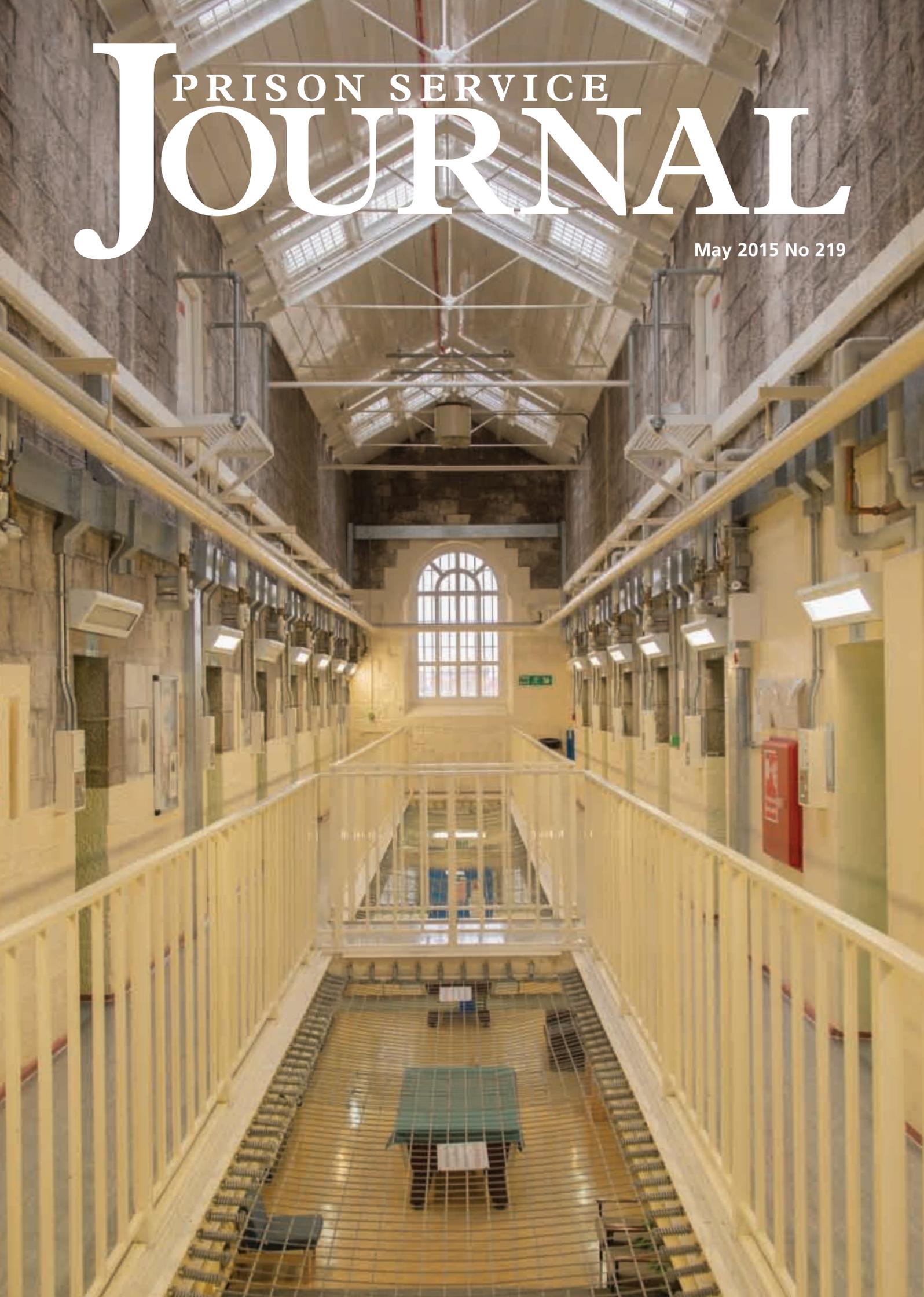


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Denying the danger of difference:

Notes on the pacification of inmate social relations in an era of ethnoracial diversity

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Introduction

Prison populations frequently contain sizable groups that are ethnoracially, religiously or nationally diverse. Some criminal justice observers have viewed these groups as a source of risk. However, recent research suggests that inmates in European prisons frequently downplay the importance of diversity, establishing social orders that allow them to 'get along.' I report on a study of an open prison in Norway where inmates deny the importance of ethnoracial difference. Relatively harmonious prisoner relations are made more probable by the state of external social relations and internal institutional parameters. Liberality and permissiveness diminish conflict levels, allowing inmates to find common ground.

Disparity is one of the most striking features of correctional populations. Throughout the history of the prison, inmates have been a select crowd, rarely mirroring the social composition of the outside-world population. Correctional populations deviate from the world at large along a number of characteristics. In the advanced and industrialized societies, new entrants to prison are disproportionately young, male, drawn from the ranks of ethnic minorities, and originate from lower class positions. However, disparity need not be illegitimate. Disparity can arise out of differential patterns of behavior or treatment at any one of the stages in the criminal process: offending, arrest, prosecution, conviction, and release. To many, a sense of fairness would be violated only if disparities were driven by some other cause than differential patterns

of offending: If a group X did not commit certain acts to a greater degree than the population as a whole, so the argument goes, it would be unfair if the group were to be subject to greater degrees of arrest and incarceration. Put another way, disparity in imprisonment would, to many, be legitimate if it mirrored a differential tendency to commit criminal acts. Whether that fairness requirement is fulfilled in reality, however, is a contentious matter.

One of the most potent and poignant discrepancies between prison populations and the remainder of society has been along ethnic or racial lines.¹ In the United States, black men were 6 times more likely to receive a prison sentence than white men in 2012, and Hispanic men were 2.5 times more likely to be imprisoned than white men.² 18- and 19-year-old black men were 9.5 times more likely to be imprisoned than white men. Arrests and convictions over drug offences were particularly prone to ethnoracial disparity. 'In every year from 1980 to 2007,' Human Rights Watch note in a summary, 'blacks were arrested nationwide on drug charges at rates relative to population that were 2.8 to 5.5 times higher than white arrest rates.'³ And those differential arrest rates only served to fuel differential imprisonment rates: blacks were around 10 times more likely than whites to be imprisoned for drug offences.⁴ Crucially, disparities in drug arrests and imprisonment were not driven by differential rates of offending behavior. Blacks and whites used and sold drugs at roughly comparable rates, and so, 'all other things being equal, they should constitute a roughly similar proportion of people of both races who are arrested, convicted, and sent to prison for drug law violations.'⁵ But of course, 'all

1. I use the term *ethnoracial* to connote the problematic and constructed nature of the category. Race has typically been used to refer to populations united by shared physical, biological characteristics. Ethnicity has been used to denote populations that share cultural patterns of behavior. But the distinction between biological and cultural properties uneasily straddles a divide that is itself contestable. In reality, the constitution of ethnic or racial groups depends on a non-essential and muddled mélange of biological and cultural properties, variously drawing on national, religious or linguistic traits as well. For a cogent analysis of ethnoracial boundaries and group-formation, see Wimmer, Andreas. 2013. *Ethnic Boundary Making, Institutions, Power, Networks*. New York: Oxford University Press.
2. Carson, E. Ann and Daniela Golinelli. 2013. "Prisoners in 2012: Trends in Admissions and Releases, 1991-2012." Washington, DC: US Dept. of Justice Bureau of Justice Statistics. p. 25. <http://www.bjs.gov/content/pub/pdf/p12tar9112.pdf>
3. Human Rights Watch. 2009. "Decades of Disparity: Drug Arrests and Race in the United States." New York: Human Rights Watch. http://www.hrw.org/sites/default/files/reports/us0309web_1.pdf
4. *ibid.* p. 16.
5. Human Rights Watch. 2008. "Targeting Blacks: Drug Law Enforcement and Race in the United States." New York: Human Rights Watch. pp. 41-44. http://www.hrw.org/sites/default/files/reports/us0508_1.pdf

other things are not equal.⁶ Police strategies, courtroom dynamics, prison policies, and a whole host of other factors conspire to drive a wedge between offending rates and imprisonment rates.⁷

Ethnoracial disparity is not a solely American phenomenon, even if it finds its clearest expression in the United States. Smaller but still dramatic ethnoracial disparities exist in other prison systems. Indeed, 'members of *some* disadvantaged minority groups in every Western country are disproportionately likely to be arrested, convicted, and imprisoned for violent, property, and drug crimes,' Michael Tonry observes.⁸ In England and Wales, blacks comprised 13.7 percent of the prison population in 2010 while only making up some 2.7 percent of the total population aged 10 or over in 2009, yielding a fivefold overrepresentation in correctional populations. Whites were underrepresented: 88.6 percent of the population aged 10 or over in 2009, but only 72 percent of the prison population.⁹ Even the Nordic countries, commended for their 'penal exceptionalism,' contain a significant overrepresentation of foreign citizens in prisons.¹⁰ In Sweden, some 31.4 percent of persons sentenced to prison on a given day were foreign citizens, and in Norway, 22.8 percent were foreign citizens.¹¹

Criminal justice practitioners have contended that ethnoracially diverse prisoner populations would generate insurmountable challenges in daily prison life: tension, overt hostility, or violence. In California, for instance, the early 2000s saw a legal struggle over the right of the California Department of Corrections and Rehabilitation (CDCR) to segregate new arrivals by 'race' in prison reception dormitories for up to sixty days. Famously, separate-but-equal racial segregation had been struck down in the landmark *Brown v. Board of Education* (1954) Supreme Court decision that ended *de jure* segregation in public schools. More than a century later, judges in the US Court of Appeals for the Ninth Circuit defended segregation on the basis that it was 'reasonably related to the administrators'

concern for racial violence.'¹² While recognizing that segregation would be indefensible outside prisons, the judges noted that correctional facilities were 'inherently different,' obeying a *sui generis* logic of social interaction.¹³ Prison administrators believed, notes one legal scholar, that to integrate inmates 'would invite interracial violence, particularly among inmates affiliated with rival gangs.'¹⁴ The California Attorney General's office argued that California was 'ground zero' for 'racial' street and prison gangs, and that to integrate the nearly 160,000 prisoners in the state's prison system would be tantamount to disaster.¹⁵ The Supreme Court later rejected Californian prison segregation. Writing for the majority, one of the justices noted that the legitimacy of segregation depended on a utilitarian calculus of whether segregation would reduce violence. The majority opinion concluded that segregation could have the opposite of its intended effect, to 'potentially create greater hostility among inmates, or worse, actually increase racial violence.'¹⁶ But the judgment left the possibility of segregation intact.

European perspectives on integration have been centered on ethnoreligious difference as a source of danger, informed by debates on the looming specter of 'prisoner radicalization' by Islamic terrorist recruiters.¹⁷ Writing on the potential role of prisons as 'universities for terrorists,' Ian M. Cuthbertson argues that 'Islamic terrorists' have 'become increasingly sophisticated in their operational methods, especially in devising ways of recruiting and training those who spearhead their assaults.'¹⁸ Prisons serve as the crucible of terror in this fearful vision of the world. With some 3,000 Arab and Muslim men detained in the United States over immigration issues and over '13 million Muslims living in Europe,' combined with the fact that they are 'overrepresented in Europe's prison populations,' Cuthbertson argues that prison offers a bountiful arena for radicalization, 'ripe for the plucking by Islamic extremists.' Among the 'proactive'

6. *ibid.* p. 45.

7. See Tonry, Michael. 2011. *Punishing Race: A Continuing American Dilemma*. Oxford: Oxford University Press.

8. Tonry, Michael. 1997. "Ethnicity, Crime, and Immigration." *Crime and Justice*, 21: 1-29.

9. Ministry of Justice [United Kingdom]. 2011. "Statistics on Race and the Criminal Justice System 2010." October 2011. p. 11. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/219967/stats-race-cjs-2010.pdf

10. The Nordic countries follow the French tradition of not collecting data on ethnoracial characteristics of inmates, data on citizenship is collected and can be used as an imperfect proxy.

11. Kristoffersen, Ragnar. 2013. "Correctional Statistics of Denmark, Finland, Iceland, Norway, and Sweden." Report No. 1/2013. Oslo: Correctional Service of Norway Staff Academy. pp. 33-34.

http://www.kriminalvarden.se/upload/om_kriminalvarden/Forskning/Nordic%20Statistics%202008_2012_PDF.pdf

12. *Johnson v. California*, 321 F.3d 791. (9th Cir.) <https://law.resource.org/pub/us/case/reporter/F3/321/321.F3d.791.01-56436.html>

13. *ibid.*

14. Robertson, James E. 2006. "Foreword: 'Separate But Equal' in Prison: *Johnson v. California* and Common Sense Racism." *Journal of Criminal Law and Criminology*, 96(3): 795-848.

15. Trulson, Chad R., James W. Marquart, Craig Hemmens, and Leo Carroll. 2008. "Racial Desegregation in Prisons." *The Prison Journal*, 88(2): 270-99. p. 279.

16. Grunberger, Rachel C. 2006. "*Johnson v. California*: Setting a Constitutional Trap for Prison Officials." *Maryland Law Review*, 65(1): 271-300. p. 286.

17. Hamm, Mark S. 2009. "Prison Islam in the Age of Sacred Terror." *British Journal of Criminology*, 49(5): 667-85.

18. Cuthbertson, Ian M. "Prisons and the Education of Terrorists." *World Policy Journal*, 21(3): 15-22.

solutions offered is the isolation of potential leaders of this movement.

While solutions to the problem are frequently presented at an abstracted level of generality sufficient to permit everything from Guantánamo Bay-style internment to benign and humanitarian outreach programs, the message is unequivocal: Muslims, constituting Europe's dominant Other, are a potent threat to the fragile prison order and must be subdued or coerced into submission. Injecting a note of cautionary optimism into alarmist analyses of Muslim prisoners, a US study concluded that the probability of radicalization was 'modest' because inmates' activities could be closely monitored in the highly-controlled prison environment and because inmates were saddled with 'low levels of education,' making complex Islamic ideology less likely to encounter fertile minds.¹⁹

What is common to these seemingly disparate debates is the notion that ethnic, racial, national, and religious properties — in short, all those traits that are amalgamated into the 'folk concept' of race in daily life²⁰ — is a source of risk and contamination in the prison environment, specifically as it pertains to marginalized populations. Prison administrators may select different strategies for handling the symbolic pollution of their facilities that tainted groups threaten to produce, such debates suggest, but deal with it they must.

Norway's Permissive Prisons

Norway's open prison system suggests that ethnoracial properties need not be a source of violence, tension, or group-making difference. Difference may be denied. I report below on a 3-month-long ethnographic fieldwork in a minimum-security prison in Norway,

described here as *Prison Island*, carried out in the fall of 2011. I interviewed 15 inmates, spent dozens of hours chatting with inmates and staff alike, and observed daily life in the prison. Around one-third of the prison's population consisted of non-Norwegian citizens. While inmates occasionally self-organized into a 'Norwegian' and a 'foreign' social cluster, and in so doing created distance from the other group, quite frequently inmates would speak of a universal prisoner identity and practice a solidarity that crossed ethnoracial lines. Arguably, the denial of difference is the result of the unique institutional texture of both the open prison and the Norwegian prison system. Both are comparatively liberal and permissive.

Norway has been lauded as a member of that exclusive penal club of Scandinavian societies which, by international standards, exhibits relatively low imprisonment rates and humane conditions of confinement.²¹ The Nordic societies imprison relatively few people: nearly one-half of England and Wales' and one-tenth of the United States' prison population rates.²² In Norway, prisoners typically receive an allowance of 62 *kroner* (around £6) per day to cover various expenses.²³ One might compare this figure with, say, the maximum remuneration permitted by Ireland's Prison Service, at 2.35 Euros per day (around £1.90).²⁴ Even after factoring in the differential costs

of living, Norway's system is certainly more generous by a wide margin. Open prisons are used quite extensively: Around 15 percent of prison beds in Sweden are in open prisons, 32 percent in Denmark, and 37 percent in Norway.²⁵ The result is a relatively low recidivism rate for the five largest Nordic countries: in a two-year follow-up period, around 20 to 30 percent of released convicts received a new penal sentence, according to a 2010 study.²⁶

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19. Useem, Bert and Obie Clayton. 2009. "Radicalization of U.S. Prisoners." *Criminology & Public Policy*, 8(3): 561-592.
20. Banton, Michael. 1979. 'Analytical and folk concepts of race and ethnicity', *Ethnic and Racial Studies*, 2(2): 127-38.
21. Pratt, John and Anna Eriksson. 2013. *Contrasts in Punishment: An Explanation of Anglophone Excess and Nordic Exceptionalism*.
22. International Centre for Prison Studies. 2014. "World Prison Brief: Europe." <http://www.prisonstudies.org/map/europe>
23. Kriminalomsorgsdirektoratet [Norwegian Correctional Services Agency]. 2014. "Rundskriv om Dagpenger 2014 [Regulations Concerning Daily Allowances]." KDI 3/2014. <http://www.kriminalomsorgen.no/getfile.php/2559200.823.xyuuwrvwb/KDI+Rundskriv+3-2014.pdf>
24. McDonald, Brian. 2014. "Jailed criminals get € 19m in pocket money from State." *Independent.ie*, 18 August, 2014. <http://www.independent.ie/irish-news/jailed-criminals-get-19m-in-pocket-money-from-state-30515047.html>
25. Kristoffersen, 2013. pp. 44-48.
26. Graunbøl, Hans Monrad et al. 2010. "Retur: En nordisk undersøgelse af recidiv blandt klienter i kriminalforsorgen." p. 25. http://www.rikosseuraamus.fi/material/attachments/rise/julkaisut-risenjulkaisusarja/6Bzsbsks2/Paluu_2010.pdf

On Prison Island, inmates were permitted to move about relatively freely in the daytime, most were employed in agriculture (tending to crops and caring for horses), auxiliary services (working in the laundry room or mess hall), or pursued educational classes. The prison's boundaries were relatively porous. Inmates were sometimes permitted to travel to the mainland to sell firewood, go shopping, or see a dentist, typically in the company of one or several officers. Under certain conditions, Norwegian Correctional Services permit inmates to go on home leave, described as 'going on vacation' by some inmates. Home leave quotas usually consist of 18 days of vacation per year, and some inmates — typically those with parental responsibilities — may be granted up to 30 days of leave per year.²⁷ While the prison was untypical even by Nordic standards, the very fact that it was allowed to exist expressed what might be called significant 'differences in national appetites for punishment.'²⁸

Across the Great Divide

From both sides of the ethnoracial divide, outbursts of jealousy or hostility were heard. Such outbursts were occasions for essentializing statements about the seemingly immutable properties of the other group. The Norwegians were jealous of the solidarity that they occasionally saw the foreigners put on display. 'They're better at sticking together,' one inmate, Espen, said. 'They're better at cooking meals together, visiting each other at the various houses. In a way, they're a lot better at taking care of each other.' The Norwegians were not bound together by a common cause.

On the other hand, the foreigners occasionally viewed themselves as superior to the Norwegians. For example, one had landed a privileged job, working directly under the prison's senior officers; he felt it proved that he was more hard-working than the Norwegians who had grown complacent. 'I know that some Norwegians can not do the work I do,' he said. Norwegian inmates were not eager to gain privileges,

he suggested. 'Sometimes it's laziness. Sometimes they don't want to do the job because they feel that in their own country they have more. They don't need to do the job.'

Norwegian inmates occasionally considered foreign inmates the source of troublesome cultural values that were diametrically opposed to native ways of life. One inmate recounted how on the outside, he had no non-Norwegian friends and little contact with foreign cultures; placement in closed quarters with alien ways of life had 'frightened' him. For instance, he described how he had spoken to an inmate of Middle Eastern origin and encountered 'a lot of weird

comments, like the women [that you marry] should be 14-15 years old and [how] it doesn't matter if you're 50 years old.' The inmate continued,

It's completely normal down there, right. The family gets to decide if they can marry. Four wives and all of that stuff... This [Middle Eastern] guy, he says, '[Middle Eastern] women are very good,' he says, 'v e r y good. They're like a dog. You just say 'sit' and they sit.' He's sitting there bragging about how never cooks and she brings him tea, she does everything he asks, right. And we're trying to tell him that's not how it works around here, and is she really happy with that sort of thing? 'Yes, yes, very happy.' And then he talks

about how if they have sex with each other down there [in the Middle East] and it isn't approved by the imam and the family and all of that stuff — I don't know if it's true — but then the family can take the law into their own hands and almost chop their heads off. So, yeah, there's a lot of strange stuff.

But the collision of cultural values did not lead to overt conflict. The inmate and his Norwegian housemates listened to the foreigner's narrative with fascination, not enmity. Those who were provoked by his talk got up and left.

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27. For further details on the institutional environment, see Shammas, Victor L. 2014. "The Pains of Freedom: Assessing the Ambiguity of Scandinavian Penal Exceptionalism on Norway's Prison Island." *Punishment & Society*, 16(1): 104-23.
28. Green, David A. 2007. "Comparing Penal Cultures: Child-on-Child Homicide in England and Norway." *Crime and Justice*, 36(1): 591-643.

Cross-group solidarity was also in evidence. In the rural milieu of the prison, inmates simply could not avoid encountering and interacting with each other. On the prison ferry, there were many Norwegians but also a few inmates of Middle Eastern or South American origin. The kitchen employed Africans and Middle Easterners. In the stables, where horses were kept for agricultural work, there were many Norwegians, but a few Eastern Europeans as well. Living arrangements were a force for integration. In the first few months, inmates resided in one of two large reception dorms where everyone was jumbled together at random. While inmates could later select their housing partners in smaller living units, mixed housing groups did exist that were both stable and harmonious. The house where the island's inmate-run rock band resided was once the preserve of Norwegian inmates, but the band had evolved into a diversified group of musically-interested prisoner co-residents, as Jan, an inmate, illustrated:

It's something we've joked about, that one of the side-effects — not directly intended, but an unintended side-effect — is that we've made a sort of free zone, a Norwegian house. But it's not like that any longer. Our keyboard player is African. Our bass player is from Poland. [...] We got three new members at the workshop last week who wanted to sign up — an Arab who wanted to play the drums, two Lithuanians who wanted to sing.

Jan argued that the prison band was fast becoming an arena for diversity, not exclusion. Others denied the notion of ethnoracial properties as the legitimate basis for differential group-making. An inmate of African origin denied that ethnicity was important in finding friends; what mattered was whether one could 'get along' with the other person:

They say birds of the same feather flock together. When you're a mechanic who repairs cars, you can't talk to a carpenter because the carpenter will not understand you. [laughs] You need to look for a mechanic. Even if not a car mechanic, maybe

a bicycle mechanic, because they know more about the tools.

This statement could have been an introduction to the need for ethnoracial self-segregation in the prison, but in actual fact the inmate made the diametrically opposite point: Like-minded persons could be found in any camp, regardless of background, and whether a person was Norwegian or foreign was unimportant. He said, 'The important thing is that some people have brains.' Another non-Norwegian inmate echoed this sentiment: 'Like me, I move with Norwegians, I move with Eastern Europeans. That you're a nice guy, that's the important thing,' he said. 'If you are Norwegian, that doesn't make you a man. What makes you a man is upstairs, it's intelligence.' In this way, personal suitability, not ethnic or national origins, was prioritized selecting one's companions.

Conclusion

A growing body of evidence suggests that inmates in European prisons are adept at denying or dealing with ethnoracial difference. In a study of a medium-security prison in England, Ben Crewe observes a 'fragile calm,' contending that 'much of the time, prisoners operated with a benign indifference towards the views and activities of other ethnic groups.'²⁹ Coretta Philips notes that in the 'multicultural prison' there is a 'lively, vibrant, and dynamic multiculturalism in which racial difference is not always foregrounded.'³⁰ I suggest that much the same holds true for an open prison in Norway. It is of course difficult to discern whence such 'multicultural con-vivability,' to use Philips' phrase, is derived. I suggest two primary sources.

On the one hand, the societal context matters. It is hard to conceive how a harmonious inter-ethnic prison social order could arise out of the Apartheid era of 1980s South Africa, the Jim Crow regime of 1950s Mississippi, or the Palestinian Second Intifada of the early 2000s. In an imperfect and refracted manner, prison culture reflects outside-world social relations. At times of highly polarized inter-ethnic conflict, 'multicultural con-vivability' surely will not fare well. Thus it seems significant that in Norway only 4.1 per cent of respondents to the 2007 World Values Survey

29. Crewe, Ben. 2009. *The Prisoner Society: Power, Adaptation, and Social Life in an English Prison*. Oxford: Oxford University Press. p. 354.
30. Philips, Coretta. 2012. *The Multicultural Prison: Ethnicity, Masculinity, and Social Relations among Prisoners*. Oxford: Oxford University Press. p. 206.

said they would not want 'people of a different race' as their neighbors, and 85.1 per cent of respondents said they would 'trust completely' or 'trust a little' people of another nationality.³¹ The absence of caste-like cleavages in this relatively tolerant, social-democratic society plausibly permeates the prison environment.

On the other hand, institutional configurations matter. When prisoners are not brutalized and repressed on multiple fronts, when they may pursue meaningful work or edifying educational opportunities, when they have enough money to

spend on tobacco and snacks that may alleviate the pains of imprisonment, when they are permitted to move about relatively unrestricted or even leave the prison at regular intervals, they are less likely to engage in internecine warfare. In short, happiness matters. Since distress tends to breed discord, content prisoners are likely to be less combative. One way to promote this end would be to increase the use of open prisons and to make closed prisons more like open prisons. In this sense, prison administrators have a significant role to play in minimizing the deleterious effects of incarceration.

31. World Values Survey Wave 5: 2005-2009. Available online at: <http://www.worldvaluessurvey.org/WVSONline.jsp>.