

Nordic penal exceptionalism: A comparative, empirical analysis

Ben Crewe¹, Alice Ievins, Simon Larmour, Julie Laursen,
Kristian Mjåland and Anna Schliehe*

*Ben Crewe, Alice Ievins and Simon Larmour, Institute of Criminology, University of Cambridge, Sidgwick Avenue, Cambridge CB3 9DA, UK; ben.crewe@crim.cam.ac.uk; Julie Laursen, Faculty of Law, University of Copenhagen, København, Denmark; Kristian Mjåland, Department of Sociology & Social Work, University of Agder, Kristiansand, Norway; Anna Schliehe, Department of Geography, University of Bonn, Bonn, Germany.

Based on a survey administered in 13 prisons in England & Wales and Norway, as part of a research programme with explicitly comparative aims, this article seeks to address both the relative and absolute dimensions of the Nordic penal exceptionalism thesis. It outlines the consistently more positive results in Norway compared to England & Wales, explaining them primarily with reference to the former's much higher quality and use of open prisons. At the same time, it emphasizes that, even in an unusually humane prison system, prisoners report considerable pain and frustration. The article also makes the case that comparative analysis should strive to be systematic, but that such comparisons are always imperfect, making methodological transparency all the more essential.

Key Words: imprisonment, Nordic exceptionalism, remand, open prisons

Following Pratt's (2008a; 2008b) and Pratt and Eriksson's (2014) claim that the Nordic countries are unusually mild and humane with regard to their punishment practices, a range of scholars—mainly from Nordic jurisdictions—have proposed various ways in which the 'Nordic exceptionalism thesis' is, in their view, deficient. Among these arguments are that the analysis is based on limited or superficial familiarity with Nordic prisons (e.g. Mathiesen 2012); that it is relatively unsystematic, draws on examples from history and culture that obscure countervailing evidence (e.g. Finnane 2013) or entails a form of cherry-picking (e.g. Ugelvik 2013); and that it neglects to consider the treatment of foreign national prisoners and prisoners in pre-trial solitary confinement (e.g. Smith 2012; 2017; Ugelvik 2012; 2017; Shammas 2017). Perhaps the most strongly expressed critique has been that the analysis understates the degree to which imprisonment in Nordic countries is painful and underestimates the extent to which Nordic prisons are still, in essence, prisons (e.g. Mathiesen 2012; Reiter *et al.* 2018).

The degree to which these criticisms are pertinent depends in part on whether Pratt and Eriksson's claims are absolute (i.e. 'Nordic imprisonment is humane') or relative (i.e. 'Nordic imprisonment is more humane than imprisonment elsewhere'), a distinction that has often been conflated, reinforcing the risk that the very assumption of Nordic exceptionalism 'may efface from view the pains of imprisonment and contribute to "national myth making" (Franke 1990: 81)' (Brangan 2020: 601). Based on a survey administered to prisoners within 13 prisons

in England & Wales and Norway, as part of a research programme with explicitly comparative aims, this article seeks to address both the relative and absolute dimensions of the core assertion of the Nordic exceptionalism thesis, and in doing so provide a more secure empirical basis for more explanatory accounts.

The article begins by discussing the most significant, unresolved questions that derive from the debate about Nordic prison quality and conditions. It then explains the design and dilemmas of our study, including the difficulties of seeking to compare two very different prison jurisdictions. In documenting our survey findings, the article outlines the consistently more positive results in Norway compared to England & Wales, noting the relevance of the former's much higher quality and use of open prisons. At the same time, it emphasizes that, even in an unusually humane prison system, prisoners report considerable pain and frustration.

The article also reflects on the importance of making explicit the grounds on which critique and comparison are made. Here, its argument is that, even when comparative analysis is systematic, careful and conceptually advanced, its imperfections necessitate both acknowledgment and interpretive effort. In particular, we reflect on the limitations of survey-based comparison, which, in this case, we believe to have underestimated differences in the experiences of closed prisons in the two jurisdictions. Alongside our substantive argument, then, through methodological transparency and self-critique, we emphasize some almost intractable problems of comparative penology. In doing so, we hope to meet [Brangan's \(2020\)](#) call for grounded, cross-national research with a strong 'reflexive sensibility' (611).

COMPARATIVE PENOLOGY

Our ambition to conceptualize prison life, and to compare jurisdictions whose political economies are deemed to be distinctive, derives in part from a concern with some of the unavoidable limitations of macro-level accounts of penalty (e.g. [Cavadino and Dignan 2006](#), [Garland 2001](#); [Wacquant 2001](#); [Lacey 2008](#)). Concerned mainly with punitiveness or penal harshness, these accounts have tended to focus more on the quantity of punishment (i.e. imprisonment rates) than its form or experience. Where scholars have explored 'form', generally they have considered specific kinds of penalties, such as fines, community penalties or legal execution, rather than the experience of imprisonment, as such.

In a sophisticated effort at cross-national comparison, [Karstedt \(2015\)](#) has used two main indicators to evaluate penal regimes: first, rates of imprisonment; and, second, a measure of prison conditions based on a number of official indicators, which enable the rating of penal jurisdictions according to the degree to which each one fulfils a set of minimum standards. It is complemented by a calculation of prison admission rates, mortality rates and suicide rates. Yet even here, at its most nuanced, the need to obtain comparable data from a range of jurisdictions limits the sophistication of the dependent variable. The 'intensity' ([Lacey et al. 2018](#)) or texture of imprisonment—what it feels like to undergo it, in all of its subjective complexity—in one country compared to another remains rather obscured.

One issue here is the division of labour, whereby macro-analysts (who prioritize analytic breadth, across multiple jurisdictions) and prison ethnographers (who prioritize analytic depth, in one or two research sites) work in rather disconnected domains, using very different concepts and measures. Another is that, when single-site studies of the subjective experience of imprisonment make comparative claims, often they do so without dedicated comparative data or making the basis of their comparison entirely clear. Moreover, as [Brangan \(2020\)](#) argues, a good deal of comparative penology, and of the Nordic exceptionalism debate specifically, is highly Anglocentric, grounded—often without acknowledgment—in concerns about punitiveness derived from Anglo-American preoccupations.

Assessing the quality of prison regimes is not uncontroversial. Both radical and Foucauldian critiques suggest that comparisons and evaluations obfuscate the fundamental point about prisons: that they are essentially damaging and repressive, almost regardless of any differences between them. Yet, to us, differences in the nature of penal practices and prison experiences seem crucial. Assessing them helps us understand the prison as an institutional form and an expression of state authority, and to identify the mechanisms—the kinds of relationships, regimes, and philosophies—that generate different kinds of penal experiences. Exploring these distinctions also reflects a commitment to a humanistic form of social science that recognizes that variations in the ‘moral quality’ of imprisonment (Liebling and Arnold 2004) produce highly consequential differences in levels of distress and other outcomes. Prisoners themselves are keen and sophisticated normative critics, capable of identifying institutions that are more and less degrading or harmful than others (Liebling and Arnold 2004).

An important consequence of this commitment to comparison is the need to push beyond some critiques of the Nordic exceptionalism thesis. As we explain in the section that follows, the responses to Pratt’s (and Pratt and Eriksson’s) account are important interventions: certainly, we should not romanticize Nordic punishment systems, white-wash their painfulness or overstate differences between imprisonment in these nations and elsewhere. But evidence that Nordic prisons are places where prisoners experience distress and deprivation does not represent a decisive blow to the exceptionalism thesis. To identify the painfulness of imprisonment in supposedly humane punishment systems is not to invalidate Pratt and Eriksson’s claims about *relative* clemency and humanity. The task remains to chart and conceptualize comparative differences in the nature of penal experiences.

NORDIC EXCEPTIONALISM

Pratt and Eriksson (2014) base their claims about Nordic penal exceptionalism on two central observations. The first is that Nordic countries imprison at a lower rate than most other nations, a measure that they defend as a general indicator of penal trends, however limited.¹ The second relates to various elements of ‘prison conditions’, which they present as a confirmatory indicator of penal differences. Specifically, Pratt and Eriksson describe Nordic compared to Anglophone prisons in terms of five elements: first, smaller prisons; second, better quality staff–prisoner relationships, with ‘less social distance between officers and inmates’ (p10), and higher levels of trust and respect between these groups; third, better quality of life, in terms of matters such as diet, cleanliness, personal space, visiting arrangements, material conditions, time out-of-cell and personal freedom, especially within open prisons, which Pratt and Eriksson note are much more widely used in Nordic than Anglophone prison systems; fourth, a less militaristic, more professionalized prison officer culture, with greater emphasis on care and rehabilitation; and, fifth, superior provision of work and educational opportunities, based on the ‘normality principle’, which commits to making prison life resemble the community as much as possible (Balvig 2005: 178; see also Engbo 2017).

Pratt and Eriksson’s account focusses much more on the roots of these differences than their manifestation in practice. Moreover, their assertion that these differences reflect ‘very different ways of thinking about punishment’ (p25) indicates their greater interest in penal discourse than the lived realities of imprisonment, as such. In a recent reflection, Pratt (2021) notes that, rather than engage in on-the-ground analysis of prisoner experiences, his aim was ‘to explain how it was that formal accounts of punishment differed so much between the two clusters of societies,

¹ As Smith and Ugelvik 2017a note, the distinction between ‘stock’ and ‘flow’ exposes the fact that Scandinavian countries use imprisonment quite extensively, but have relatively short average sentence lengths.

and what this then told us about [...] their different penal cultures'. Nonetheless, among the most strident and consistent critiques of Pratt (2008a; 2008b) and Pratt and Eriksson (2014)'s claims is that they rely on a somewhat superficial understanding of Nordic imprisonment, based on a form of prison tourism—specifically, prison visits lasting between two and four hours, typically accompanied by a staff member, and only sometimes including discussions with staff and prisoners (Pratt and Eriksson 2014: 9) – rather than the sustained, in-depth, un-escorted fieldwork that tends to characterize prison research. Ugelvik (2013: 581), for example, describes the book as a 'selective comparative cultural history' rather than a 'systematic study of prison regimes in different countries', and questions whether its conclusions can be supported without such evidence (see also Kramer 2013). Likewise, Mathiesen challenges Pratt's (2008a) conclusions about the mildness of Nordic criminal justice policy on multiple fronts, concluding that Pratt systematically omits, rather than carefully analyses, 'features of the system which speak against the system' (2012: 27).

A second area of critique that is germane to this article is that Pratt and Eriksson's account pays insufficient attention to conditions of pre-trial solitary confinement. Smith (2012; 2017) emphasizes the extensive use of such practices, often for long periods, and the resulting censure directed at the Nordic countries by agencies including the UN and European Commission for the Prevention of Torture (see also Mathiesen 2012): 'Such international criticism is [...] in stark contrast to the traditional view of a humanistic Scandinavian liberal approach to punishment' (Smith 2012: 48). Noting that up to a third of Nordic prison populations experience such conditions, Smith presents these unusually harsh practices as 'an important empirical corrective' (2017: 130) to the idea that prisoners in Nordic countries experience unusually humane treatment, an argument that Pratt and Eriksson concede (2012: 237). Notably too, Smith (2017: 151) argues that 'these practices arguably reveal another common trait of the Nordic welfare states, namely their willingness to intervene extensively into the private lives of their citizens'. This tendency has manifested itself historically in interventionist approaches to drug treatment and vagrancy, for example (Barker 2013; Andersson 2017; Smith 2017). Together, such impulses suggest a form of statehood that fuses penal welfarism with paternalism (Barker 2013; Smith and Ugelvik 2017b), expressed in an unusual willingness to use highly intrusive forms of power to shape and discipline its citizens (though see Ievins and Mjåland 2021).

A further strand of critique is that Pratt and Eriksson's conclusions reflect a limited understanding of the pains of imprisonment, or that the very assumption of exceptionalism may conceal the punitive elements of Nordic penalty (Brangan 2020). Both Smith (2012) and Neumann (2012) advocate analysing Nordic prison conditions less in comparison to other countries than to prisoners' broader life conditions. Smith (2012: 40) proposes comparing prison quality to 'the national quality of life and economic standard [i.e.] what do you lose by being imprisoned?' (emphasis added). Similarly, Neumann (2012: 140) asks how the pains of imprisonment are shaped by the 'material and social context for incarceration and suffering', i.e. the quality of life and institutional treatment to which individuals are accustomed beyond the prison. This framework might explain why the only quantitative comparison of prisoner quality of life in closed prisons in England & Wales and Norway found relatively few differences (Johnsen and Granheim 2012) i.e. because assessments of imprisonment cannot be separated out from prior experiences and expectations. We return to this argument in due course.

Neumann also looks beyond the material conditions of imprisonment to consider the psychological burdens inherent in the loss of freedom. These burdens, she suggests, are especially salient when prisoners are in open establishments, where relaxed security measures create an obligation to 'build inner bars' (p148) as a means of self-discipline. By implication, the extensive use of open prisons in Norway—a key strand of Pratt and Eriksson's (2014) argument—may be experienced as somewhat less benign than is initially obvious (see Shammas 2014). Similarly,

Smith and Ugelvik (2017a: 10) suggest that ‘even if such a thing as welfare-oriented prisons does exist, there is no reason to believe that they are exclusively benevolent and constructive places’, not least because Nordic prisons, like the states in which they are embedded, might exert a particular kind of interventionist grip on their subjects. Accounts of this kind resonate with ideas of the ‘tightness’ of penal power (Crewe 2011), exemplified by invasive forms of psychological power and demands that prisoners regulate their conduct and construct their identities in alignment with institutional objectives. As Smith and Ugelvik (2017b: 523) note, ‘there is a fine line between rehabilitation and authoritarian intervention’, and the distinction between ‘normality’ and the more coercive ‘normalisation’ is not always easy to decipher (Engbo 2017).

Overall, then, many of the conclusions expressed by Nordic scholars coalesce around the sense that the exceptionalism thesis ‘idealizes the Scandinavian situation’ (Mathiesen 2012: 28), portraying Nordic penal practice in a manner that is ‘too rosy’ (Dullum and Ugelvik 2012: 4) or ‘romantic’ (Nilsson 2012: 94; Kramer 2013). Yet the empirical basis of many of these arguments is far from solid or systematic, and the question remains as to whether prison conditions in Scandinavia should be considered humane in absolute terms, or regarded only as ‘more humane or in some other sense “better” than similar institutions in other countries’ (Smith and Ugelvik 2017a: 22, emphasis added). Certainly, it is not always clear whether evidence of the painfulness of imprisonment in Nordic countries, or the uneven nature of its mildness, is a challenge to a perceived idealization or an attempt to question Pratt’s entire thesis.

This shift between claims is discernible in Reiter *et al.* (2017; 2018) recent analysis of the Danish penal system, which probes some of the core tenets of the exceptionalism thesis. Among its conclusions are that ‘The “exceptional characteristics” [identified by Pratt and Eriksson] were neither uniformly present nor consistently implemented’ (486) in the prisons they researched, and that ‘Whereas Pratt and Eriksson argue that Scandinavian prisons tend to implement “soft” policies [...] Danish prisons are actually the site of constant and intentional negotiation of a balance between both “hard” and “soft” policies and practices’ (2017: 483), including techniques of isolation and restraint, and the constant potential for hard securitization. While Reiter *et al.* corroborate Pratt’s argument that Scandinavian prisons are animated by a principle of normality, and exhibit highly collegial staff–prisoner relationships, they also emphasize similarities between imprisonment in Denmark and elsewhere:

Prisoners in Denmark experience many of the same ‘pains of imprisonment’ documented in prison systems across time and space [...] especially the deprivation of autonomy. [...] Harsh punishment can and does exist in Danish prisons. (2018: 95-6)

‘In some ways’, they argue, ‘Danish prisons are not necessarily any less restrictive, coercive, or punitive than prisons in any other social and geographic context’ (2017: 482).

Reiter *et al.*’s objective is to get beneath the veil of macro-explanations of penal practice to de-romanticize prevailing ideas about Scandinavian punishment. In doing so, they highlight some of the irreducible qualities of imprisonment and draw attention to ‘the shortcomings of Scandinavian Exceptionalism as both a substantive explanatory model and as an ideological agenda that other countries might emulate’ (96). Accordingly, their account is comparative in a particular way, set against the idealized depiction of Nordic penal practice, and grounded in the foundational observation that prisons are always, in the end, ‘punitive spaces’ (2017: 108). Other accounts (e.g. Mathiesen 2012) emit a similar sense that scholars and policymakers should guard against obscuring the essentially harmful nature of imprisonment, however ‘humane’ it might appear. That these goals and implications are often unclear reflects a tendency for some contributions to debates about Nordic exceptionalism to involve comparisons that are implicit or oblique, rather than direct and deliberate (Hörnqvist 2012; Brangan 2020).

Our goal in this article is to contribute to these debates by reporting findings from a ground-up, empirical study with explicit comparative aims. Such a comparison allows us to explore issues such as ‘humanity’ and ‘deprivation’ in both absolute and relative terms. For while it is no doubt true that imprisonment in the Nordic countries shares many characteristics with imprisonment elsewhere, the matter of whether these pains are more or less acute than in other jurisdictions remains pertinent. Indeed, since a number of the arguments specified in Reiter *et al.*’s argument (as in other critiques) are worded in relative terms (‘not necessarily any less restrictive, coercive, or punitive ...’; ‘less brutality is not necessarily equated with less deprivation ...’), there are good grounds for a form of analysis that has a comparative dimension. For while the identification of similarities between penal systems tells us something vital about the inherent nature of incarceration, its evaluative compression risks overlooking highly consequential differences in penal experiences.

Our analysis draws on survey data to provide the kind of systematic comparison between prison conditions and prisoner experiences in England & Wales and Norway that many scholars have advocated (e.g. Ugelvik 2012; 2013; Brangan 2020). Our analysis is narrower in focus than Pratt and Eriksson’s, in that it does not seek to engage with their socio-cultural explanation for differences in penalty. Rather, by focussing on differential experiences of imprisonment, it addresses the matter of prison conditions that is the bedrock of their thesis—and of much of the debate that it has stimulated—but which remains the least developed element of their analysis. Rooted in a conceptual framework developed to assess the textural qualities of imprisonment, the data allow us to compare prisoner experiences in these jurisdictions and to illuminate many of the issues raised within debates about Nordic penal exceptionalism, including the role of open prisons, remand conditions and the invasiveness of penal power.

THE STUDY

The overall research programme on which this article draws included three mixed-methods sub-studies, undertaken in both England & Wales and Norway: a longitudinal study of entry into and release from prison among mainstream male prisoners, female prisoners, and men convicted of sexual offences; semi-ethnographic studies of prisons holding men convicted of sexual offences and female prisoners; and a study of the ‘deepest’ parts of each prison system. While each sub-study had discrete objectives, one of the central goals of the research programme was to engage with ongoing debates about the relative quality and humanity of prisons systems in countries with different kinds of political economies: in this case, inclusionary, welfare-oriented and social-democratic (Norway) and exclusionary and neo-liberal (England & Wales). That is, a core aim was to explore the experience of imprisonment in two apparently divergent penal jurisdictions. In doing so, through a careful comparative design, we sought to add empirical flesh to ongoing debates about Nordic exceptionalism, without presuming that Norwegian prisons were superior to those in England & Wales—a kind of benchmark from which the latter might learn (see Brangan 2020). Rather, we wanted to critically assess claims about Nordic penal exceptionalism, and describe the relative qualities of each system. Specifically, through a mixed-methods design, we hoped to offer both a phenomenological account of the experience of imprisonment in both systems, in all its messy complexity, and a systematic, comparative description based on standardized measures.

In this article, in order to present some of the core results of the cross-jurisdictional analysis, we draw primarily on our quantitative data (for qualitative accounts of some of our findings, see Schliehe *et al.* 2021; Ievins and Mjåland 2021; Laursen 2022), but our conclusions are informed by our observations and interviews. Indeed, a key objective of the article is to emphasize both the benefits of a mixed-methods approach, and the complexities, with regard to comparative

penology, that they expose. On the one hand, then, we seek to elaborate a framework and approach which might offer a template for other comparative work; on the other, we identify a number of ways in which such work presents almost insoluble challenges with regard to comparison and interpretation.

The conceptual framework that informed both our survey and interview schedule was established prior to the outset of the research and provided the scaffold for the development of the survey (as well as our various interview schedules). In some respects, it worked both as skeleton and skin, providing a stable structure for the project while keeping it contained. Based on insight from previous studies, and the wider literature, its key concepts were the ‘depth’, ‘weight’, ‘tightness’ and ‘breadth’ of imprisonment, plus issues of shame and ‘penal consciousness’² Most of these concepts are described in much greater detail elsewhere (see [Crewe 2015](#)), but merit brief elaboration here. Depth refers to the relationship between imprisonment and liberty, including sentence length, isolation within and beyond the prison, levels of security and control, and the degree of difference between the prison and the community (e.g. the normality of the environment, and the extent to which prisoners retain rights and status). ‘Weight’ is related to interpersonal treatment, the use of staff power, and the quality of daily conditions. ‘Tightness’ is linked to the softening of penal power and its manifestation in psychological rather than coercive forms. It relates to the bureaucratization of prison life, the use of risk assessments and cognitive behavioural interventions, and policies and practices—such as incentive and early release schemes—whose grip incites prisoners to monitor and self-regulate a wide range of conduct. ‘Breadth’ refers to the reach and impact of the sentence beyond the point of imprisonment. One strength of using such concepts is that, as we note elsewhere, they are ‘sufficiently fuzzy to straddle different cultures and jurisdictions [...] their abstraction and imprecision can be helpful in ensuring that comparisons are not predicated on practices or assumptions drawn from one culture and subsequently imposed upon another’ ([Crewe 2021](#): 340). As such, by focussing on the textural qualities of imprisonment, rather than specific features of particular prison regimes, they avoid many of the perils of what [Nelken \(2009\)](#) calls ‘ethno-centrism’ (see also [Brangan 2020](#)).

The survey was developed based on a process and spirit similar to the well-established Measuring the Quality of Prison Life (MQPL) survey ([Liebling and Arnold 2004](#); [Liebling, Hulley and Crewe 2011](#)). Our objective was to develop ‘a quantitative measure [with] strong qualitative foundations’ ([Liebling et al. 2011](#): 361), in this case, based on a significant amount of ground-level prison research experience within several jurisdictions. Our first step was to devise a set of statements or ‘items’ which captured the underlying constructs in our framework, and could be answered based on a Likert-scale ranging from ‘strongly agree’ to ‘strongly disagree’. Many of these items, particularly those relating to ‘weight’, were drawn directly from the MQPL survey; others were developed afresh, based on our collective research experience and the insights derived from the initial stages of our qualitative fieldwork. The process required us to devise (and tweak) relevant statements, and then cull extraneous items in the search for parsimony. Following data collection, we undertook confirmatory factor analysis (CFA) to assess the internal reliability of each ‘dimension’, but were keen not to rely excessively on this more formal analysis. To guarantee that the factor structure would fit both jurisdictions, we conducted separate CFAs for each. This way, a common factor structure could be attained while reaching the required statistical fit thresholds.

2 ‘Penal consciousness’ – an idea developed by [Sexton \(2015\)](#), though used in a slightly different form in our study—entails the ways that prisoners perceive and orient themselves to their punishment (see also [Schinkel 2014](#)). Our interest in ‘shame’ derived from an expectation that we might find different modes of shame and shaming in jurisdictions considered inclusionary and exclusionary ([Braithwaite 1989](#)).

Our final list of dimensions or factor structure—listed in [Table 1](#)—therefore resulted from an iterative dialogue between our informed understanding and statistical analysis: some dimensions were sub-divided, and several items were moved from one dimension to another where it was conceptually defensible and reliability remained high. Ten items did not load adequately onto any dimension and remained in the analysis as standalone items.³

Survey exercises took place towards the end of the fieldwork period in each establishment, when we felt familiar with its culture and had developed rapport with staff and prisoners. Typically, we administered the surveys to small groups of prisoners in communal rooms on prison wings, without any staff presence. The smoothness of the process across research sites was variable, with some prisons much better organized than others. Prisoners were sampled systematically, within each relevant unit in each establishment, to ensure even and representative coverage. In most prisons, of those selected to participate, response rates were high. The survey took around half an hour to complete, with additional time set aside for informal discussion. Wherever possible, participants were given a chocolate bar as a token of appreciation for their involvement.

In the section that follows, we describe some of the broader issues we encountered in trying to accomplish a systematic comparative analysis. We do so in part as a form of candid methodological self-critique, and to highlight the unavoidable imperfections of such efforts. An additional objective is to foreground the realities and benefits of a mixed-methods research approach, through which enhanced interpretation becomes possible, and in which the relatively ‘clean’ presentation of survey data is underpinned by a much dirtier process, requiring considerable graft and pragmatism. Being explicit about these difficulties and decisions is vital as a form of reflexive transparency and—as [Lazar \(2012: 351\)](#) notes, in her defence of ‘disjunctive comparison’ – to ‘be clear about what form of comparison is being attempted and under what conditions’.

COMPARATIVE PENOLOGY IN PRACTICE

One of our most significant challenges was getting the parameters of the comparison right, in prison systems whose differences meant that they often felt non-comparable. A major issue was prison size. For example, HMP Pentonville—one of the local prisons in England & Wales where we undertook fieldwork—holds around 1,300 men in five wings. Pentonville’s population is equivalent to one-third of Norway’s entire prison population, and one of its wings holds more men than the whole of Norway’s largest prison. While our ideal comparator for Pentonville—a busy prison in London, built in the 19th century—was Oslo prison, its renovation at the time of our fieldwork meant that we had to resort to the prison serving Norway’s second largest city, Bergen (population 272,000), as our equivalent site. Built in 1990, with a capacity of 258, Bergen prison shared relatively few features with Pentonville beyond the fact that one of its formal functions was to take prisoners from the courts and hold men on remand. Indeed, most of the Norwegian prisons in which we undertook fieldwork were more recently built than those in England & Wales, and all were considerably smaller than their comparators.

Such issues—including the fact that, while in England & Wales, men convicted of sexual offences tend to be held in separate units, while those in Norway tend to be integrated into the wider prison population (see [Ievins and Mjåland](#)) – compromised attempts to compare like-with-like in any formal sense or ‘match’ establishments by key variables. But our decision-making was shaped throughout by our ambition to assess the *typical* experiences of particular prisoner

3 The survey also included a number of demographic questions, plus a set of ‘problem statements’, recently adapted for a different study (see [Hulley et al. 2016](#)).

groups—that is, what it is like in each jurisdiction to serve a sentence as a woman, or a man convicted of a sexual offence, for example—rather than treat the institution as the key axis of comparison. The fact that, in Norway, an individual serving a short sentence for a relatively minor offence might spend their entire sentence in an open establishment, whereas, in England & Wales, no prisoner, whatever their sentence length or offence, can avoid time in a closed, local establishment, is a finding in itself rather than a mere methodological problem. Similarly, rather than trying to compare prisons of equal size in the two jurisdictions, we sought to include prisons that were of a typical size within each.

The project team and division of labour were determined from the start with comparative analysis in mind. Two members of the team spoke Norwegian, and therefore undertook the vast majority of fieldwork in Norway. While the three non-Norwegian speakers all visited a range of Norwegian prisons, and were able to converse with many prisoners and familiarize themselves with the research sites, in-depth interviews were harder to manage: even prisoners whose conversational English was good struggled to articulate themselves fully in a non-native language. Since the Norwegian and Danish members of the team spoke fluent English, they were able to participate fully in data collection in England & Wales. In practice, Kristian Mjåland focussed primarily on data collection in his home country. The importance of Julie Laursen's role was therefore that she was the comparative pivot: the team member most able to compare directly between the two jurisdictions.

Despite these limitations, the involvement of all the team members in some degree of fieldwork in both jurisdictions was very significant for our collective thinking and comparison. Not least, being a 'stranger' meant being attentive to phenomena that cultural familiarity could overlook; it involved asking foundational questions about the rationale for particular kinds of policies, practices and behaviours that 'natives' took for granted. As the anthropologist Michael Agar (1996) points out, an alien society jolts us with its differences, but comparative research can also reveal aspects of a society to which we are accustomed.

The skewed linguistic competence of the research team, and the origins of the conceptual framework in research first conducted in England & Wales, meant that the phrasing of the interview and survey questions was undertaken initially in English, before being translated into Norwegian. Here, we recognize the risk of imposing assumptions based in one context onto another (see Nelken 2009; 2010; Brangan's 2020). Yet all research starts somewhere, and avoiding such impositions entirely is therefore near impossible. Again, the balance within our research team, and our eschewal of a 'normative agenda' (Brangan 2020: 599), helped ensure that the comparison was genuinely bi-directional.

These translations were nonetheless challenging. We consulted with a number of Nordic colleagues beyond the team to ensure that our terminological choices were appropriate, but could not always find exact matches between two very different linguistic traditions. Prior to our fieldwork, we were uncertain about whether some phrases within the survey (e.g. 'walking on eggshells', 'mess with my head') were idiomatic, or would be relevant to the Norwegian prison experience. Similarly, the translation of a number of key terms was complicated. For example, the English concept 'power' translates into Norwegian as *makt*, but this term is rather strong, and is not often used in daily language, either within or outside the prison system. It implies something much more forceful or coercive than its English counterpart, and prisoners in Norway more often use terms like 'influence' or the 'right to make decisions' when speaking about authority. 'Trust' translates as *tillit* but, again, is a rather formal term that is infrequently used in everyday conversation. We deemed the phrase *å stole på* to be more fitting, even though, in comparison to the English term, it is somewhat imprecise. Risk translates directly as *risiko*, but this concept is rarely mentioned in the daily vernacular of Norwegian prisons. Discussions of 'risk' feature in Norwegian policy documents, treatment programmes and security briefs, but

were absent, at least explicitly, from conversations with prisoners and staff, except among prisoners serving the relatively unusual *forvaring* (indeterminate) sentence. Indeed, in some prisons in Norway, the survey item ‘All the Prison Service cares about is my “risk factors” rather than the person I really am’ often produced confusion from prisoners, who asked us what we meant by ‘risk factors’.

As a result, we spent a considerable amount of time wondering whether one of our axiomatic concepts – ‘tightness’ – was relevant to the Norwegian context. But the absence in Norwegian prisons of an intuitively relevant language of power and risk was in itself significant, in that it contrasted with the pervasive nature of everyday ‘risk talk’ in England & Wales. Moreover, our ethnographic presence alerted us to the fact that the absence of risk *as a term* in Norway’s prisons did not mean that that risk thinking was non-existent. Indeed, in interviews and discussions, prisoners revealed a good deal about their perceptions of their own riskiness, and about personal and institutional efforts to reduce it. Like trust and power, risk ‘flowed’ in ways that were not always visible or identifiable through straightforward linguistic forms.

Regular day-long meetings during the fieldwork phase of the study—followed by an evening meal—helped enormously in shaping our thinking, determining our methodological decisions, and ensuring comparative balance. In such discussions, we shared our observations, talked through what had struck us about the different fieldwork environments, challenged presumptions rooted in any single jurisdiction, sought deeper understanding of what was culturally unfamiliar (‘what is the rationale for X?’, ‘what does Y mean?’), raised questions about each jurisdiction based on fieldwork in the other, and returned repeatedly to these tricky issues of comparison.

FINDINGS

While most of our time spent in the field involved qualitative methods, the collection of survey data reflected our aspiration to ensure some degree of standardized comparison, and to provide the spine of description. In this section, we first explore the overall survey results for England & Wales and Norway, including all of the prisoners that we sampled. Rather than align our analysis with the prisoner groups around which the research programme’s sub-studies were organized (e.g. men convicted of sexual offences; female prisoners; ‘deep-end prisoners’), here, we focus on the survey items and dimensions that are especially germane to debates about Nordic penal exceptionalism. In particular, we discuss experiences relating to humanity, living conditions, staff–prisoner relationships (‘weight’), forms of depth linked to contact with the outside world and levels of control and restriction, feelings of psychological intrusiveness and the degree to which the experience of imprisonment is experienced as punitive and degrading. Likewise, to engage with some of the main claims and critiques of the exceptionalism thesis, we direct our analysis towards particular kinds of establishments (open and closed) and prisoner sub-groups (remand and sentenced).

Table 1 provides the mean scores for eleven of our thirteen dimensions, in both jurisdictions.⁴ Data are coded so that a higher score is always better (i.e. a higher score for ‘weight’ means a *less* oppressive environment). A score of three is regarded as neutral, in that it represents prisoners on average neither agreeing nor disagreeing with the set of statements that make up each factor. The basic pattern is clear and consistent. On all but one of the dimensions, the composite results for Norwegian prisons are significantly higher than for those in England & Wales, often by a very considerable degree.

⁴ The dimensions ‘shame’ and ‘penal consciousness’ have been removed from this analysis because they are less straightforwardly evaluative.

Table 1. Dimension scores England & Wales and Norway—all prisoners

	<i>n</i> = 806	<i>n</i> = 276
	E&W all	Norway all
Weight (relational)	3.01	3.31***
Weight (moral)	2.50	2.89***
Depth (restriction)	2.48	2.85***
Depth (psychological)	3.29	3.33n.s.
Autonomy	2.84	3.13***
Tightness	2.49	2.88***
Trust	2.32	2.53**
Breadth	2.53	2.99***
Improvement	2.58	2.70*
Safety	2.86	3.62***
Punishment & degradation	2.70	3.13***

* = significant difference ($p < 0.05$); ** = significant difference ($p < 0.01$); *** = significant difference ($p < 0.001$).

Exploring the data at a more granular level helps demonstrate the extent of these differences, and their relevance to debates about Nordic exceptionalism. With regard to levels of humanity, living conditions and staff–prisoner relationships, the dimension scores and individual item results for ‘Weight (relational)’ and ‘Weight (moral)’ are especially instructive. To provide some examples, in Norway, 60% prisoners agreed with the statement ‘I feel cared about most of the time in this prison’, compared to 29% in England & Wales (mean scores: 3.53 and 2.86 respectively), while 54% agreed with the statement ‘Staff here treat prisoners fairly’ compared to 33% in England & Wales (mean scores: 3.39 and 2.97 respectively).⁵ Almost two-thirds of prisoners in Norway (66%) disagreed with the statement ‘I am not being treated as a human being in here’, compared to under half (48%) in England & Wales (mean scores: 3.76 Norway; 3.31 England & Wales), while the proportion who agreed that ‘My living conditions in this prison are poor’ was considerably higher in England & Wales (45%) compared to Norway (21%) (mean scores: 2.75 and 3.40 respectively). For the item ‘This system treats me more like a number than a person’, 63% prisoners agreed in England & Wales compared to 41% in Norway (mean scores: 2.30 and 2.81 respectively), while for the item ‘Generally I fear for my physical safety’, 26% prisoners agreed in England & Wales compared to 13% in Norway (mean scores: 3.26 and 3.86 respectively).

Prisoners in Norway also reported consistently more favourably than those in England & Wales on many aspects of ‘depth’. This includes issues relating to the ‘normality principle’ (i.e. the sense of isolation and deviation from the outside world), and the ‘hard’ or control-oriented aspects of incarceration to which Reiter *et al.* (2017) refer. 66% prisoners in England & Wales agreed that ‘I feel cut off from the outside world in here’ compared to 56% in Norway (mean scores: 2.24 and 2.46 respectively), while, for the item ‘I am being held in conditions that are too restrictive’, 53% prisoners in England & Wales agreed, compared to 34% in Norway (mean scores: 2.51 and 3.12 respectively). 62% prisoners in England & Wales, compared to 45% in Norway, agreed that ‘Wherever I am in this prison, I still feel confined’ (mean scores: 2.30 and 2.78 respectively). Within the ‘Autonomy’ dimension, 62% prisoners in England & Wales

⁵ Where we use the terms ‘agreed’ or ‘disagreed’, we are aggregating ‘agreed’ and ‘strongly agreed’ and ‘disagreed’ and ‘strongly disagreed’ respectively. Percentages are rounded to the nearest whole number.

compared to 35% in Norway agreed that ‘I have no control over my day-to-day life in here’ (mean scores: 2.35 and 3.00 respectively).

For the dimension ‘tightness’ – much of which regards monitoring and regulation, linked to intrusive forms of paternalism and normalization—Norway’s dimension score of 2.88 is significantly higher than England & Wales’s score of 2.49. In England & Wales, for example, 75% of prisoners agreed that ‘I have to be careful about everything I do in this prison, or it can be used against me’, compared to 58% in Norway (mean scores: 2.05 and 2.38 respectively); 36% with the item ‘This prison is trying to mess with my head’, compared to 22% in Norway (mean scores: 2.93 and 3.42) respectively, and 39% with the item ‘This prison is trying to turn me into someone I am not’, compared to 23% in Norway (mean scores: 2.89 and 3.32 respectively).

Perhaps most tellingly—in light of assertions and assumptions about the overall ethos of Nordic penalty—prisoners in Norway rated their experiences significantly less negatively than those in England & Wales for all of the items that constituted the ‘Punishment and degradation’ dimension, as [Table 2](#) shows in full detail.

In experiential terms, the differences outlined above are substantial and consequential. Indeed, they may make the difference between whether imprisonment is or is not survivable ([Liebling 2011](#)).

Norwegian prisons—absolute scores

Assessing what the results above tell us about Norwegian penalty, and whether they corroborate claims about the humaneness of imprisonment in Norway, is less straightforward. The appropriate threshold for declaring any prison system ‘decent’ or ‘humane’ is unclear and contested. Nonetheless, it is evident that Norwegian prisons remain demonstrably prison-like, with many of the painful qualities that are inherent to the deprivation of liberty. That is, for a significant proportion of prisoners, they are experienced as indecent, unsafe, painful and in other ways distressing and dehumanizing.

Here, it is worth looking at the results without any comparative benchmark. Notably, around or above half of prisoners in Norway agreed with items including ‘I feel cut off from the outside world in here’ (56%) and ‘All the Prison Service cares about in this prison is my “risk factors” rather than the person I really am’ (50%); between a third and over two-fifths agreed that ‘This system treats me more like a number than a person’ (41%), ‘The level of security and control in this prison is oppressive’ (39%), ‘Staff in this prison think that prisoners are morally beneath them’ (38%), and ‘I have no control over my day-to-day life in here’ (35%). Around one in five agreed with the items ‘The prison system is trying to turn me into someone I am not’ (23%) and ‘This prison is trying to mess with my head’ (22%) and/or disagreed that ‘Staff in this prison do their best to help me’ (23%), ‘Staff here treat prisoners fairly’ (20%), and ‘I feel safe from being injured, bullied or threatened by other prisoners in here’ (19%); and substantial proportions disagreed with the item ‘I feel cared about most of the time in this prison’ (16%), or agreed that ‘I am not being treated as a human being in here’ (15%) and ‘Generally I fear for my physical safety’ (13%).

Most notably, as shown in [Table 2](#), just under a quarter of prisoners in Norway agreed with the statements ‘My experience in this prison is painful’, ‘This prison is trying to take away my self-respect’ and ‘My treatment in this prison is humiliating’; just under a third agreed that ‘This prison is doing harm to me’; and well over half agreed that ‘My time in this prison feels very much like a punishment’. Overall, then, while the results are indisputably more positive in Norway than in England & Wales—supporting the claim that Norwegian penalty is more humane in relative terms—there is no doubt that, in Norway, pain and suffering are still integral to the prisoner experience. In the following sections, we move on from these general results to discuss more specific findings that are particularly germane to debates about Nordic exceptionalism.

Table 2. Item scores for ‘Punishment and degradation’ – England & Wales and Norway, all prisoners

Item no	Item	E&W			Norway		
		Mean	% SA/A	% SD/D	Mean	% SA/A	% SD/D
15	My experience in this prison is painful	2.89	39	35	3.37	23	51
19	This prison is doing harm to me	2.74	44	30	3.22	32	46
40	My time in this prison feels very much like a punishment	2.16	68	12	2.43	58	21
65	This prison is trying to take away my self-respect	2.75	40	29	3.29	24	50
67	My treatment in this prison is humiliating	2.95	33	34	3.36	25	50
	Punishment and degradation	2.70	-	-	3.13	-	-

Open prisons

Among the core claims within Pratt and Eriksson's account is that a key feature of Nordic penal liberalism relates to the widespread use of open prisons, and the particular conditions of freedom that they offer. To help assess this relationship between open prisons and the purported 'humaneness' of Norwegian penalty, [Table 3](#) shows the dimension scores, first, for closed prisons in England & Wales and Norway; second, for open prisons in England & Wales and Norway; and, third, for open versus closed prisons in Norway alone.⁶

As the table demonstrates, the differences between the two jurisdictions appear to be much greater in relation to open than closed prisons. Indeed, comparing those held in closed prisons in the two jurisdictions, the scores are only marginally more positive in Norway on dimensions such as 'weight (relational)', 'depth (restriction)', 'trust' and 'improvement', and significantly less positive on 'depth (psychological)'. In contrast, the comparison of open prisons shows significantly more positive scores in Norway for nine of the eleven dimensions. At the same time, the comparison of open and closed prisons in Norway reveals significantly higher scores for the former on ten of the eleven dimensions.

While the Norwegian sample comprises a much greater proportion of prisoners in open prisons than the England & Wales sample (36% compared to 9%), these figures roughly correspond with the proportion of prisoners in each system who are held in such conditions. Indeed, in Norway, an estimated 50% of the prison population spends at least some time in an open establishment, compared to around 5% in England & Wales. Sixty-five per cent of new entrants to the Norwegian prison system are immediately located in open establishments, compared to none in England & Wales, where all new receptions are in medium-to-high security local establishments (for more details, see [Mjåland et al. 2022](#)).⁷

Taken at face value, the survey results therefore suggest that the comparatively more humane and less painful character of imprisonment in Norway is explained to quite a large degree by its open establishments: both their quality and their preponderance within Norway's prison system. Judged on the basis of survey data from closed establishments alone, as [Johnsen and Granheim \(2012\)](#) also found, the differences between England & Wales and Norway seem much less substantial—though, as we discuss below, there are good grounds for some scepticism about drawing firm conclusions from such data alone. The results also indicate that, although open establishments are far from 'pain-free' (see [Neumann 2012](#); [Shammas 2014](#)), prisoners rate them as considerably more decent and less painful than closed establishments. Such findings represent more than just an administrative matter: as others have argued ([Pratt and Eriksson 2011](#); [Pakes 2020](#); [Mjåland et al. 2022](#)), the use and nature of open prisons in the Nordic nations reflects a particular kind of penal philosophy.

The experience of remand in Norway

A comparison of the assessments made by remand compared to sentenced prisoners helps us to evaluate another of the key criticisms of the Nordic exceptionalism thesis i.e. its inattention to conditions of highly restrictive confinement experienced by un-sentenced prisoners ([Smith 2012](#); [2017](#); [Barker 2013](#)). In [Table 4](#), we present the dimension scores, first, for remand and sentenced prisoners in England & Wales, second, for remand and sentenced prisoners in Norway, and, third, for remand and sentenced prisoners in closed conditions in Norway.

⁶ The significance scores relate only to the comparisons between closed prisons in the two jurisdictions, between open prisons in the two jurisdictions, and between open and closed prisons in Norway, respectively.

⁷ Figures from official sources in HM Prison and Probation Service and the Norwegian Correctional Service.

Table 3. Dimension scores England & Wales and Norway—closed prisons and open prisons

	n = 738		n = 148		n = 75		n = 127		n = 148		n = 127	
	E&W closed prisons	Norway closed prisons	E&W open prisons	Norway open prisons	Norway closed prisons	Norway open prisons	Norway closed prisons	Norway open prisons	Norway closed prisons	Norway open prisons		
Weight (relational)	3.00	3.11	3.13	3.55***	3.11	3.11	3.11	3.55***	3.11	3.11	3.55***	3.55***
Weight (moral)	2.49	2.68**	2.58	3.13***	2.68	2.68	2.68	3.13***	2.68	2.68	3.13***	3.13***
Depth (restriction)	2.42	2.45	3.07	3.33*	2.45	2.45	2.45	3.33*	2.45	2.45	3.33***	3.33***
Depth (psychological)	3.28*	3.06	3.43	3.65***	3.06	3.06	3.06	3.65***	3.06	3.06	3.65***	3.65***
Autonomy	2.82	3.04***	2.95	3.22***	3.04	3.04	3.04	3.22***	3.04	3.04	3.22**	3.22**
Tightness	2.48	2.65*	2.61	3.14***	2.65	2.65	2.65	3.14***	2.65	2.65	3.14***	3.14***
Trust	2.31	2.41	2.41	2.58	2.41	2.41	2.41	2.58	2.41	2.41	2.58	2.58
Breadth	2.49	2.72**	2.85	3.31***	2.72	2.72	2.72	3.31***	2.72	2.72	3.31***	3.31***
Improvement	2.56	2.6	2.77	2.82	2.60	2.60	2.60	2.82	2.60	2.60	2.82*	2.82*
Safety	2.82	3.42***	3.24	3.89***	3.42	3.42	3.42	3.89***	3.42	3.42	3.89***	3.89***
Punishment & degradation	2.67	2.84*	2.97	3.47***	2.84	2.84	2.84	3.47***	2.84	2.84	3.47***	3.47***

* = significant difference ($p < 0.05$); ** = significant difference ($p < 0.01$); *** = significant difference ($p < 0.001$).

Table 4. Remand prisoners compared to sentenced prisoners

	<i>n</i> = 91		<i>n</i> = 621		<i>n</i> = 51		<i>n</i> = 198		<i>n</i> = 48		<i>N</i> = 84	
	E&W remand		E&W sentenced		Norway remand		Norway sentenced		Norway remand in closed conditions		Norway sentenced in closed conditions	
Weight (relational)	2.92	3.02	3.01	3.41***	3.01	3.41***	3.01	3.41***	3.01	3.41***	3.21	3.21
Weight (moral)	2.36	2.51*	2.58	2.96**	2.58	2.96**	2.56	2.96**	2.56	2.96**	2.72	2.72
Depth (restriction)	2.32	2.51*	2.28	2.98***	2.28	2.98***	2.25	2.98***	2.25	2.98***	2.53*	2.53*
Depth (psychological)	3.08	3.34*	2.89	3.42***	2.89	3.42***	2.84	3.42***	2.84	3.42***	3.15	3.15
Autonomy	2.81	2.85	2.97	3.17*	2.97	3.17*	2.98	3.17*	2.98	3.17*	3.05	3.05
Tightness	2.45	2.51	2.53	2.97***	2.53	2.97***	2.53	2.97***	2.53	2.97***	2.72	2.72
Trust	2.34	2.32	2.32	2.52	2.32	2.52	2.33	2.52	2.33	2.52	2.42	2.42
Breadth	2.53	2.55	2.53	3.06***	2.53	3.06***	2.51	3.06***	2.51	3.06***	2.74	2.74
Improvement	2.52	2.58	2.39	2.78**	2.39	2.78**	2.37	2.78**	2.37	2.78**	2.71*	2.71*
Safety	2.69	2.91*	3.45	3.71*	3.45	3.71*	3.45	3.71*	3.45	3.71*	3.46	3.46
Punishment & degradation	2.46	2.76**	2.61	3.26***	2.61	3.26***	2.59	3.26***	2.59	3.26***	2.99*	2.99*

* = significant difference ($p < 0.05$); ** = significant difference ($p < 0.01$); *** = significant difference ($p < 0.001$).

The differences between the experiences of remand compared to sentenced prisoners are more substantial and significant in Norway than in England & Wales.⁸ However, the significantly higher scores among those sentenced in Norway is to a large degree explained by the fact that many in this group are held in open prisons, compared to very few of those on remand. When we compare the dimension scores for remand and sentenced prisoners in closed conditions in Norway only, the scores are more negative for the former, but are statistically significant on only three dimensions ‘depth (restrictions)’, ‘improvement’ and ‘punishment & degradation’).

Bearing in mind that those held on remand are not yet convicted of any offence, and that they account for around one-third of the Norwegian prison population, our results lend empirical support to the claim that it is the ‘presumed innocent’ who experience their imprisonment as most painful (Smith 2017). That said, according to our survey findings, the experience of being a remand prisoner in Norway compared to England & Wales is relatively similar. So while remand conditions in Norway appear considerably more harmful than sentenced conditions in Norway, there is little evidence to suggest that the unusually restrictive remand period in Norway is experienced as worse than remand conditions in England & Wales. Indeed, since all remand prisoners in England & Wales are held in local prisons, where time-out-of-cell is limited, their circumstances are barely less restrictive than in Norway. In relative terms, the contrast between being sentenced and remanded are starker in Norway than in England & Wales, yet in absolute terms, remand prisoners in England & Wales represent the sub-group in our study with the most painful experiences of imprisonment. Moreover, if anything, as we note in our concluding comments, we are inclined to believe that our survey results may under-estimate the relative painfulness of imprisonment in England & Wales compared to Norway.

CONCLUSION

The Nordic exceptionalism thesis is much more about a particular kind of penal sensibility than the experience of imprisonment, as such. The aim of this article is not to address these macro-issues, but to provide an in-depth, empirical component to the debate, which can offer a more stable and detailed foundation for further work that does. In this regard, our study fills in some important gaps in the existing literature, much of which involves comparisons that are partial or implicit. On the basis of our study, much of the critique of Pratt’s (2008a, 2008b) and Pratt and Eriksson’s (2014) claims seems unduly harsh. Our comparison involves a single Nordic state and a single ‘neo-liberal’ comparator, and we do not wish to overstate the significance of our findings beyond these domains. Nonetheless, within the parameters of our study, there is little doubt that the typical experience of imprisonment is more humane and less damaging in Norway than in England & Wales.

Indeed, while the survey findings correspond with the conclusions we drew about the ‘texture’ of each prison system from our qualitative data, if anything, based on our interviews and observations—like Johnsen and Granheim (2012) – we were surprised not to find much larger differences between the survey results for the closed prisons in the two jurisdictions. In all areas, including the quality of treatment by staff, levels of care, trust, safety and personal autonomy and opportunities to maintain family relationships and other forms of access to the outside world, imprisonment in Norway felt and was described as substantially more humane than in England & Wales. In the former, we found a much less cynical, punitive and dehumanizing culture among officers, closer and more intimate relationships between prisoners and staff, more purposeful regimes, a stronger commitment to ‘normality’ and minimizing the harms of imprisonment, and significantly better living conditions, including food and accommodation of clearly higher quality, and living environments that were much less noisy, chaotic and oppressive.

⁸ The significance scores relate only to the comparisons between England & Wales remand and England & Wales sentenced, Norway remand and Norway sentenced, and Norway remand in closed conditions and Norway sentenced in closed conditions.

The consistency of these patterns was such that we are confident that our results would hold beyond the specific establishments that we sampled.

Here, it is worth noting that while researchers tend to compare jurisdictions, prisoners are very rarely making such judgments (though see Downes 1993). Rather, the qualitative components of our research lead us to suspect that they evaluate their circumstances in relation to proximate states of being or institutions that are analytically concealed: custody is compared to freedom; open prisons are compared to closed prisons; and assessments of the quality of treatment are shaped by standards that are taken for granted in contexts beyond the prison (Neumann 2012; Smith 2012; Sexton 2015) or by pre-formed expectations of what imprisonment will entail. In this regard, survey comparisons that are intra-national may have more validity than those that are cross-national.

This makes it all the more important to acknowledge the impossibility of perfect comparison, to resist literal readings of cross-national data, and to supplement formal, quantitative comparisons with qualitative insight. Thus, while we support Brangan's (2020) suggestion that cross-national penology should move beyond 'culturally comparable' nations (607), our experience is that, even when comparing jurisdictions with a considerable degree in common, doing so is far from straightforward. Our conceptual framework represents an advance on many existing metrics, and, at the very least, provides a basis for bi-directional analysis which tempers the risk that the complexity of any one nation's penal practices are crushed into a single label (i.e. punitive or lenient). Even so, making sense of the data requires insight that is best derived from methodological pluralism, and from both familiarity and cultural distance.

As we have demonstrated, none of this is to suggest that imprisonment in Norway is not, in all manner of ways, painful. Moreover, part of our aim has been to differentiate between different elements of Norwegian penalty, in ways that emphasize the vast experiential difference between being in one of Norway's open prisons and being on remand in a high-security closed establishment. Just as it is injudicious to derive conclusions about a nation's penalty from research undertaken in a small number of institutions, it is reductive to look at a country's penal qualities as a whole, in ways that flatten huge variation between different parts of any system (Brangan 2020). Likewise, while we are sympathetic to perspectives that emphasize the essentially prison-like qualities of all prison systems, our view is that it remains vital to identify which prisons and systems produce more and less damage and distress.

FUNDING

This work was supported by the European Research Council [Grant No. 648691].

REFERENCES

- Agar, M. H. (1996), *The Professional Stranger: An Informal Introduction to Ethnography*, Vol. 2. Academic Press.
- Andersson, R. (2017), 'A Culture of Intervention—Vagrancy and Drug Treatment in Sweden from the Late 19th Century Until Today', in P. Scharff Smith and T. Ugelvik, eds., *Scandinavian Penal History, Culture and Prison Practice*, 103–25. Palgrave Macmillan.
- Balvig, F. (2005), 'When Law and Order Returned to Denmark', *Journal of Scandinavian Studies in Criminology and Crime Prevention*, 5: 167–87.
- Barker V. (2013), 'Nordic Exceptionalism Revisited: Explaining the Paradox of a Janus-faced Penal Regime', *Theoretical Criminology*, 17: 5–25.
- Braithwaite, J. (1989), *Crime, Shame and Reintegration*. Cambridge University Press.
- Brangan L. (2020), 'Exceptional States: The Political Geography of Comparative Penology', *Punishment & Society*, 22: 596–616. doi: [10.1177/1462474520915995](https://doi.org/10.1177/1462474520915995).
- Cavadino, M. and Dignan, J. (2006), 'Penal Policy and Political Economy', *Criminology & Criminal Justice*, 6: 435–56.

- Crewe B. (2011), 'Depth, weight, tightness: Revisiting the pains of imprisonment', *Punishment & Society*, 13: 509–29.
- Crewe B. (2015), 'Inside the Belly of the Beast: Understanding and Conceptualising the Experience of Imprisonment', *The International Journal for Crime, Justice and Social Democracy*, 4: 50–65.
- Crewe B. (2021), 'The Depth of Imprisonment', *Punishment & Society*, 23: 335–54.
- Downes, D. (1993), *Contrasts in Tolerance*. OUP.
- Engbo, H. J. (2017), 'Normalisation in Nordic Prisons—From a Prison Governor's Perspective', in P. Scharff Smith and T. Ugelvik, eds., *Scandinavian Penal History, Culture and Prison Practice*, 327–52. Palgrave Macmillan.
- Finnane M. (2013), 'Review Essay: John Pratt and Anna Eriksson (2013) 'Contrasts in Punishment: An Explanation of Anglophone Excess and Nordic Exceptionalism'', *International Journal for Crime, Justice and Social Democracy*, 2: 120–34.
- Franke, H. (1990), 'Dutch tolerance: facts and fables', *The British Journal of Criminology*, 30: 81–93.
- Garland, D. (2001), *The Culture of Control: Crime and Social Order in Contemporary Society*. Oxford University Press.
- Hörnqvist M. (2012), 'Book Review: Thomas Ugelvik and Jane Dullum (eds), 'Penal Exceptionalism? Nordic Prison Policy and Practice'', *Theoretical Criminology*, 16: 257–9. doi: [10.1177/1362480612441699a](https://doi.org/10.1177/1362480612441699a).
- Hulley, S., Crewe, B. and Wright, S. (2016), 'Re-examining the Problems of Long-term Imprisonment', *The British Journal of Criminology*, 56: 769–92.
- Ievins, A. and Mjåland, K. (2021). 'Authoritarian Exclusion and Laissez-faire Inclusion: Comparing the Punishment of Men Convicted of Sex Offenses in England & Wales and Norway'. 59: 454–79.
- Johnsen, B. and Granheim, P. K. (2012), '11 'Prison Size and Quality of Life in Norwegian Closed Prisons in *Penal Exceptionalism? Nordic Prison Practice and Policy*, 199–214.
- Karstedt S. (2015), 'Cultural Peers and Penal Policies: A Configurational Approach Toward Mapping Penal Landscapes', *Punishment & Society*, 17: 374–96. doi: [10.1177/1462474515590890](https://doi.org/10.1177/1462474515590890).
- Kramer D. (2013), 'Book Review: John Pratt and Anna Eriksson, 'Contrasts in Punishment: An Explanation of Anglophone Excess and Nordic Exceptionalism'', *New Zealand Sociology*, 28–213.
- Lacey, N. (2008), *The Prisoners' Dilemma*. CUP.
- Lacey, N., Soskice, D., and Hope, D. (2018), 'Understanding the Determinants of Penal Policy: Crime, Culture, and Comparative Political Economy', *Annual Review of Criminology*, 1: 195–217. doi: [10.1146/annurev-criminol-032317-091942](https://doi.org/10.1146/annurev-criminol-032317-091942).
- Laursen J. (2022), 'Radical Hope and Processes of Becoming: Examining Short-term Prisoners' Imagined Futures in England & Wales and Norway', *Theoretical Criminology*. doi:[10.1177/13624806211069545](https://doi.org/10.1177/13624806211069545).
- Lazar S. (2012), 'Disjunctive Comparison: Citizenship and Trade Unionism in Bolivia and Argentina', *Journal of the Royal Anthropological Institute*, 18: 349–68. doi:[10.1111/j.1467-9655.2012.01747.x](https://doi.org/10.1111/j.1467-9655.2012.01747.x).
- Liebling, A. and Arnold, H. (2004), *Prisons and Their Moral Performance: A Study of Values, Quality, and Prison Life*. OUP Clarendon.
- Liebling, A. (2011), 'Moral Performance, Inhuman and Degrading Treatment and Prison Pain', *Punishment & Society*, 13: 530–50. Sage. doi: [10.1177/1462474511422159](https://doi.org/10.1177/1462474511422159).
- Liebling, A., Hulley, S. and Crewe, B. (2011), 'Conceptualising and Measuring the Quality of Prison Life', in D. Gadd, S. Karstedt and S. Messner, eds., *The SAGE Handbook of Criminological Research Methods*, 358: 372.
- Mathiesen, T. (2012), 'Scandinavian Exceptionalism in Penal Matters: Reality or Wishful Thinking?', in T. Ugelvik and J. Dullum, eds., *Penal Exceptionalism? Nordic Prison Policy and Practice*, 13: 37. Routledge.
- Mjåland, K., Laursen, J., Schliehe, A. and Larmour, S. (2022), 'Contrasts in Freedom: Comparing the Experiences of Imprisonment in Open and Closed Prisons in England and Wales and Norway', *European Journal of Criminology*. doi: [10.1177/14773708211065905](https://doi.org/10.1177/14773708211065905).
- Nelken, D. (2009), 'Comparative Criminal Justice: Beyond Ethnocentrism and Relativism', *European Journal of Criminology*, 6: 291–311. doi: [10.1177/1477370809104684](https://doi.org/10.1177/1477370809104684).
- Nelken, D. (2010), *Comparative Criminal Justice: Making Sense of Difference*, Vol. 1. Sage
- Neumann, C. B. (2012), 'Imprisoning the Soul', *Nordic Prison Practice and Policy-Exceptional Or Not?: Nordic Prison Policy and Practice*, 139–155.
- Nilsson, R. (2012), '5 'The Most Progressive, Effective Correctional System in the World', *Penal Exceptionalism? Nordic Prison Practice and Policy*, 79–99.
- Pakes, F. (2020), 'Old-fashioned Nordic Penal Exceptionalism: the Case of Iceland's Open Prisons', *Nordic Journal of Criminology*, 21: 113–28. doi: [10.1080/2578983x.2020.1809199](https://doi.org/10.1080/2578983x.2020.1809199).
- Pratt, J. (2008a), 'Scandinavian Exceptionalism in an Era of Penal Excess. Part I: The Nature and Roots of Scandinavian Exceptionalism', *The British Journal of Criminology*, 48: 119–37.

- Pratt, J. (2008b), 'Scandinavian Exceptionalism in an Era of Penal Excess: Part II: Does Scandinavian Exceptionalism Have a Future?', *The British Journal of Criminology*, 48: 275–92.
- Pratt, J. (2021), 'The Nordic Exceptionalism Thesis Revisited', in C. Hamilton and D. Nelken, eds., *The Research Handbook on Comparative Criminology*. Elgar Publishing.
- Pratt, J. and Eriksson, A. (2011), "Mr Larsson is Walking Out Again". The Origins and Development of Scandinavian Prison Systems', *Australian & New Zealand Journal of Criminology*, 44: 7–23. doi: [10.1177/0004865810393105](https://doi.org/10.1177/0004865810393105).
- Pratt, J. and Eriksson, A. (2012), 'In Defence of Scandinavian Exceptionalism', in T. Ugelvik, and J. Dullum, eds., *Nordic Prison Practice and Policy-Exceptional Or Not?: Nordic Prison Policy and Practice*, 235–260.
- Pratt, J. and Eriksson, A. (2014), *Contrasts in Punishment: An Explanation of Anglophone Excess and Nordic Exceptionalism*. Routledge.
- Reiter, K., Sexton, L., and Sumner, J. (2017), 'Negotiating Imperfect Humanity in the Danish Penal System', in P. Scharff Smith and T. Ugelvik, eds., *Scandinavian Penal History, Culture and Prison Practice*, 481–508. Palgrave Macmillan.
- Reiter, K., Sexton, L. and Sumner, J. (2018), 'Theoretical and Empirical Limits of Scandinavian Exceptionalism: Isolation and Normalization in Danish prisons', *Punishment & Society*, 20: 92–112.
- Schinkel, M. (2014), *Being Imprisoned: Punishment, Adaptation and Desistance*. Springer.
- Schliehe, A., Laursen, J. and Crewe, B. (2021), 'Loneliness in Prison', *European Journal of Criminology* doi:[10.1177/1477370820988836](https://doi.org/10.1177/1477370820988836).
- Sexton, L. (2015), 'Penal Subjectivities: Developing a Theoretical Framework for Penal Consciousness', *Punishment & Society*, 17: 114–36. doi: [10.1177/1462474514548790](https://doi.org/10.1177/1462474514548790).
- Shammas V.L. (2014), 'The Pains of Freedom: Assessing the Ambiguity of Scandinavian Penal Exceptionalism on Norway's Prison Island', *Punishment & Society*, 16: 104–23.
- Shammas, V. L. (2017) 'Prisons of Labor: Social Democracy and a Triple Transformation of the Politics of Punishment in Norway, 1900-2014', in P. Scharff Smith and T. Ugelvik, eds., *Scandinavian Penal History, Culture and Prison Practice*, 3–31. Palgrave Macmillan.
- Smith, P. S. (2012), '3 'A Critical Look at Scandinavian Exceptionalism', in T. Ugelvik and J. Dullum, eds., *Penal Exceptionalism? Nordic Prison Practice and Policy*, 38. Routledge.
- Smith, P. S. and Ugelvik, T. (2017a), 'Introduction: Punishment, Welfare and Prison History in Scandinavia', in P. Scharff Smith and T. Ugelvik, eds., *Scandinavian Penal History, Culture and Prison Practice*, 3–31. Palgrave Macmillan.
- Smith, P. S. and Ugelvik, T. (2017b), 'Punishment and Welfare in Scandinavia', in P. Scharff Smith and T. Ugelvik, eds., *Scandinavian Penal History, Culture and Prison Practice*, 511–29. Palgrave Macmillan.
- Smith, P. S. (2017), 'Punishment Without Conviction? Scandinavian Pre-Trial Practices and the Power of the "Benevolent" State', in P. Scharff Smith and T. Ugelvik, eds., *Scandinavian Penal History, Culture and Prison Practice*, 129–55. Palgrave Macmillan.
- Ugelvik, T. (2012), 'The Dark Side of a Culture of Equality: Reimagining Communities in a Norwegian Remand Prison', in Ugelvik, T. and Dullum, J., eds., (2012), *Penal Exceptionalism? Nordic Prison Practice and Policy*. Routledge.
- Ugelvik T. (2013), 'Book Review: John Pratt and Anna Eriksson, 'Contrasts in Punishment: An Explanation of Anglophone Excess and Nordic Exceptionalism'', *Theoretical Criminology*, (4): 580–2. doi: [10.1177/1362480613498495](https://doi.org/10.1177/1362480613498495).
- Ugelvik, T. and Dullum, J., eds. (2012), *Penal Exceptionalism? Nordic Prison Practice and Policy*. Routledge.
- Wacquant, L. (2001), 'The Penalization of Poverty and the Rise of Neo-Liberalism', *European Journal on Criminal Policy and Research*, 9: 401–12.