

National conference on prison education, Solstrand Fjordhotell, Os, Norway, September 2011.

**“Prisons are storing houses for deprived persons” (Nils Christie). How can European and Nordic values guide our response?**

**Kevin Warner**

(kevinwarner47@gmail.com)

Before I get into my talk, I want to say something about Torfinn Langelid, who tells me that this is his last national prison teachers’ conference. Many years ago, when Torfinn was in Ireland to study the provision of arts in our prisons, he joined my family in our home one evening. My young and admiring daughter, who had sat next to Torfinn, asked me afterwards, “Are all Norwegians that big?” I, of course, said “Yes”. Bigness is something I associate with Torfinn. He is big of heart, big in imagination, big in commitment. And he has contributed greatly to the development of prison education across Europe, and not just in Norway, in the past 20 years. I am sure that, when he is finally released at Christmas, he will find ways to continue contributing.

**Council of Europe values**

The title of my talk this morning is about values in relation to prisons, about Nordic and European values in particular (which I think are much the same thing, as I hope you will see). These are also values, I know, which are close to Torfinn’s heart. This topic may sound a rather heavy one, but I will try to tell it in stories as much as possible.

The first story is about myself. I see myself as an adult educator by profession. I worked as Co-ordinator of Prison Education in Ireland for about 30 years (until my release in 2009). In the 1980s, I had the good fortune to be involved with the Council of Europe while two important policy documents were being worked on: *Education in Prison*, which was published in 1990 and with which I was directly involved; and the *European Prison Rules*, which were adopted in 1987. (The European Prison Rules have been revived since, in 2006, but retain the same philosophy).

The Council of Europe is, as I'm sure you know in Norway, a much larger, older and (I think) much wiser body than the European Union. It is there to promote democracy and human rights across Europe. Human-rights thinking is also at the heart of these two prison documents I have mentioned. Some of the main ideas in them are: that prisons should be used 'as a last resort'; that people in prison should be seen as citizens, as members of society; and their right to a comprehensive or wide form of education is recognised. On these and other matters, the two documents are complementary, and give much the same message.

*Education in Prison* speaks of meeting the needs of 'the whole person' through a wide curriculum, recognising that many in prison have missed out on opportunities in the past, and so, on the basis of equality, are entitled to extra education resources now. The teaching methods used should be much the same as in adult or life-long education in the community. That was our thinking too, when we tried to develop prison education in Ireland: it seemed the normal, natural way to do things.

## **California**

Until, that is, I discovered California. I got the opportunity to go there for several months in 1995, as a Fulbright scholar. I discovered a very different way of running prisons, and running prison education. California is a most wonderful place to be – unless you are in prison! I saw some dreadful conditions in prisons everywhere in the state; in federal, state and county jails. Thousands of men and women held in tightly-packed rooms or in cramped cells, on bunk-beds, doing long sentences with no activity and no hope. In Los Angeles County Jail for Women, for example, 90 women would typically be held in one room, on treble bunks.

The approach to the education of those in prison tended to be very different also, if education was offered at all. There are great traditions in the USA of educating those incarcerated, based on adult education principles, and on bringing inside prison the kind of belief in the transforming potential of education that you get, for example, in American Community Colleges. However, such traditions are very much pushed aside in recent decades, as a punitive approach infects everything.

The dominant mentality now in America, as I expect you know, is to see those in prison, not as citizens who need help, but as absolute villains; people see those in prison as ‘other’ than themselves, as outlaws or outcasts who are evil and must be punished. What is called ‘the new punitiveness’ has seen the growth of ‘mass imprisonment’ since the `1970s. In the USA now, 2.3 million are locked up, a rate of incarceration more than ten times that of Norway – it would be like Norway having over 35,000 in prison. The new punitiveness has also meant much more controlling and restrictive regimes in prisons, and the stereotyping and demonising of those in prison in the way I have just mentioned.

So, where education is allowed continue at all, it is usually of a very different kind. Its purpose now is not to achieve the personal development of its students through helping them catch up on missed opportunities earlier in life. Rather, it is to try to reduce ‘reoffending’ through ‘addressing offending behaviour’. Helping someone in prison, if we can, to turn away from crime is, of course, very important, but it is by no means our only goal. Helping the person in prison cope with their sentence (‘minimising the detrimental effects of imprisonment’, as the European Prison Rules put it) is a core part of our work. So is just helping them develop, in the widest sense, in line with the aim of education everywhere. But these two ideas – helping prisoners cope, or just helping them develop – are not official purposes there.

Where we speak in Europe of ‘prison education’, in the USA (and some other places) the term used is ‘correctional education’. Sometimes the two names describe the same kind of work, and when we meet ‘correctional educators’ from North America – for example, at EPEA or similar gatherings – we can find we have a lot in common. But at other times the difference in terminology is significant: the job of our American colleagues is seen to be that of ‘correcting’, trying to straighten out those they call ‘offenders’, to stop them re-offending.

### **Resisting the New Punitiveness**

Recently, I obtained a PhD. It took me a long time and at one stage I put it aside for a few years. At the beginning, I planned to do it on prison education; I had in mind to compare North American and European approaches, studying the ideas I have just been speaking about. However, I didn’t really

deal with prison education in the end, but with penal policy in general – with what our prisons are doing. My study was criminology rather than education.

The reason I made the switch was because, soon after I returned to Ireland, I found that many aspects of ‘the new punitiveness’ that I’ve described in the US were also growing rapidly in Ireland and Britain. Politicians began to use American slogans such as ‘get tough on crime’, ‘zero tolerance’, and ‘prison works’. Numbers in prison rose steadily in both countries; imprisonment became more severe; the attitude towards those in prison became much more negative. It seemed to me a very wrong way to go (and costly, in every sense). So, I asked myself: where do they do things differently, or do them at least half-right? Where do they resist the new punitiveness? These questions brought me to Nordic countries.

My PhD was entitled: *Resisting the New Punitiveness: Penal Policy in Denmark, Finland and Norway*. I do feel that the prison systems in your countries have, mostly if not in every way, resisted or held at bay those punitive tendencies which now shape prisons so much in English-speaking countries. I want to stress that I am not idealising Nordic countries. I am very well aware that there are faults in prisons and prison systems here, as there are everywhere – and Nordic people never tire of pointing out the faults to me!

I know that some of the features associated with ‘the new punitiveness’ can be found at times in your countries. For example, some prison populations have increased; physical conditions are not always good; there is at times get-tough-on-crime rhetoric, especially from some politicians; there can be too much stress at times on individual responsibility, and too little on the social conditions which help bring about crime, and help people get out of crime. My study did try to recognise these features, and judge their importance. However, I would have to say, in an overall assessment, that prison arrangements in *all* the Nordic countries are vastly better than in the USA, Britain or Ireland. (And, of course, the US is by far the worst. There is a huge gap between it and Britain, but only a smaller gap between Britain and Ireland).

You can see how Nordic countries are different when you look at the key indicators of punitiveness. Firstly, the numbers held in prison: the rate of incarceration, i.e. the number of prisoners per

100,000 of the general population, is generally between about 60 and 75 in Nordic countries, with Finland now the lowest. It is over 100 in Ireland, over 150 in England and Scotland, and more than 700 in the USA. Secondly, looking at the quality or content of imprisonment in Nordic countries, in most ways the features are very different: people normally have single cells here, usually they don't in Ireland; out-of-cell time is much greater here, in general (although pre-trial prisoners can be an exception to this); self-management is much more common, especially in Denmark; and the proportion of prisoners in open prisons is high (about 35% generally in the Nordic countries I studied, compared to only 5% in Ireland).

Thirdly, and most importantly, there is a more inclusive attitude here towards people in prison than in English-speaking countries. Men and women in prison are recognised as citizens, as members of society. The strong welfare state, and the attitudes that go with that, is very much a part of this outlook. I am not saying that this inclusiveness is perfect, I don't deny that there is a certain amount of demonization and negative stereotyping of those in prison by some politicians or some in the media. But look at how different things are in the UK: prisoners cannot vote there, there has been a judgement against the UK on this issue in the European Court of Human Rights, and politicians on all sides have been hysterical in response, finding the idea of prisoners having the vote utterly unacceptable, and going to great lengths to avoid allowing it.

### **The Norwegian White Paper of 2008**

An example of a different approach – “another kind of discussion about how we use prison and how we sentence people”, as Terje Moland Petersen, a former Norwegian Deputy Justice Minister, described it to me - is the 2008 Norwegian White Paper on prisons. I am interested to know how these proposals are working three years on, and I also know that what is aspired to in documents such as this White Paper is not always easily converted into practice. However, the values, principles and strategies set out in that White Paper are admirable, and do show a very different kind of discussion to that which takes place in my country, which has become very punitive.

The White Paper envisages fewer being in prison, and a higher proportion of those who are sent to prison being in low security, or open, prisons. In particular, throughout this White Paper, the image conveyed of prisoners is of members of society who “enjoy the same rights as everyone else”; social

services are obliged to provide for them “in the same way as to other citizens”; and it is noted that many prisoners “belong to the poorest and most alienated sectors of our society”. The report lays great stress on the government’s “return to society guarantee”, which is declared to be “a public responsibility”.

This is an inclusive view of prisoners that is very strong, but it is the explicit ruling out of stereotyping that is most striking. The White Paper says of prisoners that “it is only a minority that constitute a threat to public or individual safety” and it specifically warns against the ‘demonising’ of individuals or groups. In similar calming vein, the report states that “policy must not be based on individual incidents.” A remarkable example of an inclusive view of prisoners is that prisoners’ input was sought for the White Paper: “In six prisons dialogue conferences were held in which both inmates and staff participated and discussed what a good day in prison would look like for them.”

### **Nils Christie**

When I was in Norway, researching for my PhD, one of the people I interviewed was Nils Christie, and I found him to be a wonderful man. He is also a very questioning man, and has been very critical of the use of imprisonment, in Norway and across the world. When I said to him that the title I had in mind for my study of Nordic penal policy was ‘Resisting the new punitiveness’, he said: “we’re resisting, but we are not winning”. My reply was that in football a draw could sometimes be a good result, and coming from Ireland I would gladly take a draw. I agree we should try to ‘win’, but still, just restraining the punitive forces, and holding on to core Nordic and Council of Europe values in your prison system, is no small achievement.

Nils Christie expresses these values better than most. Here’s what he wrote 30 years ago:

Prisons are filled with people in need of care and cure. Bad nerves, bad bodies, bad education – prisons are storing houses for deprived persons who stand in need of treatment and educational resources. Those fighting ‘treatment for crime’ are of the opinion that humans should not be sentenced to imprisonment to give society the opportunity to treat them. But *if human beings are in prison to receive punishments*, they ought to get a

maximum of treatment to improve their general conditions and soften their pain. Treatment for crime has lost its credibility. Treatment has not.<sup>1</sup>

Note that the 'treatment' Nils Christie advocates is not the narrow sense of the word, but a much wider idea, in the way it is also used in the 1987 version of the European Prison Rules. Those rules spoke of the 'treatment objectives' of prison regimes and by this meant having conditions "compatible with human dignity", minimising "the detrimental effects of imprisonment", sustaining family and community links, and giving prisoners opportunities to develop.<sup>2</sup> In other words, as Nils Christie put it, treatment means "improving their general conditions and softening their pain". But, as we saw, Christie also adds giving them "educational resources".

So, the Nordic and Council of Europe response to having people in prison, aside from keeping numbers to a minimum and making life in prison as normal as possible, comes down to three key things. We should "improve their general conditions and soften their pain", and provide "educational resources". And, of course, these are all part of the same thing; education can play its part in improving conditions and softening pain.

Such values do not fit with the 'new punitiveness'. Instead of using prison as 'a last resort', politicians and administrators in English-speaking countries claim (against all the evidence) that 'prison works'. Instead of seeing the loss of freedom as the punishment, as is policy in Nordic countries and as is set out in the European Prison Rules, so that you try to minimise the detrimental effects or the pain, the attitude is that prisons should be hard, severe, 'austere'. Above all, with the new punitiveness, people in prison are not seen as citizens, as part of society, and as 'whole persons', but are demonised and not really regarded as human.

### **The way people in prison are seen**

Perhaps this last difference is the most important. The way prisoners have come to be seen generally in the US or Britain (and Ireland also) is not as 'whole persons', members of society, or as

---

<sup>1</sup> Nils Christie, 1981, *Limits to Pain*. 2<sup>nd</sup> edition (Oxford: Martin Robertson, 1992), p.48. Emphasis in original.

<sup>2</sup> Council of Europe, *European Prison Rules* (Strasbourg, 1987), rule 65.

deprived people who have missed out. In all sorts of ways that I hope you will continue to resist here, the image of the person in prison in English-speaking countries is reduced and made more negative.

This can be very clearly seen in education. For example, in North America and Britain now the usual pattern is to think of the person in prison as an 'offender', as if there were no other dimension to his or her life than that of committing an offence or crime. The education offered is not a wide curriculum aimed at the whole person, but something more limited that claims to 'address offending behaviour'. What we get is a distortion of education.

Another version of this thinking is to see the person only as a unit of labour. Lord Filkin, a former Minister for Offender Education in the British government, said: "The sole priority of education is to get offenders into work – anything else is a means, not an end".<sup>3</sup> This is in direct contrast with what *Education in Prison* tells us, and also with the message in *Another Spring*.

It is interesting to look at *Another Spring* and a Green Paper that came out in England the same year, 2005, *Reducing Re-Offending Through Skills and Employment* (HM Government, 2005). What comes across most strongly in the Norwegian document is that the student in prison is primarily a *citizen*, entitled as such to *rights* to education. However, in the English document, he or she is primarily an *offender* and the concern is with achieving the outcome of reducing re-offending through getting them into work, a far narrower perspective. The two different ways of seeing people in prison indicate how the English prison system has taken a 'punitive turn', while, in general, the Norwegian has not.

In seeing those in prison as 'whole persons', as the Council of Europe does, and 'valued members of society' (as an earlier but now abandoned Irish policy document called them), I am not saying that prisoners do not have faults or problems, or denying that most of them come from very deprived backgrounds. Christie himself, we saw, described prisons as "storing houses for deprived persons". K. J. Lang, the former Finnish Director General, spoke of what he called his 'customers' in prison as

---

<sup>3</sup> This is reported in *Offender Learning and Skills News*, OCR, February 2005.

coming from “environments where a high risk of social, physical and mental damage was present”, so that they are “poorly educated and unskilled and have been unemployed for long periods or all of their lives”.

That background of deprivation, which is the lot of most of those in prison, is recognised in *Another Spring*. That White Paper focuses on *values*, in line with education provided in the community, and it speaks of allowing “everyone to make full use of their abilities and realise their talents”. This education must be “adapted and customised” to their “abilities and needs”. While the objectives of education inside are the same as education outside, teachers inside “must also take the time to create positive expectations, strengthen inmates’ faith in themselves and improve their self-control. These needs are often more acute than those of other categories of pupil”. So, the thinking here is about an education that is vastly wider and deeper than in the English document.

### **Nordic and European values**

Throughout penal policy statements in Nordic countries, and in Council of Europe documents, you find the same key ideas. No doubt the Nordic and European documents influenced each other over the years. For example, my guess is that Nordic thinking helped shape the European Prison Rules in the 1980s to a significant degree; you can see a lot of the key ideas in earlier Swedish policy documents in particular. Even more recently, if you look at the Council of Europe’s Recommendation on the treatment of long-term and life-sentence prisoners, which was adopted in 2003, you see many principles that crop up in earlier Danish and other Nordic policies – concepts like normalisation, individualisation, exercising personal responsibility in daily prison life (such as doing their own cooking), and progression.

Underpinning such Nordic and European thinking are other values which I have already spoken about, in particular the ideas that prison should be used as a last resort; that, if you do put someone in prison you should minimise the detrimental effects and make life inside as normal as possible; and that people in prison are still citizens, still members of our society. We then need to respond to men and women in prison as ‘whole persons’, while recognising the deprived backgrounds so many of them come from.

The response required has to be a wide and deep one, especially from those of us who are educators. Similar responses have been expressed very well by a number of people. K. J. Lang, aware of prisoners' earlier experiences, said:

First of all, prisoners/clients need to improve their self-confidence. Therefore all our efforts when organising correctional services should be analysed as to their ability to support, uphold and redress the self-esteem of the prisoner."<sup>4</sup>

How different this is to Lord Filkin in England, who said the sole purpose is to get them into jobs. But the goal is a much deeper one. An Irish government report on the penal system in 1985 said much the same as K. J. Lang:

Affording opportunities to prisoners for increased self-improvement, self-esteem and self-reliance are achievable objectives, and make more sense than the unrealistic goal of a reform to be accomplished in three months or three years. For this reason education in prison should have something to offer to everyone... (Whitaker Report, 1985, p.96)

Explaining the European Prison Rules, Hans Tulkens from The Netherlands said prisons should "offer prisoners... realistic and attainable opportunities, chances, activities and help which meet their needs and stimulate their interests."<sup>5</sup> That is a very wide and open-ended prescription. 80 years ago, a senior American prison administrator, Austin McCormack, took a similar approach, saying that prisoners should be offered "every type of educational opportunity that experience or sound reasoning shows may be of benefit or of interest to them."<sup>6</sup> It is more or less saying whatever might work, give it a go, and different things will work for different people. Nils Christie's urging us to do three things sum up well what these other writers advise: improve their general condition, soften their pain, provide educational resources.

---

<sup>4</sup> K. J. Lang. 'What kind of prisoners do we meet in the 1990s?' In *Report from 'Beyond the Walls*, conference of the European Prison Education Association, Sigtuna, Sweden. 14-17 July 1993, p.67. Available on [www.epea.org](http://www.epea.org)

<sup>5</sup> Hans Tulkens Tulkens, H. 1988. The concept of treatment in the European Prison Rules. In *Prison Information Bulletin*, No. 11, June 1988, pp.8-17. Strasbourg: Council of Europe.

<sup>6</sup> MacCormick, A. 1931. *The Education of Adult Prisoners: A Survey and a Program*. New York: The National Society of Penal Information, p.12.

