

SCANDINAVIAN EXCEPTIONALISM IN AN ERA OF PENAL
EXCESS*Part II: Does Scandinavian Exceptionalism Have a Future?*

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Part II of this paper examines the current for prospects for Scandinavian exceptionalism. It argues that Finland, Norway and Sweden have all experienced, to a degree, declines in earlier levels of social solidarity, security and homogeneity, jeopardizing the future of their low levels of imprisonment and humane prison conditions. These experiences have not, though, been uniform—Sweden is now most at risk, the other two less so. The paper goes on to discuss the broader political and sociological implications of Scandinavian exceptionalism in the contemporary era of penal excess.

In Part I of this paper, we examined the way in which cultures of equality and welfare state security provided the foundations for the development of penal exceptionalism in Scandinavia—that is, humanitarian prison conditions and low rates of imprisonment. However, albeit from a very low base, prison rates have recently been increasing in this region: from 50 per 100,000 of population in 1998 to 68 in 2007 in Finland; from 57 to 66 in Norway and 60 to 82 in Sweden over the same period. Nor does this seem to be related to crime patterns. After their increases from 1950 to 1990 (see Part I), crime levels and crime rates have since either stabilized or are now in decline,¹ as Figures 1 and 2 illustrate.

Instead, what seem to lie behind these increases are new penal values attached to crime. The time served for life sentences in Finland has increased from 11 to 14 years since 1998. There were only 30 lifers in the mid-1990s but 130 in 2006. The length of time spent in prison for all prisoners in that country increased from an average of 7.5 months to 8.1 in 2006. Proportionately more prison sentences have been imposed: from 11.1 per cent of all dispositions to 12.5 in 2006. In Norway, murderers are now likely to serve more than 12 years when the tariff used to be eight. The average length of a prison sentence was 140 days in 1994; in 2006, it had increased to 167. In Sweden, there were 14 lifers in 1971 but 153 in 2006. They can now expect to serve 16 rather than eight years as before. In addition, half-time parole (fairly automatic) was abolished in 1993 and replaced by 2/3 sentence eligibility. Furthermore, the constitution of the prison population is changing. In Sweden, prisoners convicted of theft and robbery declined from 49 per cent in 1971 to 17 per cent of the population in 2005; drunk drivers from 14 to 3 per cent; in contrast, violent offenders have increased from 10 to 23 per cent; drug offenders from 2 to 31 per cent. This shift in the nature of the Swedish prison population is also likely to have contributed to the increasing emphasis on prison security

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¹ The rise in crime in Finland in 1999 is because the data from thereon include offences that were previously included in the Road Traffic Act.

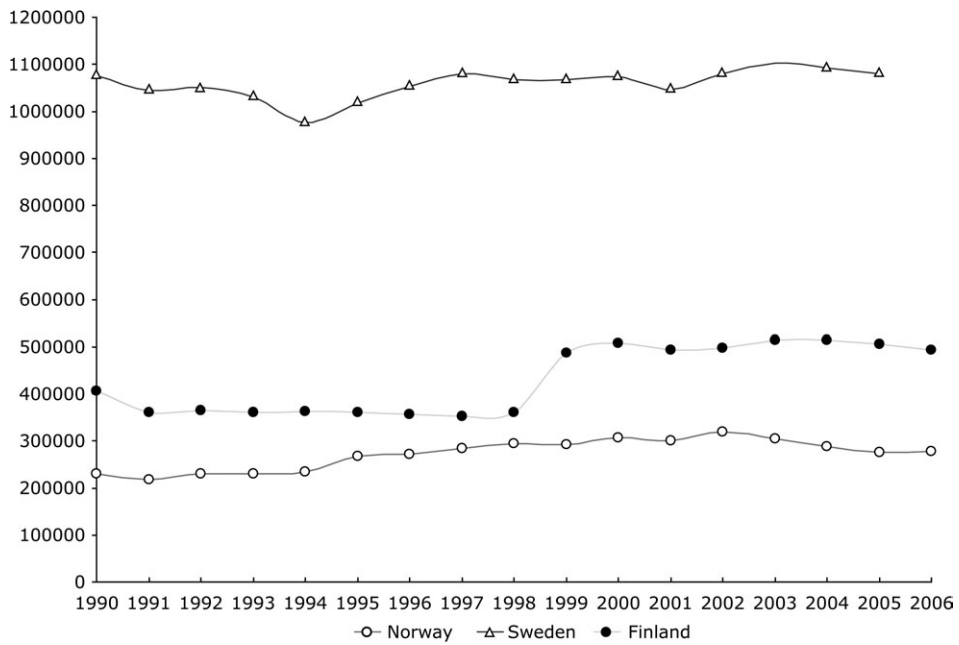


FIG. 1 Total number of recorded crimes in Norway, Sweden and Finland: 1990 - 2006.

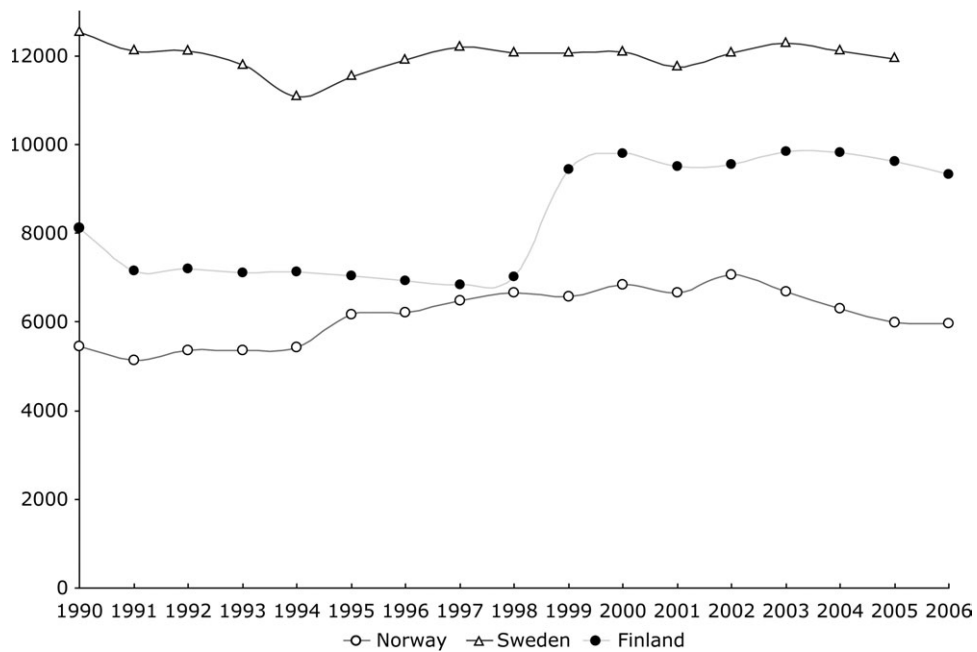


FIG. 2 Crime rate for Norway, Sweden and Finland: 1990 - 2006.

in this country (see Part I), given the seriousness attached to drug offending—a matter which will be discussed later.²

What is it, then, that lies behind these changes in penal value and to what extent does this now put the future of Scandinavian exceptionalism at risk? The paper argues that erosions of security and egalitarianism, of homogeneity and solidarity—the foundation stones on which Scandinavian exceptionalism had been built—are producing this effect. The decline of trust in government, discrediting of expertise, sensational rather than objective media reporting, the politicization of victimhood associated with such developments—the same forces that have contributed to penal excess elsewhere (Pratt 2007)—produce new forms of knowledge and understandings about crime and punishment, new power relations that determine policy. Drug control in particular, as the paper goes on to demonstrate, has come to crystallize these trends.

However, although traces of these elements can be found across Scandinavia, it must also be emphasized that their extent and the threats and challenges that they pose are by no means uniform. Indeed, it will be argued that while Sweden seems particularly vulnerable to them, Norway and Finland are much less so—which helps to explain the widening gap that is opening up between the level of imprisonment in Sweden and that in Norway and Finland. The paper concludes by assessing the sociological and political implications of Scandinavian exceptionalism in the light of these developments. While the methodology employed in Part I of this paper showed the points of intersection and commonalities between these countries in forging a Scandinavian identity, Part II gives more attention to the emerging differences between them and the way in which these may now be undermining such an identity and its penal associations.

The Decline of Security and Egalitarianism

The Scandinavian welfare state had been able to both alleviate criminogenic social conditions while at the same time providing an extensive network of regulation to maintain security and egalitarianism. Policy making, as we have seen, was largely expert-driven. From the late 1970s, however, it has been increasingly difficult to maintain this framework of governance. Initially, it began to be undermined by economic problems. The Scandinavian welfare model had always been dependent on full employment and a high tax revenue to maintain itself. However, by 1980, in Sweden, social expenditure consumed one-third of the national product—a budgetary charge that could only be met by deficits or by raising taxes on the very constituencies—middle-class professionals—on whom the social democratic consensus had hitherto depended (Judt 2007: 536). Notwithstanding the tradition of compromise and consensus in the conduct of industrial relations, there was a general strike in 1980. By this time, Sweden no longer had one of the highest standards of living in the world, as had been the case in the 1960s (Tomasson 1970: 1). Instead, its workers had one of the lowest purchasing powers of salary in the OECD (Phillips-Martinson 1981: 18). As the burdens of welfare began to outweigh its benefits, the expansion of the Swedish welfare state finally ground to a halt in 1988, with cuts to sickness benefits and pensions (Einhorn and Logue 2003: 214), amidst

² This process really began in the 1980s. In Sweden, the escape of the country's best known spy (while on 48-hour leave from prison) strained the bounds of tolerance and public trust in the penal authorities (*New York Times*, 14 October 1987: A3). Security was also tightened in Norwegian prisons in the aftermath of a high-profile escape in 1988 (Mathiesen 1990).

significant economic reconstruction and the privatization of some state services. This, though, was not enough of an adjustment to safeguard economic well-being. In the early 1990s recession, unemployment rose to 10 per cent—a level unknown since the 1930s and currency speculators briefly forced up interest rates to 500 per cent. In a further adjustment to the living standards that the welfare state had been expected to guarantee, the Moderate (Conservative) Party, elected to government in 1991, reduced earnings-related unemployment benefits from 90 to 80 per cent of salary in 1993, with further privatization of state services.

But the social democratic polity was also being undermined ideologically as well as economically. The Social Democrats themselves had been defeated in the 1976 election after 40 years in office and were defeated again in 1979 and 1991. The neo-liberal economic orthodoxies that had been pursued in Britain and the United States now offered a different mode of economic governance and a different ideological approach to the role of the state in the everyday life of its citizens. Scandinavia—Sweden in particular—was no longer immune from such influences, given the way in which welfare governance was no longer able to protect security from the vicissitudes of global capitalism. Indeed, in echoes of neo-liberal anti-welfare reasoning, it was as if ‘formerly a Swedish national symbol, the welfare state [had come] to be considered more and more as a hot bed of problems’ (Rönneberg and Gabas i Gasa 2003: 112). The Swedish vote to join the EU in 1995 (albeit by only 52:48 per cent of the electorate) was thus of great political and symbolic importance: unable to guarantee its own security any further, it was prepared to give up leadership of a small number of elite, homogenous Scandinavian countries to become a fairly small player in a much larger and more heterogeneous collective.

However, it would be mistaken indeed to exaggerate the extent of welfare restructuring that has taken place in Sweden. It has not turned into a ‘user pays’ society like New Zealand, nor has there been any *major shift* from public to private provision like Britain. Furthermore, benefit levels remain dramatically more extensive and higher in Sweden. Earnings-related benefits *of any kind* are simply unknown in these two Anglophone countries, which have experienced much more significant economic restructuring, and where the consequences of unemployment are that much more stark and divisive. Despite gloomy prognostications (see Kosonen 1993; Lindbeck 1997), the reality is that despite ‘all of these reforms, and despite levels of unemployment and annual deficits unprecedented for Sweden, the contours of the most generous welfare state in the world remain intact In *per capita* benefits, the Swedes moved in to the 1990s from lavish to merely very generous social expenditures’ (Wilensky 2002: 231). Similarly, Ahn and Olsson-Hjort (2003: 108) argue that ‘the Swedish welfare system has been reformed and somewhat downsized but is still basically the same institutional system based on citizenship and social rights’. The election victory of the New Moderates in 2006 may mean that the welfare state is due for a further contraction—the reform of tax and welfare benefits had been a central feature of their campaign, with plans for a further reduction in earnings-related benefits to 65 per cent of income. Nonetheless, the vast majority of Swedes, particularly women, who make up the majority of public sector workers as well as benefiting most from its levels of child care, have a great investment in maintaining the welfare state. There are still no plans to transform ‘the peoples’ home’ into a mere safety net.

The restructuring *has* brought changes, though, in two important respects, with the overall result being that there is no longer the high level of security and egalitarianism

that there once was. First, not everyone will now be able to find an automatic place in the Swedish people's home, particularly those struggling to establish themselves in the job market. Under-qualified school leavers and immigrants make up the bulk of these. As such, it is possible to discern the formation of significant and obvious outsider groups in this country. Second, while there is still support for the extensive levels of material security that the welfare state provides, there is no longer the commitment to collective over individual interests. Rothstein (2001: 219) observes that social capital has begun to weaken, and that 'there are increasing demands for individual autonomy and a willingness to construct life styles and world views independently of large collectives'. As such, Lindvall and Rothstein (2006: 58) detect 'a widespread critique of knowledge and research as a base for social steering'. This is evident in the relatively low level of trust in government (by Scandinavian standards) that there now is in Sweden—41 per cent in the Eurobarometer (European Commission 2004), against the EU average of 34 per cent—as if there is nothing particularly special any more about the relationship between Swedes and their institutions of government: these can provide citizens with little more security, are viewed with little more trust than is the case in the average, *unexceptional* EU member state. Nor is there anything special anymore about the place of the Social Democrats in Swedish politics—indeed, in 2006, they had their worst election result since 1921, gaining only 34.9 per cent of the vote.

These changes in attitudes and priorities have been reflected in penal policy. The eventual move to a just deserts sentencing framework in 1989 after the recommendations of the National Council for Crime Prevention in 1977 (another illustration of the more considered pace of policy change in Scandinavian societies, at least at that time) only paved the way for a more general increase in penalties, ushered in by the Moderate-led coalition government 1991–94. As Hudson (1987) has argued, whatever the shortcomings of treatment and rehabilitation, retribution and just deserts are based on limiting the scope of humanitarianism and leniency that treatment and rehabilitation also made possible: what is a 'just measure of punishment' is always going to be a political judgement. As such, this concept began to reflect the new political mood in Sweden. The report *To Restore a Degenerated Criminal Policy* (Ministry of Justice 1993) signified the intellectual break from the penal thinking of the welfare era. Instead of speaking of respect for the dignity of inmates and the need to understand the difficulties that being in prison caused them, it now spoke in a new penal language (at least in Scandinavia) of the need for tougher prisons and for sentences to be more in line with public opinion (Tham 1995: 113). This matter should no longer be left to experts to determine—a remarkable reversal of the authority that such people had enjoyed in this country. Furthermore, the ICVS and EU ICS research (van Kesteren *et al.* 2000; van Dijk *et al.* 2007) both signalled a growing mood of punitiveness in Sweden, coinciding with this changing relationship between the individual and the state. Where the state's guarantees of security are being reduced, this is likely to make individuals more intolerant and suspicious of those who put this at risk, or who seem 'different' in some way or another.

Subsequent Social Democrat governments did not turn away from the main thrust of the 1993 report. The expansion of prison capacity that began in 2003 with 1,000 new places, with another 2,847 planned by 2010, has caused no political controversy (von Hofer 2007). Attitudes towards what is an acceptable level of imprisonment seem to be changing in Swedish society. The Ministry of Justice website proclaims with no

embarrassment that this country now has the biggest prison building programme in Europe.³ The international reputation that Sweden once had for penal reform seems to count for very little in the existing political climate. An adviser on penal policy to the Moderate Government informed me that ‘the penal code is not being implemented as it should be. Sentences are usually at the bottom half of the scale. Punishments like conditional sentencing [suspended sentences] mean that laymen don’t understand the system. We want to see sentencing scales used to their full extent ... The Moderate Party wants to raise penalties in general and wants hardship punishments for severe crime’. Once again, it is the interests and aspirations of ‘laymen’ that are seen as pivotal when developing policy, rather than those of penal experts. It is still hardly the stuff of New Labour’s plans to ‘rebalance the criminal justice system’ in Britain (see Pratt 2007), but it is also far removed from those expectations there once were that the Swedish prison population could be reduced to a few hundred.

The position has been rather different in Finland. This country was also particularly badly hit in the early 1990s’ recession. After trade with the Soviet Union collapsed, Finnish GDP dropped by 14 per cent and unemployment reached 18 per cent. Here, though, the Finnish welfare state, which had still been catching up with the levels of security offered by the other Scandinavian countries, helped to alleviate the social consequences of this. Crime levels were unchanged and there were no public demonstrations or outbreaks of disorder. Indeed, the welfare state has never been discredited in Finland (Kvist 1999) and social democratic values are still spread across its political spectrum. Despite some restructuring in the 1990s (Timonen 2003), it continues to provide high levels of security for its citizens. There is no significant political dissent from these parameters and expertise is still highly regarded (Lappi-Seppala 2007). Unlike Sweden, levels of punitiveness in Finland remain very low in the EU ICS survey (van Dijk *et al.* 2007). The continuity of these important threads helps to check the extent of any unravelling of penal exceptionalism in this country.

Furthermore, joining the EU in 1995 (here, the referendum vote was much more convincing: 57:43 per cent in favour) has not given any momentum to a populist backlash as it has in other European countries (Rydgren 2004), fuelling lack of trust in existing democratic processes, along with demands for ‘common-sense’ approaches to crime problems and so on. There has been next to no political resentment against supposedly distant bureaucrats in Brussels, and little by way of anxiety about the dangers to Finnish sovereignty that this supra-national entity might pose. The economic benefits of membership have been obvious. After joining, GDP doubled by 2006 (for Sweden, the figure is around a 60 per cent increase). At the same time, because of its twentieth-century history of civil war, war-time invasion and economic hardship, there is no ‘golden past’ that would-be populist politicians can conjure up to entice voters away from the prevailing social democratic consensus. For the vast majority of Finns, life is as good as it has ever been and, again, in contrast to Sweden, levels of trust in government remain exceptionally high, at 67 per cent (European Commission 2004).

Nonetheless, for both Finland and Sweden, joining the EU brings more than a shelter from economic storms. This ‘structural assimilation of these countries to other Western countries’ (Savelsberg 1994: 937) means that Scandinavian values can no longer exclusively determine economic and social policies: the EU gives priority to low inflation and

³ ‘bygger mest i Europa’, www.kvv.se/templates/KVV_InfopageGeneral.aspx?id=4127 As Accessed 11.01.2006.

financial rectitude rather than full employment and the elimination of social inequalities (Gould 1999). The harmonization of welfare and social policies of member countries has led to 'stringent demands regarding deficits, debt inflation and interest rates which [has] placed additional pressures on spending' (Timonen 2003: 7), providing further challenges to social solidarity. Furthermore, if harmonization is extended to penal policy, it will have the inevitable effect of raising Scandinavian sentencing tariffs. In the *short term*, the EU membership provides a buttress for penal exceptionalism in these countries—economic stability then sustains solidarity—in the long term, its influences may provide further threats to it.

Norway, though, voted not to join the EU in 1994 (52:48 per cent against). Although close, the vote seemed to recognize that this country was a special place, one that did not need supranational safeguards and securities and that its own values and autonomy were more important. Because of its oil wealth (GDP is \$US64,000 per capita and Norwegian incomes are now the highest in Europe on a purchasing power basis), it can obviously afford to take this approach. Nonetheless, the guarantees of welfare-provided security are no longer as definite as they once were. Its own financial crises during the 1980s and 1990s meant that the goals of macroeconomic policy shifted away from the historic commitment to full employment and towards low inflation and fixed exchange rates (Notermans 1993). Some welfare payments were consequently de-indexed from inflation and there was more selectivity in entitlements (Marklund 1988). Public expenditure as a percentage of Norwegian GDP peaked in 1990 at 51.3 per cent. At that time, every fifth worker owed their job to public subsidies and nearly one in three was employed in the public sector (Esping-Anderson 1990: 123). However, while public expenditure as a percentage of GDP then decreased during the 1990s, it has been increasing again since 2001 and is now well above the EU average. It is still the case that nearly one in three Norwegians is employed in the public sector (Statistics Norway 2007) and there has certainly been no further deterioration in welfare provisions in this period. To give just two examples of what outside Scandinavia could only be considered extraordinary largesse, maternity leave consists of 42 weeks on full pay⁴ and artists receive yearly grants from the state in perpetuity of around \$US35,000 per year. Given the extent of public sector employment and the comparative generosity of welfare benefits, it is hardly surprising that support for the welfare state has increased rather than diminished in Norway in the last 30 years (Repstad 2005), with pressure to expand welfare services rather than reduce them.

What would seem to pose a greater threat to Norway's longstanding egalitarian values than the comparatively limited reorganization of its welfare state is the very wealth that makes the current level of support possible. Economic success weakens security and solidarity by creating differences in wealth and attitudes to consumption. The 10 per cent of the population with the lowest income have seen their share of its total reduced from 4.2 per cent in 1986 to 3.5 per cent in 2003, while the 10 per cent with the highest income have increased their share from 18.6 to 24.5. Hellevik (2003: 276) writes that 'in the 1980s a threshold was crossed, where a situation of economic security during adolescence changed into one of affluence and the immediate gratification of desires. This may have caused a qualitative change in the relationship between the economy and

⁴ In New Zealand, for example, paid parental leave was extended to 14 weeks in 2002. Artists receive no benefits from the New Zealand government.

values, so that rising prosperity will increase rather than decrease interest in and dependence on material goods and consumption’.

Notwithstanding Norway’s history of frugality, which was also associated with its egalitarianism (see Sorensen and Strath 1997), there are obvious signs of prosperity and consumerism all around—for example, the building of luxurious holiday homes in the country or on the coast (375,000 in January 2005), compared with the much more simplistic buildings associated with the ‘back to nature’ movement that this began as.

There is also a growing emphasis on individual rather than collective interests here as in Sweden (although for different reasons—extraordinary wealth in Norway, disenchantment with welfare uniformity and regulation in Sweden). In interview, Hellevik—a professor at the Institute for Social Research, University of Oslo—explained to me that ‘the attitudes of young people are changing. For example, not paying fares on buses, also the changing attitudes to speed limits on the roads. There is a new kind of morality in Norway. People want to think for themselves—it’s part of a broad value change in this country at the beginning of the new millennium’. And there are obvious signs of alarm and anxiety in addition to signs of wealth and consumerism: in this country, as with Sweden, survey research illustrates increasing punitiveness (Lappi-Seppälä 2008). As part of this changing pattern of values and norms, downtown Oslo on Friday and Saturday evenings now has its share of noise and drunkenness, and sometimes instances of serious violent crime. Nonetheless, ostentatious displays of extravagance and self-interest are still mixed with older values of norm compliance, trust and self-regulation. There are no signs of what has become the entirely routine sight in England of dark-suited ‘bouncers’ outside the doors of pubs and clubs, whose very presence is an intimation of violence and disorder. Obviously, such conduct is still not a routine expectation in Norwegian society, even if it can now happen.

The Decline of Homogeneity and Solidarity

As we saw in Part I of this paper, the homogeneity of the Scandinavian countries had played an important part in reaffirming egalitarian values, tolerance and trust: people who are similar to each other are more likely to be content with inclusionary rather than exclusionary punishments for lawbreakers, who are less likely to be understood as alien others. This, too, seems to be eroding to some degree. An immigrant underclass has begun to emerge in Norway and Sweden. Between 30 and 40 per cent of immigrants are unemployed in Sweden, 50 per cent among some groups. This pattern is also reflected in second-generation immigrants (Rooth and Ekberg 2003). Twenty-six per cent of this country’s prison population are foreign citizens. In Norway, unemployment amongst immigrants is 10 per cent, 20 per cent for those of African origin. Seventeen per cent of its prison population are foreign citizens.

Sweden has the highest levels of immigration in this region. This began after the Second World War. From then until the mid-1970s, 600,000 people came to work in this country and were at that time successfully absorbed into the labour market. Thereafter, there have been far fewer economic migrants, but many more refugees and asylum seekers. As with domestic policy, in foreign policy, Sweden was keen to carry the torch for Western liberalism and tolerance, not only in opening its borders to people in need, but much more readily extending citizenship to them than most other European countries. The result has been that one in nine of its population is now foreign-born, with record levels of

immigration in 2006 (96,800), up nearly 50 per cent on 2005. Generally speaking, attitudes to immigration in this country are much more positive than the European norm (Eurobarometer 2006; cf. Golder 2003). If this is another example of the culture of tolerance and inclusion in Sweden, at the same time, strong central government assimilation and integration policies are likely to have weakened any overt threat to race relations that this issue might have otherwise posed in a period of economic decline (Wilensky 2002). Attempts to make political capital out of immigration have achieved very little by way of national electoral success. The mainstream political parties and the press have thrown a *cordon sanitaire* around this matter, quietening the level of national debate. Even the murder of Foreign Minister Anna Lindh in 2003 by a deranged Yugoslav immigrant provoked no significant questioning of immigration policies. Instead, for many, this incident became another example of how the welfare state was failing those who were dependent on it—it had not given sufficient assistance to the Yugoslav to help prevent his crime.⁵ Although it doubled and received its largest share of the vote in the 2006 election, the New Democrats (a Swedish populist party) still won only 2.9 per cent of the vote, which left it without parliamentary representation. Nor has it been possible for the populist right to link concerns about immigration with a backlash against the EU. This is because it is seen by the Moderates and other right-wing parties (except New Democrats) as the antidote to the already too powerful Swedish welfare state (Rydgren 2002).

However, the high concentration of immigrants in particular Stockholm suburbs and industrial cities such as Malmö has undoubtedly affected local tolerances if not the tolerance of national elites: ‘... the trend towards a more restrictive climate of opinion in relation to refugee issues has affected the atmosphere in many local communities where asylum seekers and refugees have been placed by the authorities’ (Wigerfelt and Wigerfelt 2001: 38). Such heavy-handed and remote decision making by the central state seems likely to further contribute to the decline in trust in government in Sweden. It has also led to linkages between concerns about increasing violent crime and immigration (Einhorn and Logue 2003: 326). In cities such as Malmö and Helsingborg, the New Democrats have made significant gains in *local* elections by exploiting these, as well as concerns about declining public services—all the products, it is claimed, of out-of-touch central-state, elitist bureaucracies. Even if these matters have yet to translate themselves into mainstream national politics, they can lead to popular anger and discontent—a case involving the rape of a Swedish woman by immigrants led to a petition of one million signatures calling for longer sentences.⁶ In industrial towns that have experienced a shrinking economic base, the presence of immigrants has led to the growth of racist gangs who prey on them (Larsson 2004). Meanwhile, many immigrants, having failed to find acceptance in the labour market and shut out of welfare provision, will be more likely to turn to crime, as the unemployment and prison statistics suggest. Inevitably, the level of immigration in this country has diluted Swedish homogeneity. While this need not be socially unhealthy, the gulf that is opening up between national and local attitudes, between those of elites and those of ‘ordinary people’, weakens the solidarity and trust (between individuals and between individuals and institutions) on which Scandinavian exceptionalism had been built.

⁵ Her killer was initially sentenced to psychiatric care for approximately five years. However, the Supreme Court reversed this ruling and sentenced him to life imprisonment in December 2004.

⁶ Personal communication, National Council for Crime Prevention, December 2003.

In Norway, economic migration was terminated in 1975. Thereafter, family reunion, refugee and asylum-seeker policies have all maintained an immigration flow. Net immigration of 23,700 in 2006 was 30 per cent higher than in 2005. Although attitudes to immigration tend to be more favourable than in many other Western countries, Statistics Norway (2006) indicates that there has been some decline in tolerance and an increase in support for a more restrictive immigration policy. Certainly, the issue does seem to have had a more polarizing effect here than in Sweden. A significant minority of Norwegians now support the anti-immigration Norwegian Progress Party. It has the second highest number of parliamentary seats and, for a time in 2006, it had the highest support in opinion polls. It is also a member of local coalition governments in Oslo and Bergen. The party emerged in the 1970s, campaigning against high taxation when the presence of non-Western immigrants was negligible. It then made its first significant election breakthrough in 1978 (after asylum seekers and refugees had nearly quadrupled in the previous year). Now, the visibility of immigrants as a new social group, particularly in Oslo, has raised social tensions which the Progress Party has played on and has successfully tied to concerns about crime. It has also evolved into a pro-welfare party, but with an insistence that it must be Norwegians who enjoy such benefits.

It may also have been able to capitalize on the weakening of social solidarity brought about by oil wealth: speaking to the concerns of those who have missed out on its benefits and who thus feel aggrieved and resentful, particularly against immigrant newcomers; and speaking to the concerns of those who have prospered but whose accumulation of wealth now increases their sense of risk, particularly from alien others. As this party's Justice spokesperson told me, 'the world we used to watch on television is now happening here', by which he was referring to the presence of the Russian mafia, drug smugglers from the Balkans and motor-cycle gangs. Consequently, the Progress Party was campaigning for longer prison sentences, particularly against violent offenders. Their spokesman was also critical of the power of the Norwegian Supreme Court to set sentencing levels: '... the Progress Party wants to lengthen the maximum prison term from 21 to 30 years for "hardliners" and stop parole until 80 per cent of the sentence has been completed. The judges are too soft. This isn't the way to take care of the victims of crime. We want a criminal policy that gives justice and respects victims, not one that feels sorry for the criminal. The Ministry of Justice website provides one hundred links for helping offenders, none for victims.'

As with other populist political parties, the Progress Party is not simply pro 'ordinary Norwegians' but is also anti-establishment (Pratt 2007). Patrician judges and the liberal Justice elite are seen as mistaken and misguided, favouring criminals at the expense of their victims. His own party then claims the right to act as avenging angels for them, excluded as they seem to have been from any consideration by the establishment. Clearly, the power of this populist party poses a significant risk to the values on which penal exceptionalism had been built, particularly in its attempts to politicize criminal victimization (although with still very limited success in this particular respect, it would appear). It does, however, exist in isolation from all the other mainstream parties in this country. Given that the Norwegian electoral process is based on proportional representation, it is never likely to be in a position to govern on its own and would have to compromise. At the same time, liberal opinion—that of academics, judges, civil servants and prisoners' groups—seems deeply embedded in penal thinking and administration in Norway and would likely provide significant resistance to what it wants to achieve.

Furthermore, as Norway is not *formally*⁷ a member of the EU, the Progress Party has not been able to gain further momentum by exploiting concerns about the consequences of this for Norwegian sovereignty—unlike the success of its Danish counterpart by virtue of Denmark's membership (see Balvig 2004). However, it *has had* some success in changing the terms of penal debate in this country. For example, in 2006, there were plans to bring the 'prison queue' to an end, which will necessitate more prison building and higher levels of imprisonment. 'No other party is more concerned than us about this,' the Progress Party spokesman told me, as if the queue was an indicator of how out of touch judges and justice officials were rather than an example of pragmatic humanitarianism. That the same matter has now been taken up by the Labour government and the Ministry of Justice is probably a reflection of their vulnerability to such criticisms in the changing penal climate. This, in itself, indicates how matters of crime control, with the assistance of the Progress Party, have become much more openly politicized instead of being dealt with behind the veil of officialdom.

In Finland, however, immigration has been much less of an issue. Notwithstanding some recent increases (at 10,350 in 2006, net immigration was at its highest level since 1991), for various geo-political reasons, 'the percentage of foreigners living in Finland is one of the smallest in Europe' (Pekonen 1999: 52). Only 2 per cent of the population are now of foreign extraction and 8.6 per cent of its prison population are foreign citizens—again, much lower than in Norway and Sweden. There has undoubtedly been some localized racial conflict in this country⁸ but, because its level has been so low, the issue of immigration has been able to generate few of the fears and frustrations that populist political organizations have been able to exploit in Norway and other European countries. In contrast to Norway especially and Sweden to a lesser extent, immigration has not been able to significantly undermine prevailing levels of homogeneity and solidarity in Finland.

Drug Control, Knowledge and National Identity

As Tyler and Boeckmann (1997) have argued, the more social cohesion seems to be unraveling in a particular society, the more there are likely to be demands for increases in punishment severity. 'Getting tough on crime' then becomes a way of providing gestures of reassurance against a common enemy—uniting the public, restoring security, reaffirming homogeneity and solidarity. The development of drug-control policies in this region provides a good illustration of this. Even though drug use in these countries is very low compared to other European countries (Hakkarainen *et al.* 1996; van Dijk *et al.* 2007), Norway and Sweden have very strict anti-drugs laws. These began to be introduced from the late-1960s and their penalties were progressively increased in the 1970s and 1980s for smuggling, selling and eventually using drugs. As an indication of the gravity with which such crimes are regarded, in Norway, drug smuggling can lead to the maximum prison term of 21 years—murder is the only other offence which carries this penalty. Twenty-five per cent of the Norwegian prison population is made up of drug-related offenders, 16 per cent in Sweden. The aim of their 'zero tolerance' drug policies is to

⁷ Norway is a member of the EEA. If this gives it access to the EU's internal market, it also brings its economic policy within the EU's regulatory parameters.

⁸ On racial violence in the city of Turku, see www.alli.fi/nuorisotutkimus/julkaisut/virtanen/1/8.html.

make these two countries *drug-free societies*. As a result, drug control has become entwined with issues of national identity. The more the homogeneity and sovereignty of these countries has been weakened or has been put under threat, the more the dangers of drugs become all the more acute. There is a symbiotic link between the two sets of concerns. In all societies, purity (represented here by Scandinavian homogeneity) and danger (drugs) are important symbols. Purity conveys a sense of order and homogeneity; danger conveys disorder and disintegration (Douglas 1966). The more that which is pure is thought to be under threat, the more it becomes necessary to take dramatic action against that which endangers it. Concerns about such dangers then become a way of organizing a society's borders (Hacking 2003), both figuratively and politically, to safeguard against them. And, thus, here, while both Norway and Sweden represent some of the furthest advances of *Western* civilization, the drug threat is thought to come mainly from '*the East*' (see Tham 1995). Furthermore, in Norway, the drug problem acts as a reminder of what happens when a nation joins the EU and surrenders the integrity of its national boundaries. The Netherlands in particular is held up as a society under threat of moral collapse, because of its own mistaken liberalism in relation to drugs and because of its inability to defend its own borders from Eastern immigration as a result of the surrender of its sovereignty to the EU.

In Sweden, of course, joining the EU had become an economic necessity. Nonetheless, the association of drugs with suspicious 'Eastern' influences provides a conduit for all those anxieties about Swedish decline and change which are able to find few outlets elsewhere in that society (there is no overt political mobilization against immigrants, no nationwide law and order lobby and so on). By the same token, suspicions and resentment of state expertise have been able to coalesce around this issue. It is as if the dangers of drugs have become so manifestly obvious that the only permissible reaction to the problem is one of moral denunciation. Any research-based equivocation then becomes nonsensical, becomes almost as much a threat to the well-being of Swedish society as drugs themselves. The Swedish Drug Commission of 1982, when formulating stricter legislation against usage, thus ignored the views of the liberal establishment which advised against this. If, as Lenke and Olsson (2002: 74) put the matter, 'the rural community in Sweden was making a final effort to regain control over the process of modernization, globalization, Europeanization and the centralization of capital', then, at the same time, 'those questioning [stricter laws] are being portrayed as constituting *the* threat to the deterioration of the drugs situation, rather than economic and social processes taking place within [Swedish] society' (Tham 2005: 14). This further example of the decline in the prestige of the expert and antipathy towards them again seems to be indicating that, while the material benefits of the welfare state are still seen as essential, this does not mean that welfare modes of governance have also retained political support and confidence.

Furthermore, when expertise is displaced from the prominence it used to have, then policy making becomes the subject of greater public debate, scrutiny and media coverage. Comment was made on the limited tabloidization of the media in this region in Part I of this paper and on the pivotal role of the broadcasting and reporting organizations in avoiding marketization and sensationalism here. Inevitably, though, the deregulation of broadcasting that began here in the 1980s and the subsequent introduction of new media technologies have begun to make an impact on public knowledge and understanding. Lappi-Seppälä (2007: 26) writes that 'the media has played a more active and

more populist role in the policy debate. One example of this is an organized joint action taken by four leading newspapers in Sweden during the mid 1990s in order to change the course in prevailing penal policy'. Sixty-six per cent of Swedes now have cable or satellite television. In Norway, there are concerns that the importance of the national press is being overtaken by television—newspaper readership has declined from 85 per cent of the population to 74 per cent since 2000. Furthermore, public broadcasting in that country has had to shrug off some of its staid, educational role and *compete* with the sensationalism of its rivals. The tabloid-style presentation of news produces a more sensational approach to crime reporting: it is meant to both alarm and attract viewers and readers, rather than simply inform them. It also means that convenient slogans which emerge in the Anglo-American world to convey new ways of understanding the significance of and responses to crime now find their way into Scandinavia: '... the messages that slogans contain can "travel" and are universal in their application regardless of the constraints of time and space. Politicians in Oslo, for example, talk of "zero tolerance", sometimes without even feeling the need to translate the message' (Franko Aas 2005: 159).

Because of the excellent knowledge of English in these countries (the product of the high standard of education), there is no need to translate such messages. These are understood both literally and symbolically as rallying calls that promote the interests and penal expectations of 'ordinary people' over and above those of criminal justice experts, while at the same time bursting through the insulation that had prevented such value systems impacting on Scandinavian approaches to crime control and punishment in the past. As a consequence, it then becomes very difficult for its criminal justice establishment to defend seemingly lenient approaches to matters such as sexual and violent crime. Women's organizations have succeeded in raising public awareness of these matters in recent years, only for sections of the mass media to then claim ownership of them and re-present them as they become public issues within their own new frameworks of understanding (see Heber 2005). Populist politicians are then provided with a platform to give their common-sense solutions to these matters, raising penal temperatures. Similarly, in relation to drugs control, 'newspapers have over the years reinforced the impression that liberal approaches to drugs are catastrophic and that countries such as the Netherlands and Britain have capitulated to the problem' (Gould 1999: 171).

Nonetheless, in Finland, drug policy is now following a different course. Even though 18 per cent of its own prison population have drug-related offences, the goal of pursuing a drug-free society was abandoned in the mid-1990s. Drug control has since become less of a politically charged issue here than in Norway and Sweden. Finland is not on the usual drug-smuggling route anyway—the important markets lie to the south. Furthermore, of 17 countries in the EU ICS survey (van Dijk *et al.* 2007), Finland scored lowest in terms of citizen contact with drugs-related problems in their area of residence—indeed, there had been a decline in such experiences from a Eurobarometer survey in 2002. The same can be said for Sweden, which finished third lowest. The reasons for the very different approaches to this crime problem that these two countries now have, despite the similarities in their experiences of it, would seem to lie in the important social differences now emerging between them. In Finland, declines in security and solidarity seem to be less pronounced than in Sweden. This has meant that drug control has not been turned into the emotive and highly charged political issue that it has become in Sweden (and Norway). Security and solidarity have no need to be reaffirmed in this way. In contrast, the pursuit of drug-free societies in these latter two countries may have had

the effect of bolstering weakening solidarity and national identity, but the cost has been further increases in imprisonment because of the harsher penal climate it leads to.

Prospects and Importance

Where, then, do such developments leave the prospects for Scandinavian exceptionalism in this era of penal excess? Overall, it has indeed been strained by the political, economic and social changes of the post-1980 period. The insularity that had helped to maintain this has been weakened by the alignments of these countries to wider networks of influence, which help to bring about shifts in public understandings and sensibilities. The growth of imprisonment in this region is a reflection of this changing pattern. On a country-by-country assessment, however, it would appear that it remains most solid in Finland. Its own recent history of decarceration (Lappi-Seppälä 2001) has allowed Finland to become the new standard bearer of penal tolerance and leniency: 'Caught red-handed? Let it be Finland. Finland is the country that jails fewer of its citizens than any other in the EU' (*The New York Times*, 2 January 2003: A1). Here, the challenges to security and egalitarianism, to homogeneity and solidarity have been fewer than in Norway and Sweden. Central state apparatuses have retained their power and influence, allowing policy to remain largely expert-driven rather than by headlines in the press. Indeed, and largely as a consequence, *levels of imprisonment are now beginning to fall again*—from a recent highpoint of 3,888 in 2006 to 3,600 in 2007. This is attributed to the 'Prison Package' legislation of October 2006, restricting imprisonment for fine defaulters and allowing for the earlier release of other prisoner groups.

In Norway, Scandinavian exceptionalism faces its strongest challenges from the divisive and particular effects of wealth and immigration in this country, rather than from welfare restructuring and limitations. Aside from anything else, there are going to be inevitable increases in the prison population because the prison 'waiting list' has become politically untenable. However, there are also counter-veiling influences which may blunt or restrain the extent of any further inroads: the tradition of coalition and consensus government; a strong liberal establishment; a still existing commitment to social welfare values right across the political spectrum; and sufficient wealth to maintain social policies that protect inclusiveness and unity: as Lappi-Seppälä (2008) illustrates, societies which maintain their levels of social spending (as Norway has done since 2001, on top of an already comparatively high level) tend to have stable prison populations. It is Sweden, though, where the threat is greatest. Its imprisonment rate is increasing significantly beyond that of Finland and Norway, to the point at which it is in danger of moving out of the 'exceptional' category altogether. The combined effects of welfare restructuring and immigration have led to declines in security and solidarity along with declines in confidence in expertise. As the commitment to welfare governance weakens, so this leads to more general increases in individualism and makes new understandings and forms of knowledge possible which reflect the growth of intolerance and punitiveness against outsider groups. This is to be expected in a country which used to be the world leader for social and penal reform—it was the *fons et origo* of the Scandinavian welfare model (Kirby 1995)—but which has now lost this crown—indeed, many of its own citizens cannot even recollect it being worn, and have no sense of loss as a new, less tolerant Swedish identity emerges.

Prison rates, though, are only one strand of penal exceptionalism. What of the prison conditions in this region? There seems no reason to think that these will not continue

to be of an exceptional standard in Norway and Finland. There is no significant body of opinion that seeks to change them and prison authorities and prison staff seem committed to maintaining them. Indeed, in Finland, prisoners' rights have recently been protected in the Constitution and also the Imprisonment Act 2005. Prison conditions do seem to be at more risk, though, in Sweden. The prison-building programme may alleviate overcrowding that the growth in prison numbers would otherwise produce, but the emphasis now being given to security clearly poses challenges to the standards that prisons in this country were famous for. Even if it is accepted that intense levels of security are needed for some prisoners, there is a danger that these will then flow out to engulf more of the closed prisons at least. The very fact that high-profile escapes *have* been able to generate a security drive in itself is indicative of the way in which some of the foundations on which exceptionalism had been built in this country are breaking up. As we saw in Part I, prison escapes in the past had been treated with equanimity, nor did these then have the power to become the media-driven sensation that is the case today.

Nonetheless, it is important not to overstate the risks to exceptionalism in Sweden, important not to produce another bleak but distorted episode in the 'criminology of catastrophe' tradition (O'Malley 2000).⁹ There are still massive differences between prison conditions and prison levels in this country and those of most other Western societies. In New Zealand, for example—a similar-sized society to these three—most prisoners spend most of their time doing nothing whatsoever because of the absence of work and education programmes (Office of the Ombudsmen 2005); have to live two to a cell, as a matter of routine; are served carefully rationed food, which they will probably have to eat in their cells; have to wear degrading 'jumpsuits' when they have their visitors in crowded and carefully monitored family rooms, etc., etc. And the New Zealand rate of imprisonment in 2007 is 204 per 100,000 of the population. Perhaps, then, the remarkable thing about Sweden is that Scandinavian exceptionalism has not been weakened even further, given the extent of its social, political and cultural changes in the post-1970s period. That it has not is testament to the residual depths of the core values and traditions of the egalitarianism and tolerance on which its post-war reputation was built, and the *comparatively high levels* of welfare support still to be found there.

These, though, are all empirical issues. Scandinavian exceptionalism has an importance that goes well beyond these three relatively small countries in northern Europe. It illustrates the way in which the social arrangements of some modern societies can combine to produce low rates of imprisonment and humane prison conditions, notwithstanding some current shaking of these foundations. As such, it is a reminder to us that the penal excesses of other modern societies are not universal or hegemonic. Because of these *particular* social arrangements, Scandinavian exceptionalism could never really be exported as a penal model beyond these boundaries, however wistfully reformers elsewhere might have looked to it (see Blom-Cooper 1974). However, its emergence was also the product of specific political choices and the activities of particular organizations and individuals (seen most visibly in Finland in the post-1960s reform era). If, in many Western countries at present, a series of different political choices lie behind the excesses

⁹ Cf. Snare (1995: 3): '... colder winds, primarily from the west, have reached the Nordic shores as regards the penal climate. Both in society at large and in criminal law policy, values have become more coarse.' While affecting Sweden the most, 'the Swedish development in crime control does not, however, stand out as a lonely star since tendencies in the same harsher direction are found in other Nordic countries as well'.

taking place in them, with different organizations and individuals influencing policy development (law and order groups and their supporters in the popular press, talk-back radio hosts and so on rather than experts; Loader 2006), the importance of Scandinavian exceptionalism is that it stands as a reminder to us that this need not be so; even if it cannot be replicated outside this region, it still tells us that there are other choices available to us in how to respond to crime and how to manage prisons. It also tells us that the forces of penal excess can be held at bay. Things can indeed be different. The Scandinavian countries have demonstrated this in the past and, even if more precariously than was once was the case, they continue to do so at present.

ACKNOWLEDGEMENTS

I would like to thank all my friends and colleagues in Scandinavia who helped and encouraged this research, particularly Katja Franko Aas, Magnus Hörnqvist, Jukka Kekkonen, Ragnar Kristofferson, Dag Leonardsen, Jarmo Littunen, Roddy Nilsson, Tapio Lappi-Seppala, Henrik Tham and Hanns von Hofer. I was assisted with a travel grant from the Scandinavian Research Council for Criminology.

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