

# **The failures of the American penal system and the possible lessons of Scandinavian Exceptionalism**

LUISS (Libera Università Guido Carli)

Dipartimento di Scienze Politiche

Sociology

Candidato: Bruno Di Tillo

Relatore: Ilaria Pitti

Anno Accademico 2019/2020

# INDEX

<b>INTRODUCTION</b>	<b>p. 3</b>
<b>Part 1 : Prelude</b>	<b>p. 4 - 16</b>
<i>1.1: Foucault and Travis</i>	<i>p. 5 -7</i>
<i>1.2 : The State's role in Society</i>	<i>p. 8 - 16</i>
<i>1.2 a) Scandinavia and The Welfare State</i>	<i>p. 8 - 13</i>
<i>1.2 b) USA Model</i>	<i>p. 13 - 16</i>
<b>Part 2: The State and The Prison</b>	<b>p. 17 - 40</b>
<b>2.2 : UNITED STATES OF AMERICA</b>	<b>p. 17 - 31</b>
2.2 a) <i>Poverty</i>	<i>p. 18 -19</i>
2.2 b) <i>African American Inmates</i>	<i>p. 20 - 21</i>
2.2 c) <i>Drug Policies</i>	<i>p. 22 - 24</i>
2.2 d) <i>Recidivism</i>	<i>p. 24- 26</i>
2.2 e) <i>Sex Offenders and Recidivism</i>	<i>p. 26 - 27</i>
2.2 f) <i>Privatisation</i>	<i>p. 27</i>
2.2 g) <i>Prison Ecosystem and "prisonization"</i>	<i>p. 28 - 31</i>
<b>2.3 : SCANDINAVIA</b>	<b>p. 32 - 41</b>
2.3a) <i>John Pratt and the overall Prison Population</i>	<i>p. 32 - 33</i>
2.3b) <i>Halden Prison, Guard-Inmate Interaction,</i> <i>and general Prison Ecosystem</i>	<i>p. 34 - 36</i>
2.3c) <i>Recidivism</i>	<i>p. 36 - 37</i>
2.3d) <i>Crime Rates and a possible failure</i> <i>of the Nordic model</i>	<i>p. 38- 40</i>
<b>Part 3: Conclusion</b>	<b>p. 41 - 42</b>
<b>BIBLIOGRAPHY</b>	<b>p. 43- 48</b>
<b>ABSTRACT / SUMMARY</b>	<b>P. 49</b>

## **Introduction**

The object of this thesis is to delineate the failures of the United States of America's prison model and to showcase some of the many lessons Scandinavia has to give. The way this will be done is through the analysis of data from the USA, most importantly their recidivism rate. Broad definitions of recidivism shall be made throughout the text to then be discussed and critiqued, for example critiquing true recidivism rates for sex offenders. The failures of the US that will be discussed will be: the overrepresentation of African American in the inmate population, the targeting of poorer social classes in the penal system, the failing war on drugs, the privatization of the penal commodity market and the prison ecosystem, and lastly the concept of socio-psychological prisonization within the confines of the prison ecosystem. In contrast, I shall compare the USA with Scandinavia by talking about the pinnacle of Norway's penal system, namely Halden prison, showcasing the potential of a more humane approach to inmate-guard interaction. The Scandinavian system shall also be critiqued under the lens of rising crime statistics. Nonetheless, the concept of Nordic Exceptionalism shall be delineated and shown to be, though with some flaws, potentially a better solution for the US's problem of Mass Incarceration. The prelude of the thesis will try to first and foremost pinpoint the concept of prison and how the different State models differ between their utilization of it. The techniques used shall be simple data analysis and open discussions of the charts and numbers that will be used to back claims. The media used will be mainly reports on the subjects involved and a few specialist claims on the topics at hand. A note to the reader that shall be repeated many times: this thesis is by no means a complete or comprehensive list of all the areas in which one system fails or the other rises above. On the contrary it is a personalized and rather subjective choosing of areas in which the USA lacks brilliance and success and a mere brief understanding of the rather murky topic of Nordic Exceptionalism. Nonetheless the areas covered shall be looked upon with as much objectivity as possible. The choice of the topic was of particular interest in this political era, because the subject of American soft power is seen as an everlasting shadow on European society in penal areas as well as overall societal norms. As will be shown, Nordic Exceptionalism poses itself in stark contrast with the prison culture of the United States. This last point is of little importance, though in what, as already stated, the focus of the paper truly is: showing the failure of the American model of penal excess. Nonetheless the idea that the rest of Europe, and most importantly the USA itself, may learn from Nordic success has been in the news as of late and it is particularly important that scholarly articles be written to speed the process of change in the USA.

# **PART 1**

## **Prelude**

Anger is what we choose to feel in times of heightened stress. In other terms, it is a choice that the individual makes to gratify himself. It is quick; it releases pleasure. Now, the consequences of his actions are another story. They are concerned with something with which anger isn't, it being the Future. The point of anger is to deal with Past issues by Present means. But the present is a treacherous being; it is but a nightingale that sings its tune just to then fly away in the midsummer's eve. We as a species tend to think we live in the moment, that every glimpse of the Present is lived upon, when in fact we all are living in the Past. It's not a matter of the comparatively allow time the brain's synapses take to register an event which I'm concerned with, though I also take this into consideration when stating we live in the Past. No the most important thing in my iteration is that we base the fragile concept of Present onto some event of the Past. Anger is just an example to state how the human psyche uses the Past to craft the Present and thus the Future. The point of it all being that a quick or more gradual release of dopamine and satisfaction seems to be at the centre of our very existence. The question is if we can effectively brake the cycle and not base our actions upon selfish decisions, but work through them and utilise that initial blow of past events to curb a better outcome for others as well; but I digress. The concept of this thesis is to showcase the failures of the US prison system, showcasing the potential advantages that the Scandinavian governments have brought to the world with their model on a mere numeric level rather than moral or ethical. But to understand how the numbers showcase the failure of the American system it is crucial to understand certain topics. Firstly, is the American model truly definable? Does the Scandinavian system truly shine where the American system doesn't? In other words this thesis requires us to delve deeper into the numbers and psychological aspects of the two systems separately. But we cannot do that without asking ourselves the main question: what is truly the concept of prison. Obviously without that first input, we cannot objectively understand failures or lack thereof.

## **1.1 — Foucault and Travis**

A note to the reader: it is obvious that the concept of prison has changed throughout the millennia on Earth, thusly I shall concentrate my efforts to sum up the concept of Prison and its role in society mainly for Western society as to best understand Scandinavia and the USA.

If the latter reasoning of satisfaction and revenge is brought over to the commitment that civilisations have taken onto punishing an individual through various means, there is a striking coincidence to what Foucault said about torture's role in society whilst talking about an attempted regicide in the mid-18th century:

*"It [torture] assured the articulation of the written on the oral, the secret on the public, the procedure of investigation on the operation of the confession; it made it possible to reproduce the crime on the visible body of the criminal; in the same horror, the crime had to be manifested and annulled. It also made the body of the condemned man the place where the vengeance of the sovereign was applied, the anchoring point for a manifestation of power, an opportunity of affirming the dissymmetry of forces."*<sup>1</sup>

The sphere of the Self, here, is brought onto an institutional role; the most important points of interest I'd note are that "the crime had to be manifested or annulled", the public, bodily manifestation of power of the sovereign, and lastly the affirmation of the dissymmetry of forces. The overall extrapolation of this text is that the concept of torture is not merely a end to itself, but serves a precise scope. It not only satisfies the lust for revenge, but also imposes upon the watcher (not the tortured victim) a lesson on the consequences of further action. The bodily manifestation of the ruler's tight grip on society (though in a militaristic fashion since a regicide was seen akin to an act of war)<sup>2</sup> was thus exemplified with a mixture of revenge and public spectacle-lesson.

Thus, should the role of the modern prison be based on the State avenging the victim? The answer lies in the outcomes of Foucauldian torture, which can be summed into the sympathy by the public towards the victim and the subsequent possible riots that could ensure because of said sympathy.

In the modern era, even if the wrongdoer is processed according to the Law of his country, the State still has the tricky job of letting the victim satiate his revenge through the Law (think of capital punishment for murder in some US States). But the modern State differs from the ancient regime's use of torture because it does not simply satiate bloodlust blindly, but delegates the power over the perpetrator's future not onto one person, say a regent, but to the rule of Law and lets the

---

<sup>1</sup> "Foucault, Discipline and Punish, 55

<sup>2</sup> Ibid., p.57

condemned prove himself innocent. One may say that this description does not go very far from, say, ancient Germanic Laws for sorcery where the accused would have to prove himself not guilty. Frankish Salic law, or *Lex Salica*, presents itself as an obvious example for this. This medieval example is outstanding as it was amongst the first written law codes (it originates in ancient customary oral law), but it reveals upon closer inspection that it differs greatly from modern codes of justice. A prime example is that the whole concept of torture or punishment was to be devised according to social status, be it gender, ethnicity, or nobility status. Modern law codes in Europe are vastly different from this, as they base themselves on the concept of Equality in front of the Law, save for sporadic vestigial traits in countries like the UK where the concept of Sovereign immunity still exists. But that is beyond the point; the difference from one state to the other today is not anymore the different regents' wills, but pre-determined socially crafted laws and the different ways that it articulates the different branches of justice onto the accused. Justice comes thusly in socially chosen rules that are taken as truth and if broken will cause consequences. The passage from torture to imprisonment can be seen as exactly this, an evolution. But it is crucial to understand that it was not for moral reasons that this passage took place. Foucault furthers this claim.

In his book *Discipline and Punish: The Birth of the Prison* Foucault exemplifies how the passage from torture to more gentle, so to speak, prison disciplinary actions was gradual and not mainly guided by moral reasons. The fault was much more technical, based on fear of the unpredictability of the Regent's decision-making process and the will to create a will-of-the-people. The passage towards general prison utilisation was a further step from a previous utilisation of mental and bodily forms of individualistic prison. This in turn gave way to a Panopticon-style of discipline, where the individual was less likely to diverge the public law if he thought that the State was lurking in the background. Taking away the unpredictable nature of the regent and the social repercussions that a public torture based on his will could bring was thus logical. Prison, though was still considered a punishment.

Furthering Foucault's view of a punitive nature of prison, Lawrence F. Travis III states:

*Sentencing is the choice of punishment. Punishment is the imposition of consequences, usually unpleasant consequences, for the commission of the crime.* <sup>3</sup>

Justification for the penalties are in reality the goals they serve. The role of Prison can be seen as the alternative to corporal punishment and torture, but nonetheless serving the same principle of forcing onto the individual condemned the will of the Law.

---

<sup>3</sup> Latessa et al, *Correctional Contexts*, p.47

But Travis also sheds some more light in the role of the State and punishment by talking about the four traditional goals of sentencing: deterrence, incapacitation, treatment, and desert. The first three are utilitarian in nature, the last tries to restore balance by returning harm to harm<sup>4</sup>. The third one is of paramount importance to understand the force behind the Scandinavian system.

1.) Deterrence penalties are functionally scare tactics utilised to prevent future crimes in would-be offenders.<sup>5</sup>This fear in turn provides both the guilty (specific deterrence) and the general public (general deterrence) to avoid possible repercussions. For it to work the penalty must outweigh the crime. Certainty of repercussions for crime, rather than the timing and severity, seems to be much more important for a Deterrence strategy to work.

2.) Incapacitation penalties settle on limiting offenders' chances to commit future crimes through means such as incarceration, but not by removing the opportunities for crime.

3.) Treatment, or rehabilitation, is based on the notion that future crimes may be prevented through rehabilitation based on the tailored needs of the offender. In other words it aims to reduce future crime by aiding the offender in seeing the disadvantages of crime and the advantages of lawful conduct through multiple mediums of positive reinforcements.

4.) Lastly, Desert sentences don't seek to reduce future crime, but are rather only concerned with balanced retribution. In other words, an eye for an eye.

The role and concept of Prison thus becomes multifold, it can aid the condemned, appease the mass, and provide society with a form of security against future crime.

We thus see that in the natural sea of events, Prison thus served as a physical symbol for the ever-present danger that the State posed to wrong-doers. Rather than being simply fearful for their lives with the thought of public torture, Prison now posed a new psychological reminder of the presence of the State.

The question that neither Foucault nor Travis truly address is whether it should be the role of the State, utilising this physical manifestation of its power over the minds and bodies of both guilty and non, to assure only fear of the Law when in prison rather than personal and social growth through it. In other words should the State's involvement revolve only *after* the crime has been committed (such as in strategies 2 - 4) or through fear tactics before it is committed (such as strategy 1), or should the State actively try to cut the overall societal reasons through positive reinforcements.

---

<sup>4</sup> Ibid, p.48

<sup>5</sup> Ibid.

## **1.2 — The State's role in Society**

Having duly defined the role of Prison and imprisonment we must understand the role of the State in society. After all, prisons do not exist in a vacuum and every State can change the four goals of Travis according to its model of statehood. After all, an Authoritarian state may not place as much emphasis on rehabilitation, but rather more on incapacitation or deterrence practices. At first glance the four roles of sentencing are all of equal importance, and justifiably so. In most countries they are used in tandem; but where Scandinavia and the USA come to odds is how they choose to utilize Rehabilitation and aid to the condemned. Furthermore, the Scandinavian country's use of prisoner rehabilitation is not only special, but often seen as a beacon of moral hope in the world. Again, I must state that I am seeing this Prison system on a purely utilitarian way, and evaluating prisoner satisfaction and treatment only through the yielding of numbers that showcase its working.

To answer my first question, though there are vastly more state models than can be or will be discussed hereupon this paper, the one that adheres mostly to the current Scandinavian model is the welfare state, whereas as will be seen later the American model is much harder to assess.

### **1.2a) Scandinavia and The Welfare State**

A quick definition of the model is that the role of the State is not only relegated to police the people or even generally adhere to safeguarding the economic market structure, but also to safeguard the socio-economic wellbeing of the citizens, promoting equal opportunities equity between different categories and social groups. This entails that the State is not just responsible for the physical and monetary protection of the citizen, but most importantly it actively seeks to aid them and branches out to help through State-funded physical actions. One could argue that because this model makes of the State more of a mother figure towards its citizens, it is by default a weak system destined to collapse and not prevail in the long term as it will be inevitably exploited by the. As we shall later see in regards to the Scandinavian prisons, this criticism is not only hasty, but it also neglects the fact that the system, though nursing it may be, is built to cause the people to use the State's aid only when needed. In other words the model proposes that citizens themselves actively walk parallel to the State in an effort to the betterment of society as a whole. To sum is up, the State's role is to aid. In the words of Swedish Prime Minister Erlander: *the state is not a threat to or an enemy of the individual. On the contrary, many of his problems can only be solved through cooperation and solidarity, through the state and municipalities*<sup>6</sup>.

---

<sup>6</sup> Pratt and Eriksson, Contrasts in Punishment, 77



Esping-Andersen's world-renowned book *The Three Worlds of Welfare Capitalism*<sup>7</sup> elegantly summarizes three categories of the welfare capitalist state: liberal regimes, conservative regimes, and social democratic regimes. Liberal regimes target working class people, passively or less passively encouraging the market to aid the workers through private intervention. Conservative regimes work through the form of family-centered aid; the model is based on the overarching principle that when applied, the society in question has strong traditional family values, but usually it excludes non-working women and wives, though favoring motherhood. On the other hand, Social Democratic regimes apply a universal welfare coverage for the entirety of the population, favoring a State- services practice, minimizing the need for market intervention. In addition, the Social Democratic regime's prerogative is to minimize social disruption, for example by flattening the unemployment line or by lowering income inequality. Scandinavia fits perfectly the definition of a Social Democratic regime.

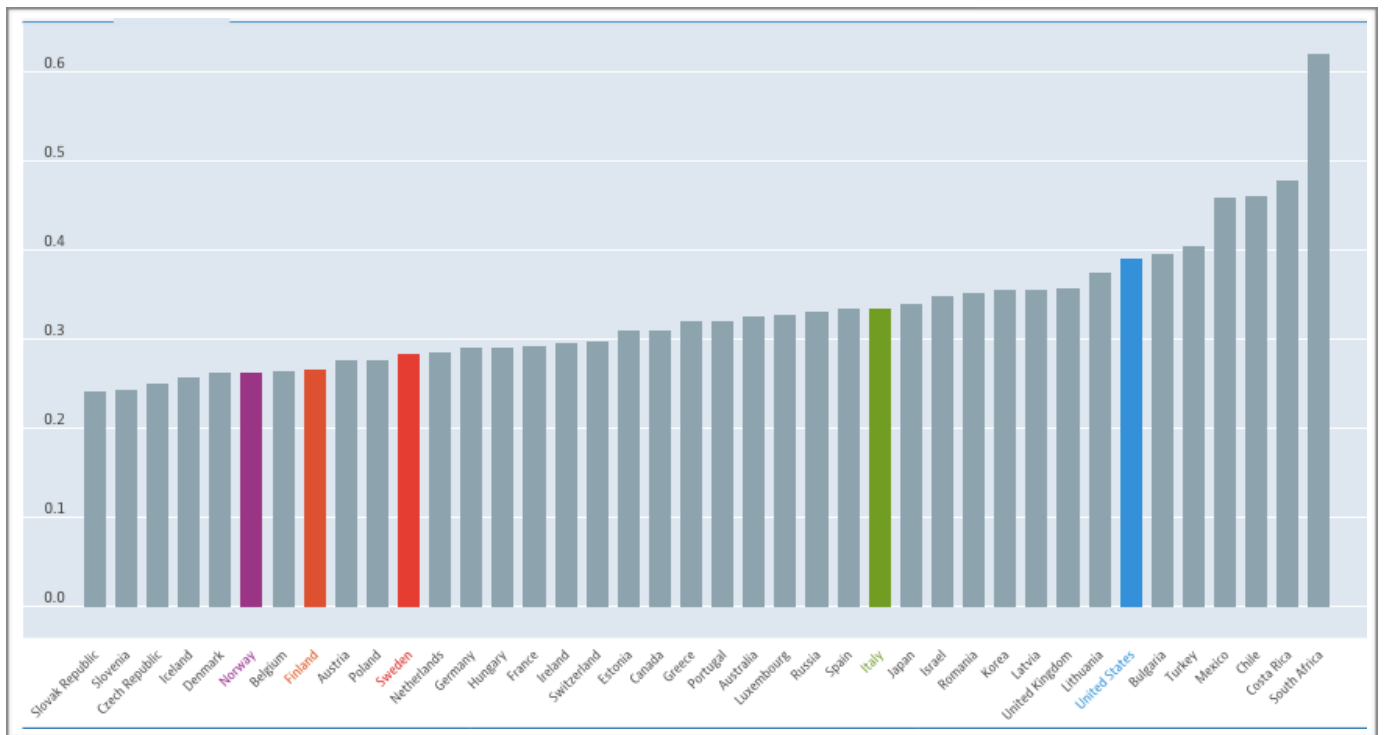
From State-driven enterprises for social cohesion, such as public schooling and a semi-private medical system, Scandinavia as a whole is a prime testament to Andersen's categorization. What sets apart the Nordic countries from the United States or most of Europe is their extremely low income inequality. A definition of income could be "*household disposable income in a particular year (...) consisting of earnings, self-employment and capital income and public cash transfers; income taxes and social security contributions paid by households are deducted. The income of the household is attributed to each of its members, with an adjustment to reflect differences in needs for households of different sizes.*"<sup>8</sup> Based on the Gini coefficient, which is a commutative comparison between the proportions of population against the proportion of income they receive (0 is perfect equality, 1 perfect inequality), it is clear that Scandinavia has extremely low income inequality. Below is a chart showcasing just this with other OECD countries shown for comparison.<sup>9</sup> Norway, Finland, and Sweden (highlighted respectively in purple, orange and red) are clearly a step ahead countries like the USA or Italy (blue and green) in terms of income inequality, being placed in the lower spots of the graph with a Gini coefficient lower than 0.3. This point is where we start to draw the definition of Nordic Exceptionalism and the role of the state in prison culture.

---

<sup>7</sup> Esping-Andersen, *The Three Worlds of Welfare Capitalism*, 30-250

<sup>8</sup> theOECD, "Inequality - Income Inequality - OECD Data."

<sup>9</sup> Ibid.



*The Nordic Exceptionalism thesis claims that Scandinavian/Nordic countries (Sweden, Norway, Denmark, Iceland, Finland) maintain more humane and mild penal regimes because of their distinctive welfare states which are rooted in social cohesion, conformity and egalitarianism. Strong cultures of equality, social solidarity, faith in social engineering, state expertise, and consensus politics, the thesis argues, decrease criminogenic conditions and moderate penal severity.<sup>10</sup>*

Furthermore, the thesis can also be seen as an affirmation that applied Nordic welfare not only breaks the cycle of crime by aiding the perpetrator and having less severe incarcerations, but more importantly it boldly states to be able to decrease to a minimum the conditions for crime to even exist. In other words this model is in itself, by definition, a cure to crime through welfare policies. It is well-versed in fact, as previously shown, that the nordic countries present themselves as relatively flat in their income inequality GINI result. This ties in to Andersen's idea that a Social Democratic state prevents social disruption through a flattening of the inequality curve, lending a possible aid to the Nordic exceptionalism theory.

The other claim of the thesis is that a cohesive society with similar root ideals is also to blame for the success of the system. As it is rather unclear whether by this it is meant that an ethnically homogenous society is to blame for less crime, or rather that the Nordic society's values are separate from its homogenous nature, I'll show why the racial thesis is of little to no importance.

<sup>10</sup> Barker, "Nordic Exceptionalism Revisited", 5

A note to the reader: only Finland, Sweden and Norway shall be used in this thesis' assessment of Nordic Exceptionalism, though for the sake of understanding the bigger picture, I shall for now underline how even the greater Scandinavian supra-culture is somewhat similar. Currently the ethnic demography of the entirety of Scandinavia is as follows: <sup>11</sup><sup>12</sup>

<b><u>SWEDEN (July 2018 est.)</u></b>	
<b><u>ETHNIC GROUP</u></b>	<b><u>PERCENTAGE</u></b>
Swedish	80.9%
Syrian	1.8%
Finnish	1.4%
Iraqi	1.4%
Other	14.5%

<b><u>ICELAND (2018 est.)</u></b>	
<b><u>ETHNIC GROUP</u></b>	<b><u>PERCENTAGE</u></b>
homogeneous mixture of descendants of Norse and Celts	81%
Foreign Background (includes immigrants and persons having at least one parent who was born abroad)	19%

<b><u>NORWAY (2017 est.)</u></b>	
<b><u>ETHNIC GROUP</u></b>	<b><u>PERCENTAGE</u></b>
Norwegian 83.2% (includes about 60,000 Sami)	83,2%
Other European	8.3%
Other	8.5%

<b><u>DENMARK (2018)</u></b>	
<b><u>ETHNIC GROUP</u></b>	<b><u>PERCENTAGE</u></b>
Danish (includes Greenlandic (who are predominantly Inuit) and Faroese) 86.3%	86.3%
Turkish	1.1%
Other (largest groups are Polish, Syrian, German, Iraqi, and Romanian)	12.6%

<sup>11</sup> Central Intelligence Agency, "The World Factbook", <https://www.cia.gov/library/publications/the-world-factbook/>

<sup>12</sup> "Finland Population 2020 (Live).", <https://worldpopulationreview.com/countries/finland-population/>

<b><u>FINLAND (2020)</u></b>	
<b><u>ETHNIC GROUP</u></b>	<b><u>PERCENTAGE</u></b>
Finnish	96.5%
Other ( mostly Estonian, Russian, Swedish)	3.5%

The racial thesis, though bold it may be, does seem to possess some backing data, as each country possesses an extremely low ethnic diversity, with Finland having the lowest amongst them. As can be seen in more diverse countries, usually a bigger concentration of ethnic groups cause a higher percentage of ethnic in-conflict, see Rwanda’s civil war or even Europe’s very own Yugoslav wars in the 90s and the more recent 2014 war in Crimea. The problem with the thesis that an ethnically homogenous population automatically allows for less crime is that it excludes the possibility that other factors can tie in causing violence or social disruptions.

Countries such as Italy and Portugal are prime examples of how even very ethnically homogenous population can still have huge numbers of inmates and crime, with Italy’s total number of crimes being around 2.4 million by 2018.<sup>13</sup> It is also rather difficult to truly talk about ethnicity as the definition of it changes depending on who you ask. If one meant ethnicity in terms of genetics, then you could argue that a person having Tuareg ancestry living in Papua New Guinea and three generations apart from his forbearer’s traditional desert life has little in common with a modern-day Tuareg. If one relied solely on a cultural basis of understanding of ethnicity, then one might say that a German-speaking black man has little to do with a white German, not because of the way they were brought up but because of genetics. The situation thus becomes of racial national identity and that was mostly created in the wake of Nationalism in Europe in the early 19th century. In other words ethnicity is but a word that is extremely delicate to talk about and even harder to demonstrate how it ties in with crime.

Furthermore, Max Weber’s concept of *künstlich*<sup>14</sup> further brakes apart the already crumbling concept of ethnic identity, by stating that ethnic group divides are fundamentally man-made. Frederick Barth has more recently stated that ethnic identity is in a perpetual cycle to redefined itself through time<sup>15</sup>. Similarly it is my opinion that the constrict of Scandinavian cohesion behind their welfare values is essentially man-made. Historically this has some credit as all of Scandinavia adopted at some point in the 20th century some welfare model for statehood going more towards

---

<sup>13</sup> Statista.,“Topic: Crime in Italy.”,

<sup>14</sup> Banton, “Max Weber on Ethnic Communities: a Critique.”, 19–35

<sup>15</sup> Cohen "Ethnicity: Problem and Focus in Anthropology",: 383-384

Social Democracy by the 1980s. Taking their time to adopt more and more models has provided the space for acceptance of the welfare system by the population and thus created the means for a cohesive universal State-citizen relation. A note to the reader: though absurdly hard to delineate what ethnic identity truly is, it is important to understand that it is perceived by people, true or not it's perception may be. In the case of the USA, as we shall see though, racial profiling is a topic that is very relevant in the way it shapes prison populations. Though not of essential value in understanding Scandinavia, I have added the latter racial data because it is important to show how two different societies perceive and act differently towards a perception of diversity. I could not find any data of ethnic profiling for Scandinavia. But I digress.

It furthermore seems that the Nordic countries were rather tied together by strong Lutheran values more than merely ethnic. This can be seen from the fact that even as far back as 1784, for example, Swedish legislation prohibited marriages could take place unless both parties had taken communion for which they absolutely had to be instructed in religious studies<sup>16</sup>. It goes to show just how much the individual is cared about and how community values are essential in this society to strive. In other words to be good citizen, you must learn from the State and cooperate with it through an ingenious trial of social engineering. The model goes far beyond the four punishment goals highlighted by Travis and brings the the third goal, namely rehabilitation, on a much more complex spectrum: by rehabilitating society, you rehabilitate crime.

### **1.2b) USA Model**

The American model of is not quite as clear as the Scandinavian, thusly requiring a rather murky explanation. Thusly the role of prison in the USA is, rather importantly, murky as well. As we shall see, though the USA is modern in nature, certain of its peculiarities make it truly bizarre to pinpoint what its nature truly is. The prison's role is in part utilitarian, in part capitalist, in part deterrent. But I digress, a more complex explanation is in order.

Though all of Scandinavia is democratic like the USA, the similarities between them commence to shatter at a closer inspection. The USA, much like most of Scandinavia, reached independence from its former host country, though never committing again to a monarchy. It should be noted that modern Finland, Norway, Denmark, and Sweden are constitutional monarchies, they did however keep this anchorage to their past unlike the USA in respect to the United Kingdom. Though this, the role of the monarch in Scandinavia is rather ceremonial in nature and seldom really entails any power as high as in more ancient times.

---

<sup>16</sup> Pratt and Eriksson. Contrasts in Punishment, 51

The USA’s most prominent aspect at first glance, compared to the other countries mentioned, is certainly the Federal nature of its government. This can be seen as a vestigial trait of the former colonial past of the Thirteen States that first dissected themselves from the English dominion. Most importantly, though, it sheds light onto why the naming of a single state model like the welfare state results very hard in the USA. Though Scandinavia is not a a unified nation, but rather a geographic region, its constituent countries all share the aspect of the unitary, centralised, state. Furthermore the USA is much more diverse racially speaking than the entirety of Scandinavia. Currently (2010-2019) the Statistics for racial demography in the USA are as follows: <sup>17</sup>

<b>RACE AND HISPANIC ORIGINS</b>	<b>PERCENTAGE</b>
White alone	76.5%
Black or African American Alone	13.4%
American Indian and Alaskan Native alone	1.3%
Asian alone	5.9%
Native Hawaiian and Other Pacific Islander alone	0.2%
Two or More Races	2.7%
Hispanic or Latino	18.3%
White alone, not Hispanic or Latino	60.4%

This goes to show just how different culturally the two systems might be, with Scandinavia possessing a rather homogenous ethnic group and the US having a wide variety of racial diversity within its national borders. As already stated this dat is of paramount importance only for the USA as we shall see. It is important to remember that the key difference between the two countries is that of income inequality. It is important to stress this difference because but as we shall see the USA targets the poor tangled in the prison system rather differently and in a failing way, in certain cases making their lives worse rather than helping them.

Alongside a multifold ethnic background and high income inequality the US has more than three layers of state decentralisation (Federal, State-level, County, townships and counties, and so on...) that have different laws and structures for the organisation of things mundane such as schooling to the more penal matters such as capital punishment. Furthermore not all State laws are Federal, but all Federal laws are State laws. This means that although Abortion may be legal in all

---

<sup>17</sup> Census Bureau QuickFacts U.S. , “Census Bureau QuickFacts: United States.”

of the US, abortion clinics and regulations on the accessibility of abortion practices are de-facto regulated differently in every single state of the Union <sup>18</sup>.

Medicaid and Medicare shed some light as to why the USA is much more complex to pinpoint on a theoretical model map. Though at first glance these two systems are State-administered welfare medical models, overall America notoriously relies on the privatisation of the Healthcare Sector that is in turn loosely guarded by State and Federal regulations. That hardly qualifies for a Welfare State.

Thus, this makes it quite hard to give a general answer on the question of what the State's role is for the USA. It has strived in recent years for a equity-based society with heavy societal regulations, but still also pushes for the more Libertarian approach of free markets and looser overall State intervention. American Society rallies under the philosophical and law-backed banner of freedom (such as religious freedom as specified in the first amendment<sup>19</sup>), whilst in practice many citizens in the US arguably live in less than free conditions, be it for the lack of access to basic sanitary items due to cost, a low minimum salary, and the objectively scarce centralisation and existence of laws concerning aid in general for the poorest of the community.

From this I can assert that Plurality thus governs the USA. Its very *raison d'être* is to be a State that systemically mixes forms of libertarian free-market structure, liberal equality, and federalist overlordship to create a functional ever-changing country that can assert a plurality of voices at times of need. Furthermore we should also note how the USA, unlike the Scandinavian countries, presents such racial diversity that it is quite impossible to see it through the lens of a traditional European societal model.

The American Exceptionalism model just exposed, though, is not to be confused with the traditional *American Exceptionalism*<sup>20</sup>. The terminology is used in socio-political contexts to describe a great variety of reasons for which America, because of the country's origins and composition, is exceptional. The book *A Patriot's History of the Modern World, From America's Exceptional Ascent to the Atomic Bomb*, conservative authors Larry Schweikart and Dave Dougherty present a theory that states that the USA is different because of four main reasons:

---

<sup>18</sup> Rosy. "Opposition & Intimidation: The Abortion Wars and Strategies of Political Harassment."

<sup>19</sup> Legal Information Institute, "First Amendment."

<sup>20</sup> Schweikart and Dougherty, "A Patriots History of the Modern World."

- 1.) Common Law
- 2.) Virtue and morality located in Protestant Christianity
- 3.) Free-market capitalism
- 4.) the sanctity of private property.

However, the theory, thorough it may be in research and credentials, is of no use in trying to assess a cohesive understanding of a traditional State model for the USA for the purpose of this paper. Furthermore it does not show how the US is a polymorphous entity rather than a cohesive one. Thusly, for the duration of the thesis, American Exceptionalism shall refer to the US Polymorph Nature mentioned in the latter parts of this chapter.

A keened-eye reader might have noticed the absence of a discussion about the US's penal system in this section. A brief interlude is in order. Though the role of the US state in society looks murky, and at best one could state that its role is to keep the multitudes of voices from completely obliterating one another in a chaotic socio-political mess, one thing is clear. What the US model cares about mostly is to keep order, but cannot be seen as a perfect Weberian example of State as it is not the only one that has a monopoly on the legitimate use of physical force, but rather it relegates to overlooking its implementation oftentimes to passing its power to other entities. Private and public are mixed in strangely functional way.

As we shall later see the methods it utilises in the prison realm are much more deterrent, incapacitating, and desert in nature than they are about the rehabilitation of the individual offender. At first glance the brutality of this prison system might seem at odds with the polymorphous libertarian infused political nature of the United States, but at closer inspection, you'd realise how in reality, in all truthfulness, even the prison system takes part in the polymorphous nature of the country. From privatisation of prison personnel, to the semi-public nature of prisons themselves, this is all to demonstrate how practically impossible it is to denominate a single unified prison system. Because of this nature we shall look in the later parts of the thesis to the USA as an overall entity and will be to scrutinize it under a more general eye rather than focusing on State or county-specific data. What is clear, though, is that this system has been failing in deterring other crimes from happening, making the US Mass Incarceration into a world-known phenomenon.



## **PART 2**

### **The State and The Prison**

Travis and Foucault's previously cited insights on the development and goals of prison thus brings us to the point at hand about imprisonment in the two State systems of Scandinavian Nordic Exceptionalism and US Federal Plurality. The question that is hardest to answer is which of these two systems is the best. It is a complex question because it puts us in a very difficult situation. On one hand it asks us two things: 1.) to compare the two systems on a purely numerical values, 2.) on the other it puts us in front of yet another question of whether or not the numerical values are exactly what either two state model wanted in the first place. The problem with this last question is that it is rather speculative and thus does not aid in telling us what a prison model really wants without incurring in reasonings without backing data. Thusly we shall see how these two different models behave within the realms of their respective prison systems. It is by no means a complete analysis of their systems, but rather a generalized overview of what I consider the most impressive failures of the USA and the strengths of Scandinavia.

#### **2.2 ——— United States of America**

Currently in the year 2020, according to data collected by Prison Policy Initiative, the “*USA holds almost 2.3 million people across 1833 state prisons, 110 federal prisons, 1772 juvenile correctional facilities, 218 immigration detention facilities, 80 Indian Country jails as well as in military prisons, civil commitment centers, state psychiatric hospitals, and prisons in the U.S. territories.*”<sup>21</sup>

The US Bureau of Justice Statistics states that each year around \$80 billion are used to keep these inmates behind bars<sup>22</sup>. This paints an incredibly complex and dire situation even without further inspection of the numbers of incarcerated. Firstly it takes my previous assumption of an incredibly polymorphous US society and brings it to the forefront in the Prison system. The USA once again shows how diverse its ecosystem is. Spread around its national borders there are 9 different prison systems overlapping, though for the purpose of this thesis I shall not go too much in detail in the differences between them. This creates problems as because the US does not have one single, central justice system, each branch collects its own data *for purposes that may or may not be compatible with data from other systems, and that might duplicate or omit people counted by other systems.*<sup>23</sup>

---

<sup>21</sup> Sawyer and Wagner. “Mass Incarceration: The Whole Pie 2020.”

<sup>22</sup> Lewis and Lockwood. “The Hidden Cost of Incarceration.”

<sup>23</sup> Sawyer and Peter Wagner. “Mass Incarceration: the Whole Pie 2020”

Suffice to say for now that they reflect the stratified State nature of the country. The second thing that we see from this statement is the enormous number of prisoners currently in the United States of America. This is a phenomenon that has been colloquially termed as the US’s Mass Incarceration. The table data on incarceration around the world from some time ago shows the full sheer magnitude of USA incarceration numbers.<sup>24</sup>

Country	Prison population
US	2,193,798
CHINA	1,548,498
RUSSIA	874,161
BRAZIL	371,482
INDIA	332,112
MEXICO	214,450
UKRAINE	162,602
SOUTH AFRICA	158,501
POLAND	89,546
ENGLAND/WALES	80,002
JAPAN	79,052
KENYA	47,036
TURKEY	65,458
NIGERIA	40,444
AUSTRALIA	25,790
SCOTLAND	6,872
N IRELAND	1,375

Compared to other western countries, such as England/Wales and Australia, both formerly part of the English Empire, the numbers are simply staggering. One might say that the US’s big overall population, which by 2020 accounts for 330,637,037 people<sup>25</sup>, would be solely responsible for such a high number of inmates, which would be fairly reasonable. But

looking more closely at the table you’d notice how even India, with a staggering population of 1.37 billion people<sup>26</sup> in 2020, has an much lower inmate population. What is extremely staggering is that by 2020 the US is much much lower, with 5.35 crimes per 100,000 people, than it was in 1995, namely 8.11<sup>27</sup>. Yet, since the 1980s the prison population has considerably risen from 0.5 million to today’s staggering amount<sup>28</sup>. This must mean that other factors other than that of population numbers are to blame for this phenomenon.

### **2.2a) Poverty**

Jail churn might be one of these reasons. Some great number of people that enter the US prison system are nor really criminals, but are yet to even be convicted. Of the two types of non-convicted offenders the biggest one is composed of mainly those that cannot pay for the bail money. <sup>29</sup>

This is a rather important point that brings us back to the chaotic multiplicity of American Exceptionalism. The US is one of the few countries in the world, including former English

<sup>24</sup> BBC News, “In Depth: World Prison Populations.”

<sup>25</sup> Worldometer, “United States Demographics.”

<sup>26</sup> Worldometer, “India Population (LIVE).”

<sup>27</sup> MacroTrends, “U.S. Crime Rate & Statistics 1995-2020.”

<sup>28</sup> Gramlich, “U.S. Incarceration Rate Is at Its Lowest in 20 Years.” Pew Research Center,

<sup>29</sup> ivi “Mass Incarceration: The Whole Pie 2020.

dominions, to have the concept of a monetary lease paid to the State to get out of Prison. Regardless of its origins history-wise, the effects are quite devastating when one thinks of the poverty line in the United States. Out of all OECD countries as of 2017, the country with the second highest poverty rate was the United States, with 17.8 percent, with Israel first with rate at 17.9<sup>30</sup>. What this essentially means is that a huge portion of the USA may not have the means to pay for the median bail amount of \$ 10,000. The zero-tolerance approach is substantial to understanding this trend. As a definition we can use the following excerpt:

*the doctrine of "zero tolerance" [is] as instrument of legitimation of the penal management of troublesome poverty, that is, visible poverty that causes disruptions and annoyance in public space and thus fosters a diffuse sentiment of insecurity, or even simply a nagging sense of unease and incongruity (...) And with it has spread the military rhetoric of waging "war" on crime and "recapturing" public space, a rhetoric that assimilates (real or imaginary) criminals, the homeless, vagrants and panhandlers, and other urban derelicts to foreign invaders-facilitating the conflation with immigration, which always pays off at the ballot box in countries swept by powerful xenophobic currents-in other words, with allochthonous elements that must imperatively be expurgated from the social body.<sup>31</sup>*

Using simpler terms, the USA utilizes its polymorphous nature and its well-known glorification of military mentality in civilian affairs (think of public displays of love for the military, such as the annual Veterans Day) , to practically create a state of war against the less desirable parts of the population. This is shown by the the median detained pre-trial per income (ages 23-39), which is around \$15,600 for men and \$11,000 for women, whereas not-incarcerated people make the higher figures of \$39,600 for men and \$22,700. What this points at, is that the US penalises poverty, making it a means for prolonged incarceration and spells a grave shortcoming in the US penal system.

An alarming well-known fact is that in 48 States a felon may even loose voting rights, with the period of disenfranchisement varying from State to State. If coupled to the fact that many poor Americans are still taxed in many states without through flat taxes, it is a further showcasing of the failure of the US to commit to the historical standard of no taxation without representation. This is yet another mark of the American polymorphous nature.<sup>32</sup>

---

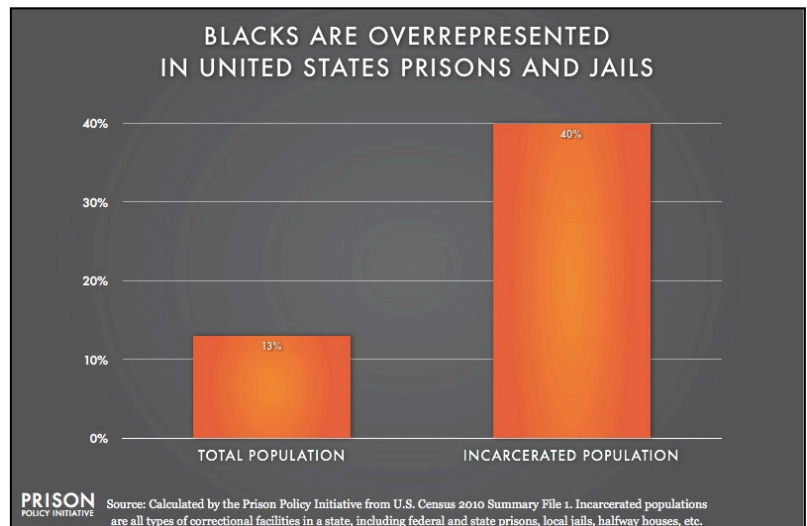
30 Duffin, "Poverty Rates in OECD Countries 2017."

<sup>31</sup>Wacquant. Prisons of Poverty, 19

32 Porter, "Trends in U.S. Corrections."

## **2.2b) African American Inmates**

But the US reserves a bigger problem when it comes to prison population, and that is the absurd numerical disparity between Whites and African Americans. As previously shown, the US has a population of around 13 percent for A.Americans and around 64% for Whites (this number is taking into consideration the division between White Alone and White not Hispanic or Latino). The disparity between these two racial groups is the absolute greatest between the overall population, where Latinos and Natives are relatively within their national percentages compared to overall inmate populations. Blacks, though, are overrepresented with a 40% of the overall prison pop<sup>33</sup>, whereas Whites sit



comfortably in a 39% representation. The question is why this could be since the national numbers are such for the two ethnic groups. The police system seems to be culpable of this disparity, but “stop and frisk” practices can’t be completely to blame for it.

*Harsh drug laws are clearly an important factor in the persistent racial and ethnic disparities observed in state prisons. For drug crimes disparities are especially severe, due largely to the fact that blacks are nearly four times as likely as whites to be arrested for drug offences and 2.5 times as likely to be arrested for drug possession.<sup>29</sup> This is despite the evidence that whites and blacks use drugs at roughly the same rate. From 1995 to 2005, African Americans comprised approximately 13 percent of drug users but 36% of drug arrests and 46% of those convicted for drug offences.<sup>34</sup>*

The situation is thus more complex: once again poverty rates should be utilised to understand the bias. Of that 17.8% of poors, the biggest percentage cut are attributed to Native Americans (24%) and Blacks (22%)<sup>35</sup>. The logical thing would be to tie drugs to the poverty line and thus to blacks as whites represent only 9% of them. Because blacks are usually poorer, than

33 Sakala, “Overrepresentation of Blacks in United States.”, Prison Policy Initiative

34 Nellis and Porter. “The Color of Justice: Racial and Ethnic Disparity in State Prisons.”

35 The Henry J. Kaiser Family Foundation, “Poverty Rate by Race/Ethnicity.”

their white counterparts, when they're taken into custody they cannot pay for bail thus ending up in overrepresented in national statistics. But that would be oversimplifying the situation and not taking into account the fact that Blacks are stopped by police much more often.

Perhaps the answer might lie with the history of the country. With a muddied past of slavery, the underground railroad, emancipation, the Jim Crow Laws which basically segregated Blacks to second class citizenship, the US's over incarceration of African Americans seems quite linear. As an example From the 1930s until the 70s, the Federal Home Loan Bank Board and the Home Owners' Loan Corporation utilized the term *hazardous* for black neighborhoods<sup>36</sup>. On that note one may state that the US failed to completely desegregate its society as shown in the statistics for prison incarceration. If that were true, it means that the State is failing to pursue crimes committed by whites simply because of ingrained racial double-standards, which is a huge shortcoming as it only delineates the path of only one racial group over another.

Structural Disadvantages may be another key factor in inequality.

*The impact of structural disadvantage begins early in life. When looking at juvenile crime, it is not necessarily the case that youth of color have a greater tendency to engage in delinquency, but that the uneven playing field from the start, a part of larger American society, creates inequalities which are related to who goes on to commit crime and who is equipped to desist from crime.<sup>46</sup> More specifically, as a result of structural differences by race and class, youth of color are more likely to experience unstable family systems, exposure to family and/or community violence, elevated rates of unemployment, and more school dropout.<sup>47</sup> All of these factors are more likely to exist in communities of color and play a role in one's proclivity toward crime.<sup>37</sup>*

This furthers my thesis that the root of the problem in the huge disparity of blacks in the prison population is not due to blacks being inherently more more likely to commit crimes as a racial group, but that they are pushed by the system to commit crimes because of circumstance. In other words a biased and for all intents and purposes racist society is the cause for the disparity in numbers of inmates.

---

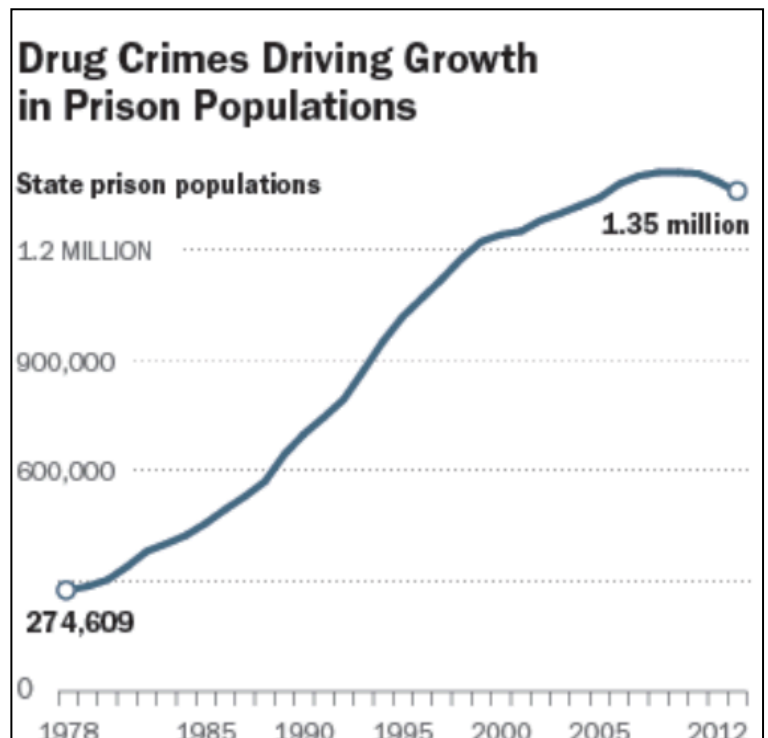
36 Gross, "A 'Forgotten History' Of How The U.S. Government Segregated America.”

37 Nellis and Porter. "The Color of Justice: Racial and Ethnic Disparity in State Prisons.”

## **2.2c) Drug Policies**

Although the high number of Blacks spells out a failure of American prison and penal systems, it alone cannot account for the 2.3 million inmates. A rather special place should be given to drug policies. Around half a million people are currently behind bars for drug related offences, accounting for 1 in 5 of the overall population<sup>38</sup>. The number is statistically relevant if one looks at the history behind US drug laws. Though most states of the Union have become more lax in recent years concerning marijuana, with some like California completely decriminalizing it and making it on par with alcohol, the overall picture for other drugs is rather different.

The War on Drugs was unofficially begun by the United States in the 20th century through bans of alcohol in the roaring 20s, migrating towards marijuana later on with the re-introduction of alcohol as a State-safe drug. Marijuana is important in understanding the murky relationship of the US and drugs. In US history it was a primary crop grown by many farmers since the country's inception and used in the pharmaceutical sector up to the early 20th century. By the



30s Marijuana and hemp use or growth had become heavily regulated, taxed, or completely banned. A popular belief is that hemp was becoming a cheaper contender to paper pulp, causing the lobbying of the paper industry for stricter regulations. Nonetheless, what we get from this is that the US has historically been strict on drug administration starting in the 20th century. Alcohol and Marijuana would not be the last substances to be banned.

Many other drugs' use, possession, and selling are now currently being cracked upon by the State at a very high rate. President Nixon was the first to regulate State behaviour against drugs in the 70s. With the Controlled Substances Act (CSA) of 1970, and the official "War on Drugs" of June 1971, creating the Drug Enforcement Administration (DEA) in 1973.<sup>39</sup>

<sup>38</sup> Sawyer and Wagner, "Mass Incarceration: the Whole Pie 2020"

<sup>39</sup> History.com, "War on Drugs."

After that president that contributed most to the crack-down on drugs was Reagan, who essentially crafted the mandatory minimum sentence for certain drug offences through the Anti-Drug Abuse Act. This act caused problems through the years as it spelled out an outward segregation of African American drug abusers, as *five grams of crack triggered an automatic five-year sentence, while it took 500 grams of powder cocaine to merit the same sentence.*<sup>40</sup> This is relevant as crack was mainly used by blacks and whites usually utilised more cocaine: it caused a huge disproportion of blacks serving longer prison time. According to Wacquant and the National Household Survey of Drug Abuse, *African Americans represent 13 percent of consumers of drugs (...) but one-third of the persons arrested and three-fourths of those imprisoned.*<sup>41</sup> That is important to understand the numbers of imprisoned people and coupled that “*By 2004, people convicted on federal drug offenses were expected to serve almost three times that length: 62 months in prison*”<sup>42</sup> the numbers start to make sense. 1 in 5 prisoners are there for drug charges and start part of the total number of inmates for much more time than other non-violent criminals.

Recent developments, though, have seen State policies on drugs soften rather than toughen.

*A key driver of state action has been rising prison populations and the expense of keeping people locked up. Nationally, per-inmate costs range from range from \$14,603 in Kentucky to \$60,076 in New York, according to a 2012 study of 40 states (based on fiscal 2010 data) by the Vera Institute. The total cost per inmate averaged \$31,286 when pensions and retiree health care, capital expenditures, legal costs and other expenses are included.*<sup>43</sup>

Still the numbers tell us that this drastic action to curb the increase they'd been seeing in drug-related offences has not been enough to completely reverse the curve of incarcerations for drug charges, as shown by the cumulative graph above. The War on Drugs is not only a failure because of the absurdly high inmate rank amongst the overall prison population, but also because it tackles the problem head-on without really solving the root causes of it. In other words it punishes drug abusers without really giving them a second chance or aid in not relapsing and thus being caught in a vicious cycle of prison time.

To simply understand why this war has failed, there are more than 6 times as many arrests for drugs than for drug sales<sup>44</sup>. Meaning drug dealers and cartel members are less likely to get

---

40 Ibid.

41 Wacquant, *Prisons of Poverty*, 77

42 Alper, Durose, and Markman.” 2018 update on prisoner recidivism: a 9-year follow-up period (2005-2014)”

43 DeSilver, “Feds May Be Rethinking the Drug War, but States Have Been Leading the Way.”

44 Sawyer and Wagner, “Mass Incarceration: the Whole Pie 2020”

arrested, whereas drug abusers, otherwise people struggling with the tremendous weight of addiction, are much more likely to end up locked down. If coupled with the fact that in the US felons have a harder time finding jobs, the overall picture is quite dramatic for drug abusers or ones with drug related charges, as it forces an already precarious individuals to fall back to known modes of survival rather than utilising other resources. The War on Drugs’ aim is not to extinguish drug consumption through aid, but much like most of its system, its about punishing the guilty and discouraging would-be offenders from repeating a sanctioned crime. The reality is one where non-violent drug arrested people face extreme poverty and the very likely outcome of longer prison time if they are ever re-arrested because of the criminal records that they hold.

### **2.2d) Recidivism**

That last two sentences bring us to the biggest failure of the US prison system, namely recidivism. If the US’s penal strategic plan is not one of aid, surely the numbers should suggest that offenders are discouraged from going against the State. Here an interlude is needed. When talking about recidivism, we should be wary of its exact definition. If one were to see it as conviction or re-incarceration of a former felon, then one should really take a closer inspection on what they were. If we see recidivism as being incarcerated for any offence we see this:<sup>45</sup>

Year after release	Within or outside the state of release			Outside the state of release*		
	Total	Percent arrested	Percent not arrested	Total	Percent arrested	Percent not arrested
1	100%	43.9%	56.1%	100%	3.3%	96.7%
2	100%	60.1	39.9	100%	5.7	94.3
3	100%	68.4	31.6	100%	7.7	92.3
4	100%	73.5	26.5	100%	9.3	90.7
5	100%	77.0	23.0	100%	10.9	89.1
6	100%	79.4	20.6	100%	12.2	87.8
7	100%	81.1	18.9	100%	13.4	86.6
8	100%	82.4	17.6	100%	14.4	85.6
9	100%	83.4	16.6	100%	15.4	84.6

Note: Detail may not sum to total due to rounding. See appendix table 3 for standard errors.  
 \*Prisoners arrested outside the state of release could have also been arrested within the state of release.  
 Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

An alarming number of people were re-arrested nationally within state of release borders up to 9 years later, with the highest number being after 9 years. People outside state-of-release borders clearly had lower recidivism.

45 Alper, Durose, and Markman.” 2018 update on prisoner recidivism: a 9-year follow-up period (2005-2014)”



On the other hand, if you considered that *71% of people imprisoned for a violent offense are rearrested within 5 years of release, but only 33% are rearrested for another violent offense; they are much more likely to be rearrested for a public order offense.*<sup>46.e</sup>

A major ordeal for these re-arrested felons is without doubt the practice of the three strikes laws. It essentially imposes mandatory minimum sentences on repeated offenders, with even mandatory 20 years after the first strike for violent offenders. The numbers though don't lie in telling us that the USA failed in a spectacular manner in curbing the recidivism of its prison population, and in any way you put it, the rates of re-arrest and re-incarceration of former felons denotes the failure of the deterrence system. What this causes, as the numbers clearly tell us is that the underlying causes for criminal activity are rooted much too deep for the system to simply utilise scare tactics and prison time to disenfranchise felons from committing a crime.

As already stated it is incredibly hard for a felon to get a job after he's dismissed from his correctional facility. A research named *Ex-offenders and the Labor Market* by Schmitt and Warner states<sup>47</sup>:

*Employers reported that they were much less likely to hire ex-offenders. The vast majority of employers (80 to 90 percent), for example, said that they would 'definitely' or 'probably' hire "former welfare recipients, workers with little recent work experience or lengthy unemployment, and other stigmatizing characteristics" (Holzer, 2007, p. 14). By contrast, only about 40 percent of employers would 'definitely' or 'probably' hire applicants with criminal records, especially for jobs that involved dealing with customers or handling money.*

Thusly we see how the stigma around felons in American society makes it for all intents and purposes practically impossible for a ex-con to reintegrate into society as a law abiding citizen. For either violent or non-violent crime former felon this might mean returning to his or her previous life of crime, thus risking being incarcerated. For a drug abuser caught in the wheels of justice, without the means to properly detox without having to pass through the tedious documentation and the high expenses of the privatised health sector. Particularly for them, with rehab may cost from as low as \$1000 for a simple detox to as much \$60,000 for Inpatient Rehab programs, without the stable economic foundations of a job or even State aid from which to start it is improbable they will

---

46 Sawyer and Wagner, "Mass Incarceration: the Whole Pie 2020"

47 Schmitt and Warner, "Ex-Offenders And The Labor Market."

succeed in staying clean. The State literally leaves them to fend for themselves without giving them any hand onto which they may lean onto.

### **2.2e) Sex Offenders and Recidivism**

When talking about recidivism, though, we cannot forget about talking about the delicate topic of sex offenders. They are arguably the category after drug abusers who are most at risk when going inside a prison. On one side the stigma and societal hatred of these people make them targets, on the other there is the theory that in truth they are deeply scarred people with mental problems that cannot be helped. Thus we see their portrayal of them either as sheep or as wolves. It is not the object of this thesis to discuss which side is right or wrong, but rather it is to see if the US prison system has aided to curb the recidivism of these individuals. That is extremely hard to verify.

According to research <sup>48</sup> *only one out of three assaults against 12 or older are reported to law enforcement.* The answer to this may be more complex than anticipated, thusly. The victims may either fear repercussions to them or their loved ones by the offender, not being believed, being ostracised by society, and many more reasons. Thusly, recidivism rates may be hard to detect for this particular branch of felons because they may not be reported at all, leading to skewed data.<sup>49</sup> Hanson and Bussiere (1998) reported an overall recidivism rate of 13 percent. Crunfeld and Noreik (1986) found a 10 percent recidivism rate for rapists. Gibbers, Soothill, and Way (1978) reported a 4 percent recidivism rate for incest offenders.<sup>50</sup> We see that it is close to impossible to correctly assess their recidivism rate because of underreported cases, but mostly also coupled to the murky difference in definition, as already noted before, of the true definition of recidivism. In addition, the data changes when rates vary when the characteristic of the offenders change, for example when the perpetrator was charged with opposite sex child abuse or same sex.

Cognitive and psycho-educational treatment, when applied don't do much to clear the data on recidivism especially when rigorous scientific research is applied to the data<sup>51</sup>, though recent analysis would suggest that when applied it may sometimes aid in child molesters in reducing their recidivism<sup>52</sup>. But that is not enough to completely understand the possibility of reoffends in sex

---

48 Latessa et al, "Correctional Contexts", 240

49 Ibid

50 Ibid., 243

51 Ibid., 249

52 Ibid. 250

offenders as a whole, meaning that for now they must be kept in the same overall recidivist trends as other non-sex offenders.

## **2.2f) Privatisation**

Another highly criticised feature of the US system is the privatisation of prisons. Truth be told, the numbers tell us that true privately owned prisons hold less than 9% of all inmates by 2020<sup>53</sup>. That is not to say that the US private prison ecosystem does not hold veritably important grounds in single States, as for example around 44% of state inmates in New Mexico were held in private complexes by 2003.<sup>54</sup>

We should state here that although the US does have a semi-private prison system, the State is the ultimate overlord of the entire system, though in most cases it delegates much of its powers in favour of better revenues or even because of lack of State personnel.

This is to say that the private system is not parasitic in nature, but rather the way private contractors and the State co-opt and work together works much more symbiotically. What is much more profitable, though, is the prison commodity and goods market.

*Private companies are frequently granted contracts to operate prison food and health services (often so bad they result in major lawsuits), and prison and jail telecom and commissary functions have spawned multi-billion dollar private industries.<sup>55</sup>*

This shouldn't come as too much of a shock, as if one recalls my previous insights, US Exceptionalism is based primarily on privatisation deals out in the open. It just showcases how the society that permeates America in truth has no moral dilemmas in handing off to privates any of what would be considered a State's responsibility in most counties. Around 4\$ billion is the current market weight for the financing of prisons both private and public, be it for the service market or the actual building of the prisons<sup>56</sup>.

The really important factor to understand is that in reality the privatisation of the prison system stems into a much deeper hole than at first glance one could think.

---

<sup>53</sup> Sawyer and Wagner, "Mass Incarceration: the Whole Pie 2020"

<sup>54</sup> Mason, "Too Good to Be True: Private Prisons in America, 2-4"

<sup>55</sup> Sawyer and Wagner, "Mass Incarceration: the Whole Pie 2020"

<sup>56</sup> Wacquant, Prisons of Poverty, 77

## **2.2g) Prison Ecosystem**

But privatisation of prison complexes is nothing compared to absolute failure that the US showcases in its prison ecosystems. US Prison, the place where the punished should go out from re-thinking his life choices and being scared away from crime, fail to deliver

To put it bluntly, daily life inside a US penitentiary is a living hell, and the reason for this is undoubtedly tied to the punitive nature of such system.

The first psychological test for an inmate as soon as he steps inside the complex is *prisonization*. In brief, he becomes part whether he likes to or not of the greater culture of the prison, *taking on in greater or lesser degree (...) the folkways, mores, customs, and general culture of the penitentiary*.<sup>57</sup> He transforms into a number, losing his sense of self to an extent and learns about his second-class stature to such figures as prison gang leaders, guards, and wardens. What is to be understood here is that the “Numbered” don’t fully care about their loss of identity as so much pass through the period of incarceration as quietly as possible. In other words they assume the role of the invisible.

That is not always the case though, as the *prisonization* often leads to the offender being influenced by other inmates, oftentimes becoming more radical in their beliefs and actions<sup>58</sup>. In other words the prison may spit out worse criminals than what they were previously to jail time. If the prisoner is unwilling to fuse himself to the subculture of prison life, and can’t for various reasons (ex: being targeted by gang members for ethnic reasons or being himself a sex offender) pass his sentence in relative tranquillity, he is forced to co-opt with the warden (as an informant if one were to make an obvious example). That makes him a de-facto traitor to the prison culture and puts him on a similar level of hatred as the very people that he serves in the eyes of other inmates.

Furthermore, the US penal accommodations are currently running at more than 103% capacity, meaning it is substantially overcrowded. Sure, one might remark that other prison systems such as Haiti running at 434% capacity offer much more unliveable conditions, but the truth is that compared to other western countries, the US incarcerates far more people every year for it to be a decreasing trend. For every 100,000 people, the US incarcerates 716, compared to the UK’s 147 and Norway’s 72<sup>59</sup>. Facilities that were created for 500 inmates by 2004 were holding twice the amount<sup>60</sup>.

---

<sup>57</sup>Latessa et al, “Correctional Contexts”, 74

<sup>58</sup> 58 Latessa et al, “Correctional Contexts”, 75

<sup>59</sup> Prison Policy Initiative, “States of Incarceration: The Global Context.”

<sup>60</sup> Martin et al. “They Can Take Us Over Any Time They Want.”, 89

Overcrowding is bound to be a problem when you think that prisons usually don't have a high enough ratio of guards vs inmates.

Guards, their mental health, and their interactions with inmates are by far the worst shortcoming of American Exceptionalism. If prior to the 1980s toughened War on Drugs laws guards and prisoners would largely cooperate and try to live a rather peaceful life, with guards being laxer on general rule application and inmates being friendlier and nonaggressive, by the 90s things had taken a radical step backward<sup>61</sup>. The overcrowding phenomenon of the prisons caused guards to work overtime, bringing their already thin lines to exhaustion and irritability<sup>62</sup>.

*These two factors virtually destroyed all sense of continuity and uniform treatment that the prison had established over the years. The most important element needed to maintain a workable relation-ship between inmates and staff is a continuity of treatment. Disturb the inmates' expectation of that continuity, and you destroy the delicate balance between them and the staff. A tired, overworked guard on an unfamiliar shift tends to be unwilling to offer any assistance.*<sup>63</sup>

The model of control utilised in facilities also plays a role in the incidence of guard-inmate attrition.

*The control model is a common style of management in maximum security prisons and (...) is characterised by bureaucratic command-control regimes, formal modes of address between coworkers (e.g.; sir or boss), strict punishment for rule violations, and restrictions on all inmate activities. The responsibility model is based on informality between supervisors, officers and inmates, informal modes of address and self-governance for inmates in some cases, and officer opportunities to apply judgment in enforcing prison rules. The consensus model is a hybrid of the control and responsibility models but lacks the fundamentals of either system (e.g., total control or shared governance). In this model, prison policies are modified to fit particular conditions of the facility or location.* <sup>64</sup>

Research suggests that the Control Model leads to more inmate abuse by the guards, but relative success in keeping the facility safe by even causing the inmates to trust their guards. By contrast, the more humane approach of the Responsibility Model showed low morale amongst the guards. In a sense the Control Model reflects what was found in the Stanford Prison Experiment in 1973.<sup>65</sup> The

---

<sup>61</sup> Latessa et al, "Correctional Contexts", 87

<sup>62</sup> Ibid.

<sup>63</sup> Ibid.

<sup>64</sup> Martin et al. "'They Can Take Us Over Any Time They Want.'", 91

<sup>65</sup> <sup>65</sup> Latessa et al, "Correctional Contexts", 133

	Facility A (n = 22)	Facility B (n = 19)	Facility C (n = 25)	Total (N = 66)
Crowding is responsible for				
Threats to my safety	100.0	100	100	100
Increased violence	100.0	100	100	100
Impaired job performance	90.0	90.0	100	93.0
Crowding = stress (officers)				
All of the time	65.0	56.2	72.0	64.4
Crowding = stress (inmates)				
All of time	71.4	83.3	66.7	73.8

research was based upon two groups of healthy men who tasked to become mock inmates and guards. The guards quickly took over becoming sadistic in nature and mistreating the prisoners, whereas the inmates themselves either suffered acute trauma or blindly obedient to the guards' decisions. Total control was undoubtedly achieved, but costed the inmates their psychological sanity. The question is whether it was the position of power that caused the mock guards to act the way they did and if they just continued to act as sadists because they feared for the inmates to eventually trample them over because of their actions. But maybe the correctional model is not as important as overcrowding is in the big game.

The study by Martin et al. on the sense of security of 3 facilities (A,B,C) by the guards shows us data that would otherwise be speculative in nature. Each participant to the survey was asked whether they felt secure in their prisons because of overcrowding and if overcrowding caused them stress.

The results<sup>66</sup> are quite astonishing as can be seen in the table above. All of the respondents stated that overcrowding both increased violence and was a threat to their safety, almost all said that it impaired their job performance. 64% and 73.8% of total officers also stated that overcrowding equaled stress, respectively, to officers and inmates. Sleep loss can also contribute to the stress because of the already mentioned overwork. Some excerpts from the paper further my thesis that the very community of US prisons is disrupted by overcrowding.<sup>67</sup>

*One officer lamented, "It gets hard to try to contain some of the criminal activity going on here because of the crowding".*

<sup>66</sup> '66 Martin et al. "They Can Take Us Over Any Time They Want.", 96

<sup>67</sup> Ibid., 98

*One respondent wrote, “With more inmates, the threat of an incident or disturbance is definitely higher” .*

*Another respondent agreed, saying, “With the number of inmates we have, it is impossible to control a riot or gang fight without officers being placed in more danger than necessary”*

Overall it is absolutely clear that the US fails to address this problem within its prison ecosystem. If previously inmates had to fend for themselves in an already punitive system, they are now faced with the uncertainty of violence by fearful guards and the accompanying stress levels that overcrowding ultimately causes between inmates in general.

Thus *prisonization* transforms the guards through the fear they have for the ever-growing number of prisoners and their ability to effectively control them. It brings the Stanford prison experiment’s results much closer to home. Coupled with the obvious risks to one’s personal health that continuous living amongst overcrowded people brings, the Penal facility as a standalone biosphere is by default one destined to spell trouble and regurgitate psychologically scarred individuals at both ends of the correctional ecosystem. The individual in continued contact with US correctional facilities is mangled, becoming a pulp of what he once was, without this being of any aid in either curbing recidivism or feeling safe inside prisons.

## **2.3 ——— Scandinavia**

Scandinavia results an easier and more straightforward subject to talk about than the USA. That is because data on its effectiveness have been present for decades and has been thoroughly talked about in the latter part of the 20th century up to today. A clarification is duly in order. In the previous part of this thesis, I talked about Nordic Exceptionalism. I gave a very brief and incomplete understanding of the topic, mostly because it is much more important to clarify it now. What is important to understand about the theory, is that its main proponent, namely John Pratt, states that the main point of his theory isn't just about comparing imprisonment rates, but mostly about prison conditions. In this sense, the Anglophone excess in punitive measures is starkly separated by the more humane approach of Finland, Norway, and Sweden. But that is not to say the Nordic prison is the epitaph of perfection. On the contrary, they are full of things that contradict the overall theory, but ultimately the general picture rather than the minute details do make the theory much less of a theory and much more part of reality.

### **2.3a) John Pratt and the overall Prison Population**

The data for the prison overall ecosystem is somewhat murky. On the one hand Pratt's original 2008 article was criticized for cherry-picking details about the Nordic prisons and relying too heavily on scripted day visits to a small number of institutions<sup>68</sup>. On the other, in his later later 2012 book with Eriksson, he was much more extensive in elaborating his thesis. He identified five main points about Nordic prisons put to contrast with the Anglophone ones:<sup>69</sup>

- 1. Nordic prisons tend to be smaller*
- 2. Officer/inmate relations are better and more egalitarian*
- 3. The quality of prison life is better (the quality of the food provided, the hygienic conditions, the amount of personal space and the quality of visiting arrangements)*
- 4. Prison officers are better trained*
- 5. Prisoners In the nordic countries are more likely to be involved in education or vocational training programs that are more often directed at preparing them for life after release*

Let us assess these points by one starting with prison population. For the three selected countries of Scandinavia it is around 12,300 by 2020 (both pre-trial and sentenced inmates), with

---

<sup>68</sup> Ugelvik, "Prisons as Welfare Institutions?"

<sup>69</sup> Ibid



respective national figures of 2910 for Finland (2020)<sup>70</sup>, 6210 for Sweden (2018)<sup>71</sup>, and 3207 for Norway (2020)<sup>72</sup>. Placed next to the numbers of the USA, it is quite impossible not to notice the difference between them. One could point out that because of the smaller population, which by 2020 is around 21 million people, the Nordic countries are bound to have an overall lower prison population. But that would be undermining the fact that only 0.06% of the total population is in reality in prison. By contrast, about 0.69% of the USA is behind bars.

The numbers are such if one considers that in 2013, in Norway, the country who absolutely used incarceration more than probation in Scandinavia, the average time served in prison was 81 days with only 11 people being released after serving more than ten years in prison.<sup>73</sup> All three countries do not have the death sentence, and Norway's maximum sentence is 21 years with the absolute maximum of 30 given to prisoners committing war crimes, genocide, or crimes against humanity. A famous example being the mass murderer Anders Behring Breivik who in 2011 opened fire on Norwegian islands killing a multitude of people.

These numbers are reflected in the fact that most Nordic prisons truly generally small, with most Norwegian prisons having a capacity of 50 or 100 people, with the largest in Oslo of about 392<sup>74</sup>. But although they may have lower capacity, prisoners are intentionally given better living arrangements.

*In Oslo, Norway, a typical cell is 8 x 8 meters for a single prisoner, whereas in Wellington, New Zealand, two prisoners share a cell measuring 4 x 2 meters (...).*<sup>75</sup>

The prisoners are spread out in 79 institutions in Sweden, 42 in Norway, and 30 in Finland. By American standards this is absolutely non-significant as numbers go as previously noted in the American section of the thesis. What we must note is that before the explosion of mass incarceration, smaller numbers of prisoners actually made the American system somewhat livable for both inmates and guards. This is now true for most of the Nordic system.

---

<sup>70</sup>European Committee for the Prevention of Torture et al. "Finland.", World Prison Brief

<sup>71</sup> Kriminalvården et al, "Sweden.", World Prison Brief

<sup>72</sup>Allen et al, "Norway.", World Prison Brief

<sup>73</sup> Ugelvik. "Prisons as Welfare Institutions?"

<sup>74</sup> Ugelvik. "Prisons as Welfare Institutions?"

<sup>75</sup> Creagh et al, "Nordic Prisons Less Crowded, Less Punitive, Better Staffed." The Conversation

### **2.3b) Halden Prison, Guard-Inmate Interaction, and general Prison Ecosystem**

A splendid example of guard-inmate relations is certainly that of the Halden prison in Norway. The prison has been called worldwide one of the most humane in the world. Walking inside it, one could forget that he was in a maximum-security facility. This New York Times article's, which I have chosen to quote, talks about it like this:

*Cows clustered in wood-fenced pastures next to neat farmsteads in shades of rust and ocher. On the outskirts of town, across from a road parting dark pine forest, the turnoff to Norway's newest prison was marked by a modest sign that read, simply, HALDEN FENGSEL (...). There were no coils of razor wire in sight, no lethal electric fences, no towers manned by snipers nothing violent, threatening or dangerous. And yet no prisoner has ever tried to escape (...) The treatment of inmates at Halden is wholly focused on helping to prepare them for a life after they get out.<sup>76</sup>*

If one forgot that murderers and hardened criminals roam around, Halden thus presents itself as a relatively inoffensive place for the viewer. This is of paramount importance in understanding why Halden stands in stark contrast to the usual prison complex as shown also in the picture on the right<sup>77</sup>. The very design of the place has in mind making the prisoner not truly a prisoner, but rather a person rehabilitating himself. Though in Norwegian law prison should be felt as an punishment by the prisoner, but also it is supposed to be a herald of opportunity, rehabilitation, and reintegration in the larger parts of society.<sup>78</sup>



Quoting directly from recent vision statements by Norway:<sup>79</sup>

*The goal for all our work is a convict who, when the sentence is served, is:*

- *Drug-free or has control over his drug use*
- *Has a suitable place to live*
- *Can read, write and do basic math*

<sup>76</sup> Benko, "The Radical Humaneness of Norway's Halden Prison." The New York Times

<sup>77</sup> Person, "No Bars, a Mini Fridge and TV: Welcome to Norway's Prisons." The Times

<sup>78</sup> Ugelvik, "Prisons as Welfare Institutions?"

<sup>79</sup> Ibid.

- *Will have a chance on the labour market*
- *Can relate to her/his family, friends and society in general*
- *Knows how to seek assistance if problems arise after release*
- *Can live an independent life.*

Halden’s architecture brings this a step forward by mimicking what life not behind bars really is. Prisoners must walk around the facility almost unrestricted to reach different destinations such as the rehab center, the lunch halls, or even their rooms, and this exactly why inmate-guard relationship had to change. Instead of focusing on not letting them out (though I should specify that Halden still does have preventive measures for potential escapes, though they are rather covered by the architecture and vegetation), guards are forced to interact with them because of the large terrain. Prisoners must learn how to live as a law-abiding citizen, and the results are quite clear: make a prisoner behave like a civilian and once he is out, he shall have the mentality and most importantly the labor market skills to fit back in completely.

Norway’s general attitude to Guards is also reflected in Halden, like most of the country’s prison personnel *will have completed a two-year university course, with an emphasis on human rights, ethics and the law. At Halden there are 340 staff members (including teachers and healthcare workers) to the 245 male inmates.*<sup>80</sup>



This is astonishing when one thinks of the general conditions in a prison in the US, where prisoners vastly outnumber their jail guards. What this essentially means is that it is close to impossible for a guard not to interact with the inmates, who are actually encouraged to have interactions with them. Furthermore, the prisoners are also encouraged to participate in group activities with the rest of the staff as shown in the picture on the right in the common area where two prisoners play video games with a guard in the same room<sup>81</sup>. If that were not enough, much of the time the inmates have at hand is either spent working for jobs they are paid rather well for, can engage in personal activities such as music mixing, and many others. This is not to say that the prisoners enjoy leisure; they are after all still incarcerated, and

<sup>80</sup> Gentleman, “Inside Halden, the Most Humane Prison in the World.” The Guardian

<sup>81</sup> “Tearsheet: Knut Egil Wang's 'Inside Halden Prison' in Cityzine.” instituteartist.com.

even though they may have much more freedom and accountability than their American counterparts, they are still locked down at night and they are still in prison without possibility of getting out.

The greatest difference between the two national models, is that in Scandinavia in general prisoners are not left like tigers to roam a single cell for days without anything productive to do. It essentially means it prevents the psychological downfall in the aforementioned *prisonization* process. The inmate isn't allowed to become a mere number, seeing the guard as a threat and an evil. Trust creates less overall problems, and Halden shows this with the practically zeroed down violent acts inside its walls. Less *prisonization* also means less temptation to further fall back to former criminal mindsets, or for petty criminals to have to harden to survive harsher prison conditions.

Unfortunately there aren't many figures to drive the statements about Halden in particular. Ultimately only time will tell us if the experiment of a super-lax maximum security prison will work; but psychology teaches us that conversion disorder, aka mass or group actions taken because of hysteria or stress, is less of a threat when all conditions for it are taken away. This solves what American guards felt as their primary problem, which if one recalls was that they felt cornered by over-stressed crowded inmates.

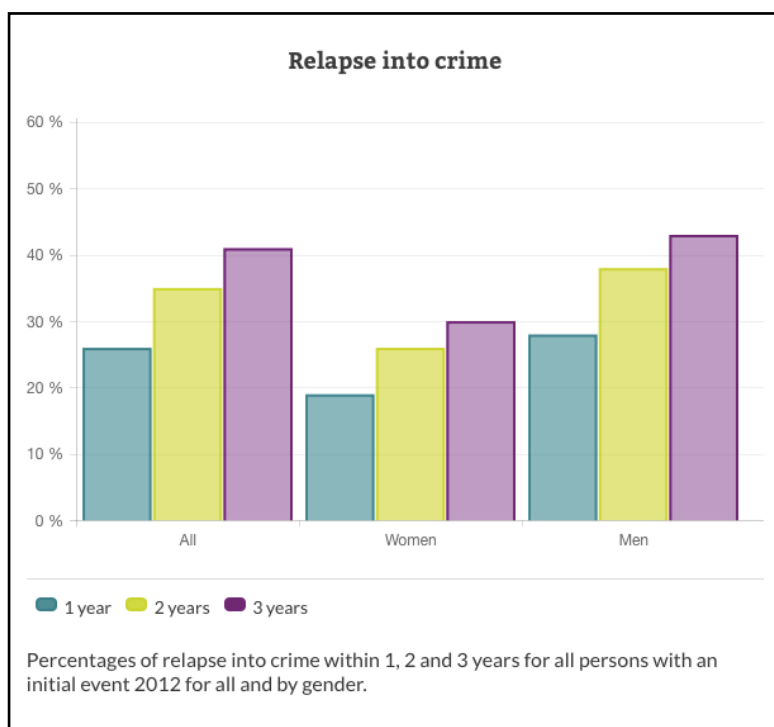
A last comment which is absolutely necessary is that Halden is not the exception, but rather follows a trend of similar prisons: Ojoinen in Finland, Bastoy in Norway, and many many more maximum security systems. Prisoners are well-accommodated and treated with respect in prisons all-over Scandinavia and are only brought into the lowest security facility possible to minimize their stress and maximize rehabilitation.

### **2.3c) Recidivism**

A point I'd like to make is that although the 5 conditions by Pratt have all been superbly met (though a critique could be that Halden's example is the pinnacle of the humanitarian Scandinavian prison system, rather than an overarching absolute for all Scandinavian prisons), the overall functionality of a prison system is not only in its philosophy but rather in the results it produces. After all, without data there is no empirical way of seeing either faults or greatness in something, but rather one is left with speculation. Thus we are left with the arduous task of talking about recidivism. As previously stated, recidivism numbers changes when the definition of it does. Regardless, of its definition it is undeniably true that recidivism in the Nordic countries is amongst

the lowest in Europe. Sweden shows this with the relapse into crime for both men and women being far, far lower than the American one as shown in the graph on the right<sup>82</sup>.

Men do tend to have higher percentage relapses into crime and thusly reconviction in Sweden, but overall after three years of the initial event of criminal activity (not necessarily having served prison time as well, but merely being convicted), the entirety of the two groups have a total recidivism growth path that goes from 26% in year one, 35% in year two, to a final 41% in year three. A note for the reader: though the criminal justice does not have mandatory minimums, it should be noted that one in three were given some sort of punitive liberty-depriving sanction after their relapse nonetheless.



But These numbers do tell us something important: compared to USA's 43%, 60%, 68% re-arrest rates for the same three year time-lapse it is clear how much the rehabilitative Swedish system takes a toll on the percentage points of recidivism. Finland had a reconviction rate of 36% after two years<sup>83</sup>, whereas Norway had an even lower one of 20%<sup>84</sup>. It is obvious that recidivism is much too low for the small population of Scandinavia to be the only reason for these small numbers, and the added factor of the small prison population ultimately spells a victory for the system.

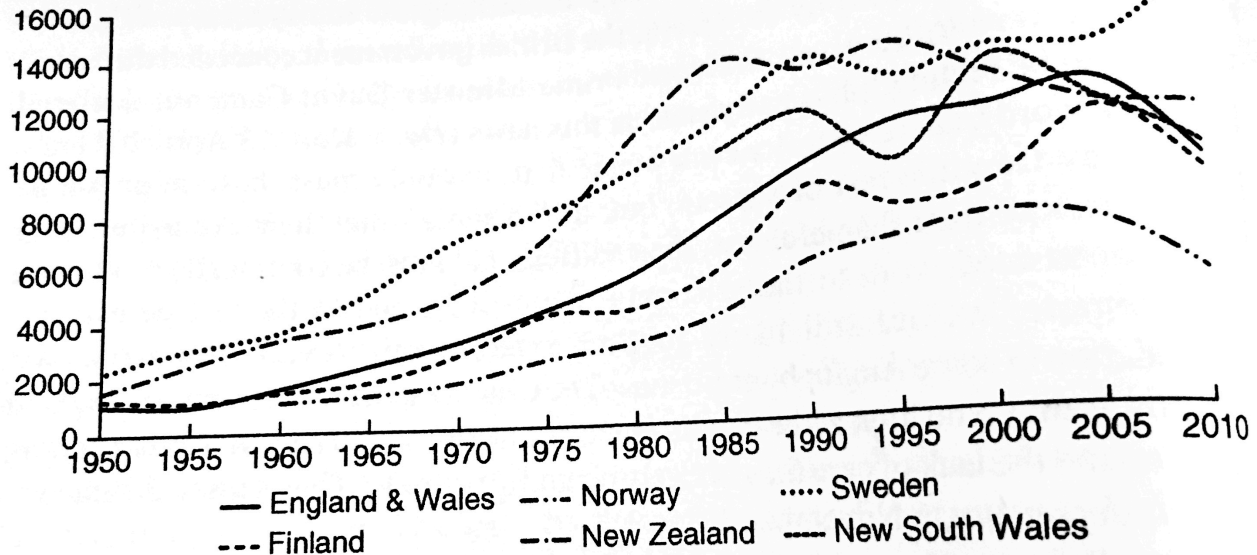
<sup>82</sup> "Recidivism." Brottsförebyggande rådet

<sup>83</sup> Yuhnenko et al, "A Systematic Review of Criminal Recidivism Rates Worldwide: 3-Year Update", 7

<sup>84</sup> Ibid., p.8

### 2.3d) Crime Rates and a possible failure of the Nordic model

The problem with relying solely on recidivism rates with Scandinavia, though, is that we often forget the overall growing trend of this bloc in total reported crimes. The graph below shows us the general picture compared to Anglophone countries underlined by Pratt<sup>85</sup>.






*Figure 1.4* Crime rates, 1950–2010 (all six societies).

It is clear from the graph that the trend has been one of increase in the overall crime rate for Sweden having crime rates even higher than England by the year 2010. Though on a positive note, we can see that both Finland and Norway have had lowering crime statistics in the years 2005-2010 years, with Norway in particular declining quite a lot. Sweden has been on a more peculiar ride with numbers fluctuating between a lowering crime statistic and a rise. The following table shows data compiled by the Eurostat in terms of different crimes in the three countries of reference<sup>86</sup>.

<sup>85</sup> Pratt, and Eriksson. *Contrasts in Punishment*, 28

<sup>86</sup> “Your Key to European Statistics.” Database - Eurostat

RECORDED CRIMES BY OFFENSE CATEGORY - POLICE DATA (EUROSTAT)							
	<i><b>FINLAND</b></i>		<i><b>SWEDEN</b></i>		<i><b>NORWAY</b></i>		<i><b>Legend</b></i>
	2008	2017	2008	2017	2008	2017	
<b>Intentional homicide</b>	133	69	82	113	34	28	<i><b>Legend</b></i> ..... is missing or no data <hr/>  VIOLENT CRIMES <hr/>  SEXUAL CRIMES <hr/>  NON-VIOLENT CRIMES
<b>Attempted Intentional homicide</b>	363	348	751	909	49	49	
<b>Assault</b>	2.228	1.581	5.332	4.685	3.279	2.112	
<b>Kidnapping</b>	0	1	.....	.....	.....	.....	
<b>Sexual violence</b>	2.711	3.054	14.058	18.874	3.261	5.635	
<b>Rape</b>	915	1.245	4.981	6.969	1.452	2.308	
<b>Sexual assault</b>	1.796	1.809	9.157	11.505	1.507	2.897	
<b>Burglary</b>	26.634	22.103	94.278	84.520	22.014	.....	
<b>Burglary of private residential premises</b>	5.978	4.771	3.789	38.732	8.125	.....	
<b>Theft</b>	139.476	110.243	436.446	352.312	150.703	94.179	
<b>Theft (motorized vehicle)</b>	13.804	6.100	44.717	24.740	11.901	4.057	
<b>Unlawful acts involving controlled drugs or precursors</b>	15.482	27.825	79.795	102.658	36.137	33.585	
<b>TOTAL CRIMES</b>	209.520	179.149	693.386	646.017	238.462	144.850	

As we can see the data clearly shows the aforementioned rise in some crime areas, though the data suggests that crime in the last decade has diminished somewhat. A note of reference there are many more crime areas that have not been placed in the table above, as it would've required a thesis all on its own. After all for any given penal code there will be innumerable infractions. For example I have not added crimes committed for through the internet or frauds: the table above is to be seen as an intuitive approach to the general trend, though we can see how in the case of Sweden it shows a diminishing number of crimes, but is still the highest amongst the three countries.

The area that grew the most uniformly in all three countries is bizarrely enough, the sexual crimes one. I say that it is bizarre, because Pratt's Nordic model Pratt preaches that the population should aid the state through social engineering. A possible explanation of

this last finding is that though a pinnacle of social engineering, there is always the possibility that Human nature might relapse in anti-social behavior for one reason or another. After all, humans are not neatly packaged blocks ready to be changed, but individuals whose logic and actions are sometimes rather illogical. The human error is always a factor to be considered.

On that note, Sex crimes are by default the ones that are most aggressive on the individual as already stated earlier whilst talking about the USA, but they are most importantly hard to monitor. Sex crimes leave the individual deeply scarred and fearful, meaning that they might or might not cause the worse societal problems for both the victim and the perpetrator in the long run. But though the general trend is one of overall growth, one should take into consideration the population increase in the Nordic countries since the 50s. In addition, only in the last decade (2007-2017), Nordic countries have grown quite a lot in population, with Norway growing by 12.3%, Sweden 9.7%, and Finland 4.3%<sup>87</sup>. Nonetheless this spells trouble with the Nordic Exceptionalism theory, as it shows that in the long run, population increase might not be enough to explain the rise in crime. Interestingly enough, other crime blocks differ between the three countries, with Sweden being the only one showing the aforementioned growth pattern in almost all of them. It is interesting because although population increase for Sweden is in the middle at 9.7%, recalling from the introduction, Sweden is the country between the three that has the greater ethnic diversity. This ultimately spells doom for the ethnic thesis for a number of reasons.

One of the caveats of the thesis for Nordic Exceptionalism is that its functionality and success is rooted in *distinctive welfare states which are rooted in social cohesion, conformity and egalitarianism*.<sup>88</sup> What we could deduce from this excerpt is that it is the history of the Nordic people themselves, not just their society, that contributes to their welfare system. A note to the reader is in order after this remark. It is not the object of this paper to discuss whether or not the ethnic diversity of countries contributes to their crime rates, as it is neither too relevant for the topic at hand nor helpful as data for this phenomenon is oftentimes of speculative nature. The fact remains that this is an interesting relation that should be monitored closely to see if the Nordic model is doomed to fail in the future. It is not a reasoning brought by racial discrimination, but rather to see if this correlation ultimately spells causation or not.

---

<sup>87</sup> "Growth in the Nordic Region." Nordic cooperation

<sup>88</sup> Barker, "Nordic Exceptionalism Revisited: Explaining the Paradox of a Janus-Faced Penal Regime."



### **PART 3**

#### **CONCLUSION**

From the Part 2 of this thesis we can see that the US system is undoubtedly a failure as it has not curbed its crime recidivism. Most importantly the huge number of inmates currently in US prisons is a testament to the failure of the the hard-on-crime direction of the country. Inmates are furthermore damaged by the system because they are groomed into prison mentality, which is then transferred indirectly to the general populace as can be seen by the hard time criminals have in finding jobs. Guard-inmate relationship, furthermore, have been completely destroyed by the mass incarceration phenomenon which in turn has been partially caused by the tough drug policies since the 70s. What is also dire to compute is the fact that the USA is effectively targeting African American communities. This last point is of paramount importance, as it shows that the shadow of slavery and racism may not be completely gone from the greater US society. That may not be a shock to most; but if one thinks of the fact that the USA is part of numerous international human rights charters, and most importantly is a founding member of the UN Universal Declaration of Human Rights, it puts the US in a strange situation internationally speaking. It is a strange situation because it could be seen as an infringement of multiple articles, most importantly Article 2 of the Charter which effectively should prohibit a Nation to target a specific ethnic group. Unfortunately it is well known that international law is quite hard to impose. Furthermore, being the USA a powerhouse of soft, economic, and military forms of power it may be possible that the situation is kept well under the radar. A point to discredit the affirmation that the USA is targeting an ethnic group is that the US technically has no form of Apartheid or similar lawful ethnic divides in action to date. The findings, though, show us that the US clearly does need such laws to impose stringent control and punishment over the more diverse sectors of its population. Ultimately I believe the situation would require correction through a thorough social change rather than the imposition of laws. The current political climate in the USA seems to be moving towards inclusion and equity rather than ethnic division, so that could be seen as a first form of social correction.

Overall the situation in the US is quite dire, the State is failing and even targeting the poorest of the community. Pluralism and penal toughness clearly cannot work indefinitely.

A solution could be that USA build a unified penal system so as push a total change to its administration and possibly curb the ever-rising curve of imprisonment. Privatisation of commodities and even prison facilities must be either outlawed or severely diminished so

as to allow a centralized response that can completely control the line of action for the future. Crime sentences should be lowered and the entire procedure for criminal justice regarding drugs should be given an overview.

This change could mimic the Nordic system, and should start from focusing on the rehabilitative aspect of jail time rather than the punitive one. Whilst the Nordic countries do show an overall trend towards increases in crime rates, the other trend, namely recidivism, is much lower. This means that they might be slightly failing in completely curing the reasons for crime, but they are succeeding in the long run from making the same criminals commit more. Ultimately the results are in favor of the Nordic Model, though its proponents also state that the model's strength is ultimately in the society it is in. This might mean that the model is non-transferrable or at the very least it may only work at full potential when accompanied by the Scandinavian macrocosm. Regardless, my observation holds that the US could still learn a lot from Scandinavia's success and the overarching principle that a criminal must be treated as a human being rather than another number amongst millions of others. Pluralism or not, US society must adapt to avoid having an even greater threat than they can currently take upon and work around what they have been doing to create a future in which the criminal and the populace will work with and not against the State.

As a general self-critique to the thesis I might say that the entire part for Scandinavia might have turned out much more structured had written material and data for the area been more accessible for topics such as Halden prison. Basing my data on the few inputs such as recidivism rates and crime rate statistics was a loss for the overall theory of Nordic Exceptionalism. Researches that could've been added had the problem of a generalized language barrier, meaning that many were not translated and distorted translations through online services made them of little to no use. Thusly I have not used them. A point to make that is abundantly clear though, as already stated, is that my theory on the failures of the US prison system had the benefit of being written in English or easily retrievable, thus making that part more cohesive.

Overall I feel that the topic at hand has been clarified and that the thesis has met its goals of showcasing a few of the problems with the USA, and some of the strengths and weaknesses through time of the Scandinavian system.

## **BIBLIOGRAPHY**

Allen, Rob, Rob Allen, Rob Allen, Dutch prisons after senate, Dutch prisons after senate, European Committee for the Prevention of Torture, European Committee for the Prevention of Torture, et al. “Norway.” Norway | World Prison Brief, January 1, 1970. <https://www.prisonstudies.org/country/norway>.

Alper, Mariel, Matthew R. Durose, and Joshua Markman. 2018 update on prisoner recidivism: a 9-year follow-up period (2005-2014), 2018 update on prisoner recidivism: a 9-year follow-up period (2005-2014) § (n.d.).

Banton, Michael. “Max Weber on Ethnic Communities: a Critique.” *Nations and Nationalism* 13, no. 1 (2007): 19–35. <https://doi.org/10.1111/j.1469-8129.2007.00271.x>.

Barker, Vanessa. “Nordic Exceptionalism Revisited: Explaining the Paradox of a Janus-Faced Penal Regime.” *Theoretical Criminology* 17, no. 1 (2012): 5–25. <https://doi.org/10.1177/1362480612468935>.

Benko, Jessica. “The Radical Humaneness of Norway's Halden Prison.” *The New York Times*. The New York Times, March 26, 2015. <https://www.nytimes.com/2015/03/29/magazine/the-radical-humaneness-of-norways-halden-prison.html>.

Central Intelligence Agency. Central Intelligence Agency, February 1, 2018. <https://www.cia.gov/library/publications/the-world-factbook/>.

Cohen, R. “Ethnicity: Problem and Focus in Anthropology.” *Annual Review of Anthropology* 7, no. 1 (1978): 379–403. <https://doi.org/10.1146/annurev.an.07.100178.002115>.

Creagh, Sunanda, Anna Eriksson, Hilde Tubex, Hilde Tubex, and Digital Storytelling. “Nordic Prisons Less Crowded, Less Punitive, Better Staffed.” *The Conversation*, May 14, 2020. <https://theconversation.com/nordic-prisons-less-crowded-less-punitive-better-staffed-12885>.

DeSilver, Drew. "Feds May Be Rethinking the Drug War, but States Have Been Leading the Way." Pew Research Center. Pew Research Center, April 2, 2014. <https://www.pewresearch.org/fact-tank/2014/04/02/feds-may-be-rethinking-the-drug-war-but-states-have-been-leading-the-way/>.

Duffin, Erin. "Poverty Rates in OECD Countries 2017." Statista, January 17, 2020. <https://www.statista.com/statistics/233910/poverty-rates-in-oecd-countries/>.

Esping-Andersen, Gøsta. *The Three Worlds of Welfare Capitalism*. Princeton, NJ: Princeton University Press, 1990.

European Committee for the Prevention of Torture, Cpt, European Committee for the Prevention of Torture, European Committee for the Prevention of Torture, Cpt, European Committee for the Prevention of Torture, US State Department Human Rights Country, et al. "Finland." Finland | World Prison Brief, January 1, 1970. <https://www.prisonstudies.org/country/finland>.

"Finland Population 2020 (Live)." Finland Population 2020 (Demographics, Maps, Graphs). Accessed May 14, 2020. <https://worldpopulationreview.com/countries/finland-population/>.

"First Amendment." Legal Information Institute. Legal Information Institute. Accessed May 15, 2020. [https://www.law.cornell.edu/constitution/first\\_amendment](https://www.law.cornell.edu/constitution/first_amendment).

Foucault, Michel. *Discipline and Punish: the Birth of the Prison*. New York: Vintage Books, 1977.

Gentleman, Amelia. "Inside Halden, the Most Humane Prison in the World." The Guardian. Guardian News and Media, May 18, 2012. <https://www.theguardian.com/society/2012/may/18/halden-most-humane-prison-in-world>.

Gramlich, John. "U.S. Incarceration Rate Is at Its Lowest in 20 Years." Pew Research Center. Pew Research Center, May 2, 2018. <https://www.pewresearch.org/fact-tank/2018/05/02/americas-incarceration-rate-is-at-a-two-decade-low/>.

Gross, Terry. "A 'Forgotten History' Of How The U.S. Government Segregated America." NPR. NPR, May 3, 2017. <https://www.npr.org/2017/05/03/526655831/a-forgotten-history-of-how-the-u-s-government-segregated-america?t=1587671628004>.

"Growth in the Nordic Region." Nordic cooperation. Accessed May 14, 2020. <https://www.norden.org/en/news/growth-nordic-region>.

History.com Editors. "War on Drugs." History.com. A&E Television Networks, May 31, 2017. <https://www.history.com/topics/crime/the-war-on-drugs>.

"In Depth." BBC News. BBC, June 20, 2005. <http://news.bbc.co.uk/2/shared/spl/hi/uk/06/prisons/html/n2page1.stm>.

"India Population (LIVE)." Worldometer. Accessed May 15, 2020. <https://www.worldometers.info/world-population/india-population/>.

"Inequality - Income Inequality - OECD Data." theOECD. Accessed May 14, 2020. <https://data.oecd.org/inequality/income-inequality.htm>.

Initiative, Prison Policy. "Overrepresentation of Blacks in United States." Overrepresentation of Blacks in United States | Prison Policy Initiative. Accessed May 14, 2020. [https://www.prisonpolicy.org/graphs/2010percent/US\\_Blacks\\_2010.html](https://www.prisonpolicy.org/graphs/2010percent/US_Blacks_2010.html).

Kriminalvården, Peter Lindström, Eric Leijonram, Peter Lindström, Eric Leijonram, Un, Un, et al. "Sweden." Sweden | World Prison Brief, January 1, 1970. <https://www.prisonstudies.org/country/sweden>.

Latessa, Edward J., Alexander M. Holsinger, and Travis. *Correctional Contexts: Contemporary and Classical Readings*. Oxford: Oxford University Press, 2016.

Latessa, Edward J., Alexander M. Holsinger, and Bynum . *Correctional Contexts: Contemporary and Classical Readings*. Oxford: Oxford University Press, 2016.

Lewis, Nicole, and Beatrix Lockwood. "The Hidden Cost of Incarceration." The Marshall Project. The Marshall Project, December 17, 2019. <https://www.themarshallproject.org/2019/12/17/the-hidden-cost-of-incarceration>.

Martin, Joseph L., Bronwen Lichtenstein, Robert B. Jenkot, and David R. Forde. "They Can Take Us Over Any Time They Want." *The Prison Journal* 92, no. 1 (2012): 88–105. <https://doi.org/10.1177/0032885511429256>.

Mason, Cody. "Too Good to Be True: Private Prisons in America." The Sentencing Project, January 13, 2012. <https://www.sentencingproject.org/publications/too-good-to-be-true-private-prisons-in-america/>.

Nellis, Ashley, and Nicole D. Porter. "The Color of Justice: Racial and Ethnic Disparity in State Prisons." The Sentencing Project, June 14, 2016. <https://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/#IV>. Drivers of Disparity.

Nellis, Ashley, and Nicole D. Porter. "The Color of Justice: Racial and Ethnic Disparity in State Prisons." The Sentencing Project, June 14, 2016. <https://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/#IV>. Drivers of Disparity.

Person. "No Bars, a Mini Fridge and TV: Welcome to Norway's Prisons." The Times. The Times, July 25, 2011. <https://www.thetimes.co.uk/article/no-bars-a-mini-fridge-and-tv-welcome-to-norways-prisons-vsgcgsjw6cg>.

Porter, Nicole D. "Trends in U.S. Corrections." The Sentencing Project, June 22, 2018. <https://www.sentencingproject.org/publications/trends-in-u-s-corrections/>.

"Poverty Rate by Race/Ethnicity." The Henry J. Kaiser Family Foundation, December 4, 2019. [https://www.kff.org/other/state-indicator/poverty-rate-by-raceethnicity/?currentTimeframe=0&sortModel={\"colId\":\"Location\",\"sort\":\"asc\"}](https://www.kff.org/other/state-indicator/poverty-rate-by-raceethnicity/?currentTimeframe=0&sortModel={\).

Pratt, John, and Anna Eriksson. *Contrasts in Punishment: an Explanation of Anglophone Excess and Nordic Exceptionalism*. Routledge, 2014.

“Recidivism.” Brottsförebyggande rådet. Accessed May 14, 2020. <https://www.bra.se/bra-in-english/home/crime-and-statistics/crime-statistics/recidivism.html>.

Rose, Melody. “Opposition & Intimidation: The Abortion Wars and Strategies of Political Harassment. By Alesha E. Doan. Ann Arbor: University of Michigan Press. 2007. 215 Pp. \$21.95.” *Politics & Gender* 4, no. 03 (2008). <https://doi.org/10.1017/s1743923x08000445>.

Sawyer, Wendy, and Peter Wagner. “Mass Incarceration: The Whole Pie 2020.” Mass Incarceration: The Whole Pie 2020 | Prison Policy Initiative. Accessed May 14, 2020. <https://www.prisonpolicy.org/reports/pie2020.html>.

Schmitt, John, and Kris Warner. “Ex-Offenders And The Labor Market.” *WorkingUSA* 14, no. 1 (2011): 87–109. <https://doi.org/10.1111/j.1743-4580.2011.00322.x>.

Schweikart, Larry, and Dave Dougherty. *A Patriots History of the Modern World. 1898-1945 /*. New York: Sentinel, 2012.

“States of Incarceration: The Global Context.” States of Incarceration: The Global Context | Prison Policy Initiative. Accessed May 15, 2020. <https://www.prisonpolicy.org/global/>.

Statista. “Topic: Crime in Italy.” [www.statista.com](http://www.statista.com). Accessed May 14, 2020. <https://www.statista.com/topics/4051/crime-in-italy/>.

“Tearsheet: Knut Egil Wang's 'Inside Halden Prison' in Cityzine.” [instituteartist.com](http://www.instituteartist.com). Accessed May 14, 2020. <http://www.instituteartist.com/August-2015/filter/tearsheet/tearsheet-Knut-Egil-Wang-s-Inside-Halden-Prison-in-Cityzine>.

“U.S. Census Bureau QuickFacts: United States.” Census Bureau QuickFacts. Accessed May 14, 2020. <https://www.census.gov/quickfacts/fact/table/US/IPE120218>.

“U.S. Crime Rate & Statistics 1995-2020.” MacroTrends. Accessed May 14, 2020. <https://www.macrotrends.net/countries/USA/united-states/crime-rate-statistics>.

Ugelvik, Thomas. "Prisons as Welfare Institutions?" *Handbook on Prisons*, 2016, 388–402. <https://doi.org/10.4324/9781315797779-23>.

Ugelvik, Thomas. "Prisons as Welfare Institutions?" *Handbook on Prisons*, 2016, 388–402. <https://doi.org/10.4324/9781315797779-23>.

"United States Demographics." Worldometer. Accessed May 14, 2020. <https://www.worldometers.info/demographics/us-demographics/>.

Wacquant Loïc. *Prisons of Poverty*. Minneapolis, MN: University of Minnesota Press, 2009.

"Your Key to European Statistics." Database - Eurostat. Accessed May 14, 2020. <https://ec.europa.eu/eurostat/web/crime/data/database>.

Yukhnenko, Denis, Shivpriya Sridhar, and Seena Fazel. "A Systematic Review of Criminal Recidivism Rates Worldwide: 3-Year Update." *Wellcome Open Research* 4 (2019): 28. <https://doi.org/10.12688/wellcomeopenres.14970.2>.



## Abstract

Prisons are a constant in every country and have existed in one form or another through much of history. Prison can be much more of a physical structure, and does in fact become a concept that evolves around the different societies. History teaches us that the very creation of the modern representation of Prisons takes different steps; Foucault and Travis delineate just that. The concept of prison also follows 4 main directives for what they want to accomplish. The concept of the thesis is to show how a different approach between two societies, namely that of the a Pluralistic United States of America and the Welfare of Scandinavian countries, can yield completely different results in overall prison populations, recidivism, and crime statistics. I shall unravel the failures of the American system because I believe that the concept of Prison should ultimately follow a trend to have less people in jail rather than an ever-increasing amount.

Scandinavia, I believe, does a better job. My method of analysis will be mostly utilizing reports, official national statistics, and expert opinions to showcase how this hypothesis is the truth through open discussions of the findings. The reason I have chosen this theme is that America has been on an international and national social decline and the prison system delineates that its Pluralist nature has yielded for better or worse a non-manageable prison ecosystem. This ecosystem in turn follows in the path of society and mingles with it, making such that in truthiness the social decline is going parallel to it. On the contrary, Scandinavia has proved again and again how such feat is avoidable and much less pragmatic. It is of great interest to me because in one way or another Europe is still locked to the Soft Power of the US, and learning more of its failing prison system may halt the EU's fall into a similar path. Being a EU citizen means that I have a keen interest in knowing where my society as a whole will front in the future; Scandinavia may prove to be a beacon of hope to what greater Europe may achieve in terms of overall peace and socio-political stability and cooperation.