

**DOES SCANDINAVIAN EXCEPTIONALISM CREATE HUMANE PRISONS? A
COMPARATIVE ANALYSIS OF NORWEGIAN AND CANADIAN PRISONS.**

By

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Under the Supervision of

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MOUNT ROYAL UNIVERSITY

CALGARY, AB, CANADA

Dedication

To Carolin Helder, 1966-2021.

Your passion for making the world a better place has inspired me to do the same.

Territorial Acknowledgement

Mount Royal University is located in the traditional territories of the Niitsitapi (Blackfoot) and the people of Treaty 7 which includes the Siksika, the Piikani, the Kainai, and the Tsuut'ina, and the Îyârhe Nakoda. We are situated on land where the Bow River meets the Elbow River, and the traditional Blackfoot name of this place is Mohkinstsis, which we now call the City of Calgary.

The City of Calgary is also home to the Métis Nation.

Abstract

The creation of humane prisons is a nearly impossible task, however some countries have been praised for being better at it than the rest. Scandinavian countries have been praised for their humane conditions within their prisons and the success of the prisons applications within their welfare state, leading to the creation of the concept of Scandinavian exceptionalism. This thesis examines the legitimacy of Scandinavian exceptionalism by comparing Halden maximum-security prison in Norway to Millhaven Institution in Canada. The two prisons, while comparable in their goals and types of inmates, are very different in their perception by prison officers, inmates, and the public. Halden Prison is praised for architectural design, training for officers, and programs for offenders, while Millhaven is often critiqued for the same aspects. This study analyses each prison within the context of their respective country's prison system as a whole. The research also points out the strengths and weaknesses of each prison and how they compare to each other. The study concludes by comparing the two prisons within the context of Scandinavian exceptionalism and offering suggestions of how elements that each prison could learn from each other.

Acknowledgements

This thesis is dedicated to my mother, Carolin Helder. Losing her was the hardest part of this degree. She was always the first person I told about what I was doing at school and I have wanted nothing more than to tell her about this thesis every step of the way. She was endlessly supportive of my constantly changing plans for my life, and for that I am eternally grateful. I know that she would be proud of me for pushing through, and not only graduating but doing it with honours. To my dad, Ed, thank you for being unconditionally supportive of me both financially and emotionally. Your encouragement to always do what is best for me in my life has helped make growing up much less scary.

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Does Scandinavian Exceptionalism Create Humane Prisons?

As countries around the world start making shifts to more humane forms of crime control and punishment, discourse has been rising on which countries stand out from the crowd. Throughout these discussions, Scandinavian and Nordic nations have come to be viewed as the ideal of humane penal systems and prison design. This in turn has led into the concept of Scandinavian exceptionalism, or that these northern countries like Norway, Sweden, and Denmark have design their penal systems in such a way that they are not only more humane in their treatment of inmates, but more successful in rehabilitation. According to Pratt (2008a), who initially coined the term Scandinavian exceptionalism, these countries stand out in not only the design of their prison, but also the level of imprisonment within the countries, with comparatively low numbers of people imprisoned compared to the rest of the world.

The theory of Scandinavian exceptionalism is not without its criticisms. Scholars from these Scandinavian and Nordic countries critique Pratt for his lack of understanding of the culture and history of the countries he studies, as Pratt himself is not native to any of them, which leads to overgeneralization of trends and ignoring of important issues within the systems (Mathiesen, 2011, p.14). Despite the criticism however, the concept of Scandinavian exceptionalism is still one that can add valuable insight into the discussions around the best or most humane designs of prison or penal system. Comparisons to other countries prisons can also contribute to understanding if Scandinavian exceptionalism actually exists, and if it does to what extent it can be applied. By comparing prisons in other Western countries, such as Canada, to those in Scandinavian countries, it can be seen that the prisons in Scandinavian countries take a more humane approach to punishment and rehabilitation.

Methodology

The first step in comparing Norwegian and Canadian prison models in the context of Scandinavian exceptionalism was conducting a literature review to understand the history and context of Scandinavian exceptionalism as well as the research that has been conducted surrounding it. This literature review was conducted using the Mount Royal University Library online database. Search terms, “Scandinavian exceptionalism” and “Nordic exceptionalism” were used to find sources. The results were filtered based on their subject, including only those who’s subject was criminology, criminal justice, penology, prisons, and other related categories. Resources were included based on their discussion of Scandinavian or Nordic exceptionalism in the context of prisons that were based in Norway, Finland, Sweden, Denmark, and Iceland. Resources were excluded if they discussed Scandinavian or Nordic exceptionalism in the context of parolees, immigration, or art and culture, as well as other topics that did not ultimately relate back to prisons or prison systems. Resources that were not written in English or could not reliably be translated into English were also excluded.

To compare Norwegian and Canadian prison systems one federal maximum-security prison was chosen from each country. The prisons were chosen based on their security level, the types of offenders housed at the institution, and the age of the prison. The amount of literature, reports, and research available on the prisons was an additional deciding factor for which prison from each country was chosen. Ultimately Halden Prison in Norway and Millhaven Institution in Canada were chosen to be compared for the purposes of this study.

To collect information on both of the prisons, online searches were conducted to obtain as much information as possible. Mount Royal University Library database, Google Scholar, Government of Norway, and Government of Canada, were used to find scholarly articles,

studies, and reports from each institution. Regular Google searches were also used to find investigative journalism sources such as documentaries that filmed inside either institution and memoirs from former inmates. These sources were used to fill the gaps in the available academic research for perspectives from people who served time in the institutions.

In addition to research on each individual prison, research was conducted on the countries prison systems as a whole. Books and articles which discussed each country's perspective on crime and punishment were used to understand the individual prisons in the context of their country's penal system. Additionally, government reports pertaining to each individual prison and their prison system were included to understand the specific goals that the governments of each country have for their prisons.

All sources used to gather information about the individual prisons and the Norwegian and Canadian prison systems were included based on their relevance to the specific system or prison. Sources that focused on different institutions in each country were included if they included relevant information on the prison system as a whole. Sources that were written in Norwegian, French, or another language and could not be reliably translated into English were excluded.

As this study did not use any primary data, no research ethics approval was required.

Limitations

Only two countries were used in the comparison for this study, limiting its scope to only the perspectives found in those countries. Although the information found in this study can be used to gain an understanding of the accuracy of the concept of Scandinavian exceptionalism, because it only looked at Norway, it can not be directly interpreted onto other Nordic and

Scandinavian countries. As Canada was the only non-Scandinavian country studied, it also cannot be accurately applied to other American or Western countries such as the United States.

As this project was completed within the final two semesters of a degree program, there were time limitations to how far the research could go. As a result, only one prison was studied from each country. While these case studies can give a general baseline idea for the state of each country's respective prison system, and as much context was given as possible, they are not a complete reflection of the systems as a whole or all of the nuances that each system experiences. Further studies into other prisons in each country would have to be conducted to get a thorough understanding of the topic.

Finally, while this study compared two different countries and their prisons, as a citizen of Canada from birth, my own biases likely influenced elements of the research. I have experienced Canadian culture for my entire life and have studied the Canadian justice system throughout the entirety of my bachelor's degree. These experiences influence my own perspective and understanding of the Canadian prison system. On the other hand, I have extremely limited first-hand knowledge of Norwegian culture and their prison systems. As a result, there are undoubtedly aspects of the culture and system that are not fully represented within this research.

Literature Review

Scandinavian Exceptionalism

Scandinavian exceptionalism, also sometimes referred to as Nordic exceptionalism, is often used to describe the comparatively exceptional standards and results of justice within Scandinavian countries. One of the most notable studies into this is John Pratt's, *Scandinavian*

Exceptionalism in an Era of Penal Excess, two-part study. In the first part of the study, *The Nature and Roots of Scandinavian Exceptionalism*, Pratt defines what he considers Scandinavian exceptionalism as the comparatively low levels of incarceration in combination with the more humane prison environments often found in the countries he studied (Pratt, 2008a). Moreover, in this first part of his study Pratt (2008a), explains how these prison systems could come to exist within Scandinavian countries, attributing it largely to their relative cultural homogeneity and the development of the Scandinavian welfare state in the early to mid 1900s. The second part of the study *Does Scandinavian Exceptionalism Have a Future?*, analyses how the changing demographics within the countries effected the ability for both the Scandinavian welfare state as well as Scandinavian exceptionalism to exist (Pratt, 2008b). What Pratt does not discuss in either part of his study are the specifics of how these exceptional prisons are designed, or what their individual goals are. Additionally, although he does briefly discuss the role that increasing diversity has played in the course of Scandinavian exceptionalism, he does not discuss how diversity issues may impact the ability for other countries to implement similar models.

Many of the existing studies surrounding Scandinavian exceptionalism build on Pratt's 2008 study. The theory has been tested through comparative studies of prison systems to determine if its beliefs that Scandinavian prisons are more humane than prisons in other western countries. One such study that compared the experiences of inmates in Norwegian prisons to that of inmates in prisons in England and Wales found that although the pains of imprisonment in Norway are still very strongly experienced by inmates, it is generally more humane and less damaging than the experience of prisoners in England and Wales (Crewe et al., 2022). Another study of Norwegian prisons found that the relationships between guards and prisoners, which is often considered part of what makes Scandinavian prisons exceptional, can be indicative of

humane prison conditions in small prisons, although in larger prisons within the country that is not as true in larger prisons (Johnsen et al., 2011). Both of these studies ultimately highlight the idea that Pratt's theory can be accurately applied in practise to prisons while also taking the time to point out the flaw in what can often be an idealized theory.

Critiques of Scandinavian Exceptionalism

Others who have conducted research on Scandinavian and Nordic penal systems, especially researchers from those countries, offer critiques of Pratt's ideal of Scandinavian exceptionalism. Mathiesen (2011), describes that although Pratt's study offers some strong suggestions of how Scandinavia can be an example for other countries, his omissions of certain issues such as suicide rates and drug crimes in prisons, which he believes is largely due to Pratt not being from any Nordic or Scandinavian country himself, has created an exaggerated positive idea of the penal systems in these countries. Other scholars similarly conclude that although Scandinavia can be used as an example of a strong welfare state, the theory of Scandinavian exceptionalism overplays how exceptional Nordic prison's really are and underestimates the increase of punitivism in countries like Norway (Barry & Leonardsen, 2012).

Although it is not always agreed upon which countries are included in Scandinavian or Nordic exceptionalism, Denmark is often added into the group of exceptional prison systems. A study of Tina Enghoff's photography series depicting the experience of prisoners kept inside solitary confinement cells in Ringe state prison in Denmark concludes that the idea of Scandinavian exceptionalism is little more than a myth (Wolthers, 2017). Similarly a study by Reiter et al. (2017) focused on the use of solitary confinement in Danish prisons exposed the lack of nuance offered by the Scandinavian exceptionalism thesis, in that it ignores the purpose of prisons being primarily to punish people, and that what makes Danish prisons exceptional is not

that they are the ideal of humane prisons, but rather that they actively engage with and attempt to balance the variety of goals of incarceration. These studies demonstrate well one of the overarching critiques of Scandinavian exceptionalism, that although Scandinavian prisons demonstrate humane conditions compared to other countries systems, the theory of Scandinavian exceptionalism paints them too perfectly completely ignoring the areas in which these prisons still cause pains to the inmates. Although Scandinavian prisons can be interpreted to do a good job of imposing less harsh conditions on prisoners, they are ultimately still prisons, and must uphold the goal of punishing criminals for their offences. In this same way, a study on human rights violations in Swedish prisons concluded that although the Swedish penal system may be more lenient than other penal systems, it still includes practices that can generally be seen as inhumane (Barker, 2012).

Conclusion

Although the idea of Scandinavian or Nordic exceptionalism has become increasingly popular since Pratt's initial research, the number of studies conducted to determine its accuracy in practice is limited. Researchers have also come back with conflicting opinions on the theory in general. While some wholly reject the theory as overly optimistic about the state of the Scandinavian welfare state and Scandinavian prison systems, others agree with it, finding that compared to other prison systems those in Scandinavian and Nordic countries are generally more humane. The discourse around the theory points both to its ability to distinguish how Scandinavian countries stand apart from other parts of the world in their ability to create more humane penal systems, but also the theory's inability to account for the distinct challenges that Scandinavian prisons face and the areas in which they fail.

Present Study

The comparison in this study seeks to begin understanding how humane the conditions are within maximum-security closed prisons in Norway are compared to those within Canada. The research looks to fill the gaps in comparative research between Scandinavian prison systems to other prison systems. It will gain a better understanding of if Scandinavian exceptionalism is a theory that can be applied in the context of comparative analyses of prisons.

Halden Prison Case Study

Norwegian Views on Justice and Punishment

The Norwegian justice system, including the prison system, is largely centered around the ideology that inmates are entitled to all the same rights as members of the public (The Ministries, 2018). While this is an incredibly simple concept, its execution is much more complicated, given that the larger goal of prisons is to punish offenders for the crimes that they have committed against other individuals or society. It is important to note before going further into the analysis of the Norwegian prison system, that it was not always the same as it is today. Like all justice systems, the Norwegian system faces significant challenges when addressing mental health and racial issues, and in the 1980s and 90s these issues fed into an increasingly hostile environment within the prisons (Høidal, 2018). During this period, the recidivism rates for offenders were as high as 63 percent to 80 percent, and two separate incidents occurred that caused the deaths of prison officers (Høidal, 2018).

For the change from what the Norwegian prison system was in the 1980s and 90s to what it has become today, a massive paradigm shift had to take place, one that changed the views on justice from punitive to rehabilitative. To do this, the improved system must both satisfy society's need for offenders to be fully punished for the crime they committed, as well as its need

for those same offenders to not reoffend after they have completed their sentence (The Ministries, 2018). This ideal was legislated in what is commonly referred to as White Paper I, which was created in 1997-1998 and outlined the new values and objectives of the Norwegian Correctional Service, specifically focusing on the goal of both reducing recidivism and mitigating the negative effects of serving a sentence (Pratt, 2008a). To do this, prisons rely on collaboration with other government sectors which coordinate other societal institutions, such as health and wellness, social services, and work-related assistance (The Ministries, 2018). By doing so, the lives of offenders after they are released from prison are no longer solely the responsibility of the justice system, but rather the responsibility of society as a whole. This also reflects the understanding that when these individuals are released back into society, it is in the best interest of the people that they will be living around that they are upstanding citizens, who are less likely to reoffend or potentially harm the communities that they reintegrated into.

The Normality Principle

Norway attributes much of its prison system's success to their implementation of what they refer to as the normality principle. This principle outlines how prisoners should experience a regular routine while living in prison, with a daily framework, and the same rights and obligations to society that they would hold outside of prison (Tønseth & Bergsland, 2019). This inclusion of regular rights and responsibilities includes access to education, with mandatory primary and secondary education being provided in Norwegian prisons, as well as the option for all prisoners to seek post-secondary education while serving their sentence (Roth et al., 2017). Each aspect of an inmate's day to day life is based on what a relatively normal routine would be outside of the prison's walls, hoping to relieve some of the pressure put on the inmates to adapt to a drastically different environment than what they are used to on the outside.

Fundamentally, Norway's attitude towards punishment for crime centers around the belief that the sentence should never be unnecessarily severe, and that a person being deprived of their personal liberty is the punishment, without the conditions within the prison being additional punishment (Høidal, 2018). In Norway, to take a person out of the life they had, and removing their freedom to move around wherever they want, is a harsh enough punishment for crime. Rather than focusing on creating a harsh punishment within prison walls, the focus is rather placed onto rehabilitating the inmates so that after they have completed their sentence they can reintegrate into society as individuals who members of the public would be comfortable calling their neighbours.

Halden Prison

Background

Halden prison is a maximum-security men's prison and is the second largest correctional institution in Norway, with the capacity to house up to 250 inmates (Abdel-Salam & Kilmer, 2022). It was the first prison constructed after the creation of White Paper I, designed with the intention of setting inmates up to be able to rejoin their communities after their sentence (Høidal, 2018). Halden is only one of 47 prisons in Norway, that serve a total population in the country of 4.6 million people (Pratt, 2008a), a ratio that is much different from other non-Scandinavian countries. This large quantity of prisons over a relatively small country, both geographically and by population, allows for most inmates to be sent to a facility nearby their own home, thereby keeping them close to their friends, families, and communities, as well as the social services that they will need upon release (Pratt, 2008a). All of this is designed to contribute to the inmates' successful reintegration once they have completed their sentence.

The creation of Halden prison was in part to reduce the length of the waiting list for Norwegian prison places in the 1990s and early 2000s, with one of its initial goals being to reduce some of the pressure on the prison system (Høidal & Hanssen, 2023, p. 41). In addition to alleviating pressure on the system, Halden was also designed as a modern approach to punishment. It was to implement the new principle in the Norwegian Correctional Service of helping inmates progress towards reintegration into society during their sentence, by moving them from higher levels of security to lower levels over time until they are released onto parole (Høidal, 2018). To do this, Halden must follow its motto of “change that lasts”, which hopes to rehabilitate offender, leading them to take preventing themselves from committing crime into their own hands (Høidal, 2018). This goal is worked towards in every aspect of how Halden is designed, as well as the training that staff receive and the programs and services available to offenders.

The Inmates

Given that Halden is a maximum-security prison, most of the men serving sentences there have committed serious criminal offences. Large percentages of the men have committed violent crimes or drug offences, and the average sentence being served is approximately six years (Abdel-Salam & Kilmer, 2022). An average prisoner is also likely to have experienced an unstable childhood, with drug addiction, split parents, and abuse being regular parts of their life, and likely have not completed a secondary school education (Høidal & Hanssen, 2023, p. 22). Many of the prisoners also suffer from various mental disorders, with reports showing that a vast majority of the prisoners in Norwegian prisons demonstrating signs of at least one personality disorder or mental illness (Høidal & Hanssen, 2023, p. 58). Overall, the prisoners in Halden are troubled men, most of whom are serving sentences for serious offences. Taking this

understanding of who the prisoners are who are serving time at Halden can help to comprehend the magnitude of the challenge that the Norwegian Correctional Service has been facing when attempting to create a system that rehabilitates them and reduces recidivism.

Architectural Design

Halden's goal of reintegrating offenders is a common theme across the architectural and spatial design of the prison. Its architecture reflects its overarching goals of creating a prison that can also serve as a rehabilitative space for the criminals that it houses. It attempts to create a space that is less hostile than other prisons and can facilitate therapeutic measure for the inmates.

The physical design of Halden prison had to achieve multiple different motives of human centered design simultaneously. Not only did the designers have to create a punitive space where prisoners could be faced with the consequences of their crimes, but also a place where the inmates could learn and grow. The prison's architects have described the concept for it as a contrast between the 'hard' removal from freedom, and the 'soft' aim of rehabilitation (Helsing Almaas, 2016, p. 90). These two seemingly clashing objectives required an incredibly innovative design for a prison that would not be solely focused on punishment. This is reflected in the prison's design being centered around natural life. Halden is designed in multiple buildings, causing prisoners to have to regularly walk outside in nature to get from place to place, a representation of life outside prison as people move from home to work, while also focusing on the impact that spending time connected to nature has for building self-esteem (Høidal & Hanssen, 2023, p. 42). The outdoor landscape itself is also designed with this importance of nature in mind. The landscape maintains the natural topography of the land, and pre-existing vegetation was maintained as much as possible, effectively creating natural outdoor spaces (Helsing Almaas, 2016, p. 90).

Considering the rates of mental illnesses and disorders that are found amongst people who have committed criminal offences, this use of nature and environment in the prison design appears to reflect the goals of rehabilitation. This concept is rooted in the ideas of biophilic design, which outline that connecting people to nature, or biophilia, through the design of the environment around them, encourages a love of life, while also steering them away from further psychological regression (Söderlund & Newman, 2017). Applying these concepts hopes that by allowing inmates to have a degree of regular exposure to nature, their mental health will be positively impacted and their likelihood of reoffending will be decreased. Halden's design also reflects campus or cottage style of prison design, in which the prison is laid out in separate buildings and use 'softer' design elements, based on the idea that harsher prison environments create negative psychological and behavioural outcomes (Nadel & Mears, 2018). Put all together, Halden's architectural design attempts to create a space that allows prisoners to reflect and grow.

Prison Officers

A traditional relationship between prison guards and inmates cannot often be described as friendly. In Halden however, the guards are encouraged to maintain friendly relationships with the inmates. Host of "Inside the World's Toughest Prisons" Raphael Rowe asked one of the working guards at Halen about this relationship who said, "...we need to be good examples in terms of how they're supposed to treat others. It reflects how they should behave on the outside" (McConnel, 2018, 14:17). This relationship demonstrates the normality principle that Halden focuses on. It implements methods of dynamic security, which is an approach to security that requires officers to engage with inmates to be able to identify threats before they become a large-scale issue, while also using the relationship-building as a rehabilitative treatment method (Kilmer et al., 2023). By treating the relationships between officers and inmates as another form

of rehabilitation, each offender's path towards a life without crime on the outside is helped along within even the smallest everyday interactions they have during their sentence.

The officer's role in the prison is not just to be friendly with the inmates while they move them through their day-to-day routine. Officers are also assigned two or three inmates who they assist in creating a specific plan for the future, helping them to determine what rehabilitation or treatment they will need during their incarceration (Kilmer et al., 2023). Through this, the officers take an active role in the inmates' lives. This positive relationship with authority could help to reduce the negative associations that formerly incarcerated individuals hold towards authority figures after they complete their sentence, in turn making it easier for them to reach out for help when they need it.

Programs

The most notable way that Halden seeks to rehabilitate its inmates is through the programs and systems that are available to them, whether they be voluntary or required. One example of this is the heavy emphasis placed on the importance of education in reducing recidivism. Studies found that inmate populations had much lower average education than that of the regular population, with the average prisoner having only completed primary schooling (Tønseth & Bersland, 2019). Since it has been demonstrated that convicts with higher education are able to find a job more easily after their release, thereby more effectively reintegrating into society, educating prisoners has been determined to be a crucial factor in rehabilitation (Roth et. al, 2017). The education system in the prisons is the responsibility of the county governor for the area that the prison is in, also providing for follow-up classes for convicts that complete their sentence before they get the chance to finish their schooling (Tønseth & Bergsland, 2019). By making the education of inmates the responsibility of the broader Norwegian education system,

the government's import model is used to encourage different ministries serving a different societal need to work together in taking responsibility for decreasing recidivism.

Results

One of the main ways that the effectiveness of a particular country's prison system is typically measured is based on the number of inmates who reoffend after they are released after completing their sentence. Between the years of 2014 and 2018 in Norway, the percentage of offenders who were reconvicted within two years of their release from prison ranged from eighteen to twenty-four percent, with the percentage of reconvictions dropping slightly every year (Kristoffersen, 2022). While this number can be insightful for the general understanding of how well the Norwegian prison system appears to work, it does not directly represent the offenders of Halden prison. This is especially relevant because although this recidivism percentage is renowned for being one of the lowest in the world, Norway does have some unique characteristics that could contribute to driving this number so low, such as their imposition of harsh sentences such as imprisonment on groups of offenders who are at a low risk of recidivism such as traffic offenders (Høidal & Hanssen, 2023, p. 27), whereas other countries are more likely to sentence these types of offenders with fines. While the low number of offenders who reoffend within the first two years in Norway is low, it is crucial to understand it in this context to get a properly nuanced comparison to other countries' prison systems.

Critiques

The creation of a more rehabilitative approach to punishment is not an approach without its critiques. Inmates especially have discussed with various researchers and reporters about their own critiques of the system. Despite the appearance that the prison is lavish when compared to other international maximum-security prisons, the inmates quickly come to understand that their

time at Halden is not going to be easy. Even for inmates who have experience much harsher conditions in life outside prison walls, the conditions in Halden can be a painful transition. One inmate stated to reporter Raphael Rowe that,

... you'd be fooled if you think coming into a cell where you have these privileges is not tough. Why? For people who have experienced nothing but shit in their lives, all their lives, to be treated like this is gonna challenge everything they've learned. (McConnel, 2018, 7:20)

Even being treated with dignity can be a shock and challenge. Prisoners who are not used to being treated as a human in their life outside the prison can be shocked by the respect they are given inside, which can fundamentally challenge their worldview.

Inmates have also pointed out the dichotomy they experienced between the portrayals of Halden by the media and corrections officials, and what they actually experienced while serving time there, pointing out that they did not get to actually spend time in the natural spaces but rather could only look at it from inside (Abdel-Salam & Kilmer, 2022). While the use of biophilic design in the creation of Halden may have intended therapeutic effects, those effects are not likely to be strongly experienced if the inmates are not actually able to spend time in the natural areas. Rather than create an area of escape or peace for the inmates that could help with rehabilitation, the extremely limited access to outdoor spaces, while being able to see the nature from inside, could serve more strongly as a reminder of their own imprisonment and inability to experience aspects of life. Inmates also note that despite any therapeutic intentions, Halden is still a prison, a reality which they simply cannot escape no matter how “normal” it is designed to be (Abdel-Salam & Kilmer, 2022).

Discussions of how well the more friendly relationship with guards assists in the normal or therapeutic environment intended in Halden have also given interesting insights on the inner workings of the prison. Inmates have explained that although they can be comfortable making jokes with the guards, they can never fully trust them with more personal details about themselves because the uniform they wear and the institution they work for deeply represent a position of authority that the officers hold that does not allow for the inmates to ever fully trust them (Kilmer et al., 2023). Although the guards are encouraged and trained to be friendly with the inmates, they also must represent and work towards the goal of security within the prison. These two goals struggle to coexist, as to fully create a secure environment the guards may often have to use information they learn from prisoners in a way that feels to the inmates as if the guards are working against them, preventing them from being able to trust them.

Overall, Halden, alongside the rest of the Norwegian prison system, operates under lofty goals. Truly rehabilitating all offenders is likely not a goal that will every be entirely actualized. The most referred to statistics regarding recidivism within the Norwegian correctional service look extremely promising. However, if you are to look at the same offenders through different definitions of recidivism, the statistics can change drastically (Høidal & Hanssen, 2023, p. 26). This does not mean that it is not working. Other measures of prison success could also be referred to such as the dignity and respect that the offenders receive, the access they have to education and job training, and the connections they are able to maintain with social supports after finishing their sentence. There is no one way to definitively define the success of the prison, but what can be seen is the effort put into Halden to begin creating a more humane way of acting upon justice.

Millhaven Institution Case Study

Canadian Views on Justice and Punishment

Canadian Corrections as they are recognized today largely appears to trace back to the creation of the Kinston Penitentiary in 1835, which despite its intentions after the passing of the *British North America Act* in 1867 to meet the needs of offenders, quickly deteriorated into disparaging conditions as the costs to run the facility steadily increased and attitudes of ‘vengeance and dissuasion’ were harboured among prison officers (Ricciardelli et al., 2014, p. 100). Despite an environment of violence forming in Canadian prisons, the turning point for prison reform in Canada did not come until 1938, with the release of the Archambault Report, which created new overall goals for the justice system as crime prevention, offender rehabilitation, and deterrence, principles that are still applied in the present (Erdahl, 2001, p. 38). These principles also reflect the general perspectives held in Canada as to what the goals of the justice system should be so that communities can be as safe as possible.

Canada generally does not uphold the belief that increased use of prisons is a viable solution to crime. Rather, Canada has more strongly sided with views of penal pessimism, with a lack of any strong faith in the ability of incarceration to meet the country’s principles for the justice system, and rather finding that prisons are not very effective at rehabilitation or deterrence, causing a shift towards the desire to use other forms of justice (Cesaroni, 2021, p. 46). This attitude of penal pessimism is especially seen in Canada’s *Youth Criminal Justice Act*, which was created to restrict the use of incarceration for youth unless deemed necessary (Cesaroni, 2021, p. 195). This desire to move away from excessive use of incarceration is then reflected throughout the gradual changes that have been created in the Canadian Criminal Justice system.

Restorative Justice Programs

While Canada has been slow to create much productive prison reform, especially in maximum-security federal prisons, the country has been starting to consider some other forms of justice that can potentially be implemented before incarceration is even considered. This has been seen in the creation of a limited number of restorative justice programs across the country, including the use of sentencing circles which were first used in 1992 (Tompsonski, 2014). The slight shift in perspective towards restorative forms of justice was also given legislative footing in 1996, when the Criminal Code was amended to include community-based sentencing options for adult offenders who met certain requirements (Tompsonski, 2014). These types of justice focus on healing for both the offender and the victim, rather than the punitive approach of incarceration for the sake of getting justice and punishing the offender without regard for the consequences of the process on the victim. Although restorative justice measures are by no means the main method of justice in Canada today, the consideration of them within the system reflects Canadian's distaste for excessive incarceration and the desire for more holistic forms of justice.

Millhaven Institution

Background

Millhaven Institution is a maximum-security prison, that can house up to 496 prisoners, located on the same property as the medium security Bath Institution east of Bath, Ontario, which was initially opened in 1971 (Correctional Service Canada, 2017). It is one of 43 federal correctional facilities in Canada run by Correctional Service Canada (Cesaroni, 2021, p. 26). A large part of the reason that Millhaven was created was to help alleviate the pressure on the prison system in Ontario, and a group of prisoners and guards from Kingston Penitentiary were

scheduled to be transferred to Millhaven immediately following the completion of its construction (Fogarty, 2021, p. 30). Like Kingston Penitentiary, Millhaven is a maximum-security prison, designated to hold offenders who require higher levels of supervision, present a risk to society, or have a high chance of attempting to escape (Correctional Service Canada, 2019). Despite its intentions to be a better alternative to Kingston Penitentiary, Millhaven had a particularly tumultuous beginning. On the heels of massive riots at the Kingston Penitentiary, a group of inmates that had come from Kingston Penitentiary on April 19th, 1971, all claimed that they had been assaulted by prison guards upon their arrival at Millhaven, being forced to strip and being beaten by the guards (Fogarty, 2021, p. 136). Throughout the years following its opening, Millhaven would continue to have stories about prison officers assaulting inmates as well as general and sometimes violent unrest among the inmates there, garnering Millhaven a brutal reputation both among criminals and the media (Hertrich, 2019 p. 87). All this unrest and upheaval in Millhaven's early days only served to prove the impossible task it had in housing the most dangerous inmates in the country and the challenges it faced through calls of prison reform from both inside and outside as well as Canada's movement towards more humane justice.

The Inmates

As a maximum-security prison, Millhaven Institution has always been tasked with housing the inmates who have been deemed the most dangerous. Although exact statistics of the offences for the prisoners at Millhaven were not found, the men being held there can be understood in the larger context of the Canadian prison system. The annual statistical report by Public Safety Canada on corrections and conditional release can help to put the offenders at Millhaven into this greater context. Of the total prison population in Canada during 2020-2021, 26.8 percent were serving life or indeterminate sentences, the majority of whom were serving

their time in prison rather than on parole (Public Safety Canada, 2023). Most of these offenders were convicted for first or second-degree murder or had indeterminate sentences due to being designated as a dangerous offender (Public Safety Canada, 2023). Of the offenders held in custody across Correctional Service Canada facilities, 14.6 percent were placed in maximum security facilities (Public Safety Canada, 2023).

Among the prison population, issues including mental health concerns and the overrepresentation of Indigenous peoples have become a major concern. One study found that about 81 percent of all prisoners in Canadian prisons have met the diagnostic criteria for at least one mental health condition at some point in their life, commonly including alcohol or substance abuse disorders as well as anti-social personality disorder (Cesaroni, 2021, p. 121). This high rate of mental health disorders within the prison system highlights the need for a focus on mental health support both within and outside of prisons. Additionally, Indigenous peoples are drastically overrepresented in Canadian prisons. In 2016, 25.2 percent of men in federal prisons were Indigenous, despite Indigenous peoples only making up five percent of the total Canadian population (Leitch, 2018). Indigenous offenders are also overrepresented in higher security levels in prison, with 16.3 percent of Indigenous offenders being placed in maximum security prisons, compared to 14.5 percent of non-Indigenous offenders receiving the same classification (Leitch, 2018). Although none of these statistics are pulled directly from Millhaven, they give a strong representation of the inmates there and demonstrate some of the challenges that the maximum-security prison faces.

Architectural Design

Federal maximum-security prisons in Canada are designed to limit the movement of prisoners as much as possible, keeping them under constant surveillance and allowing the prison

officers to carry and use firearms, all within an institution that has a well-defined and secure perimeter using barbed-wire fencing and armed officers (Cesaroni, 2021, p. 27). Millhaven Institution specifically is designed with living units that can be directly observed branching off of a central control post, using a radial prison design (Correctional Service Canada, 2017). Radial prison design was initially suggested by Jeremy Bentham in 1787 with his panopticon model, that allowed for all prisoners to be watched from a central post, a model that became much less efficient as the numbers of inmates in a facility grew (Gökmen, 2021). The modern application of a radial prison uses long cell blocks attached to a central guard station and administrative wing, allowing for a smaller number of guards to be needed to watch all the inmates housed in the prison (Nadel, & Mears, 2020). This application of a prison design that is largely focused on security reflects the punitive role that Millhaven has, and its focus on security over rehabilitation.

Prison Officers

According to the Correctional Service Canada's job profile, the role of correctional officers in prisons is to maintain safety and security by watching for indicators that specific inmates, officers, or the institution as a whole, may be at risk and taking appropriate measure when required (Correctional Service Canada, 2013). To achieve this, correctional officers must interact with the inmates on a daily basis. This daily interaction means that it is the prisoners and staff who create the environment within the prison, and that the behaviour of the officers, whether it be influenced by their own perspectives on justice or other factors such as their working environment, can be interpreted by the inmates as a large variety of motives which can shape the overall environment of the prison (Cesaroni, 2021, p. 84).

Both from the historical accounts of the first intake of prisoners at Millhaven as well as the account of one man who served time at the institution in the late 1970s and 1980, the relationship between guards and prisoners is hostile. Edward Hertrich recalls in his book, *Wasted Time*, that there was for a significant period of time a group of prison officers who referred to themselves as “the Millhaven Mafia”, and were known to often attack inmates and their property as well as other officers who voiced any concern regarding the living conditions for the inmates, and did not de-escalate their attacks until an inquiry regarding the situation at Millhaven had been conducted (Hertrich, 2019, p. 87). Sadly, these officers seem to have only been acting in a manner following that of the officers who committed the assaults previously described on the first group of inmates that entered the prisons. The prison officers, at least in the 1970s and 1980s made it abundantly clear that their perception of their own position was to have control over the inmates. Although such systemic abuses within the prison are not presently known to the public, occasional news stories detailing events of violence by officers continue to surface in the present.

Programming

The Canadian Justice System recognizes the extent to which inmates suffer from various mental health concerns. Given this knowledge, Correctional Service Canada has created strategies to ensure that inmates receive some mental health support while incarcerated, including assessments during intake, mental health services in prisons, planning with offenders who are approaching conditional release into the community, and mental health support while under community supervision (Correctional Service Canada, 2012). Delivery of primary mental health services such as individual or group interventions to help deal with existing mental health or substance abuse concerns, and prevent the development of new ones (Cesaroni, 2021, p. 134).

All of these strategies were created with the intention of alleviating some of the mental health issues within Canadian penitentiaries and ensuring that inmates rights to proper health care are met.

Canadian prisons including Millhaven also must address the overrepresentation of Indigenous people in their facilities and the specific intergenerational traumas that Indigenous offenders face. To do this, Correctional Service Canada implements the Indigenous Integrated Correctional Program Model in most men's federal institutions, that uses a circle setting facilitated by Indigenous Elders to help Indigenous inmates connect with their culture and examine offenders' specific social history and risk factors for committing crime, while also learning behaviour management skills (Correctional Service Canada, 2021). These programs are created with the intention of assisting the inmates in creating better management skills so that they are less likely to reoffend after they are released from incarceration. They take one step towards recognizing the extent of the harm done to Indigenous peoples in Canada and reconciling the long term effects in individual inmates.

Results

The most used measure for the success of the Canadian prison system is recidivism. However, rates of recidivism in Canada are not available at a national level, but rather only by individual systems and jurisdictions (Government of Canada, 2020). Based on reports in different years, recidivism by federal offenders has been declining, with 23 percent of a 2011-2012 cohort reoffending compared to 32 percent of a 2007-2008 cohort (Government of Canada, 2020). Recidivism was however noted to be higher among Indigenous offenders with 38 percent of Indigenous offenders in the 2011-2012 cohort reoffending compared to only 21 percent of non-Indigenous male offenders in the same cohort (Government of Canada, 2020). This

reinstates the severity of Indigenous issues within the justice system, demonstrating that Indigenous people are also overrepresented in recidivism rates in addition to other areas of the justice system.

These numbers can be helpful in understanding if the justice system is working to a degree, although it cannot be used exclusively as the measure for success. Other measures, such as offender's reintegration into society after release can also help understand what elements of a particular justice system are working. One study, for example, found that offenders who had completed their sentence who applied to have their criminal records expunged were less likely to reoffend and were faced with less challenges in getting employment and housing (Ruddell & Winfree Jr., 2006). However, measures like this may not be as effective when considering maximum security federal prisons. Federal maximum-security prisons mostly house offenders serving life sentences or who have otherwise committed violent offences, which either make the offender ineligible to apply to get their criminal record expunged, or extremely unlikely to be approved (Ruddell & Winfree Jr., 2006). Generally, the effectiveness of maximum-security prisons like Millhaven is difficult to measure for this same reason, as even after most of the inmates there are released from incarceration, they are still serving their sentences for either extended periods of time, or for the rest of their lives, under community corrections.

Critiques

The most prevalent critique of Millhaven Institution is the living conditions that the inmates endure while living there. Edward Hertrich succinctly described the experience of being incarcerated at Millhaven as, "to experience Millhaven Max was to experience a living hell" (Hertrich, 2019, p. 88). Throughout his book, Hertrich describes his experiences at Millhaven, many of which describe the tense relationships that have come to be expected between both

inmates as well as with correctional officers. These terse relationships are far from beneficial for any intended rehabilitation of the inmates, but rather keep them constantly on edge.

Many of the issues coming out of Millhaven have also been well recorded by the media. In 2020, shortly after the beginning of the Covid-19 pandemic, inmates were reported to have started a hunger strike in protest to their living conditions when they realized that they had never been receiving a fair amount of time outside of their cells in a day, often having only been given two hours per day instead of the required four hours, as well as guards reportedly not following Covid-19 masking and distancing protocol (Butler-Hassan & Local Journalism Initiative Reporter, 2020). This instance of protest in much more recent years than some of the most infamous events at Millhaven Institution serves to demonstrate that although the situation may not be as intense as it was in the 1970s, the disregard for the wellbeing of the inmates by the staff at Millhaven Institution is likely to still exist within the walls.

Discussion

When comparing any two justice systems it is important to first acknowledge that no two systems can be directly compared to each other. Each country will have its own individual cultural considerations and specific issues that it faces that will cause for differences in the ways that they structure their justice systems and the results that they see. In the same way, no two specific prisons used for a case study are able to be completely accurately compared to each other. Rather, the two systems can only be compared next to each other understanding that they each have their own specific obstacles to overcome and with giving as much context to their differences as necessary to get a general understanding of the two systems.

This study found many key differences in the two prison systems that it analyzed. The two specific prisons chosen to analyze were both maximum-security, relatively new institutions that housed often the offenders who were considered to be some of the most dangerous within their respective system. The first difference found when conducting searches on both prisons were the stark differences in the attention given to them by researchers and the media. While Halden in Norway was discussed in the context of its seemingly relaxed approach to prison and largely placed within positive connotations, much of the response that Millhaven in Canada received was regarding its violent past and was given particularly negative connotations. The two prisons were discussed in drastically different contexts, and despite both countries reporting similar recidivism rates for offenders in federal institutions, Norway's rates were reported on much more often than Canada's.

Views on Crime and Punishment

One potential reason for this difference in perspective on the successfulness of the two prisons could be the context in which each exists. Norway has put a heavy emphasis, especially through the creation of Halden, on their model of rehabilitating offenders who are incarcerated. Their focus is largely placed on creating a therapeutic environment within the prison so that the inmates can learn and go about their daily lives in a way that will prepare them for when they are eventually released from prison. Moreover, the inmates are viewed by the system to be future neighbours to all other members of society, and the system's focus on setting them up for success on the outside reflects that. As a result, Norway has a generally positive view on the effectiveness of Halden prison and its ability to prevent offenders from reoffending when they are released back into society.

On the other hand, in Canada, prison is not painted in any sort of positive light. Canadians hold a general skepticism towards a prison's ability to effectively rehabilitate any offender into someone that will be a productive member of society when they are released. Instead of placing a belief in incarceration's ability to create functional members of society, Canadians have been seeing a shift in ideology towards other forms of justice used outside of prisons. Canada's lack of a firm belief in the effectiveness of incarceration as a crime prevention method then, in combination with Millhaven's history of violent occurrences and poor living conditions lead into a significantly less positive outlook on the prison and its role in the justice system.

Prison Officers

One major difference between the two prisons is the reputations that the prison officers hold within the prison, both among the prisoners and to the public. At Halden the prisoners and officers have a surprisingly friendly relationship. The guards are encouraged to spend time with the prisoners and to be strong role models, allowing for them to create a type of relationship with the inmates that can be easily perceived as friendship. This is all done in the hopes that by having these friendly relationships modeled out for them while they are serving time, the inmates may be better equipped to form positive relationships on the outside. Much in contrast to this, the prison officers at Millhaven Institution have had a negative reputation since the day it opened. The guards there are trained to take a position of control over the inmates, with their primary role being security. While they are still able to form friendly relationships with the inmates, it has become not uncommon for abuses by the officers to come to light. These two drastically different attitudes from the prison officers in the institutions heavily contribute to the contrasting environments within them.

Programs

Both prison systems claim to be implementing mental health programs to help offenders reintegrate into society, although the exact effectiveness of either cannot be known. Both prisons acknowledge the prevalence of mental health concerns within their wall and attempt to find ways to address them. They also both help offenders create treatment plans and connections with community mental health supports for once the inmates are released from incarceration. Although it is unlikely that the two mental health systems within the prisons are identical, it is impossible to say if either is particularly better or more effective than the other without experiencing both. What can be seen from the mental health programs is the similarity in issues faced by the prisons and one of their methods of addressing them.

One way that Millhaven is different is its implementation of programming created for Indigenous offenders. The Indigenous Integrated Correctional Program Model allows for a focus to be placed on the intergenerational trauma experienced by Indigenous offenders and offer a space for them to reconnect with their culture. These programs however, like mental health programming, cannot have their direct impact on recidivism of Indigenous offenders measured. What is demonstrated is an effort being slowly started to address some of the aspects of Indigenous overrepresentation in the justice system.

Where Halden stands out from Millhaven is its education and job training programs. The prison places a much heavier emphasis on getting an education and learning job skills, and although Millhaven also has some degree of the same ideas, it does not place nearly as strong of an emphasis on their importance. These education and job training requirements fit into Halden's principle to create a more normal life for the inmates so that the adjustment to regular life outside will be easier, a principle that is not considered at all in Canada.

What is the Punishment?

One of the greatest critiques of Halden Prison from those on the outside is that it does not actually punish the inmates for their offences. However, Halden just like Millhaven uses the removal of the offender from their regular life and freedom as a punishment. While the sometimes brutal conditions inside of Millhaven make the fact that the inmates are being punished abundantly clear, by design its main means of punishing the offenders is by removing them from society. This same principle is used in both prisons, that by taking away their freedom, the inmates are being sufficiently punished for their crimes.

Halden and Millhaven in the Context of Scandinavian Exceptionalism

Comparing the two prisons with each other demonstrates that the theory of Scandinavian exceptionalism should not be negated to simply a myth. While it has been argued that the ideas presented in Scandinavian exceptionalism paint the prison systems in Scandinavia as entirely idealized, that is not an accurate representation of the comparisons being made between different countries prison systems. To diligently compare any two systems, they must both be presented in the context of both their strengths and weaknesses. If the comparison is thorough, it will find flaws in both systems, but can also identify points where one may be more humane than the other.

There is no denying that the Norwegian prison is far from perfectly humane. However, to claim that the goal of any prison or prison system is to be perfectly humane would misrepresent the balancing of goals that all prisons must accomplish. Halden, like all other prisons, is ultimately an institution that was designed to punish criminals for their offences. Inmates at Halden have had their freedom taken away from them. They are not able to regularly see or speak to their friends or family on the outside, and they have been cut off from what their life

before their sentence had been. When a person's freedom is taken away, there is no design or program possible that will make their experience easy, or even likely to be perfectly humane. Halden must balance an incredibly difficult dichotomy of goals, to both punish offenders for their crimes, and rehabilitate them in anticipation for their release. To view Halden as the perfect prison would be to deny the impossibility of perfectly executing this balance.

Where Scandinavian exceptionalism can find its merits in this study is the level of humaneness in each prison. Millhaven is a prison that has a history of riots and abuse and reports of the living conditions for inmates have been negative. Additionally, the relationship between the inmates and the guards at Millhaven are often extremely tense. In comparison, at Halden the living conditions, although different from life outside of prison, are much more livable. The inmates' relationships with the guards, while still influenced by the officer's position of authority and the need for maintaining security, are friendlier. This suggests that while both prisons must meet the goals of punishment and rehabilitation, Halden has created more humane conditions to achieve these goals in. Halden is not perfectly humane and Millhaven is not fully inhumane, but when compared next to each other, Halden stands out as the less damaging of the two prisons.

What Can Each System Learn from Each Other?

Although the two prison systems cannot be compared to each other directly, there are some models and attitudes applied at each that the other could look to for where to go next. The Canadian system can look to Norway for better principles in training prison officers and facilitating civil relationships between the inmates and officers. Norway's two years of required training for the officers could be helpful in creating a less tense environment within the walls of Canadian institutions like Millhaven. Canada can also look to Norway's normality principle for ideas of how to structure life behind bars in a way that could help inmates reintegrate into society

better. By creating more regular routines and a reflection of ordinary life inside prison, the people who are released from there back into their communities may start with a better sense of how regular life goes on outside of an institution.

Norway can also learn from the changes Canada has been starting in its justice system, specifically the alternatives it has been beginning to create. While Norway has focused its efforts on the rehabilitation of offenders already behind bars, Canada has been slowly implementing more restorative justice models that are aimed at preventing specific offender from ending up in prison in the first place. Canada's general penal pessimism can also be viewed as a motivation to find other means of getting justice aside from relying on incarceration.

Conclusion

Although prisons in Scandinavian countries, such as Halden Prison in Norway, are in no way perfect, they take a more humane approach to punishment and rehabilitation than other Western countries such as Canada have. In these prisons, the punishment for the offenders is primarily the removal of their freedom and their separation from their life outside of the institution. The living conditions are as humane as one could reasonably expect from an institution whose goal is to punish.

Across the world, as countries move towards creating more humane methods of punishment and justice, they can look to Halden for ideas of how to design a prison for maximum-security classified offenders that still has potential for rehabilitating them. While this does not mean that every country can, or even should, replicate the systems in Scandinavian countries, it does demonstrate how Scandinavian countries have set themselves apart from the

rest. Looking to them for ideas on how to be more humane in justice systems could be extremely beneficial, especially for prison designers.

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