoke detector with a plastic bag in his own room when he wanted to smoke cigarettes, he grew excited. 'Yeah, I *did* think about that when I heard, like, 'Oh shit, lucky that I didn't get sent,' right, 'or that they didn't see it.' He made sure to take down the plastic bag each night, he said, and so implied that he was smarter than the inmate who got sent, but he admitted that it was still 'easily done, fucking up on that tiny stuff that you really don't think about.'

Contemplating the hypothetical situation of getting booted off the island, Mario realized that an expulsion would carry dire consequences for his life chances, particularly as he was about to transition over into a halfway house and start a civilian job outside the prison while completing the remainder of his sentence. 'If I'd been sent to closed [prison] now, I could really just forget about the job and the halfway house, and even my wife and everything, right.' Getting sent was a process largely bereft of means of redress. In this way the prison guards managed to maintain some semblance of order on the island, crucially, *by giving inmates something to lose* and then *threatening to take it away*. All too often, such fine-grained gradations of incentives and disincentives are not possible to construct in facilities at higher security levels for the simple reason that *inmates there have practically nothing to lose*. This is perhaps the fundamental disciplinary innovation of the open prison: it corrects, in some sense, because many inmates learn to desire to be corrected.

One of the great advantages of open prisons is that they are comparatively inexpensive to run. A recent survey by the Norwegian Ministry of Justice suggested

that the costs of running an open prison were three-quarters that of operating a closed prison.²³ Open prisons are cheaper to operate because they require fewer guards. On Prison Island, for instance, a skeleton crew of around five guards was kept on duty until the next morning. While few convincing studies have surfaced that examine the effects of minimum-security imprisonment on recidivism rates, proponents of the open prison argue that lower re-offending rates entail additional fiscal and social benefits.

The fact is, however, that we simply do not know whether open prisons 'work,' that is, in the realist sense, whether they rehabilitate more effectively and cause less damage to their charges. Even if studies were to show that released offenders from an open prison committed less crime than those released from higher-security prisons, their findings would be highly uncertain unless they were to take into account the not inconsiderable degree of social filtration that goes into selecting entrants deemed suitable to live and remain in the open prison. A reasonable hunch is that, given a scarcity of places in open prison, persons who are deemed worthy to stay in an open prison are likely to be precisely those persons who would make out rather well regardless of their penal environs, due to their particular social characteristics, resources, and dispositions. What is more, the fact that we do not know what works is indicative of the intense lack of interest most societies have in their penal institutions. For the most part they remain out of sight, out of mind.

While the Nordic societies operate seemingly benevolent and benign prisons, perhaps more so than any other society in the world and at any time in recent centuries, they too operate on a great deal of faith: a belief that these truly are places of correction, of doing good. To counter that certainty, one might suggest that the prison arrives far too late to make much of a positive difference in anyone's life. If true, it is both a profoundly depressing and invigorating insight. Its implications are clear: what matters most of all is the world beyond the prison walls.

23. Norwegian Ministry of Justice (2008) *Straff som virker — mindre kriminalitet — tryggere samfunn*. Oslo: Norwegian Ministry of Justice. <http://www.regjeringen.no/nn/dep/jd/dokument/proposisjonar-og-meldingar/stortingsmeldingar/2007-2008/stmeld-nr-37-2007-2008-/20.html?id=527862>.