Out of control: Prisons as a growth industry


Introduction

Dear audience, I am most grateful for being invited to come here. But I am also a bit hesitant. You know of course your own system so much better than I do. I do not want to embarrass you, and me, by telling you who you are, and why. I will, however, make an attempt to come around that problem. I will depart from some elementary figures on the prison population in various countries per 100,000 inhabitants, figures well known for many among us, and then continue with a general discussion of what might be behind these figures. I leave to you to ponder on the strength of these explanations for the particular situation in this country of yours. I leave also, for a few seconds, these figures without domicile attached. That might give some room for reflection.

I divide most of the figures in some gross categories.¹ Then it looks as follows:

<table>
<thead>
<tr>
<th>Country</th>
<th>Prison population rate (per 100,000 national population)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>709</td>
</tr>
<tr>
<td></td>
<td>400-630</td>
</tr>
<tr>
<td></td>
<td>300-400</td>
</tr>
<tr>
<td></td>
<td>150-300</td>
</tr>
<tr>
<td></td>
<td>138</td>
</tr>
<tr>
<td></td>
<td>131</td>
</tr>
<tr>
<td></td>
<td>102</td>
</tr>
<tr>
<td></td>
<td>70-90</td>
</tr>
<tr>
<td></td>
<td>50-70</td>
</tr>
<tr>
<td></td>
<td>35</td>
</tr>
</tbody>
</table>

Some of you will immediately recognise most of the countries behind the figures. At the bottom is Iceland. Last summer that country had one hundred people in prison. They have one large prison with a capacity for 87 prisoners. But Icelanders do not like them that big, so happily enough they have also four small prisons with a capacity at between 6 and 14 persons.²

¹ Some of the details in the figures might differ slightly from those available from Penal Reform International by Roy Walmsley, but only in details. (http://www.penalreform).
² Erlendur Baldurson from the Icelandic prison administration, writes in Journal of Scandinavian Studies in Criminology and Crime Prevention(2000) that *difficult prisoners have
Next to Iceland come the Scandinavian countries in the category 50-70. Interesting enough, Slovenia is also here. Then follow the Central European countries with 70-90 per 100,000 inhabitants.

And what is then to follow, with 102 prisoners per 100,000 inhabitants? One might have expected a Western-European country, - civilised as we are in our self-conception. But it is not Europe. It is Canada. A country with joint border from coast to coast to the US, the global leader in incarceration, a country I soon will come back to. Joint border, same language, same type of media, and much of the same ideals. But independent of their giant neighbour, Canada has a prison population much lower than the next in rank; England and Wales.

With your 138 prisoners per 100,000 inhabitants, you have not only passed Canada, but now also Portugal, earlier your only competitor in Western Europe. Portugal has 131 per 100 000. You are alone now, at the top as the leading incarcerator in Western Europe, and you are now approaching Eastern European standards. Actually, you are there already. You have passed Bulgaria, and you are only one prisoner per 100,000 behind Slovakia.

In the next category close to you, that is 150 to 300 prisoners per 100,000, we find Hungary, The Czech republic and Georgia at the lower level, and then Poland, Romania and Moldova. Then comes the Baltic countries with prison figures somewhere between 300 and 400 per 100,000. And then, at the top of the league in Europe we find Ukraine, Belarus and at the very top here, Russia with at least 630 per 100,000.\(^3\)

And then, at the other side of the Atlantic, in a league alone, we find the US with more than 700 prisoners per 100,000, that is more than ten times the Scandinavian level and five times yours.

Let me, in what follows, compare these countries in light of six major variables. First, the obvious one with Iceland at the bottom, the

1. Size of the system

It is so easily done to dismiss this finding. That little country Iceland, what there happens has no relevance for huge nations. And I agree. On the other hand; some huge nations have lots of Iceland, in the form of islands, - inside their borders. First in the form of small towns or cities. But large cities have also islands, inside. New York has several, Paris is said to consist of lots of French villages, and London also, as far as I can observe. In my little city, Oslo, I live in

\(^3\) There are problems in getting the Russian figures right. Not because of lack of informations on number of prisoners, but because of problems with estimating the population. The Russian population is shrinking, but it is unclear how much. A census this year might indicate that they have 919 000 prisoners in 2002 (<pwagner@prisonpolicy.org>
one. I moved to that island some 18 years ago, and have ever since been forced to reflect on why it is so extraordinary good to live there.

Basically, because that part of the city by and large, but with exceptions as me, is a low-income district. Simply, it is a majority of poor people around. From that follows four essential social facts:

1. Most people there do not have cars. From that follows:
2. Most people do not shop outside the local neighbourhood. There is no transport available to supermarkets outside the district-borders. In addition, many will not have so much cash available that they can load up for several days. From this follows:
3. The local shops survive. There are not part of Oslo so filled with kiosks and small shops as in this area.
4. And one factor more, a very important one: An extraordinary amount of those living here are on welfare of one sort of another. That means they have more time available than most people.

So, when Saturday arrives, and I as other academics should be out skiing in the forest – that is how most of us are conditioned – then I am instead out in the local streets, shopping, talking, or just being.

This has other consequences. This island of mine is as you might have understood, a place for all sorts of people; an extraordinary number here are in official files for being bad, mad, sick or just in need of help. But in our neighbourhood, they are not diagnostic categories. They are characters; that man with the blind dog, the cigarette-but collector, the kind old lady, that youngster to keep away from, or those kids with their variety of languages.

This also means that we have less crime in my neighbourhood than in the affluent parts of the city. Of course, I do not with this statement say that less property disappear without the consent of the owner in my neighbourhood than in other neighbourhoods. Nor do I say that fewer people are bodily harmed than elsewhere. Probably it is more of both. What I do say is that these activities get another meaning on my island. We are not that scared, since we know our neighbours. And chances are great that we know some of the involved parties, or some that knows some. This means that it does not feel quite that natural to use official designation as “Theft” or “Violence”. Crime is a man-made phenomenon. Among people that know something about each other, it is less natural to use crime-categories. We might dislike what they do, and attempt to hinder it. But we do not have the same need for the simple categories from penal law. And if applied, these labels do not to the same extent stick. My son might take something from the kiosk without paying. But I will not see him as “a thief”. I know him so well, there is no empty space at his forehead to stigmatise him.

But how do we preserve local neighbourhoods?
I can not go into that in detail, therefore only some pointers: To the needs for decentralisation; local police, local police-stations, local schools, ban against free choice of schools outside the neighbourhood, local social welfare offices, ban against huge shopping-centres outside the districts, encouragement of local culture, local radio, local TV, local theatres and movies, encouragement of the establishment of local centers for mediation...

With this, we are in the middle of theories of social control. We know from so many studies how cohesive neighbourhoods control their inhabitants. And we know what follows when primary-relations dissolve. One of the last studies on this is “Bowling alone” (Robert Putnam (1999). From being socially outgoing with many friends that often meet, deeply involved in civic life, the ordinary US-person has become more of a social isolate. As one among a myriad of indicators, bowling is not so much a group activity any more, it has become a lonely activity – one man competing against himself, his last results. No more beer-drinking with the group of pals. After the game you drive home to another suburb to a household where 7 hours of TV watching is waiting, - that is the statistical norm for the country. Life in social networks is shrinking, while consumption of crime from the screen is increasing.

Putnams study is met with critique as to its importance for political life. But from my perspective here, it is an essential finding that people do not meet people. That means increased reliance on media for describing what happens and what gives meaning to occurrences. It also means greater dependence on the state to cope with these perceived dangers.

If I am acquainted with my neighbours and have some network close to me, I have an easy time if some youngsters misbehave gravely in my hallway. I call for someone who might know some of them, or I call for the athletic neighbour one floor up, - or may be for the little lady I know is good in handling local conflict.

But without a network, and with all the information on the increase in crime in mind, I would have had to call the police. I would thereby have created conditions both for encouraging unwanted behaviour, and for giving that unwanted behaviour the meaning of being crime.

Then to a second major variable:

2. The cultural tradition

Let us move away from Iceland and the close nit islands over to the high incarcerators, Russia and the USA. My claim will be: They have an important historical tradition in common. Russia was the last country in Europe to abolish the system of servitude. Up to the revolution, those working the land were very close to being slaves. The GULAGS were not quite that deviant in Russia as elsewhere. The Isac Cathedral in St. Petersburg is more than a memory of the Tsar. Its Dome is covered with gold. Thousand of ordinary villagers from the surrounding districts were commanded to work there, spreading the gold. To
get the gold to fasten, they used arsenic. Only a few workers returned to their village. Several of the beautiful subways of Moscow are constructed by work-brigades from the GULAGS. So are also many of the pompous buildings from that period. It is history, but not from far back.

And then to the US. The increase in their prison population has been unbelievable since 1975. The growth seems recently to have slowed down, but has not come to a full stop. In absolute figures, they have 2 million prisoners, and in addition more than 4 millions on bail, probation and parole. Again, as in Russia, these enormous figures can also be seen as influenced by a cultural/political tradition. Russia had their bondage system, USA their slaves. More than one million of their altogether 7 million black males are in prison just now. If we include those on bail, probation and parole, close to half of the black male men are under control of the penal apparatus. Slavery was abolished. After a while, some blacks forced their way to the front seats of the busses and moved to the North. Here they were imprisoned.

3. Where social welfare does not exist

The two top-incarcerators have another feature in common. They are states where social welfare does not exist. Russia out of necessity, USA out of principle. In both cases, it is clear that the prisons serve as functional alternatives to the missing social security system. In situations with severe absolute poverty (Russia), or severe relative poverty (USA), the pressure on the state system of control becomes immense. All modern countries have some of this tendency, I know of no country that does not have a great overrepresentation of poor people in prisons. Prisons are places for the last assortments. But some countries have more prisons than others do, and that are those with large urban populations but without any safety-net.

I have up to this point made some attempts to describe forces leading to low versus high figures of incarceration. But there are also important common features, elements leading to increased pressure on the prison systems in all industrialised countries we know of. Let me turn to these.

4. One-dimensional societies

Some time back, I asked a group of student for their thoughts when I mentioned the word “capital”. Nearly all, and few with any hesitation, said: Capital, that is money. I had the day before gone to Oxford Dictionary, and was well prepared to tell that money was only mentioned as definition number eight in that well of knowledge. Top of the column, heads, Major City, major buildings – these are closer to the original meaning. It says a lot of our time that money has taken the place of heads.

The hegemony of the market thinking is so clearly established in our time that it in a way becomes invisible. It becomes an obvious part of life. How could it be otherwise?
But there are costs in having a monolithic reward-system compared to a multidimensional one.

Such societies, with their highly simplified reward-systems, are faced with certain built-in problems. In multiinstitutional societies, there are life areas where the theme of monetary reward does not enter the picture. One play for the sake of playing, walks to the river for the sake of the walk, join friends or kin for the sake of joining. With the introduction of money in an increasing number of activities, one is confronted with a situation with diminished availability of types of activities that represent a reward in themselves. In addition: If money, eventually the use of money, becomes the goal of all activities, life becomes sad for those without. There are so few other arenas left. Lack of money becomes a clear indicator that life has been a failure. Humans in this situation might come in deep trouble. So also society with them.

These are situations that call for external controls. Here lies golden possibility for the ever-expanding crime-control industry. It is well known throughout history as well in the elementary experiences of most people that outsiders are more difficult to keep at the main tracks than insiders are. It is also well known that those who own nothing are more difficult to govern than those with something to loose. And it is close to obvious that those who cannot take part in the most valued activities are potential troublemakers.

5. The professionalisation of the controllers

I started my academic life as a sociologist. At that time academic bookstores where I had my hunting area were filled with sociology. Now general sociology has shrunk, those shelves are instead filled with books on computers, on management, and on what we might call “controllogy”. Police-science, prison-science and general criminology has expanded enormously. It is an alarming development. We are refining the science on how to keep people under control. We are paving the road for that activity. Why should we not go along?

Because it is dangerous.

All professional training contains elements of moral training, what goes on is a systematic socialisation into values and attitudes of the guild. Doctors, architects, economists, journalists, - baked into their training is a set of value-premises. It is a training in utility, - what is acceptable is what is useful for the dominant goal of the profession. Or, in another formulation: Training might create blind spots, just as propaganda might create blind spots.

One of my special interests has been the phenomenon of concentration camps, and then particularly the conditions for killing, as well as conditions for non-killing. Two conditions for killing seems to be essential: First, you have somehow to be educated away from your ordinary ways of coping with other people. Nazi-propaganda, extreme anti-Semitism, extreme forms of nationalism mixed with orthodox Marxist/Leninism as in the case of Pol Pot in Cambodia, or the great leap forward as in Mao-China, or the class war for
Stalin. Secondly, you have to see what you do as a necessary job. Particularly helpful here was to have a medical training. The whole process was a cleaning of the German body. Surgery at the state-level. There was a need for doctors at the train-platform when the transport to Auschwitz arrived to keep the image alive that this was a medical operation. If no doctors were available, at least a dentist would do.

And now, for us?

XX is a psychologist from Switzerland. He gave a report in Oslo some weeks ago on the “rescuers”, that is those who risked their lives during World War II by hiding Jews and other people wanted Hitler and his men. His major conclusion was that there was nothing special with the rescuers. They were just ordinary people, doing what ordinary people do most of the time, act as ordinary people, open for what we in Norwegian calls **hverdagsstandarder**, standards for common decency. These rescuers had not been trained away from ordinary standards for ordinary behaviour.

There are no cures against crime. But there are many with vested interests in believing there are. A whole profession thrive on the ideas that there exists a medicine. My alternative view is that if we want to curb penal growth, we will have to put on the ethical brakes as those in the common decency.

There are in this situation no alternatives, except a retreat to social forms where we to the utmost extent relate to each other as full human beings. So much more because crime is in endless supply.

**Crime as an endless supply.**

It is as an unlimited natural resource. We can take out a little – or a lot. Acts are not, they become, their meanings are created as they occur. To classify and evaluate are core activities for human beings. The world comes to us as we constitute it. What we see as crime is thus a product of cultural, social and mental processes. For all acts, also for those seen as unwanted, there are dozens of possible alternatives to their understanding; bad, mad, evil, misplaced honour, youth bravados, political heroism, - or crime. The "same" acts can thus be met within several parallel systems as judicial, medical, pedagogical, theological, or, as most often happens, as informal sanctions within the framework of ordinary interaction.

This perspective on crime makes it necessary to raise the question of the social conditions for when and why certain acts occur, when and why some of them are seen as unwanted and when and why some acts seen as unwanted also are seen as crimes. The essential question here will be:

First: Under what sort of material, social, cultural and political conditions will unwanted acts occur,

Secondly: When they occur, when will they then evolve with crime as their dominant meaning?
Thirdly: When that meaning is given, what are then the further consequences of this designation?

Crime is a dangerous concept. It leaves us with an impression that things have very specific meanings, in this case that certain phenomena “are” crimes. But what we need to understand is how they become crimes.

But does it matter?

But does it matter, where we end on the scale I have presented? In modern societies, prisons are comfortable buildings. Is it really so important to keep prison-populations low?

I see at least three reasons for keeping it low:

First, to punish is a deviant activity, compared to ordinary ethical rules.

It is an activity in dissonance to other cherished values. It is used everywhere, accepted everywhere, but nonetheless seen as an exception. To deliver pain to other human beings is so much in dissonance to other important values, that sensitivity around its use becomes high. It is an activity many are ambivalent towards. Citizens might accept executions, but shy the executor.

As human beings, we have most of us internalised some basic concerns as to what we can and can not do to other people. To express it in the language of Cooley (1902): Without being met with kindness, we had never grown up, developed into humans. Basic are rules as:

- Be kind
- Do not kill
- Do not use torture
- Do not intentionally inflict harm
- Do not restrict other people’s freedom

This is in a way above discussion, - it is obvious. And it is equally obvious that punishment represent a break with these values. Punishment means delivery of pain intended as pain. Evaluating penal systems, we must therefore keep as our point of departure that our whole penal apparatus is in conflict with other basic ethical ideals. It is as if we often forget that punishment is an act with the intention to get other humans to suffer. This is the case also in countries without torture and death penalty. With imprisonment, we do not take the whole life away. But we take parts of life away. With life-long imprisonment, we take close to all life away. Or in the characteristics of the existence in Maxi-Maxi institutions as Zigmunt Bauman (2000: 209) sees it: “Apart from the fact that the prisoners are still eating and defecating, their cells could be mistaken for coffins.”
Compared to our usual values, delivery of pain is thus a deviant activity. All other equal, a society with a small amount of pain-infliction is to most of us preferable to one with a large amount, - even though some might prefer to convert their societies to purgatories, at least for their neighbours.

Secondly, punishment represent a danger to civility

Penal institutions are in extreme conflict with civil ways of organising social life. Pain delivery demands power, and in our Western tradition we need numerous formal arrangements to control that power. And as kindness is ranking above delivery of pain, we might say that civility is ranking above non-civility. Many among us agree that there are limits as to how far state-controllers can be allowed to penetrate private life and primary relations. To a large extent that opinion is based on an understanding of the difference in character between primary control and secondary control. Both can be extremely strong and abusive. But in relatively open and to some extent egalitarian societies - and I am well aware of exceptions - primary interaction takes place in systems where the participants know much about each other, and where the control to some extent is based on mutuality. The control measures are here built into the relationship. Not so when acts are given the meaning of being crimes. When that meaning becomes the dominant in a society, the civil character of that society is endangered.

Thirdly, punishment might prevent assimilation o vulnerable sections of the population.

The growth of penal institutions might represent a serious threat against ideals of social cohesion and assimilation in society. As long as those seen as extremely deviant or basically criminal in their behaviour is few and far between, prosecution and punishment might increase cohesion in society in general. With a small prison population, it is possible to think of deviance as an exception. It is accepted wisdom among us that normality is strengthened by the awareness of some rare cases of abnormality. But with a large prison-population, the metaphors move from deviance to war. The cohesive society with some helpful outsiders is transformed into a divided society with large segments seen as potentially dangerous for the social order of that totality. At the same time, for those hit by punishment, prisons are converted from places of shame to usual parts of social life.

A huge prison-population means also a great drain of young males from inner cities, particularly from minority groups there. are Possibilities for normal developments are thwarted, so are also possibilities for creation of families and care for children, education and waged labour. Here is created conditions far beyond those usually found within democratic societies.

The alternative to war conditions and mass-incarceration is of course to give these populations an ordinary share of ordinary society, - education, work, and political and cultural participation. The present use of mass-imprisonment blocks the way for such developments.
A conclusion

As a sort of conclusion, I have three points I want to express:

First and most general: What is at stake here, is the civil society. It is not the question of letting deviance go untamed, but how to create social condition that minimise the occurrence of unwanted acts, and also let ordinary human beings control them when they occur.

Secondly: We should not take the number of registered offences in a country as our point of departure when we discuss necessary prison capacity in a country. Crime does not exist. What exists is unwanted behaviour that we want to modify, eventually prevent. For that task, we should turn the whole thing upside down. We should start with the system of sanction and here take basic values as our point of departure. We should then ask: What sort of pain, and what sort of distribution of pain, do we find acceptable for our type of society? Particularly: How large can we accept the penal sector of society to grow without endangering the civil character of our society? And then, when these limits are established, and we observe they are transgressed, we have to give advice on what ought to be done. How to strengthen local neighbourhoods, how to reduce the one-dimensional society, how to use social support rather than penal sanctions. The level of punishment, measures of pain intended as pain, must be seen as the independent variable. We must take the political decision: We do not accept more than X prisoners. If that limit is threatened, we are forced to change conditions creating pressure on that limit.

Then, to the third, and related point:

Torture and death were once seen as natural forms of punishment. Today, they are out. The non-use of torture and capital punishment in Europe can be seen as a sort of Crown Jewellery of our whole system. This phenomenon tells us something very important on who we are. Torture and execution are among the untouchable of values, they can not be used for manipulative purposes. But to take most of what is usually included in life away in the form of incarceration has not gained the same status and protection. I think it is our obligation to create awareness of this.

To me, a low prison population within a state has some sort of the same sacred qualities as the absence of torture and capital punishment. It expresses some of our basic values. When these values are threatened, we must change the conditions threatening them. We must not change the values.