

## CHAPTER 13

# Penal Ideology and Prison Architecture

*Inger Marie Fridhov og Linda Grøning*

This article concerns the relationship between prison architecture and criminal justice ideology. By studying the architecture of a specific prison, we can learn much about the ideologies at the time the prison was built. In this article, the architecture and ideologies of four Norwegian prisons – Oslo Prison (1851), Ullersmo Prison (1970), Bergen Prison (1990) and Halden Prison (2010) – are described and discussed. These prisons reveal the development from a pan-optic jail, with a belief in isolation, to a “luxury” prison with a focus on civil and human rights, rehabilitation and electronic control. Although these prisons illustrate different time-typical views on criminal justice, they all illustrate the complex relationship between architecture and ideology. On this basis, the article eventually reflects upon tendencies in contemporary and future prison architecture.

## Introduction

“Architecture and ideology go hand in hand,” wrote Director General Øivind Christoffersen in Statsbygg<sup>1</sup> magazine “Åpent ROM” no. 2, 2010. It is a recognized truth that an architectural expression is most usually associated with a corresponding ideology. Architecture changes as a result of a shift in ideology. This also applies to prison architecture.

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<sup>1</sup> Statsbygg is the Norwegian government’s property developer.

Prison design has varied over time mirroring, to a great degree, prevailing ideologies of punishment. When corporal punishment was the primary aim, prisons were mostly built as workhouses and disciplinary institutions where forced labour was performed. Another type of prison design was used when the notions of penance and isolation came into fashion.<sup>2</sup>

In this article, we will look at the relationship between prison architecture and ideology.<sup>3</sup> We will discuss how different ideologies relating to architecture and punishment are reflected in prison construction. We will also discuss how this construction affects the degree to which the ideological aims can be achieved.

We will link our discussion to four different Norwegian prisons. These are Oslo Prison (1851), Ullersmo Prison (1970), Bergen Prison (1990) and Halden Prison (2010).

We have selected these prisons because they represent four period-typical approaches to the relationship between architecture and criminal justice ideology. On the basis of a closer look at these prisons, we will eventually identify certain period tendencies, and reflect upon contemporary and future prison architecture.

## On criminal justice ideology and architecture

### The various punishment ideologies

Prison construction is affected by several ideologies. The most important of these being the ideologies related to the aim and justification of punishment.

The Norwegian criminal justice system adheres to several different ideological views of punishment.<sup>4</sup> A distinction is traditionally drawn between *absolute* and *relative* theories. Absolute theories justify punishment in terms of its intrinsic justice, as a needed response to a committed crime typically by assuming that the guilty offender *deserves* to be punished. Relative theories instead

2 See further Hauge R, Straffens begrunnelser, Universitetsforlaget 1996 pp. 163-164.

3 This is based on an earlier article by Inger Marie Fridhov, "Fengselsarkitektur og ideologi", in Virker straff, 2012, Ståle Olsen, ed.

4 See Gröning, Husabø & Jacobsen, Frihet, forbrytelse og straff – En systematisk framstilling av norsk strafferett, Fagbokforlaget, 2015, pp. 52-62.

justify punishment by its future consequences and beneficial effects, typically with regard to *crime prevention*.<sup>5</sup>

In Norwegian criminal law it has been common to emphasize crime prevention as the aim of punishment, with a focus on individual and general deterrence. This is particularly emphasized in the preparatory document to the present Penal Code.<sup>6</sup> It is also stated in the Execution of Sentences Act that punishment shall be implemented in such a way as to “prevent new offences.”<sup>7</sup>

However, it may be contested that prevention really is the prime motive for punishing. The criminal justice system, in a historical perspective, is seen to be built on the idea of guilt, blameworthiness and deserved punishment. This becomes obvious in the tenets that only the guilty shall be punished, and that the severity of the punishment shall correspond to the seriousness of the offence.<sup>8</sup> Further, ideas of atonement and “making amends” are never far away in the administration of the prison sentence.

Regardless of how the aim of punishment is perceived, this aim stands in a complex relationship to prison architecture. The idea that punishment should serve as a deterrent can, for instance, lead to the conclusion that imprisonment should be made as uncomfortable as possible. However, this idea can also lead to constructive rehabilitation initiatives as an integral part of the sentence.

How the stated objectives of punishment are set out in practice depends upon the current constitutional principles concerning respect for the individual.<sup>9</sup> The constitutional values of freedom, human dignity and equality, are today central in criminal law and administrative law, also for those serving a prison sentence, but have not always been so. The way a prison is built can also restrict the ability to grant basic constitutional rights to those serving sentences.

In addition, there is also a particular “ideology of the execution of sentences”. Attention to safety is here paramount and is affected by the prison buildings – at the possible expense of the rights and belongings of the inmates.

5 For an account of these different theoretical positions, see R.A Duff, *Punishment, Communication and Community*, Oxford University Press, 2001, pp. 3-34.

6 See Ot.prp. nr. 90 (2003-2004) p. 77.

7 See Execution of Sentences Act section 2. An English version is available at: <http://www.kriminalomsorgen.no/the-execution-of-sentences-act-in-six-languages.250423.no.html>.

8 See further Grønning, Husabø & Jacobsen, *Frihet, forbrytelse og straff – En systematisk framstilling av norsk strafferett*, Fagbokforlaget, 2015, pp. 61-62.

9 For an account of these principles in relation to the education of prison inmates, see “Education for foreign inmates in Norwegian prisons: A legal and humanitarian perspective”, *Bergen Journal of Criminal Law and Criminal Justice*, 2/2014 pp. 164-168.

## The significance of prison architecture

How a prison is built is largely a result of criminal policy and society's attitude to those who commit crimes.<sup>10</sup> The physical design of prisons, in other words, is also a political matter.

I am convinced that architecture has implications for how we succeed in getting offenders back into society. But prison architecture is demanding. It should create a human environment that helps people get back on track, while at the same time securing the safety of other inmates, staff and the surrounding community.<sup>11</sup>

This excerpt is from an interview with former Minister of Justice, Knut Storberget on completion of Halden Prison.<sup>12</sup> The quote illustrates that Storberget considered safety, humanity and rehabilitation to be key values in the execution of a prison sentence. More fundamentally, it illustrates that he viewed prison architecture as a means of realizing these values.

Generally, buildings often also “communicate” something about themselves. Good examples of this are many churches, courthouses and universities. It is also our belief that prison architecture and criminal ideology are closely related, but we are uncertain as to the complexity of this relationship.

From an architectural perspective, however, design is rarely indifferent to the intended purpose of the building. On the contrary, the physical form of the building normally reflects its intended purpose, and builders, architects, engineers and designers have naturally taken this into consideration.

Usually, architects are aware of what they want to convey (or not convey) through the use of materials, colors, shapes and location in relation to other buildings or areas - even if these relationships are not apparent to most. The viewer may experience what they see as aesthetically pleasing, beautiful, provoking or restful, etc. The response to these impressions may be exuberance, anger or even indifference.

<sup>10</sup> For a description of the history of imprisonment in Norwegian law see Eskeland, S., Fangerett, Universitetsforlaget, 1989 s. 32-45.

<sup>11</sup> The original excerpt is in Norwegian. “Jeg er overbevist om at arkitekturen har betydning for hvordan vi lykkes med å få straffedømte tilbake til samfunnet. Men fengselsarkitektur er krevende. Den skal både skape et human miljø som bidrar til at mennesker kommer på rett kjø, samtidig som vi må ivareta sikkerheten både for innsatte, ansatte og samfunnet rundt.”

<sup>12</sup> Åpent Rom 2010, nr.2.

Oslo School of Architecture and Design, Department of Architecture and Culture, says in its concept statement: "Architecture offers a stage for human behaviour. It is both an intellectual and material practice and no matter how architecture is defined, it will continue to stage activities ..."

The challenge when designing and building prisons is *how* and *what* the building should communicate, and what activities it should stage. Should it impart elements of a particular ideology, and if so, which ideology? Or should it emphasize a unified contemporary aesthetic point of view and attempt to integrate itself into the cityscape? Alternatively, should it emphasize both a criminal ideology and aesthetic ideals, and if so, which should be given priority?

As with other buildings, prisons are characterized by the ideologies current at the time of construction. By observing the prison buildings and the architectural solutions from different periods, we can see how ideas relating to punishment and types of penal reactions have changed - or remained unchanged. We can also see how architectonic ideals affected new prison constructions.

The time scale also relates to a particular challenge. Prisons are expected to have a long life, perhaps more than 100 years. How are they to be designed so that they can accommodate possible changes in ideology over time? Before we return to this question, we shall take a closer look at four time-typical prison buildings.

## Different buildings – different ideologies

### Oslo Prison, "Botsfengslet" (1851) – the panoptic prison

Botsfengslet, built in 1851, can be considered the first modern cell prison in Norway. This prison in many ways marked the end of the period where corporal punishment was the norm.<sup>13</sup> Now imprisonment should primarily strike the soul in order to create regret and a new way of living.<sup>14</sup>

The architect, HE Schirmer, also designed Gaustad Hospital and a number of Norwegian railway stations - all in the Gothic Revival style. Outwardly,

13 See Langelid & Manger, (2005) *Læring bak murene*, p 21, Fagbokforlaget. See also Hauge, R, (1996) *Straffens begrunnelser*, Universitetsforlaget.

14 This change from corporal punishment to punishment of the soul has also been understood as a more general change. See for instance Foucault, *Overvåking og straff*, (Discipline and Punishment) 2. Oppl. Gyldendal 2001 p. 20.

therefore, Botsfengslet was similar to other new public buildings at that time. But the interior layout was not a result of a desire for architectural beauty. Instead it primarily adhered to the detailed report from the Prison Commission of 1841 (Strafanstaltkommisionen). This report was a voluminous, 700-page document, explaining how ideas relating to punishment and sentences should govern prison design. There are indications that the architects were loyal to the ideas of the prison authorities, even though the exterior of the buildings remained in line with current architectural ideals.

Botsfengslet's interior design was clearly inspired by the "Philadelphia System" that had been established in the United States, inspired by ideas promulgated by the English philosopher Jeremy Bentham. The underlying ideal was (even at that time) to introduce a better and more humane method of punishment. Detention would no longer equal corporal punishment, as had been the case in penitentiaries, but would now focus on altering behavior. Religious attitudes on reform and repentance were important factors in this regard. Imprisonment was deemed to give the offender the opportunity of atonement through repentance and penitence, and finally reconciliation with God. To achieve this, loneliness and isolation were thought necessary as opposed to social interaction. With such content, prisons would no longer function as "crime schools" where inmates 'infected' fellow prisoners with their criminal behavior.<sup>15</sup>

The architectural solutions of the prison were chosen in order to support this philosophy. The belief in total isolation manifested itself in small solitary cells and no common areas for working or association. Leisure was an unknown concept at the time, so rooms for this purpose were non-existent. There was, however, one place where the inmates were in close proximity – the church. But even this was formed as a large amphitheatre with stalls so that the inmates could neither see nor communicate with each other.

The importance of security was clearly manifested in the architecture. The prison was built with thick and high walls, and with grilles and locks. In addition, the prison was *panoptic* – i.e. virtually everything in the prison could be seen from the central tower.<sup>16</sup> Also internally, everything reminded the inmate

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<sup>15</sup> See Langelid & Manger, *Læring bak murene*, Fagbokforlaget 2005 p. 21-22.

<sup>16</sup> T Langelid describes this in: *Straff og pedagogikk* (Punishment and Pedagogy) Master Thesis 1982.

of the structural and safety regimes, power, control and coercion.<sup>17</sup> The benefits of this prison regime were twofold: It would be beneficial for the inmates themselves and for society. Convicts were to be improved and deterred from committing new crimes, which, in turn, would make society safer for all citizens. In this regard, Botsfengslet is a clear example of relative punishment theories in practice.<sup>18</sup> Also more generally, Botsfengslet is a clear example of architecture being used to serve ideology.

## Ullersmo (1970) – the industrial prison

A hundred years passed before Norway began working on plans for a new main prison, Ullersmo.<sup>19</sup> Ullersmo was built as a new national prison and opened in 1970. It was designed at a time when the earlier ideas of penance and isolation that characterized Botsfengslet had been revised. The isolation of inmates had proved harmful, and the need to permit social interaction within the prison was regarded as urgent. Meanwhile, the Prison Act of 1902 was long overdue for revision. The Act had been revised in 1933, but only minor changes were made. The revision of the Prison Act and the building of Ullersmo occurred almost simultaneously. In 1951, the Prison Reform Committee was appointed to investigate the need for reforms within the prison system.<sup>20</sup> The subsequent planning and design of the new national prison, Ullersmo, was heavily influenced by the reasoning and intentions of the new Prison Act which came into force in 1958.<sup>21</sup>

In retrospect, the proposals in the Act can be seen as surprisingly modern. Among other things, the Commission had proposed more open prisons, allowing socialization, leave opportunities, day-release, and employment within

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17 Erving Goffman characterizes in his book *Asylums* (Goffman 1967) this type of treatment of prisoners as a “death process” in which the prisoner literally and metaphorically is “stripped” of his own identity.

18 See Schaanning, E, *Den tilsiktede smerten*, Unipub 2009.

19 In the meantime smaller versions of the Botsfengsel model were built towards 1900. Then came Opstad Workhouse which was formally not a jail even if it was perceived as such. Further, Ila and Bredtveit and Berg Prisons were established, but they moved into buildings that were not purposely designed for their function.

20 Wister, O, (1977) *Enkelte trekk ved norsk fengselshistorie*, Kriminalomsorgens utdanningscenter.

21 Report no. 37 2007-2008, (Straff som virker) Punishment that works, relaunched many of these proposals. The government invested resources to realize these proposals to a greater extent than happened with and after Ullersmo.

the prison including vocational training, and better aftercare.<sup>22</sup> The idea of prevention was present here as in Botsfengslet, but now the focus was on rehabilitation and social integration, not isolation.

Not all the proposals were put into practice immediately, but they affected the architectural design of Ullersmo. As with Botsfengslet, Ullersmo's interior design is largely consistent with the government's criminal ideology.

The building of large workshops and places for social interaction are proof that the prison authorities had left the prayer and isolation ideology – in favor of association and rehabilitation. Classic rehabilitation ideology where manual labour was the primary path, manifested itself in the construction of Ullersmo. "Work activities should be seen as an effective initiative of great educational significance."<sup>23</sup> Work experience, therefore, should "be close to the conditions of working life outside of prison." As a manifestation of this mindset, large modern workshops for timber production, machining, mechanics and the production of clothing were established. At first glance, it is conceivable that this emphasis on work experience and training is not new. But the reasons were different. Earlier, different kinds of work had been considered as punishment and valued as such. Now work was presented as rehabilitation, and is best understood as a manifestation of relative punishment thinking.

In contrast to earlier prisons, Ullersmo also incorporated rooms for inmates to socialize in their spare time. In addition, the prison had its own gymnasium and football field. This, it was reasoned, could ameliorate the otherwise harmful effects of incarceration. Neither the football field nor the gymnasium matched official standards, but they were there and they were used. The school, however, consisted of only a few small rooms which soon proved insufficient.

Ullersmo was built as a national prison accepting convicted persons with longer sentences. It should also accept potentially dangerous inmates, which meant that there had to be a particular emphasis on physical security measures. This is reflected in the construction of a large perimeter wall and a system of underground passages. This "culvert" system was to hinder prisoners from wandering off on their way from cells to workshops, for example.

Externally, Ullersmo reflected the prevailing architectural style of its time, in the same way that Botsfengslet reflected the trends of its time. Since the

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22 Wister, O, (1977) Enkelte trekk ved norsk fengselshistorie, Kriminalomsorgens utdanningssektor.

23 Prison Reform Committee 1951 as stated in the preparatory documents to the new Prison Act.



1920s, functionalism in architecture had predominated. The guiding principle behind it was that all superfluous ornamentation and projections having no direct function should be omitted. The result was straight, clean lines – the epoch of “rosettes and stucco” was definitively over. In this perspective, Ullersmo could safely be said to be an expression of a type of neofunctionalism with right angles and flat roofs on all buildings. Birgit Cold, Professor of Architecture at Norwegian University of Science and Technology, has described the right-angled perimeter wall as “boring”,<sup>24</sup> “Dull architecture,” she argues, “is perceived as unfriendly”. There are probably many who would agree with her that Ullersmo can be perceived as unfriendly. Others call it downright ugly in the same manner that Botsfengslet, externally, may be today seen as “clean-lined”.

## Bergen (1990) – “progression” prison

Bergen Prison was completed in 1990. This prison distinguished itself from Botsfengslet and Ullersmo in that it did not represent a clear break with tradition. On the contrary, Bergen Prison was, in many ways, built on the same ideals of socialization and rehabilitation that had characterized Ullersmo. However, Bergen Prison was built with a specific emphasis on the dignity of the inmates. It was established that although perpetrators were sentenced to be deprived of their freedom, they were to retain other civil rights, such as the right to education and healthcare. Also more generally, a positive humanitarian attitude to inmates was highlighted as necessary.<sup>25</sup> Within this framework, the prison regime should be such that inmates could have the same access to welfare services as other citizens, and thereby would be able to reintegrate into society after release without committing new offences.

Distinctive for Bergen Prison is the method by which these ideals are achieved. Most significant is a programmed, planned progression through the period of detention. This idea was quite similar to the class system that in 1869 was introduced in Botsfengslet when the harmful effects of isolation were

<sup>24</sup> Birgit Cold (2010) *Her er det godt å være*. About environmental aesthetics. Tapir Akademisk forlag.

<sup>25</sup> See in particular White Paper no. 104 (1978-1979) on criminal policy. See also Yngve Hammerlin: (Om fangebehandling, fange- og menneskesyn. Oslo 2008) On the treatment of prisoners, prisoners and human values in Norwegian Correctional Services in prison, from 1970 to 2007.

recognized.<sup>26</sup> Prisoners' good behavior during incarceration should be rewarded with greater benefits and more freedom – a process referred to as “progression”. This idea of progression while serving a sentence has, in its modern form, roots in “consequence pedagogy” which was brought to Norway from Denmark.<sup>27</sup>

An important difference was that while the class structure was not initially planned for Botsfengslet from the start, in Bergen it was most definitely intentional – and was also reflected in the architecture. The prison was designed with four independent sections, each with its own workshops, school premises and socializing areas. The Admissions Section, A, had the strictest regime, then came Sections B and C, and finally Section D, which was open and outside of the main, secure building.

The main difference between these departments lay in the differing security regimes. Section D was the last stage before release. From here, inmates could get a day release to attend school or work. They could also be transferred to “The Island”, the Osterøy open annex.

The architecture of Bergen Prison allows inmates, during the period of their sentence, to progress from the strictest and most closed regime to the most open. The prison's architecture acts as an agent of power and discipline. “As long as you ... then you can progress to Section B or C.” This kind of power certainly exists in other prisons, but is not employed as explicitly as in Bergen.

However, the regime in Bergen has changed since its inception. The prison now refers to itself as “the interactive prison”. It lays emphasis on providing inmates with cognitive programs. It also attempts to help inmates discover their potential which may also be achieved while in prison. The prison walls here are called the “Walls of Opportunity.”<sup>28</sup>

Here, the community idea from Ullersmo continued and was realized architecturally through the use of small sections with rooms for social interaction between inmates and staff. One big difference from Ullersmo is, however, that in Bergen all four Sections have their own school and workshop areas.

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26 For this system in Botsfengselet, see Langelid & Manger, *Læring bak murene*, fagbokforlaget 2005 p. 22-23.

27 See Jens Bay: *Konkvenspedagogik*. Copenhagen 2005.

28 Waage, L, *Det interaktive fengsel* (The Interactive Prison) *Aktuelt for kriminalomsorgen* nr.2. 1999.

This obviated the need to move large numbers of inmates around to get to their designated places in school or workshop.

Supporters of the so-called “normality principle” would say this was reprehensible.<sup>29</sup> The norm (outside of prison) is that one moves freely from home to work or school. Bergen’s solution could give a sense of strong isolation - even though they may socialize, within limits, in their own Section of the prison. From a purely architectural point of view, Bergen Prison includes, through an innovatively emphasized aesthetic, art and nature in the planning of the building. The aesthetic aspect, in terms of both nature and art is intended to reflect and reinforce the dignity of the individual inmate.

After Bergen Prison was completed, two new prisons were built, in Skien, 1993, and Ringerike, 1997, both in much the same mold as Bergen Prison.

## Halden (2010) – the “luxury” prison

Halden, which was opened in 2010, was not primarily the result of ideological innovation, but of a need to increase prison capacity. Yet there were ideological and political elements, which highlighted the wish for longer prison sentences and thus a corresponding need for more prisons. Given the growing recognition that imprisonment rarely had the desired preventive effect, it is tempting to connect this to more absolute theories on punishment.

At the same time, the belief that the rights of the inmates should not be restricted more than necessary, as expressed in Bergen, was clearly present. More specifically, one aim was now to ensure that inmates should be subjected to humane prison conditions reflecting, as far as practically possible, society outside prison. Rehabilitation ideology had also become a more central theme. In 1998, a White Paper emphasized the importance of stimulating the prisoners’ own motivation for their rehabilitation.<sup>30</sup> The Execution of Sentences Act of 2002 underlines the collective responsibility of all agencies for people in

29 For a discussion on the normality principle, see Vollan, Marianne, “Mot normalt? Normalitetsprinsippet i norsk straffegjennomføring», i Bugge, Hans Christian, mfl., red. *Lov, liv og lære. Festskrift til Inge Lorange Backer*. Universitetsforlaget, Oslo 2016, pp. 548-560.

30 See St. Meld. no. 27 (1997-1998) p. 6, 26 and 28 .

prison - schools, work, healthcare, social benefits, and others.<sup>31</sup> Provision should be made for these other agencies to perform their tasks inside the prison. This intention and the legislation mentioned above have therefore affected the shape and form of Halden Prison.

The Correctional Service chose to rethink completely the ideas relating to the form and content of prisons. A basic principle applied when building Halden was that the aesthetics of people's surroundings could have positive or negative effects. The architectural solutions were chosen with care to contribute as positively as possible to the inmates' experience of their environment, and to reflect a humane prison environment. The first impression of Halden is a welcoming sight. Brick and wood are used where possible to replace the usual grey concrete. The prison is beautifully situated, the surrounding landscape is preserved, there are no bars on the bulletproof windows, appealing colors have been chosen and pictures are hung on the walls.

Halden abandoned the Bergen model, where everything should be found within each section of the prison. When designing Halden, the architects accepted the health and psychological benefits of "getting out" and walking to work or school - leaving "home" and going to work like other people. Halden also has various types of rooms for socializing and visits.

As with Bergen at the time, the Correctional Service dared, in building Halden, to create an aesthetically pleasing prison. Making aesthetics an important criterion meant that security initiatives had to be re-evaluated.

At the same time, the six-meter-high curtain wall around Halden Prison informs the viewer that this is a high security prison. Wherever people are likely to be found within the walls, extensive electronic monitoring with surveillance cameras is in evidence. Security measures are powerfully conspicuous, especially in the large control room where all electronic signals are collected and monitored. Can these stringent security measures contradict Halden's claim to humanitarian ideals? With extensive electronic monitoring and control, there is at least a reduced need for control requiring interpersonal contact.

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31 In this regard section 4 of the Act stipulates that the Correctional Services shall by engaging in cooperation with other public services arrange for convicted persons to receive the services to which they are statutorily entitled.

Halden has nevertheless been criticized most of all for having too high a standard of comfort and facilities compared with other prisons and comparable institutions. When it was opened, Halden was described by critical voices as being “like a luxury hotel”. The former Minister of Justice Knut Storberget responded to this criticism in an interview:<sup>32</sup>

“It is the restriction on liberty that is the punishment when we put people in prison. Beyond this, it is our task to enable people to rise again afterwards. Many of today’s prisons were built on the Philadelphia Model which was modern and inventive at the time. But that was more than 150 years ago! When we build a prison in 2010, we use contemporary architecture that allows the implementation of *punishment that works*. Halden is a high-security prison in spite of the lack of cells with bars. Bars are not necessary when you have safety-glass windows,” says Storberget. He continues, “Those who think it resembles a hotel too much, should check into Hotel Continental, and stay there for six or seven years!”

The rebuttal largely expresses current values regarding the treatment of prison inmates, which in many ways is manifested in Halden Prison. In terms of both security and rehabilitation, Halden Prison displays the ultimate in what may be achieved within the limits necessarily imposed when executing a sentence.<sup>33</sup>

## Some developments

What the prisons we have presented have in common is that they were created in the belief that architecture can be used as a tool to implement current penal ideologies. The ideological image is complex, but the fundamental values appear fairly stable. The golden thread that runs from Botsfengslet to Halden is the underlying belief in prevention, atonement, and “punishment that works”. The strategies to achieve these ideals have, however, varied. Moreover, the increasing focus on respect for the rights of the inmates seems to have been

32 Åpent ROM nr. 2, 2010, “...Det er frihetsberøvelsen som er straffen når vi setter folk i fengsel. Ut over det er oppgaven å gjøre folk i stand til å reise seg igjen etterpå. Mange av dagens fengsler er bygget etter Philadelphiamodellen som var moderne og ny-vinnende for sin tid. Men det er mer enn 150 år siden! Når vi bygger et fengsel i 2010, benytter vi en tidsmessig arkitektur som legger til rette for å gjennomføre straff som virker. Halden fengsel er et høysikkerhetsfengsel til tross for at det mangler gitter på cellene. Gitter er ikke nødvendig når du har sikkerhetsglass i vinduene”, sier Storberget, “De som synes det likner for mye på et hotell, kan jo ta inn på Continental. Og bli der i seks – syv år!”

33 See further Fridhov,IM, «Fengselsarkitektur og ideologi» in «Virker straff?», 2012, Ståle Olsen, red.

a significant motivator for change. We can see that inmates have gone from being regarded as having virtually no rights to retaining many of those rights and freedoms accorded those outside of prison. The recognition that inmates are sentenced to deprivation of liberty, but are not deprived of other civil rights, has led to the correctional service changing from an independent, self-contained organization to a host agency for other, external services. Within the prisons we find school rooms, libraries, medical and dental facilities, and office space for other social services

This recognition of the rights of the inmates can also be witnessed in the transition from isolation of the inmates to their social integration. From Botsfengslet to Halden, attitudes have changed radically on how prisoners should be treated, not least in the name of crime prevention. Isolation has been successively replaced by social interaction and focus on rehabilitation, concerning daily life. As punishment isolation is still used – also in Halden prison.

The increasing recognition of the rights of the inmates is also mirrored structurally in the architectural design of prisons, which if overstated can be said to have gone from “dungeons” to “luxury”.

Not surprisingly, security has, however, been an equally important consideration. Technological development, along with the drive for efficiency and economizing has doubtless made a significant contribution to changes in security strategies. It can be said that Norwegian prisons, led by Halden, has made the jump from panoptic to electronic. In the central tower at Botsfengslet one had a full overview of all floors in all wings. Here warders could see without being seen. The same is possible in modern Halden, but with the aid of technology. Here too one can see into every corner without being seen. Now it is technology that facilitates surveillance, not only architecture.

Security strategies - unlike rehabilitation strategies – are seen as very successful. It is, however, debatable as to which strategies work best and which ones should be selected in the future. Escape is a rare phenomenon and few fail to return after leave with or without escort. The idea of a prison making maximum use of electronic monitoring also appears to be quite daunting. The use of human contact and dynamic, interpersonal control as practiced thus far, is seen as something very valuable.

Either way, we can say that if there is anything that binds the prison anno 1851 with the prison anno 2010 then it must clearly be the concern for security.

## Today's ideas - tomorrow's prison

There is little reason to believe that the prison sentence will be abolished in the foreseeable future. The population is increasing, also in prisons, and there is a political promise of decreasing the "prison queue". Old prisons are being closed down. Small, low-security prisons are also being removed. This creates capacity problems, and demands the building of new prisons. Hence, there is reason to ask what kinds of prisons we are considering for tomorrow.

There are several documents and architectural drawings which tell us something about the authorities' ideas about new prison buildings.<sup>34</sup> Reading these, we get a mixed message. On the one hand, Meld.St.12 (2014-2015) emphasizes quality and content during the atonement. It is mentioned repeatedly that the rights of the inmates and the principle of normality have to be taken into consideration. It is also stated that these principles may be implemented through rooms and facilities for the so-called "imported services", that means school, medical care, library, work, economic advice and so on. The heritage from Halden concerning indoor facilities, use of environment and type of materials is clear.

On the other hand, we have "Model 2015" which gives the general impression that the ambition for tomorrow's prisons is the "flexible and effective" one.<sup>35</sup> "Effective" here refers to savings and short-term economic benefits, both during the building time and in the long run.<sup>36</sup> The document continuously underlines this "cost-effective" idea. The drawings enclosed give a very compact impression of these medium security units.

This impression is strengthened by reading the annual state budgets over the last three years. In these budgets the correctional services are supposed to save more than 20 million NOK annually.

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34 These documents are a) a discussion document sent out by The Correctional Service Directorate and Statsbygg, the Norwegian government's key advisor in construction and property affairs, building commissioner, property manager and property developer Office of Public Construction in June 2015. It presents the layout for a standard medium prison, called 'Model 2015', with 96 inmates divided into eight units with twelve inmates each, b) Meld.St.12 Utviklingsplan for kapasitet i kriminalomsorgen (Development plan for capacity within correctional services).

35 Jens Bjørneboe (2003) called this the "sterile prison" where it performs effectively and invisibly.

36 For a discussion on the efficiency of smaller vs. bigger prisons, see: B Johnsen, PK Granheim, J Helgesen (2011): Exceptional prison conditions and the quality of prison life: Prison size and prison culture in Norwegian closed prisons, in *European Journal of Criminology*.

Furthermore, in “Model 2015” profoundly ideological considerations seem to be, to a large extent, absent. Except for security considerations, it is difficult to find deeper reflections about how a prison should be constructed in order to satisfy legal requirements regarding rehabilitation and satisfactory conditions for the inmates. It seems unclear how these important principles should be realized architecturally. Generally it seems difficult to combine an emphasis on the realization of satisfactory conditions, including imported services, with the call for the replacement of small local units with compact, cost-effective, medium-sized entities. The focus on building larger, effective, prisons is, so far, moderate in Norway in comparison to many other countries. The new Youth Units are also examples of the contrasting recognition of small prison units having resources that make it possible to achieve satisfactory prison conditions. The overall impression is, however, that arguments of efficiency are primary considerations in current criminal justice policies.

In fact, existing plans and political statements can sometimes give the impression that economic considerations are superior to all other goals – even those expressed as legal principles. The risk is that such views will increasingly justify larger prisons that leave less architectural room for upholding normality and humanity.

In addition, the discussion also seems to lack a broader perspective on the problem of prison capacity. There are many aspects to this problem that could be considered, such as the problem of “over-criminalization” and the rules and practices of custody and parole.

Historically, there has been a dialogue between architects and the criminal justice authorities. As we have seen, prisons have been built according to rigorous considerations relating to how current ideologies could be realized through the application of various architectural solutions. Such considerations seem to play a less prominent role today, and we wonder how this will affect the content of the prison sentence in those new prisons that are built as we approach the 2020s.

Our central concern is how demands for cheapness and efficiency will impact the realization of legal principles of rehabilitation and satisfactory conditions for the inmates. How will rooms for labor, activities, school, and medical services be incorporated in new prisons, when they have to compete with arguments of cost-efficiency? What kind of impact will this thrift have on sociocultural environments and relations – between inmates and prison officers and between inmates themselves?



Prisons being built today will probably be used for many years to come. While their architecture may serve today's ideology of economics and efficiency, it may limit the extent to which tomorrow's ideas can be achieved. We must therefore reflect wisely before we design the prison of the future. We must also keep in mind that what is argued to be best for the inmates is not always shown to be so. In 1851 the prevailing discourse was isolation, and prisons were built in accordance with this discourse – with harmful effects as a result. Today the authorities argue that effective and cheap prisons will be best *also* for the inmates. We are not convinced that this is correct.

## References

- Bay, J. (2005) *Konsekvenspedagogik*, København, Borgen forlag.
- Bergen Journal of Criminal Law and Criminal Justice, "Education for foreign inmates in Norwegian prisons: A legal and humanitarian perspective", 2/2014 pp. 164-168.
- Bjørneboe, J. (2003) *Den onde hyrde*, Oslo, Pax forlag.
- Christie N. (1970) "Modeller for en fengselsorganisasjon", in *I stedet for fengsel*, Oslo, Pax forlag.
- Cold, B. (2010) *Her er det godt å være. About environmental esthetics*. Oslo, Tapir Akademisk forlag.
- Duff, R.A. (2001) *Punishment, Communication and Community*, Oxford University Press, (pp. 3-34).
- Eskeland, S. (1989) *Fangerett*, (pp. 32-45) Oslo, Universitetsforlaget.
- Fridhov, I.M. (2012) "Fengselsarkitektur og ideologi". In S.J. Olsen *Virker straff?*. Oslo, Scandinavian Academic Press/Spartacus Forlag AS.
- Foucault, M. (2001) *Overvåking og straff, (Discipline and Punishment)* (p. 20) 2nd ed. Oslo, Gyldendal.
- Goffman, E. (1957) *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates*, Anchor Books.
- Grønning, Husabø and Jacobsen (2016) *Frihet, forbrytelse og straff – En systematisk framstilling av norsk strafferett*, Oslo Fagbokforlaget.
- Hauge, R. (1996) *Straffens begrunnelser*, Oslo Universitetsforlaget (pp. 163-164).
- Hammerlin Y. (2008) *Om fangebehandling, fange- og menneske-syn (On treatment of prisoners, prisoners and human values in Norwegian Correctional Services in prison, from 1979 to 2007)*. Oslo, det juridiske fakultet, Universitetet i Oslo.
- Johnsen, B., Granheim, P.K., and Helgesen J. (2011) "Exceptional prison conditions and the quality of prison life. Prison size and prison culture in Norwegian closed prisons". *European Journal of Criminology*, 2011, Vol. 8(6), pp. 515-529.
- Langelid, T. (2015) *Bot og betring*, Oslo, Cappelen Damm.

- Langelid, T. (1982) *Straff og pedagogikk (Punishment and Pedagogy)* Masters thesis, University of Oslo.
- Langelid, T. and Manger, T. (2005) *Læring bak murene*, Oslo, Fagbokforlaget (pp. 21, 22-23).
- Olsen S. (2012) *Virker straff*, Oslo, Spartacus forlag.
- Schaanning E. (2009). *Den tilsiktede smerten*, Oslo, Unipub.
- Vedeler, G.H. (1973) "Frihetsstraffens innhold. Betrachtninger om fangens rettigheter og fengslets forpliktelser". In *Lov og rett*, Universitetsforlaget pp. 31-46.
- Vollan, M., "Mot normalt? Normalitetsprinsippet i norsk straffegjennomføring», in Bugge, H.C., et al., Eds. *Lov, liv og lære. Festskrift til Inge Lorange Backer*. Oslo, Universitetsforlaget, (pp. 548-560).
- Waage, L. (1999) Det interaktive fengsel, i *Aktuelt for kriminalomsorgen* nr. 2/99. Norwegian Ministry of Justice.
- Wister, O. (1997) "Enkelte trekk ved norsk fengselshistorie". *Dokumentasjon og debatt* nr. 2/97. Oslo Kriminalomsorgens utdanningscenter.
- White Paper, no. 104, 1978-1979. Om kriminalpolitikken. (On criminal policy) Oslo, Ministry of Justice.
- White Paper, no. 27, 1997-1998, Om Kriminalomsorgen. (On Correctional services) Oslo Ministry of Justice.
- White Paper, no. 37, 2007-2008: *Straff som virker (Punishment that works)* Oslo Ministry of Justice.
- Ot.prp. nr. 90 (2003-2004) Oslo, Ministry of Justice.
- Prop.105 L, 2015-2016. Endringer i straffegjennomføringsloven, Oslo Ministry of Justice, Regjeringen.no.
- 'Model 2015', layout for a standard medium prison, Oslo, Statsbygg.
- Press release, 15.04.2016, Norwegian Ministry of Justice
- Journal of Criminal law and Criminal Justice, 2/2014 (pp. 164-168).
- Magasinet Åpent Rom Nr. 2, (2010) Oslo, Statsbygg.