From Scandinavian Exceptionalism to Penal Populism?

An Exploration of Changes in the Norwegian Penal Debate

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ABSTRACT

Title: From Scandinavian Exceptionalism to Penal Populism? An Exploration of Changes in the Norwegian Penal Debate.
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The U.S. and Western Europe have during recent decades experienced a transformation in the perception of issues of crime, punishment and public safety. This transformation has come to be labelled "the punitive turn," manifested through increased imprisonment rates, harsher and retributive penalties, and a populist public discourse (Pratt, 2007). These are trends which criminologist have referred to as "penal populism" or a new "culture of control," marking the end of the penal-welfare era, dominated by welfare and social policies (ibid.; Garland, 2001). International scholars have, however, argued that the Scandinavian countries have resisted these trends, due to the holding of unique egalitarian and inclusionary characteristics. These perceptions have given rise to a number of studies on Scandinavian resistance to penal excess, where the Scandinavian penal exceptionalism thesis, developed by John Pratt, has provoked and reinforced extensive discussion on the Nordic penal landscape (Pratt, 2008a; b). However, these claims have been challenged by Nordic scholars, who argue that the forces which have led to penal excess in other modern societies now have been observed in a Scandinavian context (e.g. Shammas, 2015; Balvig et al., 2015).

This study explored the case of Norway, through an evaluation of the Norwegian penal debate. It addressed the rhetoric and attitudes applied to issues of crime and punishment, through an empirical analysis of a selection of Norwegian penal debates occurring between 2008 and 2019. Drawing on the theoretical framework of the potentially conflicting theories of Scandinavian penal exceptionalism and penal populism, the thesis explored the assumption of Norwegian resistance to the punitive penal culture deriving from the U.S, now spreading across Western Europe. Based on the three most common attributes to penal populism

identified by key scholars: “the politicisation of penal populist discourse”, “the changing objectives of punishment” and “an emotional-oriented penal policy,” the thesis attempted to disclose the prevalence of these trends in the Norwegian penal debate between 2008 and 2019, in order to disclose change over time.

The findings suggested that penal populism in the Norwegian penal debate has not been successfully countered by the existence of a so-called egalitarian welfare state, despite strong arguments for Scandinavian resistance to penal excess in international comparative criminology and welfare research. It was argued that the issues of crime and punishment has become politicised for political gain; that retribution has come to be prioritised before correctional measures; and that there has been a rearrangement in the roles and influence of the key stakeholders to criminal justice policy, as the political climate is changing from rational to emotional. However, it was argued that the Norwegian penal debate has adopted a passive approach to penal populism, where a gradual and passive politicisation and intensification of penal policy was evident in the empirical data.

The thesis thereby argued that the Norwegian penal debate has come to be at least partially influenced by trends of penal populism, as the phenomenon indeed was a visible force in the debates tackling contemporary penal issues. However, it noted that the prevalence of penal populism in a Norwegian context is moderate, as well as far less extreme in comparison with the tendencies of penal excess observed by several scholars in the Anglophone societies. It was thereby suggested that the characteristics of the Norwegian society might have facilitated a slow-paced transformation. On the one hand, this implies that the unique features of this society indeed have lessened the receptiveness to penal excess. On the other, it also proposes that the argument of Scandinavian resistance to penal excess is understated accounting for the Norwegian penal debate in 2019.

The thesis did, however, highlight the distinction between talk (penal debate, rhetoric) and action (implementation of penal reforms, change of legislation). Although it suggested that several trends of penal populism were evident in a Norwegian context, it did so based on political rhetoric in the official discourse. Recommendations were therefore made to investigate the implementation of concrete legislation and reforms, to further explore the prominence of penal populism in a Norwegian context, as well as to disclose whether the tendencies as disclosed are “just talk” or put into action.

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1 INTRODUCTION

The penal system of Norway has by some been perceived as exceptional, compared to other modern countries, with its allegedly humane prison conditions and liberal penal policies. Norway is further regarded as among the least punitive societies in Europe and has in recent years received more or less uncritical praise in international mass media as well as by human rights commentators (Smith and Ugelvik, 2017). Among academics, Norway is often, along with the other Scandinavian countries, applied as an exception in comparative criminology and welfare research (Ugelvik and Dullum, 2012). It has been claimed by international researchers that these countries have somehow resisted the global "punitive turn" towards tougher, less welfare-oriented crime control policies and the following growth in rates of imprisonment (see e.g Cavadino and Dignan, 2006; Lacey, 2008; Garland, 2001). The award-winning[1] series of articles published by Pratt (2008a; 2008b) has been majorly influential in developing and reinforcing such perceptions, as he argued that the Nordic region exhibits a unique system of "Scandinavian penal exceptionalism". In a two-part article, he argued that the exceptional features of the Scandinavian penal landscape are embedded in a unique culture of equality and egalitarianism, as well as a social-democratic model of welfare that these societies are built upon. Pratt (2008a; b) thus claimed that penal excess in the Scandinavian region has been countered by the existence of a so-called egalitarian welfare state. These views further seem to fit Scandinavian self-perceptions, as high-profile politicians, as well as the public, are arguing for having one of the world's best prison systems.

However, Norway is now, according to Shammas (2015), moving in a more punitive direction, as the forces which have led to penal excess in other societies have been observed in a Norwegian context (Johnsen and Granheim, 2012). Shammas (2015) argues that the ideals of the so-called Scandinavian penal exceptionalism appear to be diminishing, as the Norwegian state is becoming increasingly punitive. It has been noted that public opinion and the so-called "public sentiments of justice" has gained an ever-greater role in Norwegian penal policy, where politicians are becoming increasingly eager to present themselves as "tough on crime", by continuously developing proposals for change and pushing for harsher and longer sentences. This rearrangement of contemporary penal debate has been attributed to

[1] The two-part article "Penal Exceptionalism in an Era of Penal Excess" did in 2009 receive the Sir Leon Radzinowicz Memorial Award.

the entrance and increased popularity of the right-wing Progress Party, which arguably has provoked a structure by which the major parties (including the social-democratic Labour party) complete to obtain a position as the leading proponent of punitive penal initiatives, allegedly believing this to be the stance of the general population (Todd 2018; Shammas, 2015).

The exceptional features that penal policy may have had in Norway and the other Scandinavian countries are thus now at risk of being replaced by a more punitive penal culture deriving from the US. Garland (2001) and Pratt (2007) has referred to this phenomenon as a shift into a "culture of control" or "penal populism", where the social democratic principles of reintegration and rehabilitation have been replaced by a competition between the political parties to get "tough on crime". In societies that have embraced this phenomenon, reporting of crime in the mass media has soared, as well as become more sensationalised (Pollack, 2001). Reading about these events in the media has further increased public perceptions of the risk of victimisation, creating moral panics and fear (Cohen, 1972). This allows politicians to use crime fear as a political issue, which has led to proposals and implementations of harsher and longer sentences. As these tendencies are allegedly becoming increasingly prominent in a Norwegian context, it may - despite arguments of penal exceptionalism, seem like penal populism is gaining a foothold within this region.

1.1 Research Question and Objectives

Research on the alleged prevalence of penal populism in a Norwegian context tends to focus on e.g. rates of imprisonment or public attitudes towards punishment, whereas this thesis will explore the public penal debate, through the evaluation of a selection of political debates occurring between 2008 and 2019. The thesis will perform an analysis based upon penal policy-related documents, to explore whether tendencies of penal populism are found in debates tackling contemporary penal policy, as compared to a decade ago. A content analysis drawing on official documents published by the state, mass media interviews, as well as op-eds and editorials by key stakeholders[2] will be performed, in order to uncover the stakeholders' objectives and visions, as well as the way in which they interact with each

[2] Stakeholders in this thesis is considered to be the politicians, the public, the mass media and subject-matter experts. Thus, those are the key actors in regard to penal debates, whose roles and interaction allegedly has become rearranged in the transition from penal-welfarism to penal populism.

other. By doing so, one may be able to examine whether Norwegian penal debate has submitted to trends of penal populism, as well as the extent to which the Norwegian penal debate has come to be defined by this phenomenon. The study is thus aiming to compare and integrate the main findings in regard to perspectives of stakeholders, in order to disclose possible change.

The main objective is to explore to what extent penal populism has affected Norwegian penal policy, which will be discussed in light of John Pratt's thesis of Scandinavian penal exceptionalism. Exploration of Scandinavian penal exceptionalism tends to be addressed based on two fairly distinct critiques (Todd, 2018); in regard to its nature (is Scandinavian penal policy and practice exceptional?) or its development (is Scandinavian penal exceptionalism at risk of being replaced by penal excess?), where this thesis will consider the latter. It will thus be addressed whether penal populism has been countered or not by the existence of the Scandinavian welfare state, allegedly embedded in egalitarianism, high levels of trust, and solidarity.

Roberts et al. (2003) argue that the rise of penal populism and the public as a key actor in the shaping of penal policy is a relatively new phenomenon, however, may have malignant, expensive and dangerous effects. Our sentencing policies further represent the greatest intrusion into the lives of offenders and are therefore worthy of careful analysis (ibid.). Due to these circumstances, and as longer and tougher sentencing policies points in the opposite direction of criminological evidence and suggestions, there is a need for further investigation into the alleged presence and consequences of penal populism.

The investigation in this study will, therefore, set out to answer the following question:

(To what extent) are tendencies of penal populism a visible force in penal policy and public debate within a Norwegian context?

To assess the question the thesis will be presenting two potentially conflicting theoretical perspectives in relation to their perception of the Norwegian penal system; the thesis of Scandinavian Exceptionalism, and the thesis of Penal Populism. Further, the thesis will use

evidence found in penal policy-related documents and stakeholder statements, to explore to what extent these opposing tendencies are prominent in a Norwegian context.

In order to disclose and identify the proposed recent changes, Report No. 37 to the Storting (the correctional services white paper), published in 2008, will be applied as a methodological tool, as well as a point of reference for comparison. The rationale for this application is that the white paper was implemented around the time John Pratt published his paper on Scandinavian Exceptionalism (2008). Furthermore, as a means of answering the research question, documents in regard to three central debates[3] with reference to penal policy occurring in the past few years will be addressed and compared to findings in the correctional services white paper. Documents for comparison were published between 2016 and 2019 - thus, some years after the publication of Report No. 37 to the Storting - in order to disclose change. The debates will further be compared as to establish to what extent they correspond, contrast and overlap, in order to assess the rhetoric and tendencies of Scandinavian exceptionalism and penal populism apparent in 2008 as compared to 2016 and onwards. The thesis will in other words be comparing the situation in 2008, which according to Pratt, was mainly one of Scandinavian penal exceptionalism, with the situation around ten years later. The main question of this comparison is if, or rather to what degree, penal populism has entered the stage of Norway and perhaps lessened or even derailed the influence of Scandinavian exceptionalism.

1.2 Thesis Structure

The subsequent chapters will consist of a background and literature review, a theory segment, a methodology section, a chapter addressing the political debates, findings, and a concluding discussion. The background and literature review will provide the reader with the contextual framework and background of the thesis. It will thereby address the general assumptions in regard to Nordic penal policy as well as the so-called "Nordic Model", and on the contrary, the "punitive-turn". It will also consider observations of a "punitive turn-Nordic style". The following theory chapter will present the theoretical framework which will be applied, and hereby introduce the theories of Scandinavian exceptionalism and penal populism. The most

[3] These debates will be further explained in chapter 5, however, includes the debate in regard to increasing the Norwegian maximum penalty (2016-2017); the so-called "monster-debate", addressing the former Minister of Justice Sylvi Listhaug's reference to paedophile sex offenders as "monsters" (2018); and the debate in regard to the increased threat of criminal youth gangs (2018-2019).

common attributes to both phenomena will thus be presented. Further, the methodology section will establish the research´s epistemological position and additionally justify the chosen methods of document analysis and multiple-case study design. The following chapter will provide an overview and summary of Report No. 37 to the Storting (2008) as well as the three central debates in which the empirical data is drawn from. The findings will outline the data collected through various documents, whilst examining the findings in comparison to theory and secondary data identified in the literature review. This section will follow the structure of the chapter addressing the theoretical framework, in regard to the three key trends of penal populism. The final chapter will provide conclusions and suggestions.

2 BACKGROUND: SCANDINAVIAN RESISTANCE IN THE ERA OF PENAL EXCESS?

This chapter will explore the history of the Nordic penal systems[4] as well as factors which previous research has found to contribute to the evaluation of the Scandinavian penal model and, on the contrary, the so-called "punitive turn". It will thus provide the reader with the contextual framework and background of the thesis, prior to the presentation of the theoretical framework that follows. An overview of the general assumptions regarding Nordic penal history and culture will firstly be presented. This will be followed by an evaluation of the so-called "Nordic Model", including the Nordic welfare states and Nordic political systems, as penal policy and punishment are complex phenomena deeply planted in historical and cultural contexts. Lastly, observations of an international and Nordic style "punitive turn" will be discussed.

2.1 Scandinavian Penal Culture, Welfare, and History

The Nordic countries, commonly also referred to as Scandinavia[5], have for a long time been considered to exhibit unique characteristics in many respects (Lappi-Seppälä and Tonry, 2011). It has been argued that these countries, which include Norway, Sweden, Denmark, Finland, and Iceland, stand out in terms of high levels of governmental legitimacy, trust, and population solidarity, compared to most other developed countries (Lappi-Seppälä, 2007). Therefore, it has been noted that sentencing levels have remained moderate, and that issues of law and order have not become majorly politicised.

[4] Most of the available literature in the field of study is comparative. The majority of international comparative studies on the penal field further consider the Nordic countries as one due to the longstanding shared history and culture. It has, however, been questioned by, e.g., Ugelvik and Dullum (2012) and Mathiesen (2012) whether these countries are similar enough or not to warrant such comparisons. While acknowledging that there are indeed critical individual differences within these countries, the thesis will apply the first perspective, as most of the relevant literature is drawing on such assumptions. In-depth comparison of individual differences between the Nordic countries is thus outside the scope of this chapter.

[5] Although the Nordic Countries and Scandinavia are considered to be distinct geographical terms within these countries, the terms will in this thesis be used as synonyms. This application is in accordance with the English usage, as the thesis is mostly drawing international literature where these phrases are applied interchangeably, referring to common cultural heritage rather than geography. Within these countries, however, the Nordic countries (Norden) refer to Norway, Sweden, Denmark, Finland, and Iceland, while Scandinavia (Skandinavia) only includes Norway, Sweden, and Denmark.

When it comes to imprisonment rates, the Nordic social democratic welfare states have for decades been perceived as exceptional in comparison with the Anglo-American countries[6] (Ugelvik and Dullum, 2012). Since the 1960s the Nordic countries have, with Finland as an exception, had remarkably stable rates of incarceration, ranging from 40 to 80 per 100,000 of the population (Aebi and Tiago, 2018; Falck et al., 2003). Despite the alleged increase over the last few years the region has, both as a group and as individual countries, generally had among the lowest rates of imprisonment as compared to the rest of the world (SSB, 2018; Lappi-Seppälä, 2016; 2012). Scandinavia could thus be perceived as one of the least punitive regions there is if one was to base the level of punitiveness on incarceration rates[7].

Looking at the amount of crime, on the other hand, the rates have not been outstanding in comparison with other developed countries (Lappi-Seppälä and Tonry, 2011). Instead, the low imprisonment rates and mild penalties have been explained by reference to welfare provision, political cultures and high levels of trust, as penal severity allegedly is closely connected with such factors (ibid.). Before the late 1960s, there was, in fact, nothing exceptional about penal policy and the imprisonment rates in Scandinavia (Pratt, 2008a). In the post-war period, on the other hand, the imprisonment rates began to diverge from e.g., those of the U.K, due to a unique shift in the penal philosophy of the region. Hence, even though the levels of recorded crime in both Scandinavia, the U.K, and other modern societies were similar, the imprisonment rates in Scandinavia remained relatively stable from the 1960 onwards, while the imprisonment rates in other modern societies increased (ibid.). While other modern countries experienced penal pessimism (e.g. Bottoms and Preston, 1980), the Scandinavians argued, despite already having relatively low imprisonment rates, that further reductions could be achieved (Pratt, 2008a; Lappi-Seppälä, 2007). Thus, while other countries reacted to

[6] Referring to the U.K, the U.S and other English-speaking nations with similar cultural heritage.

[7] Accounting for "stock" numbers (the number of people imprisoned at any one time), which is the most common way of measuring imprisonment rates in international comparative studies. The Nordic countries always score low on such comparisons. However, considering "flow" prison population rates (the number of people being sent to prison over a year), which is often more difficult to obtain, the Nordic region tend to score high as compared to other developed countries (Smith and Ugelvik, 2017). The fact that the Nordic countries tend to score low in these international comparisons based on stock statistics does i.e., not mean that few persons are imprisoned in this region, as flow statistics reveals that a large number of short sentences are being meted out by the Nordic courts (ibid.). This arguably adds another dimension to the allegedly modest use of imprisonment in these countries, as it suggests that sentences are imposed in a somewhat extensive matter, although often for a short amount of time. Thus, this does not particularly comply with the portrayals of these states in international comparison nor the typical penal welfare aims.

increased crime rates with more punitive intents, the Scandinavian countries reacted with less.

The optimism was embedded in a shift from a welfare approach to punishment to a rights-based one (Lappi-Seppälä, 2007). There was still, however, a strong belief that state-provided welfare services and regulations provide solidarity and prevent crime. Policy remained expert-driven and not opportunistic. Although victimisation was broadly influential in the drive for penal excess in the U.S, victim's rights were in the Scandinavian region, not associated with personal revenge but rather compensation for losses and damages (Pratt, 2008a; van Dijk, 1988). The prosecutor often claimed damages on behalf of the victim, and victim statement impacts were therefore unknown, allowing sentencing based on objective rationality instead of subjective emotion (Pratt, 2008a). The position of the Nordic victim has, however, traditionally been strong (Lappi-Seppälä, 2007). Yet, it was thought that the victims should not have an impact on the imposition of punishment upon the offender. The approach towards the offender, on the other hand, has been treatment-oriented, where rehabilitation and correctional ideologies have enacted a significant role. When imposing sentences, attention has been given to the personal characteristic of the offender regarding his need for treatment (care), rather than the act in itself (Lahti, 2000). There has i.e., been a widespread agreement that justice, legal security, and humaneness should enact a major role in legal debate as well as constitute the leading legal principles in the Nordic criminal justice systems, where the offender traditionally has been at the centre (ibid.).

It has further been argued that the Scandinavian region has adopted a functional approach to the issue of crime, where rehabilitation and reintegration of the offender enacts a significant role (Lahti, 2000). This approach emerged from the 1970s onwards due to distrust in the effectiveness of deterrent and repressive penalties (Lappi-Seppälä, 2007). Punishment in the Scandinavian region has thereby been imposed as a means of "fair effectiveness," according to Lappi-Seppälä (2007). Further, as it was argued that crime prevention could not be obtained through fear (deterrence), prevention came to be understood in a different matter. The Nordic countries thereby embraced prevention through the disapproval of offences, which in turn was thought to lead to the creation of morals and values. Thus, the penal philosophy of this region has been embedded in the thought that norm compliance may be upheld through acceptance and legitimacy, rather than fear and deterrence.

These features have been argued to be embedded in high levels of social trust and political legitimacy, as well as the central role of juridical professionals, which has preserved persistent and rational policies (Lappi-Seppälä, 2007). The legitimacy of the political institutions has, i.e., remained high, and it has been argued that the region thereby has resisted a move towards symbolic politics. This resistance has further been reinforced by the mass media news coverage, which is thought to provide high quality and educational content in regard to issues of law and order. The objective rather than subjective coverage of crime has further promoted rational thought on the part of the general public, reducing the amount of sensational crime news associated with the creation of public fear (Lappi-Seppälä, 2007). Consequently, crime has not become a controversial political issue in the official discourse to the same extent as in other countries (Bondeson, 2005), and penal policy has traditionally remained rational, humane, and pragmatic.

2.1.1 The Nordic Model

The concept of a Nordic or Scandinavian model, along with welfare regime types, has its origin from the 1980s and several comparative studies on welfare states (Alestalo et al., 2009; Esping-Andersen, 1990). The Nordic model has thereby been well explored in comparative criminology and welfare state research, by influential writers such as Christie (2000), Esping-Andersen and Korpi (1986), and Cavadino and Dignan (2006). Cavadino and Dignan (2006) conducted an analysis looking at the relationship between different types of states and punitiveness. It was then argued that punitiveness, in terms of both modes of punishment and punishment severity, does indeed depend on the category of state in question. Drawing on Esping Andersen's (1990) welfare states theory, Cavadino and Dignan (2006) put forward four distinct types of state formation, exhibiting notably differing penal tendencies. These were neo-liberal states, conservative corporatist welfare states, oriental corporatist states, and social-democratic corporatist welfare states, where the Nordic countries were put in the latter category. It was further argued that this categorisation was strongly related to penal culture, punitiveness as well as rates of imprisonment. Nordic-style social democracies were then argued to be generous and universalistic, with high levels of tax and an egalitarian ethos. Cavadino and Dignan (2006) argued that these states, therefore, are less punitive as compared to the other groups, and that the combination of social democracy and corporatism in which these countries hold lessen the use of punishment.

Features of the Nordic political systems and the Nordic welfare state are thus vital in order to understand Nordic penal patterns, policies, and operations, as criminal justice systems do not exist outside their historical, cultural and political context. The penal policies and practices of the Nordic countries, as well as features such as low imprisonment rates and humane prison conditions, hence frequently tend to be explained by reference to "the Nordic Model." This has become a standard term of this "special case," applied in both Nordic and international welfare state research, comparative criminology and penal debate (Christiansen et al., 2005; 9; 12). There are indeed significant differences between the Nordic countries. However, in comparative criminology, the Nordic countries are generally analysed collectively by reference to the Nordic model, as major similarities have been produced due to a long-standing shared history as well as efforts for coordination (Lappi-Seppälä and Tonry, 2011). The Nordic model further refers to economic and social policies, as well as cultural traits, common to these countries. It is manifested in comprehensive welfare states promoting social cohesion, protection of the vulnerable, universal welfare provision, and public participation in decision-making.

The welfare systems in the Nordic countries, often referred to as "the Nordic welfare-model," has therefore been perceived as being based on a high degree of solidarity, national cohesion, and egalitarianism (Christiansen et al., 2005). The model is characterised by comprehensive welfare services and programmes, ensuring social and health services, social security, education, employment, and housing for all. The aim of the welfare state is further to stabilise the economy as well as to ensure that the basic needs of the entire population are met. Tolerance for inequalities is consequently lower as compared to many other countries, both by the state and the population as a whole. Thus, in addition to a relatively moderate penal state, the citizens in these countries have been regarded as among the least punitive as compared to citizens in other developed countries (van Dijk et al., 2007). The Nordic countries consequently tend to rank high on welfare-related international comparative statistical reports in relation to e.g., equality, quality of life, and social trust. Such high levels of welfare, social trust, and legitimacy have further been associated with a mild penal system (Lappi-Seppälä, 2007).

Considering the Nordic political systems, all the countries are constitutional democracies and practice multiparty political systems with coalition governments (Lappi-Seppälä and Torny, 2011). All exercise consensus and corporatist political cultures as opposed to conflict political

regimes, which are associated with moderate penal policies and low incarceration rates (Lappi-Seppälä, 2008; Cavadino and Dignan, 2006; Bondeson, 2005). The relatively mild penal policies, as well as low imprisonment rates in this region, has thus been explained as rooted in high levels of social trust and political legitimacy, and consensual and negotiating political cultures (Lappi-Seppälä, 2007; 2008). Consensus-driven penal policy adheres to compromises, where it tends to be a consensus and a general agreement between the major parties regarding issues of law and order (ibid.). The consensus model allows for the sharing of power in broad collaboration (Lijphart, 1998), where critique towards the current and former government is majorly frowned upon. The political decision-making processes are thereby characterised by consensus-seeking negotiations, where a kind and gentle approach is applied to policy development (Lijphart, 1998). Consensus political regimes further tend to operate in a way which generates less crisis talk, reduce controversies, and produce sustainable long-term policies. Societies practising consensual politics are also, according to Lappi-Seppälä and Tonry (2011), less receptive to "penal populism" as compared to societies practising conflictual (majoritarian) political regimes, where controversies are heightened, and differences are encouraged.

Consensus democracies further function to uphold stability and prevent dramatic policy changes. These societies are, in addition, deeply influenced by the social-democratic labour movements, promoting equality and social reforms (Esping-Andersen, 1990). Large-scale changes of legislation in these societies, therefore, tend to be made slowly over time, after comprehensive analysis and consultation with various subject-experts (Lappi-Seppälä and Tonry, 2011; Bondeson, 2005). Lappi-Seppälä (2007) thus argued that penal policies in Scandinavia are majorly influenced by a variety of experts, in which function to diminish political dispute. A systematic and pragmatic approach has generally been applied to legal matters in all countries, which has been strengthened through intergovernmental cooperation.

2.2 The "Punitive Turn"

Widely opposing to the traditional features and general assumptions of a so-called Nordic model, as described above, the United States and Western Europe have during recent decades experienced a transformation in the perception of issues of crime, punishment and public safety. The transformation has come to be labelled "the punitive turn," manifested through increased imprisonment rates, harsher and retributive penalties, and populist public discourse (Pratt, 2007). This transformation marked the end of the penal-welfare era, dominated by

welfare and social policies. The penal welfare structure, building on rehabilitation, welfare, and criminological expertise, was then replaced by a "nothing works"[8] pessimism, which was eventually applied to all parts of the criminal justice system (Garland, 2001). As a consequence, liberal principles such as proportionality, just deserts, and minimisation of penal coercion was over time dismissed in favour of harsher policies of deterrence, incapacitation, and eventually, expressive, exemplary sentencing and mass imprisonment (ibid.).

The international punitive trend occurred in the U.S. four or five decades ago and reached Western Europe in the early 1990s (Pratt et al., 2011). These are the tendencies which have been referred to as "penal populism," "culture of control," and "populist punitiveness" by criminologists (Pratt, 2007; Torny; 2004; Garland, 2001). The government in societies where these tendencies are apparent have, according to Pratt (2007), developed penal policies in accordance with sentiments of the general public, while declining advice and evidence of academics and civil servants. Policies developed are embedded in deterrence theory, arguing that a tougher approach to crime will decrease the likelihood of engagement in certain types of illegal activity. Penal populism is often referred to as a process in which major political parties compete with each other to get "tough on crime," believing this is the punitive stance of the general public (Bottoms, 1995). It is associated with the perception that crime is out of control and has arguably led to penal policies designed to win votes rather than to reduce and prevent crime, where the electoral advantage is prioritised over penal effectiveness (Roberts et al., 2003). However, Dobrynina (2017) and Pratt (2007), claim that the evaluation of this issue as purely opportunistic and something the politicians may control is majorly simplified, and does not fully reflect the complexity of the major shift in the arrangement of penal power present in modern society. Pratt (2007) argue that instead, the punitive turn is a consequence of social and cultural changes in the 1970s, which continue to affect modern society. The root of the phenomenon lies, according to Pratt (2007), in the decline of trust in the government, in addition to the rise of ontological insecurity and new forms of media technologies to spread it (Wacquant, 2001). He further claims that the impact of the punitive turn differs from society to society and that it has had the most influence in relation to policies on youth crime, sex offenders, persistent criminals, "incivilities" and anti-social behaviour. In societies affected by the punitive turn, harsher penalties have thus been attached to these types of criminal activity. Garland (2000) on the other hand, argued that the root of penal excess lies in

[8] Originally used in regard to prison-based treatment programmes.

structural and cultural preconditions, and thereby stressed the notion of societal receptiveness to penal excess.

2.3 Scandinavian Penal Policy: Outsider vs. Insider Perspectives

Comparative criminology on the penal field allegedly emerged out of the "punitive turn" and global changes in penal policy as described above (Tubex, 2013). Comparative criminologists then sought to understand these trends, by going across borders to evaluate the relationship between different states and differing levels of punitiveness (ibid.). There has consequently been a growing international interest in Nordic penal policy and practice over the course of recent years, both on the part of the media and academics. The universal and comprehensive Scandinavian model, as suggested by Esping-Andersen and Korpi (1986) in the 1980s, is thereby still routinely applied by international scholars. Especially scholars from the Anglo-American countries have displayed an increased interest in regard to these countries, promoting egalitarian welfare policies, humane penal policies as well as a commitment to human rights (Smith and Ugelvik, 2017). By non-Scandinavian observers, the Nordic countries have hence on several occasions been portrayed as "model societies" (ibid.; Christiansen et al., 2005), pointed at as an inspiration for other societies to follow (Andersen et al., 2007). Scandinavian countries are, therefore, frequently used in comparative analysis in order to illustrate a well-functioning welfare state, where deviance is tackled through social measures rather than punitive measures (Ugelvik and Dullum, 2012). International researchers have further labelled these countries as "non-punitive societies," being among the most egalitarian societies there is, embedded in high levels of solidarity and equality (Pratt 2008a; b).

Moreover, although Western Europe presumably has witnessed a "punitive turn," several international researchers have suggested that the Nordic countries have resisted this trend (Nellis, 2014, Pratt, 2008a; b). These countries have therefore been portrayed by various scholars as exceptions to the global rule of transition towards tougher, less welfare-oriented penal policies, due to the holding of exceptional characteristics (Pratt, 2008a, b; Lacey, 2008). The award-winning series of articles published by Pratt (2008a; 2008b) has been majorly influential in developing and reinforcing such perceptions, as he argued that the Nordic region exhibits a unique system of "Scandinavian penal exceptionalism." It has thereby been argued that Scandinavian penal policy has stayed pragmatic and humanitarian, despite the shift towards penal excess affecting other modern societies.

While Pratt (2008a; b) and other international observers have promoted a so-called Scandinavian penal exceptionalism, Nordic scholars have, on the other hand, generally been far more critical in their analysis of the Nordic penal systems. Although this notion has fitted well with Nordic politicians and other stakeholders' self-perception and international marketing, several Nordic scholars have come to challenge the comparative approach, as well the claim of exceptionalism in the Nordic penal landscape. Most Nordic commentators have thereby expressed concern regarding the present situation and trends, where it has been argued that due to globalisation, the Nordic countries have also come to face the political and social challenges evident in the modern world (Lappi-Seppälä and Tonry, 2011; Andersen et al., 2007). The Scandinavian welfare state model, as portrayed by Esping Andersen (1990), has hence been confronted and allegedly transformed in a more neoliberal direction.

Several academics have problematised this gap between Nordic penal research and the story told by international observers, acknowledging that nature of what one sees at least partly depends on the context and eyes of the observer (Ugelvik and Dullum, 2012; Mathisen; 2012; Alestalo et al., 2009). As Nordic scholars have grown familiar with the Nordic welfare state and its premises, it has arguably allowed a more in-depth analysis of single- penal issues as compared to the macro-level picture portrayed by many international observers. Thus, i.e., the macro-level theories as developed by international scholars on the Nordic region may fail to reflect micro-level realities of these societies (Reitner et al., 2017). Besides, the Nordic countries are often compared with themselves by Nordic scholars as opposed to the comparative approach applied by international researchers. It is no major surprise then that the Nordic penal systems will appear different in the eyes of observers from the e.g., the U.S. or U.K, as the nature of their backgrounds allow them to become more aware of the traits intrinsic to the Nordic countries as such traits are absent in their own societies. On the contrary, it does, however, appear to be a consensus among most academics regardless of nationality that the moderate penal policies and high levels of welfare remain in the Nordic states in comparison with other developed countries, although the region also faces certain challenges in this field. However, the use of the word "exceptional" to describe the Nordic penal system, along with the suggestions of Nordic resistance to penal excess, continue to be challenged by Nordic academics.

2.4 The Punitive Turn- Nordic Style?

Over the course of recent years, there has, according to Nordic scholars, been several changes in Scandinavian penal policy towards increased use of penal control (see e.g., Shammas, 2015; Smith, 2012; Mathiesen, 2012; Tham, 2001). Although being portrayed as exhibiting unique inclusionary and eligitarian features, the ideals of the so-called Scandinavian penal exceptionalism thus appears to be diminishing as the Scandinavian states are becoming increasingly punitive. The forces which has led to penal excess in other societies; the reduced reliance upon expert advice; declined trust in the government; and sensationalised media reporting, thereby appears to have become present also in Scandinavia (Johnsen and Granheim, 2012;). Imprisonment rates have increased, punitive sentiments and moral panics among the general public have grown, and sentencing levels has harshened across the region. The transformation has further been argued to be embedded in the combination of a changing social structure, a move towards neoliberalism, and the emergence of symbolic "tough on crime" politics (Shammas, 2015).

Lappi-Seppälä and Torny (2011) argued that the Nordic countries over the last few years have experienced a gradual politicisation and intensification of penal policy; a process which they referred to as "the punitive turn- Nordic style". These tendencies have been attributed to the increased popularity of right-wing protest parties in all the Nordic countries, who tend to advocate for tougher and harsher action towards offenders (Lappi-Seppälä and Tonry, 2011). It has been claimed, that the other parties have consequently been "forced" to make adjustments to their manifestos, responding to dissatisfied voters (Tham, 2001). Left-wing political parties have thereby discarded the social-democratic crime control principles of rehabilitation and reintegration, due to the political pressure from both the general public and the opposing parties. It has i.e., been argued that political representatives from both left-wing and right-wing parties have embraced penal populism through the application of populist rhetoric and promotion of penal populist inspired policy initiatives (Smith, 2012; Ugelvik, 2012; Tham, 2001). It is thus now, according to scholars, indeed more openly acceptable to propose controversial "tough on crime" initiatives in the Scandinavian region, even among the major political parties (ibid.).

These dynamics have further been explained by a newfound focus on proposing "popular" penal initiatives, meeting "public demands," "public opinion" and "the public sense of justice." Although the consideration of the public sense of justice in penal policy has

previously been referred to as an obstacle to humane and correctional penal policies (Jerre, 2013; Bondesson, 2003), these considerations has, according to Balvig et al. (2015), become manifested in the political discourse also in a Scandinavian context. Various political representatives have thereby openly stated that they adhere to public sentiments of justice rather than expert knowledge (Balvig et al., 2015; Olaussen; 2014; Smith, 2012). Criminologist and other experts have i.e., been replaced by the people through its representatives: the politicians, which is legitimised as democracy (Balvig et al., 2015; Jerre and Tham, 2010). More prolonged and harsher penalties have, therefore, been imposed despite criminological evidence that alternatives to imprisonment are more effective means of preventing crime (ibid.).

It has thus been argued that the tone of Scandinavian penal policy and practice is in the process of changing from rational to emotional, in accordance with trends of penal populism. This is further reinforced by the mass media news reporting on the crime situation, which has, according to Green (2012), increased in volume and become more sensationalised, although yet being far from the tabloids of e.g. the UK or US (Ugelvik, 2012; Pollack, 2001). It has been argued that the Nordic societies have come to adopt parts of the Anglo-American trends concerning mass media crime coverage, which in turn has, according to some scholars, contributed to the emergence of a harsher penal climate (Green, 2012).

Furthermore, although references to the "public sense of justice" and public opinion has been observed as routinely applied by political representatives as justification for harsher penalties, several comprehensive studies have been conducted in Scandinavia in the recent years attempting to address public attitudes towards punishment (see Balvig et al., 2015; Olaussen, 2014; Jerre and Tham, 2010; Djupvik, 2007; Balvig, 2006). These studies emerged out of the declined reliance upon criminologist knowledge on matters of sufficient punishment, in favour of "the will of the people" (Balvig et al., 2015; 343). It has thereby been found a differentiation in public punitiveness embedded in a general-, informed- or concrete sense of justice, referring to levels of legal consciousness. The general sense refers to the relatively uninformed public, believing that the courts are more lenient than they actually are, whereas the informed and concrete sense refers to when the public becomes aware of the facts and circumstances surrounding a criminal case. The first group thereby proposes more severe punishment; while the latter proposes less. Thus, when the public is introduced to more

information, they tend to recommend sanctions at the same level of severity or below that of the sitting judges.

The findings in these studies thus imply that public punitiveness in a Scandinavian context is embedded in lack of knowledge. This further has implications for penal policy as it has been suggested that Scandinavian penal policy is increasingly legitimised by reference to the public sense of justice. It was also found that the public wants to obtain a diversity of objectives with sanctioning other than just punitiveness through harsher punishment (Balvig et al., 2015). The studies revealed that the general public is (still) in favour of the welfare state objective of offender rehabilitation as well as victim care through economic compensation. This implies that public opinion as an argument for harsher penalties is invalid and that increased penalty level would have to be legitimised by other means (ibid.). Yet, political representatives in Scandinavia argue, according to Balvig et al. (2015), that sentences are excessively lenient and that the general public demands more severe punishment. It is i.e., the general or "uninformed" sense of justice which is applied when political representatives campaign for harsher punishment (Smith, 2018).

Tendencies of increased penal severity and levels of punishment are thus clearly evident in Scandinavia (Tham, 2001), where political representatives have repeatedly expressed concern for the increase in various categories of crime (e.g., violence, youth crime, sexual offences). An increase that there has been no empirical support for in national victim surveys, however, which has led to harsher penalties for several offences including violence, youth crime and sexual offences (Olaussen, 2014; Tham, 2001; Nielsen, 1999). These tendencies have further by several scholars been connected to the "crime-incarceration disconnect" concept described by Wacquant (2009; 144), which was put forward by him as a central aspect to the U.S. punitive turn (Shammas, 2015;). There is i.e. no correlation between the incarceration rate and the crime rate, and the harsher penalties are therefore explained as a part of a neoliberal strategy rather than a reflection of actual crime rates or victimisation.

Furthermore, as a consequence of the aforementioned change of dynamics, including the implementation of harsher and longer sentences, the prison population has indeed risen. More juveniles are sent to prison, ignoring the advice of subject-experts, as the group has gained increased political attention (Smith, 2012; Lappi-Seppälä and Tonry, 2011). Evidence has further been found, that there has been a change in the objectives of punishment, moving from rehabilitation, embedded in welfare and social engineering, to deserved punishment,

embedded in neoliberalism (e.g. Jerre and Tham, 2010; Lahti, 2000). Thus, although a number of international researchers have insisted that the Scandinavian countries have resisted the move towards punitive segregation, a punitive tend has been well observed and documented both in Norway as well as in several of the neighbouring Scandinavian countries (e.g. Shammas, 2015; Lappi-Seppälä, 2012; Ugelvik, 2012; Lappi-Seppälä and Tonry, 2011; Balvig, 2005). There is thereby no doubt that penal populism has had a measurable and concrete impact on the Nordic countries.

2.4.1 Penal Populism and the Norwegian Penal Debate

While the trends as discussed above have been disclosed in all the Scandinavian countries, there are a few factors and research articles on the current situation in Norway that are worth mentioning with regard to this thesis. First, changes in the Norwegian penal debate have been ascribed to the entry into government of the Progress Party[9], which has been referred to as a neoliberal or populist-right party by Norwegian scholars (Todd, 2018; Shammas, 2015). It has been argued that this party has mobilised a law and order agenda in Norwegian politics, which, according to Todd (2018), has allowed them to improve their electoral performance. This has allegedly facilitated a structure whereby the Progress Party and the social democratic Labour Party compete to gain the position as the leading party of punitive policies in the official discourse, as this has been associated with electoral success (Shammas, 2015). This structure has further been explained by reference to the changes in Scandinavian penal policy, as discussed above.

Second, penal populism in the Norwegian penal debate has been discussed briefly with regard to drug-related offences, terrorism, youth offenders and sex offenders (Todd, 2018; Olausson, 2014; Shammas, 2015). However, the main focus when considering penal populism and the Norwegian penal debate has been upon foreign offenders. While there are several articles commenting on this theme, Todd (2018) research article was the only paper found which exclusively addressed the presence of penal populism in the Norwegian penal debate, at least accounting for more recent years. Todd (2018) conducted an analysis focusing on how the

[9] The former centre-left government (2005-2013) consisting of the Labour Party, the Socialist-Left Party and the Centre Party was in 2013 replaced by a right-wing coalition consisting of the Progress Party and the Conservative Party, with the Christian Democratic Party and the Liberal Party as cooperation parties. In 2018 the government was expanded to include the Liberal Party, while in 2019 it was expanded again to include the Christian Democratic Party. The current government is a centre-right coalition.

governing parties between 2013 and 2016 (the Conservative Party and the Progress Party) engaged in penal populism directed against non-citizens. He thereby argued that penal populism is somewhat evident with regard to non-citizens on the part of these political parties, however claimed that the phenomenon was not particularly manifested when considering other categories of crime. He specifically noted that the political rhetoric regarding youth offenders does not bear the hallmarks of penal populism, which he described as exceptional, as this group generally has constituted a prime target for populist politicians in other countries. He further explained this resistance by reference to the features of the Norwegian society, as he argued that a dramatic populist shift would have been too controversial in a Norwegian context. It has therefore been, according to him, easier for the Progress Party to "do populism" by focusing on non-citizens, as the welfare penal consensus among Norwegian citizens has remained strong.

While Todd (2018) focused on penal populism and the issue of foreign offenders, this thesis will evaluate the presence of penal populism with regard to penal debates tackling the issues of criminal youth gangs, paedophile sex offenders and recurring violent offenders. These are all categories of crime which allegedly has gained increased political attention in the era of penal populism. The rationale was both to see whether penal populism has become more manifested in the Norwegian penal debate, and whether the phenomenon is prominent with regard to these penal issues accounting for the situation in 2019. As opposed to Todd's analysis, which evaluated the narrative of the governing parties between 2013 and 2016, this thesis will address the voices of the key stakeholders to the Norwegian penal debate between 2016 and 2019 (all the parliamentary/major parties,[10] subject matter experts, the media and the public). The rationale behind this was to gain a holistic understanding of the Norwegian penal debate, and to disclose whether the alleged new political dynamics has affected the overall political climate. It was also to evaluate whether an unravelling in the relationship between these key stakeholders has taken place, with regard to their role and influence, as such rearrangement has been described as an essential feature of penal populism.

[10] Referring to the Progress Party, the Conservative Party, the Labour Party, the Centre Party, the Christian Democratic Party, the Liberal Party, the Green Party, the Socialist Left Party and the Red Party (Stortinget, 2019d). All the parliamentary parties are major parties. However, the Conservative Party, the Progress Party and the Labour Party will in this thesis at times be referred to as the "largest parliamentary parties", while the remaining parliamentary parties will be referred to as the "minor parliamentary parties". The rationale behind this is both that those were the three parties which received the majority of votes during the 2017 general election (NRK, 2017), and that a distinction between these three parties and the remaining parties with regard to penal populism was disclosed in the analysis.

3 THEORETICAL FRAMEWORK

The following chapter will present the general theoretical framework in which the thesis will be based upon. Criminological theories included are "Scandinavian Penal Exceptionalism" and "Penal Populism." Firstly, John Pratt's thesis of Scandinavian exceptionalism will be addressed, deriving from his two-part article "Scandinavian Exceptionalism in an Era of Penal Excess," published in 2008. The context in which the thesis was developed, as well as his perception of Scandinavian penal policy and practice, will thereby be presented, along with the proposed requirements for penal exceptionalism. His article "In Defence of Scandinavian Exceptionalism" will also be discussed, which was written in 2012 in cooperation with Swedish Anna Eriksson[11], after his thesis received a considerable amount of critique from Nordic scholars. Secondly, the theoretical framework of Penal Populism[12] as put forward by Pratt, Garland, and Roberts, Stalans, Indermaur, and Hough will be reviewed. Roberts et al. (2003) explored the manifestation of penal populism in the U.K, U.S., Canada, Australia, and New Zealand, whereas Garland (2001) assessed the emergence of penal populism in the U.K and the U.S. Pratt (2017; 2011; 2007; 2005), on the other hand, addressed penal populism as a concept in itself, however, argued that the trend was first detected in the Angelo countries and further spread throughout Western Europe. The most common attributes to penal populism identified by these key scholars will thus be presented, which was found to be the politicisation of penal policy discourse, changes in the objectives of punishment, and the emergence of an emotional-oriented penal policy. These are the three trends, along with the more specific traits of each trend that will be introduced, which will function to guide and structure the analysis in chapter 6.

3.1 Scandinavian Exceptionalism

The perception of Scandinavian penal exceptionalism, which refers to low imprisonment rates, humane prison conditions, and liberal penal policies, has been a subject to discussion

[11] In 2012, Pratt and Eriksson also published the book "Contrasts in Punishment," evaluating differences in punishment between the Anglo countries and the Scandinavian countries. This was the end-product of their project, of which the articles "Scandinavian Exceptionalism in the Era of Penal Excess" derived from. However, "In Defence of Scandinavian Exceptionalism" is a separate article from the book, published in "Penal Exceptionalism?: Nordic Prison Policy and Practice". This book revisits the thesis from 2008 and is edited by Ugelvik and Dullum (2012).

[12] "Penal populism," "Culture of Control," "Populist Punitiveness," and "the Punitive Turn" are all terminology for the same phenomenon. Although e.g. Garland refer to these changes as a new "culture of control," the phenomenon will in this thesis be referred to exclusively as penal populism.

and criticism for some time (Shammas, 2015; Ugelvik and Dullum, 2012). What began with the aforementioned focus on the Nordic model in comparative criminology inspired and led to the emergence of the Scandinavian penal exceptionalism thesis, through the publication of John Pratt´s (2008a; b) two-part article "Scandinavian Exceptionalism in an Era of Penal Excess." This thesis further provoked and reinforced an ever-greater amount of research and debates regarding the nature of, as well as changes in Scandinavian penal policy. Pratt (2008a) claimed in his article that the Scandinavian countries exhibit a unique "culture of control," which has resulted in so-called penal exceptionalism. He further argued that the exceptional features derive from a Scandinavian culture of equality, social solidarity and egalitarianism, and that the social democratic model of welfare in which the Scandinavian countries are built upon facilitates more "inclusionary" penal policies (ibid.; Pratt and Eriksson, 2012a).

3.1.1 Pratt´s Thesis of Scandinavian Exceptionalism

Pratt (2008a) began his first article by introducing the study of so-called "low-imprisonment societies." He emphasised the importance of also exploring the positives of non-crime, which are often neglected, as the majority of research is centred around the negatives of crime. The study of punishment in modern society is, according to him, mainly concentrated on the issue of penal excess, where the subject of low-imprisonment societies is largely excluded. Hence, Pratt (2008a) called for the exploration of what he refers to as "Scandinavian penal exceptionalism."

Pratt (2008a) argued that while in the U.S., where the carceral tradition of the country has promoted tolerance of degrading and inhumane punishment; a so-called "United States Exceptionalism," egalitarianism has manufactured the opposite effect in the Scandinavian region (Whitman, 2003). It is, according to him, the outstanding egalitarian cultural values and social structures of these societies which have contributed to the development of a high functioning welfare state and hence Scandinavian exceptionalism. Pratt (2008a) claimed that the egalitarianism developed due to social conditions which allowed for limited class distinction, and that these features have become one of Scandinavia's identifying characters (Pratt and Eriksson, 2012a). He went on to argue that equality is an essential feature of the Scandinavian lifestyle, and that social interactions are characterised by consensus as well as focus on collective interests rather than personal ones. The inclusionary and egalitarian nature

of these societies functions to maintain this consensus; while reducing social tensions and conflict (Pratt and Eriksson, 2012b).

Pratt further noted that Centre and Labour parties have usually been dominant in these countries offering security for all, meaning there has been little opposition to the extension of the welfare state, despite high levels of tax. He went on to argue that the task of the criminal justice system traditionally has been rehabilitation and correctional treatment, and that prisoners are consequently perceived as "welfare clients" rather than "dangerous others," to be treated with respect to their human worth (Pratt and Eriksson, 2012b). The prisoners, therefore, receive care and rehabilitation, in order to reduce the harmful effects of imprisonment, and to prepare for reintegration once released (ibid.). Pratt thus argued that rather than force into rules submission, the reintegration of criminals, along with acknowledgement of the offenders' potential, is the foundation stone that Scandinavian penal exceptionalism is built upon (Pratt and Eriksson, 2012b).

Pratt (2008a) also noted that in no other part of the world, expert knowledge is valued more than in the Scandinavian region. Consequently, the mass media news reporting on the crime situation is less emotional as well as backed up by research data. He further argued that this is a major reason why the fear of crime is not particularly prominent nor affecting the quality of life of the inhabitants in these countries. A close relationship between interest organisations and the state in terms of implementation of policy has also led to a high level of trust within the region. The level of trust is reflected in both sentencing practices and the concept of open prisons, which can, according to Pratt (2008a), only work in largely self-regulating and norm-compliant societies, as it requires high levels of trust and tolerance. Furthermore, in societies without major class division, like the Nordic countries, there is, according to Pratt (2008a), no need for spectacular punishment to reaffirm the ruling class power. The idea of equality and "sameness" thus function as a barrier to excessive punishment, encouraging the reduction of "pain delivery" (Pratt 2008a). Hence, the laws are mild, according to Pratt (2008a).

3.1.2 Requirements for Scandinavian Exceptionalism

Pratt (2008a) argued that for penal exceptionalism to be achievable in a society, certain conditions need to be present. These conditions are embedded in a robust social bureaucracy with considerable political autonomy and independence. In these so-called "low-imprisonment societies," most institutions are state-driven; the media portray objective rather

than sensationalised crime news; there is a general mentality encouraging less severe punishment; and high levels of social capital. When these conditions are available, the society is, according to Pratt (2008a), less receptive to penal excess. However, Pratt (2008a) also argued that these conditions are not a simple formula which guarantees penal exceptionalism equal to the one in the Scandinavian region, due to the unique Scandinavian style welfarism and egalitarian origin. Rather, cultural history and penal developments over time are, according to Pratt (2008a), what has led to Scandinavian optimism and opposition in the contemporary era of penal excess.

3.1.3 In Defence of Scandinavian Exceptionalism

While being regarded as an interesting and important thesis, the claim of Scandinavian exceptionalism and resistance from penal excess has received a great amount of criticism by Nordic commentators since the original publication (see e.g., Nilsson, 2012; Mathiesen, 2012; Smith, 2012). It has thereby been argued that Scandinavian penal policy is hardly as mild as Pratt (2008a; b; 2012) has imagined, where attention has been drawn to Nordic countries use of pre-trial remand detention and solitary confinement, extensive use of police lockups, the disciplinary aspects of the "open" prisons, and the culture of equality as a technique of social control (see e.g. Smith, 2012; Mathiesen, 2012, Ugelvik, 2012; Neumann, 2012). The fact that John Pratt was on a guided research tour when exploring the penal systems of the Scandinavian countries has further been questioned, where it has been argued that Pratt has based his thesis upon propaganda provided by representatives of the Scandinavian prison systems (Mathiesen, 2012; Jefferson, 2012). His method of macro-sociology at a distance, thus making generalisations without being intimately familiar with the case (societies) in question has additionally been highlighted, along with his reliance upon literature published by English commentators (Reiter et al., 2017; Mathiesen, 2012). It has also been noted that Pratt contradicts himself, by firstly presenting an unequivocally positive image of the Scandinavian model in the past, which has led to resistance from the populist penal model, while secondly indicating a deviation from his previous assumptions of resistance (Mathiesen, 2012). Hence, as the original articles published by John Pratt (2008a; b) generated massive discussion, he did, in cooperation with Swedish Anna Eriksson, review and expand his thesis in 2012 through an article titled "In Defence of Scandinavian Exceptionalism." Pratt and Eriksson here responded to the comments by Nordic commentators, addressing the most common critiques.

As Pratt (2008a; b) has been accused of exaggeration, Pratt and Eriksson (2012b) acknowledged that the Scandinavian countries are not perfect; however, relatively egalitarian societies. They further emphasised that his claim of Scandinavian exceptionalism does not imply that there are no conflicts nor injustices in this region. However, that the Scandinavian region, with the features, culture, and history as described before, exhibit a state formation in which is likely to have produced distinctive tolerances and conduct in comparison with more class-divided regions such as the U.K. Moreover, Pratt and Eriksson (2012b) did point at some of the social costs of Scandinavian Exceptionalism. They thereby mentioned the pressure to conform and the over-powerful state, meaning that the high levels of solidarity produce strong informal control systems. However, it was noted that such factors do not undermine the exceptionalism thesis.

Towards the end of the article, Pratt and Eriksson (2012b) indeed address - at least to this thesis, one of the more essential suggestions made by Nordic scholars (Shammas, 2015; Balvig); whether the alleged exceptional features of Scandinavian penal policy are at risk of being replaced by a more punitive penal culture deriving from the U.S., now spreading across Western Europe (Wacquant, 2009). Pratt and Eriksson (2012b) thereby acknowledged that certain tendencies of change, similar to the rearrangements in penal policy detected in the Anglo societies, are evident also in the Scandinavian region. They further highlighted factors such as electoral success on the part of populist right-wing parties, widened income differentials, more sensationalised crime news reporting, and a more restrictive welfare state. On the other hand, they also noted that there are yet dramatic differences between the Scandinavian region and Anglo societies, and that a large-scale rearrangement of the Scandinavian welfare states has yet not taken place. Pratt and Ericsson (2012b) thereby ended up concluding that the original thesis is indeed valid and thus that the Nordic region is exceptional on the penal field.

3.2 Penal Populism

Penal populism has become a widely discussed characteristic of punishment in modern society (Pratt and Miao, 2017), in which attributes differ significantly from the proposed features of Scandinavian Exceptionalism. It has been described as a product of globalisation, sustained by division and dissent (Pratt, 2008). The term “penal populism” or “populist punitiveness” was originally coined by Professor Anthony Bottoms (1995). It is, according to him and others, one of the major conceptual developments vital to explain changes in

sentencing (Roberts et al., 2003). According to Garland (1999), the era of penal populism is characterised by a return to focus on the victim, retribution, and risk management. It includes a change in the perception of the offender, targeting of "the others" and "simple" target offenders, and debates of urban violence and "zero tolerance" (Wacquant, 1999).

3.2.1 The Politicisation of Penal Policy Discourse

The new area has, according to Pratt (2007), caused "new politics," where lack of trust in politicians and current political processes means that the public is more receptive to new forms of political expression. Penal populism is almost by definition referred to as a process by which political parties compete with each other to be "tough on crime", believing a harsh approach to issues of law and order corresponds to public demands. Thus, in the era of penal populism, crime control has become majorly politicised, where the methods of response to those who commit criminal offences have to an ever-greater extent become a political question as well as a matter of electoral campaign (see e.g., Pratt 2007; Roberts et al. 2003; Garland, 2001). Public penal debates have thereby come to be defined by political tactics and strategies, where political representatives tend to pay major attention to the public presentation of penal policy measures, at the expense of consideration of the actual content and long-term effects of these proposed initiatives.

Conflict and Political Rivalry

Due to their profoundly symbolic and expressive elements (Durkheim, 1960), the issues of crime and punishment are convenient targets for political rivalry, as they grant political actors with the opportunity to portray themselves as advocates of quick and decisive action (Newburn and Jones, 2005). Law and order have consequently gained increased attention and emphasis in crime policy in countries affected by penal populism, a trend which has mainly been attributed to conservative forces in politics (Roberts et al., 2003; Tham, 2001). Crime policy has thus become politicised for the purpose of political gain, where social democrats and other political parties to begin with reluctantly changed and harshened their crime policy due to the political pressure from conservative parties (ibid.). As penal populism has come to be more manifested, however, both sides appear more or less equally eager to compete actively in expressing concerns regarding crime as well as to propose "tough on crime" penal measures. The key symbolic message, from political representatives representing both wings, has been "toughness," where a "soft" approach to crime has become associated with electoral failure (Newburn and Jones, 2005; Roberts et al., 2003). If one political wing manages to

expose the other as "soft on crime," this may consequently cause real damage to the reputation of the opposition. As an attempt to gain the upper hand on matters of law and order, such tactics are thus routinely applied by populist politicians. However, although a "tough on crime" approach has been ascribed to all the major parties, Green (2012) argued that populist societies are most often driven by two dominant and opposing parties that rarely compromise, where the intention is to undermine the party in opposition.

Electoral Advantage over Penal Effectiveness

When political representatives adhere to penal populism, penal policy measures are allegedly initiated primarily for its anticipated popularity. Penal policy is particularly vulnerable to populism, as there is indeed a great deal of public concern regarding crime, as well as low levels of public knowledge concerning sentencing fairness, effectiveness and practice (Roberts et al., 2003). This presents the political representatives with the temptation and urge to promote penal initiatives which are electorally attractive, however, which does not particularly consider crime reduction (ibid.).

Roberts et al. (2003) argue that there are certain conditions in which facilitates the promotion of populist and punitive initiatives. They further noted that in terms of the legislative environment, penal populism appears to emerge during the run-up to elections and throughout electoral campaigns. Penal populism may also be pursued as an attempt to divert attention from policy areas where a government is failing the public, resulting in lack of trust on the part of the government under criticism. A populist strategy in order to regain trust may thereby be a metaphorical "war against crime," where the issue of crime is presented as a rational choice in ways in which invalidate the role of social exclusion to involvement in crime.

Policies inspired by penal populism may arise in various ways, according to Roberts et al. (2003). It may be an outcome of an intentional attempt by the politicians to exploit public anxiety regarding crime as well as public resentment towards offenders (ibid.). However, such policies may also be a result of a desire by policy-makers to respond to public opinions without having undertaken a sufficient analysis of public views. Policies are then, according to Roberts et al. (2003), developed based on assumed public expressions, and is not reflected in an escalating crime problem nor an increase in public punitiveness. Instead, it promotes policies that are electorally attractive, but ineffective and unfair, often having unintended and disproportionate consequences on specific sectors of society (Green, 2012; Roberts et al.

2003). It is however necessary, at least analytically, to distinguish between the negligent ignorance of evidence regarding effectiveness in which is inherent in penal populism, and harsh policies developed by politicians with the sincere belief in their effectiveness. The motivation is thus what determines if tendencies of penal populism are prominent in the development and discussion of penal policy, where the willingness to disregard evidence of effectiveness and equity has been ascribed to penal populists (Roberts et al. 2003). Hence, i.e., penal populists allow the electoral advantage of a policy to take precedence over its penal effectiveness (Roberts et al., 2003).

Crisis talk and the "Urgent Need" for Action

Although penal populism is majorly connected to opportunism and the urge for electoral advantage, the phenomenon is way more complex and far-researching than political manipulation (Pratt, 2007). It represents a major shift in the disposition of penal power in modern society, where increased political pressure from inside and outside the criminal justice system has provoked a rearrangement in the forms of calculation and decision-making in regard to penal policy (Garland, 2001). Political representatives in the era of penal populism are thus faced with the immediate pressures of public outrage, media criticism, and electoral challenges, while it has become more challenging for them to point at the state's limits in regard to being fully responsible for crime control. Due to these pressures, the attractiveness of punitive penal measures has raised, as it can be presented to the public as an immediate intervention or "rapid action." Such interventions further present the impression that "something is being done with the crime situation, here and now," attempting to reassure the general public; who believe that crime is spiralling out of control (Garland, 2001; 135). Harsher penalties in the era of penal excess thus exemplify state action, while dismissing cooperation, negotiation and questions of whether the proposed initiatives will "work" or not.

Criminal justice in the era of penal populism is further vulnerable to the general public's change of opinion and the following political reaction. The populist style of policy involves the rapid making of laws and policies without prior consultation with criminal justice professionals. These new policies are further, to some extent, used as a political tactic proposed or implemented for short-term electoral advantage. Moreover, if the "popular" initiatives do not comply with calculations of political gains, they may be reversed immediately. Garland (2001) argues that the current terms of political engagement ensure that governments are highly responsive to public concerns, especially in relation to insufficient

punishment and control of "dangerous" individuals. Thus, the government is expected to produce an instant response when demanded to, particularly in cases relating to sex offending, drug abuse, and violence. Penal populism has allowed for a dynamic where response (or "action") is associated with imprisonment, meaning that those who advocate for harsher punishment is "for action," while those who argue against are "against action." Rational and information-based perspectives have thereby, in the era of penal populism, been replaced by a dramatic approach to penal policy, partly as long-term and careful consideration has been perceived as an obstacle to rapid action. The tendency has thus become that political representatives downplay the complexities and long-term effects of *effective* penal policies in favour of short-term solutions and instant gratification (Newburn and Jones, 2005; Garland, 2001).

The Decline of Expert Knowledge

The emergence of penal populism has further led to an unravelling in the relationship between the key stakeholders in regard to criminal justice policy. Garland (2001) argues that a new relationship has emerged between politicians, the public and penal experts, where politicians have more influence, public opinion has become the key reference for the development of policy, and penal experts are less influential. While the influence of experts in policy-making used to function to shield the full impact of public opinion, expression of "the public sense of justice" is routinely adhered to by political representatives over the professional opinion of penological experts.

The decline of input from penal experts has been described as one of the defining characteristics of penal populism (Roberts et al., 2003), where knowledge held by professionals has become subject to challenge and increased scepticism (Garland, 2001). In societies affected by this phenomenon, public penal debates have consequently become marked by conflict between experts and political representatives, where crime control has gone from being a matter assigned to professional experts, to an issue of electoral campaign. Policy measures are constructed in ways that will bring electoral advantage, by responding to public demands, at the expense of consideration of expert knowledge and research evidence. A populist rhetoric is thereby applied by political representatives who claim the authority of "the people" or "common sense" while rejecting the authority of expert knowledge. Together with the politicisation of crime policy, this decline of expert knowledge has reconstructed the

dynamics of penal policy-making, making this process more receptive to populist pressure from outside the criminal justice system (Garland, 2001).

3.2.2 The Changing Objectives of Punishment

The penal populist governing style has been observed as favouring an approach to punishment embedded in aims of retributive justice, deterrence, and public protection in favour of correction and welfare objectives. The era of penal populism has thus allegedly provoked a change in the overall ideology and traditional objectives of punishment, from rehabilitation, prevention and correctional ideologies towards harsh and retributive punitiveness.

From Rehabilitation to Retribution

Several scholars have suggested an erosion of correctional ideologies and a "collapse" or "decline" of the rehabilitative ideal in societies affected by penal populism (Newburn, 2007; Garland, 2001; Allen, 1981; 1978). The fall of the rehabilitative ideal was, according to Garland (2001), majorly significant, as it was one of the first indications of the major shift in the arrangement of penal power in modern society. When the belief in the rehabilitative ideal faded, which previously had been the cornerstone of penal policy, penal-welfarism values, assumptions and practices embedded in a rational, humane and scientific approach to crime policy began to unravel (Pratt, 2007; Garland, 2001). Rehabilitation as a penal objective is hence consistently subordinated to other penal objectives, especially incapacitation, deterrence, retribution, and risk management. On the other hand, rehabilitative programmes do indeed continue to be *applied* despite the emergence of a so-called penal populist model. However, rehabilitation does no longer represent the *overall ideology* nor the principal objective of any penal initiatives in these societies.

The decline of the rehabilitative ideal in the era of penal populism has, in turn, led to the re-emergence of retribution as a main penal goal. Although harsh and clearly retributive penalties were widely criticised in the era of penal-welfarism, where it was argued that such objectives should not be applied in modern penal systems, several societies have since the emergence of penal populism witnessed a return of 'just deserts' retribution routinely applied as a general penal objective. While engagement in crime was explained by deficiencies in upbringing and the community during the era of penal-welfarism, (where rehabilitation and social measures were the means of reducing crime) it is, in the era of penal populism, perceived as a rational choice. As the offender is responsible for his own actions, punishment

is thus an expression of the community's disapproval with the act and actor, as well as a deserved punishment. Penalties are consequently, in accordance with the penal populist thought, imposed without regard to whether it can be expected to affect the future criminal behaviour of the convicted person (Jerre and Tham, 2010).

From Prevention to Deterrence

In close association with retribution, deterrence as a main penal objective has presumably returned in the era of penal populism. The alleged deterrent effect upon potential offenders has thereby come to be an integrated part of the public populist rhetoric (Roberts et al., 2003). While deterrence and legal threats were only regarded as a *part* of punishment during the era of penal-welfarism, imprisonment in itself has come to be viewed as a *primary* criminal justice response (Roberts et al., 2003; Garland, 2001). The deterrent powers of severe sentences and the need for lengthy and harsh incarceration is thereby emphasised. The thought that deterrence and increased severity of punishment will reduce the crime rates is indeed the assumption that encourages penal populism, although there is little evidence supporting this thesis (Roberts et al., 2003). Thus, this application reinforces the rejection of crime as a result of social conditions, where offending is explained as a moral failure to personal responsibilities. Control theories such as rational choice, routine activity, and situational crime prevention are thus consistently adhered to by policy-makers. Crime is no longer viewed as a deviation from normal nor requiring any specific motivation, disposition, or abnormality. The focus on crime prevention is thereby upon the supply of criminal opportunities, where crime occur when controls are absent, and attractive targets are available. Crime prevention in the sense of prevention programmes for individuals at risk is thus in the era of penal populism dismissed in favour of increased control measures regarding potential criminal situations (Garland, 2001).

3.2.3 An Emotional-Oriented Penal Policy

In the era of penal populism, several scholars have suggested that the emotional tone of penal policy and debate has changed, where so-called "expressive justice" is routinely applied in the official discourse at the expense of rational and humane penal rhetoric. Expressive justice refers to "laws, policies, and practices that are designed more to vent communal outrage than to reduce crime" (Anderson, 1995; 14), and is embedded in public sentiments. Its expression has, according to Garland (2001), become a persistent part of the rhetoric that guides decision-making and penal policy development in societies affected by penal populism.

Expressive gestures and punitive responses emerge, according to Garland (2001), from the governments' urge to show the public that something is being done with the crime situation, during a time when crime appears uncontrollable, and the level of governmental trust is declining. Expressive justice is thus a means of regaining credibility, in which loss has been perceived as one of the major causes of penal populism and punitiveness.

Penal populism is further guided by expressions of displeasure, frustration, and distress with the criminal justice establishment, in which it holds responsible for not prioritising the protection of the general public before the offenders. The perceived escalation in crime rates is further regarded as evidence that the criminal justice system is failing, which some see as solely responsible for tackling the crime situation. There has thereby been a change in the rhetoric and approach applied by the political representatives. While the expression of revengeful sentiments on the part of state officials was regarded as borderline unacceptable in the past, societies affected by penal populism are characterised by political representatives attempting to address and express public anger and dissatisfaction. Public shaming, which in the past has been perceived as outdated and degrading, is thereby routinely applied precisely because of its punitive nature (Garland, 2001). The rhetoric in the official discourse has thus changed, where the politicians adhere to "public opinion," "the victim" and the mass media, as an attempt to regain credibility. Consequently, resistance and division have become more important than consensus and unity.

The Role of the Mass Media

The emergence of penal populism, a "law and order" society, and an emotional-oriented penal policy have been partly attributed to the mass media's construction of crime news (Hall, 1979). The mass media exhibit major power in regard to shaping mainstream views on crime and justice, where crime news portrayals tend to contribute to a distorted perception of crime and the utility of punishment among the general public (Roberts et al., 2003). These portrayals tend to create a perception that crime is more threatening and widespread than in reality, where increased punishment is the required means of combating deviance. The mass media thus tend to focus on dramatic, unusual single cases, which creates the perception that crime is increasing or even getting "out of control." The public thereby overestimates the chance of victimisation, where the population tends to follow as well as be concerned for the types of crime depicted in the mass media, rather than following the facts of crime[13]. This

[13] E.g. in terms of chance of victimisation.

inevitably leads to increased fear of crime among the general public in populist societies, which in turn leads to public punitiveness, due to the alleged correlation between fear, insecurity and desire to punish (Roberts et al., 2003).

Roberts et al. (2003) further argued that there are three ways in which the media promote penal populism. Firstly, though extensive coverage of violent crime leaving the public to believe that harsh punishment is required and deserved. Secondly, through influencing political representatives via the way they portray issues of crime and punishment. Thirdly, through providing a platform of communication in which favours particular types of policy initiatives as well as demands a certain type of response. It has been argued that the media dominantly promotes conservative ideologies perceiving crime as a rational action which requires a punitive response (Reiner, 1997; Sparks, 1992; Ericson, 1991). The latter way thus often leads to punitive policy initiatives, associated with penal populism. The concern and focus regarding crime as presented by the media further routinely presents issues of crime and punishment for political debate, where this institution has become an arena of conflict between stakeholders regarding how to approach these issues. Crime policy has thereby gained a special media status, where political representatives are rarely willing to provide less punitive penal initiatives, in fear of how such initiatives will be portrayed in the media.

There is i.e. a complex interconnection between the media, the public, interest organisations, and political representatives, where the media is at the centre, while the public, political representatives and interest organisations express themselves to the other parties through their depiction in this institution (Roberts et al., 2003). The media indeed shape public opinion to a great extent, which is an essential aspect of penal populism, as crime policy tends to be based on public opinion in these societies (ibid.). The way which the mass media influence public opinion is further reinforced by the thought of the general public that the media indeed reflect the public agenda, through suggestions or descriptions of what the majority supports or believe (ibid.). Herbst (1998) further argued that also political representatives tend to turn to public opinion as portrayed by the mass media, especially in regard to matters which are likely to provoke public criticism. Thereby the "demands" for harsher penalties are exaggerated.

Public Opinion, Public Demands and "Public Sentiments of Justice"

Despite the proposed exaggeration of public demands, crime policy in contemporary society is, according to Garland (2001), increasingly legitimised by reference to public sentiments.

Roberts et al. (2003) describe this trend as vital to the evolution of penal policy towards penal populism, as political representatives routinely apply public demands for harsher sentencing as one of the main arguments for the implementation of more severe penal measures. The general tendency is then that the general public indeed believes sentencing is too lenient and therefore demands harsher sentences. These demands are further reinforced by the perception that the volume and seriousness of crime is increasing. Punitive penal initiatives are thereby likely to appeal to an anxious public, who believe that harsher sentences will equal less crime. However, even in countries where penal populism is clearly evident, crime rates are declining, meaning that the public gains the impression that crime is out of control from populist politicians and sensationalist mass media news coverage. Public punitiveness has thereby been linked to the general public's lack of knowledge, as it is often embedded in public misconceptions. Public punitiveness is, however, not a new phenomenon. The political significance ascribed to public punitiveness, on the other hand, has been explained by the emergence of penal populism. Roberts et al. (2003) argued that such a dynamic is at least partly embedded in political representatives turning to national polling companies rather than academic literature when attempting to address public opinion, which is often misleading as well as limited regarding what they reveal about public opinion. Thus, "public opinion" does not, according to Pratt (2007), represent the general public opinion, but rather alienation and dissatisfaction felt by "ordinary people," where elite interest groups and organisations direct and influence government actors. These forces further serve as the authority which claims to speak on behalf of the general public, including on matters regarding the development and practice of penal policy (Dobrynina, 2017). Hence, there has been a change in the relationship between the public, and the policies and practices of the criminal justice authorities (Pratt, 2007), where penal populism feeds off public ignorance and misunderstanding regarding crime and punishment.

The Return of the Victim

Pratt (2007) argued that the emergence of penal populism might be perceived as rooted in the thought that criminals have been prioritised at the expense of law-abiding citizens and victims of crime. Garland (2001), on the other hand, claimed that in the populist discourse, any attention given to the offender's rights and welfare is regarded as disrespectful to the victim. Crimes against the person has thereby gained a whole new position in the official discourse, where the symbolic character of the "victim" is routinely invoked in support of harsher penalties. Although the victim barely featured at all in the era of penal-welfare, as their

interests were incorporated with those of the general public and certainly not counter-posed to the welfare and rights of the offender; it has been argued that the victim is at centre-stage of criminal justice policy in penal populist societies. The imperative of penal policy has thereby become that the victim must be protected, as their fear must be addressed, and their anger expressed. Garland (2001) further noted that in contemporary policy debates, the rhetoric applied consistently refers to a representative figure of an innocent and righteous victim, often a woman or a child, who needs to be safeguarded and protected from suffering. The victim's experiences and interests are thereby depicted as collective rather than individual through this representative figure, although research suggests that crime victims does not constitute a homogenous group. The symbolic character of the victim thus enacts a major role in political debate and policy justification, especially in regard to punitive segregation, although the victims' "interests" as stated in policy debate tend to be fairy separated from the interests stated in victimisation surveys.

The Role of the Offender

As a consequence of the aforementioned dynamics, researchers have suggested that there has been a shift in the representation and perception of "the criminal" in populist societies, where the general public's thoughts regarding law-breakers have gone from sympathetic to unsympathetic (Melossi, 2000). "The criminal" is now portrayed as an opportunistic offender, reaffirming the newfound role of the perpetrator as described before. The offenders in the era of penal populism are perceived accountable, liable and to some extent, dangerous individuals, who must be controlled as a means of public protection and prevention of further offending. Rather than emphasising rehabilitative methods that meet the offender's needs, the system emphasises adequate controls that minimise costs and maximise security. Melossi (2000) further argues that there is a cause-effect relationship between the devaluation of the criminal and the rise in the prison numbers, and in the shift into focus on retribution rather than rehabilitation. There has i.e. been a shift where the government's duty now is to protect and uphold the rights of the law-abiding citizen, while to some extent forfeiting the rights of those who put him at risk.

4 METHODOLOGY

This chapter will explain and justify the chosen methods of data collection and analysis. Firstly, a critical review of the research design will be provided, where the choice of a multiple case study design, an interpretivist epistemology and a deductive approach to the research question will be addressed. A notion on the application of data and theoretical triangulation will besides be presented, along with an evaluation of how such employment facilitated completement, cross-checking, as well as the exploration of multiple realities. Secondly, the chosen research method of document analysis will be discussed, followed by a presentation of the dataset. The process of data selection will further be explained, together with the process of data analysis. Lastly, quantitative criteria will be tackled, followed by a brief reflection upon the limitations of the study as well as methodological approaches.

4.1 Research Design

Qualitative empirical research has been applied in this thesis, drawing on official documents deriving from the state, and newspaper articles. As illustrated in the theoretical framework, both Scandinavian exceptionalism and penal populism are complex phenomena which cannot be measured and generalised through statistics (Jupp, 1989). Quantitative means of measuring punitiveness could be misleading, as e.g. increased imprisonment rates may be caused by factors distinct from penal populism. Besides, a major indicator of the prominence of penal populism concerns attitudes and emotive political rhetoric. Penal populism within a Norwegian context should, therefore, arguably be addressed and analysed qualitatively as a social phenomenon.

A multiple-case design was further chosen, where three distinct penal debates were selected for analysis. The analysis thereby aimed to address the attitudes and rhetoric applied by key stakeholders in regard to penal debates, by examining and comparing their stance in public debates dealing with contemporary penal issues. However, it also sought to detect changes in Norwegian penal policy and debate. A comparison was therefore made between Report to the Storting from 2008 (when Pratt published his two-part article) and three more recent penal debates (2016-2019), where the report was applied as a methodological tool and point of reference. One may be then able to capture whether there has been a shift from the features of Scandinavian penal exceptionalism to trends associated with penal populism, in accordance with suggestions of change as proposed in the secondary literature.

The application of such design further allows for an intensive and detailed examination of similar and contrasting settings, that is the time, place, and circumstances in which the debates occurred and developed, as well as their unique features (Bryman, 2012). It also promotes the exploration of factors which lie behind the observed patterns; by examining similar and contrasting contexts. The consideration of multiple penal debates thus facilitated the disclosure of whether tendencies of Scandinavian exceptionalism or penal populism found were distinctive to the debate in question or constituted a recurring trend in contemporary penal debate. As the debates which were analysed unfolded over three years, it also allowed for consideration of the development over more recent years. The multiple-case design further played a crucial role in gaining an indicative understanding of causality and how various tendencies of Scandinavian exceptionalism and penal populism interact, affect and encourage each other. This also facilitated an exploration of the relationship between media portrayals, public perceptions, political pressure and the following government measures, of which multi-directional relationship is a critical aspect of both Scandinavian exceptionalism and penal populism.

An interpretivist epistemology was further applied, as the study aims to interpret the subjective meaning of social action (Berg, 2001). The role of the researcher was hence to gather information in regard to stakeholders' attitudes towards contemporary penal issues, in order to interpret their perception of the social world (Norman and Lincoln, 1998). Thereby, tendencies associated with Scandinavian exceptionalism and penal populism may be detected. The method of interpretivism has, on the other hand, been criticised in regard to subjectivity, misinterpretation of data as well as researcher bias (ibid.). However, during the process of systematic data analysis, as patterns are highlighted, and perspectives are conceptualised, the researcher inevitably become distanced from the data.

4.1.1 Triangulation

The purpose of the application of two opposing theories as well as two distinct document sources in this thesis is triangulation, thus bringing together the results from multiple perspectives. Triangulation refers to a process by which the researcher wishes to confirm the findings by demonstrating that independent measures of the phenomenon comply, or at least not contradict (Yeasmin and Rahman, 2012). By using distinct theoretical positions as well as multiple document sources, one may hope to overcome deficiencies, weaknesses, intrinsic biases and other problems that might occur from applying a single-theory or single-data study,

by capitalising their individual strengths (ibid.). Triangulation is not aimed merely at validation and confirmatory purposes; however, it also has the objective of providing completement (Shih, 1998). It has thus been applied in this thesis as an attempt to widen as well as deepen the understanding of the phenomenon, as social phenomena are inherently complex to capture in their wholeness applying only one theory or source of exploration (Yeasmin and Rahman, 2012).

4.1.1.1 Theoretical Triangulation

Considering theoretical triangulation, theories are not actual facts, and social research founded on the use of a single or similar theoretical perspectives might, therefore, suffer from limitations associated with the chosen theory and the specific application of it. The application of theoretical triangulation in this thesis thereby facilitated the capturing of different dimensions of the same phenomenon, which arguably allowed for the recognition of multiple realities.

4.1.1.2 Data Triangulation

Data triangulation is, according to Yeasmin and Rahman (2012), a useful technique for handling complex questions, where the application of one type of data may produce insufficient findings. As penal populism and Scandinavian exceptionalism include both political trends and the multi-directional relationship between key actors to the criminal justice system, the use of one source of data collection could be perceived as inadequate in terms of the research question. The application of data triangulation is this thesis thus provides completement as it allows the "gaps" in the state provided documents to be filled or overlapped by the newspaper articles and vice versa.

In addition, data triangulation facilitates the validation of data through cross verification from distinct sources. This may contribute to increase the credibility and validity of the results, as one can be more confident in findings when distinctive methods generate consistent results (Webb et al., 1966). Methodological triangulation could also have been applied and possibly provided richer and more comprehensive information. However, the application of mixed-method has been criticised for not being clearly focused conceptually due to the differing epistemological and ontological positions that qualitative and quantitative research exhibit (Hunt, 1991). Data triangulation was, therefore, perceived as a more suitable means in regard to this thesis. It was also discarded due to time-limitations and the scope of the research project.

4.1.2 Research Strategies

A central aim of this thesis is to assert the various links between explanatory factors (social context) and the observed outcome. The approach is a deductive one, where the theory was chosen prior to the collection of data. The theory will hence be used as a tool for analysis and interpretation (Hyde, 2000). A deductive approach further allows the researcher to use theory to explain real-world phenomena, and thereby provides a link between theory and empirical observations. The theoretical framework will i.e. function to add structure to the analysis, as well as to understand and organise a complex case.

The application of a theory-guided approach could have certain challenges, as it may narrow the researcher´s understanding of the presence of a phenomenon. As the researcher reviews the data through a "theoretical lens", vital aspects or interpretations may be neglected. However, by adding several and contrasting theoretical approaches, one can examine various aspects of the case and thereby increase the internal validity (Thurmond, 2001). A thesis internal validity will be strengthened if the researcher reflects on alternative or conflicting perspectives, and hence, triangulation and the consideration of both Scandinavian exceptionalism and penal populism may contribute to capturing the complexity of the phenomenon.

4.2 Research Method

Document analysis has been applied as the research method in this thesis. This method was chosen due to the nature of the issue, as this was regarded as the most efficient way to gain access to a wide range of data relevant to the phenomena. Qualitative semi-structured interviews could have been applied and provided an interesting approach; however, it was not as it would require a large sample of interviews with several stakeholders. Existing material therefore appeared to provide more information on the topic compared to what one would be able to obtain with other analytical methods, at least considering the scope of the research project.

Document analysis refers to the systematic procedure of examining documents, in order to gain understanding, elicit meaning and develop empirical knowledge through interpretation of generated data (Atkinson and Coffey, 1997). The analytical process involved the finding, selection, assessing and synthesising of data held in documents relevant to the phenomenon. Based on quotations or paragraphs within the significant texts, relevant data has been

organised into themes and categories through the performance of a content analysis (Labuchange, 2003). The rationale of document analysis is situated in its position in regard to exposing meaning, providing context and historical awareness, increase understanding, as well as to disclose insights which are significant to the phenomenon (Mills et al. 2006). The application therefore brought context and explanation that was essential to this study, while also being a means of capturing shifts and development.

The use of documents further allowed for analysis of material produced without researcher intervention, which arguably reduce research bias. The method of documents as the dataset is, i.e. not obtrusive nor reactive, as the subjects of the study were unaffected by the research process. Thus, while one of the typical limitations of other qualitative methods (e.g. interviews or ethnography) tend to be intrusion and influence of the researcher, documents are non-reactive and stable (Bowen, 2009).

There are, however, also challenges to the application of document analysis in this thesis. Firstly, the documents have been produced for a purpose distinct from the study, and hence, they may not provide enough details to fully answer the research question. There might further be an issue of "biased selectivity" related to this method due to an incomplete collection of data, or that documents are formed by an organisation with certain intentions. As the thesis is aiming to study how stakeholders argue, justify actions and portray themselves to the public, it is indeed seeking to find such intentions. This may, therefore, be an advantage rather than an obstacle. Moreover, these challenges as mentioned are referred to by Bowen (2009) as potential flaws rather than major disadvantages.

4.3 Dataset

As mentioned, this thesis is based upon the interpretation of primary sources found in documents. Overall, the dataset analysed contained 171 distinct elements, 26 of which were state-provided documents and 145 of which were newspaper sources. The sources deriving from the state consisted of a mix of official documents; including negotiations at the Parliament, press releases and hearings published by politicians themselves. The newspaper sources used were public interviews with stakeholders, as well as op-eds and editorials. All

documents available published by the Ministry of Justice[14] (n=14) and the Storting[15] (n=12) concerning the chosen debates were analysed. As a major part of the debates unfolded in the mass media, interviews and statements made by political representatives and other stakeholders published by leading national newspapers and online news sources Verdens Gang (n=38), Aftenposten (n=28), NRK (n=15) and TV2 (n=7), Dagbladet (n=15), Klassekampen (n=4), Dagsavisen (n=15), Vårt land (n=6), NTB (n=6) and Dag og Tid (n=1) have also been addressed, reflecting both sides of the debates. Lastly, editorials and op-eds by stakeholders were considered (n=36), providing a valuable proxy for the overall tone and content of the debates, as well as representing the voices of both subject-matter experts, political representatives, the public and interest organisations. All articles, op-eds and editorials published over the course of a year from the date each debate unfolded, fitting the criteria as described below, has thus been analysed. The dataset is presented in its wholeness in Table 9.1 in the Appendix, separated by debate and type of source. Overall, the dataset consisted of 207,989 words, where 108,637 derived from the state-provided documents and 99,352 from newspaper sources. Not all documents will be quoted and referred to in the findings, however; all contributed to the overall understanding of the phenomenon within a Norwegian context.

4.3.1 Official Documents Deriving from the State as Sources of Data

State-provided documents have, as discussed above, been applied in this thesis. These documents were chosen, as they were found to provide valuable input regarding political interests, and political response to public penal debate. It also provided insight into how these political interests function to position areas and populations as problems, and further the dynamics of how such rhetoric is deployed in justification for the choice of penal initiatives. It was thus thought that the appliance of official documents deriving from the state would facilitate disclosure of changes in political trends, as the politicisation of crime control, as well as political rhetoric, enact a major role in the dynamics of penal populism.

[14] The Ministry of Justice is in charge of the maintenance and development of the basic guarantees of the rule of law. Its objective is to ensure societal security as well as security of the individual citizen. The Ministry's tasks and responsibilities include preparation of cases to the Parliament (Storting), and development of the police, the correctional services and the courts (Justis- og Beredskapsdepartementet, 2019a; b).
[15] The Storting is the Norwegian Parliament, and is in charge of e.g., passing new legislation, and amend and repeal existing legislation (Stortinget, 2019c).

4.3.2 Newspaper Articles, Op-eds and Editorials as Sources of Data

Mass-media outputs constitute an interesting source to criminological research, as it may expose themes of e.g. national identity, propaganda, fabricated traditions and globalisation (Bryman, 2012). Newspapers were applied as a source of data in this thesis as these sources serve as an arena for political debate and electoral campaign. They may thus be perceived as a tool of communication between the public, interest organisations, subject matter experts, and political representatives. Besides, as discussed in the theoretical framework, the mass media enact a significant role in the dynamics of both Scandinavian exceptionalism and penal populism, where the media is at centre-stage in the interaction between these stakeholders. It was thus thought that the appliance of news articles would issue valuable insight into this multi-directional interaction, as well as provide a holistic understanding of context, features and trends of contemporary public penal debate.

4.4 Methods of Data Collection

As Bowen (2009) noted, the process of document analysis involves data selection rather than data collection. The collection approach in this paper has thereby focused on data selection, as the documents were fairly easily accessible due to their purposive public nature. However, as this thesis is drawing on two fairly distinct document sources (newspaper articles and state-provided documents), the method of data selection differed slightly. Firstly, considering the documents deriving from the state, the collection of these documents was relatively straightforward. All documents published by the Ministry of Justice and The Parliament regarding the three debates under consideration was, as mentioned, analysed. The documents were drawn from a search on the official websites of the Ministry of Justice and the Parliament, where all documents published which addressed law and order over the course of a year were skimmed through. The start date of the search was chosen based on comprehensive research on the debates in advance of the process of data selection. Documents that were related to the debates in question were further chosen for analysis.

The selection of newspaper articles, on the other hand, was performed through the database Atekst, which is Scandinavia's biggest digital news archive. This tool was thus applied in order to gather the pertinent articles. Relevant keywords from all three debates were thereby in turn put into the search field. The search was further narrowed down by the selection of a to/from date, which was chosen to be from the date that the debate flared up until a year after

the selected date. This provided consistency in regard to the documents deriving from the state.

The various hits were then reviewed superficially. Further, articles which were relevant to the research question and fitted the criteria as well as the conceptual framework of the study were chosen and examined throughout. Criteria in regard to sampling were set to be the same in all three debates for consistency, and in order to make them compatible for comparison. Documents included had to be directly linked to the debates under consideration. Articles, where the debate in question was not the main focus, was hence discarded from the sample.

As local and regional newspapers appeared to mainly contain references to the major newspapers, the thesis has only considered the articles published by national newspapers and major online news sources. In order to not only cover one side of the debate, articles fitting the criteria from all national newspapers have been considered, although most of the major newspapers in contemporary Norway claim not to be bound to political parties[16]. Only editorials, op-eds, as well as interviews with relevant stakeholders, were analysed. The reason for this is that the purpose of the thesis was to study the subjective opinion of these stakeholders rather than to evaluate "facts" or how various events are portrayed by journalists. It was further ensured that all the parliamentary parties, as well as a wide range of stakeholders, were represented in the sample, in order to gain perspectives from both sides of the debate and to find out whether the penal populist trends disclosed are matters of political affiliation.

4.5 Data Analysis

At the beginning of the process of data analysis, the raw data collected from the documents were managed. The documents were hence put into the analytical software programme Nvivo, which made the dataset more manageable for review and comparison. Following this, a thematic analysis was conducted. A thematic analysis refers to the recognition of patterns found within the data, as well as the use of emerging themes as the foundation of analysis (Fereday and Muir-Cochrane, 2006). The objective was to explore the content´s characteristics by examining who says what, to whom, and with what intention and effect

[16] From the 1920s and onwards, most newspapers were connected to political parties. However, the press was allegedly depoliticised in the 1990s (see e.g. Veum, 2008). Yet, there are a few examples of newspapers with a political (e.g. Klassekampen, left-wing) or religious (e.g. Vårt Land, Christian) affiliation.

(Bloor and Wood, 2006). The examined data was therefore put into three core themes found within the documents, in which prior to this stage had been identified in the theoretical framework. Themes in this thesis were hence generated based on research on the phenomena as well as the respective theories. The initial aim was to organise common factors identified by a range of scholars as prevalent in societies affected by penal populism. Considering this, Garland, Roberts et al., and Pratt´s identification of penal trends associated with penal populism was applied and used as a tool to guide the analysis. The three themes identified were thereby "the politicisation of penal policy discourse", "the changing objectives of punishment" and "an emotional-oriented penal policy". Thus, these themes were used to arrange the prevalence of different elements in a Norwegian context and provided an overview of the most common attributes of penal populism.

The procedure further involved the coding of each document, where the data was broken down into component categories, and given labels. During the coding process, the texts were read under the scopes of Penal Populism and Scandinavian exceptionalism, where pertinent and meaningful paragraphs were identified. The comparative approach then guided the analysis, discovering theoretical properties in the data. As such, the data was coded into the two main segments of penal populism and Scandinavian Exceptionalism, providing both historical and comparative value. The data was also coded into political parties, in order to detect whether the possible prevalence of penal populism is determined by political affiliation. Data were further compared with codes in order to structure and pinpoint concepts and to discover the way in which they were connected and interacted with each other. In this way, similarities, differences and general patterns were identified. Lastly, the researcher attempted to interpret, analyse and make sense of the data, by probing for links between the codes and finding recurrences in them. This was a time-consuming process, however; it is the method which provides the greatest in-depth understanding of the material (Bryman, 2012).

4.6 Quantitative Criteria

Although quantitative research tends to consider the criteria of validity and reliability, various scholars argue that qualitative analysis should rather be assessed through criteria such as authenticity, credibility, trustworthiness, confirmability, and representativeness (see e.g. Denzin and Lincoln, 1998). In regard to document analysis, Scott (1990; 6) proposed four criteria for assessing the quality of documents:

1. Authenticity: is the evidence genuine and of unquestionable origin?
2. Credibility: is the evidence free from error and distortion?
3. Representativeness: is the evidence typical of its kind, and, if not, is the extent of its untypicality unknown?
4. Meaning: is the evidence clear and comprehensible?

Considering Scott's (1990) criteria, the official documents deriving from the state may certainly be perceived as authentic, at least in term of being coherent and understandable. The credibility and representativeness of these documents, on the other hand, requires somewhat more consideration. It has indeed been argued that the use of official documents deriving from the state raise questions of credibility, in regard to whether these documents are biased (Bryman, 2012). On the other hand, that is precisely the point of applying these data in this thesis, as the documents are interesting due to the biases as well as rhetoric and attitudes they disclose. Acknowledging the point of representativeness, no case can be representative in a statistical sense; however, that is not the aim of qualitative studies. The aim is to demonstrate a systematic theoretical account which could apply to related or similar contexts. Bryman (2012) further argued that the representativeness of state-provided documents is complicated as these sources are somewhat unique due to their official character. However, this makes them interesting in their own right (ibid.).

Addressing the appliance of newspapers as data in this thesis, a major problem which is often associated with these sources is indeed authenticity. It may i.e. be unclear if the depiction as portrayed by the mass media can be relied upon, as it may be uncertain whether articles are published by persons in a position to provide an accurate version of the case in question. However, as factual accuracy is not the primary concern of this thesis, this has not been regarded as a major drawback. The aim was rather to detect the way which the stakeholders argue, as opposed to whether events are described correctly. The same argument further applies to the credibility, as the uncovering of distortion is indeed one of the objectives of the thesis. When it comes to representativeness, this criterion is rarely an issue regarding the analysis of newspapers, as the corpus from which the sample is drawn is usually ascertainable, especially when a wide range of newspapers is employed (Bryman, 2012). Finally, the evidence disclosed in newspapers is usually clear and comprehensible but may, however, require considerable awareness of contextual factors (e.g. history). This issue was attempted resolved by the conducting of comprehensive research in advance and during the

process of data selection. The application of data triangulation further reinforced the awareness of contextual factors, providing a more comprehensive understanding of the context of which the debates occurred and developed.

4.6.1 The Language Barrier: Norwegian Findings Presented in English

Language and interpretation of meaning are, according to Inhetveen (2012), the core of most quantitative research. As this thesis is applying an interpretative approach aiming to capture the stakeholders' subjective perspective and construction of reality, language is of basic importance also to this thesis. Hence the use of the English language to present Norwegian quotations and empirical material is obviously an aspect in which needs to be contemplated, as translation is considered an interpretive act in itself (van Nes et al., 2010).

Inevitably, some meaning is lost during the translation process both due to the characteristics and concepts of each language as well as the frequent use of proverbs and metaphors found within the empirical data. It was, however, attempted to translate the quotations to be as close to the original as possible. Nevertheless, in some cases, no written equivalent in the English language was found in the Norwegian language. In other cases, the quotations would have another meaning or even lose meaning during the process of direct translation. A few quotations were therefore slightly adjusted, as the information would have lost its meaning otherwise. In cases where a meaningful translation was impossible, however, the use of direct quotations was discarded, and the meaning of content was instead described. The language barrier has i.e. been considered throughout the analytical process, where the researcher has continuously attempted to ensure the maintenance and portrayal of the original meaning of the quotations.

The choice to write in English despite the assessing of Norwegian findings is further that "penal populism" is an international phenomenon, sustained by globalisation. Scandinavian penal exceptionalism and the claims of a Scandinavian resistance to trends of penal populism is thereby interesting not only in a Norwegian context, and most of the writings on Scandinavian penal exceptionalism (including this thesis) is thus written in English.

4.7 Limitations

The limitations and disadvantages of methodological approaches in this thesis have been discussed throughout this chapter, along with how such limitations were attempted to be

resolved, or at least reduced. However, there is yet another aspect which needs to be discussed. That is the aspect that this thesis does not explore the impact of penal populism in regard to concrete legislation and reforms nor the impact on the prison population, although it somewhat touches upon penal policy initiatives as well as imprisonment rates. Thus, there is a question of whether the findings in this thesis is "just talk" and not "action", as one should be careful to not misinterpret rapid changes in official policy statements as evidence of a shift in actual working practices and ideology (Garland, 2001). On the other hand, the practical effect and social significance of official rhetoric concerning law and order should not be ignored, as sometimes talk is action. Thus, political rhetoric and official representations of crime and offenders indeed have a symbolic significance and practical efficacy, that may have real social consequences (ibid.). That is indeed why trends and dynamics in regard to this arena are important to explore.

5 FROM THE WHITE PAPER TO PRESENT-DAY PENAL POLICY

This chapter will present a summary of the correctional services white paper (Report No. 37 to the Storting), as well as the three central debates in which the empirical data is drawn from. A review of the overall aims and objectives of Report No. 37 to the Storting (2008) will thereby be provided, along with an overview of the context of its publication. The aforementioned debates will further be introduced in the order in which they occurred (2016-2019), presenting the contextual framework, the role of key actors, as well as the way which the debates unfolded.

5.1 Report No. 37 to the Storting (2008)

Report No. 37 to the Storting (2008) refer to the white paper of the Norwegian Correctional Services, which was implemented in 2008. It was developed by the Ministry of Justice under the Red-Green Coalition (Labour, Socialist-Left and Centre Party), with the subheading "penalties that works - less crime - a safer society". The subheading can be read as the Correctional Services overall goal, as it is emphasised that punishment must be implemented and organised in a way in which *works*. It was further argued that this would result in *less* crime and thereby a *safer society*. A causal relationship between these factors was thus highlighted and constituted the basic principle of the Ministry of Justice's thoughts in regard to the objectives of punishment at the time.

Report No. 37 to the Storting was argued to be an implementation of "Soria-Moria erklæringen", which was the political platform for the then governing Stoltenberg II cabinet. When the report was introduced, it was presented as a rearrangement of the correctional services, emphasising rehabilitation and the individual offender's potential for development (Storberget, 2008). Knut Storberget, who was the Minister of Justice at the time, thereby argued that he sought for "punishment that works- not that enlarge social problems" (ibid.). He noted that the aim of the implementation was a warmer and safer society, through the facilitation of "a good life without crime" on the part of the offender (Report No. 37 to the Storting, 2008; 7; Justis og Politidepartementet, 2008). The report was further developed in cooperation with students and professors of criminology, sociology of law, and policing, and noted that Norwegian penal practice and measures should be embedded in research findings

and expert knowledge. It was, i.e. acknowledged that the Norwegian public penal debate should be driven by knowledge, in order to prevent misconceptions and myths (Justis- og Politidepartementet, 2008). The report was further praised in the mass media, where the government introduction of a more humane and rehabilitative penal practice was commended (Kriminalomsorgen, 2008b). The mass media thus noted that the living conditions of offenders tend to be worse than that of the rest of the population, and that rehabilitation therefore is a better means for crime reduction, than harsher sentences (ibid.).

Report No. 37 to the Storting further highlighted a strong connection between penal policy and welfare policy, where it was argued that more welfare is a precondition in order to prevent recidivism (Justis- og Politidepartementet, 2008). Prevention of recidivism through rehabilitation was thereby put forward as an objective of punishment and overall goal on behalf of both the victims and the Ministry of Justice. It was further, by reference to research, argued that the vast majority of the Norwegian population is in favor of punishment that is rehabilitative rather than retributive. A “return-to-society guarantee" (tilbakeføringsgarantien) was thereby introduced, emphasising collaboration between ministries, directorates and public services regarding the transition from imprisonment to freedom (Report No. 37 to the Storting, 2008; Kriminalomsorgen, 2008a).

It was argued that punishment has been successful if, after release, the convicted is in control of his substance abuse, has a suitable place to live, is able to read and write, has a chance in the job market, can interact with family, friends and society at large, and is able to live independently. The punishment upon the offender was put forward to be merely the restriction of liberty, where no other rights should be removed by the sentencing court. The principle of normality and proportionality was thereby stressed, reflecting a humane and rational criminal justice policy. The report thus stated that punishment might have many legitimate purposes, however; focused mostly on rehabilitation and the proposed causal relationship between rehabilitation and public protection. Report No. 37 to the Storting could i.e. be perceived as based on utilitarian philosophies of punishment, drawing on deterrence, rehabilitation, protection and sentencing as judged by its benefits (Ugelvik, 2011). However, it has also been noted that it contains newfound rationality in terms of crime control, connected to security and cost-benefit analysis (ibid.)

5.2 Debate 1: Increased Maximum Penalty and Increased Severity of Punishment by Several Serious Violations of Integrity (2016-2017)

The first debate analysed is the discussions regarding the proposal made by the Progress Party-led Ministry of Justice in relation to the Norwegian maximum penalty. In December 2016, the Ministry of Justice proposed raising the maximum level of penalty in cases where the offender has committed several violations of integrity from the current level of 21 years up to 30 (Justis- og Beredskapsdepartementet, 2016c). The argument made by the Ministry of Justice at the time was that the so-called "quantity discount" in many cases of prosecution is unreasonably high, meaning that the penalties given in such cases do not correspond to the number of offences the convicted person has committed (Justis- og Beredskapsdepartementet, 2016a). The proposal was additionally justified by references made to the public sentiments of justice, the victims and public protection (Justis- og Beredskapsdepartementet, 2016b; Fremskrittspartiet, 2016).

The proposal was further argued to be an implementation of "Sundvolden-plattformen", which is the political platform formed by the Conservative Party and the Progress Party, developed after they won the 2013 general election. "Sundvolden-plattformen" is an agreement in which contains a set of common values, political focus areas and standpoints, as well as a description of the form of cooperation between the parties during their period of being in government (Statsministerens Kontor, 2013). In the agreement, the parties set out a subgoal of raising the level of punishment in cases where the perpetrator has committed several offences, with the overall aim of prioritising the consideration of victims and their relatives throughout the whole process of criminal proceedings (Justis- og Beredskapsdepartementet, 2016b). The proposal was therefore supported by the Conservative Party - the leading party in the governing Solberg cabinet.

However, the proposal was majorly criticised both by the hearing authorities, the cooperation parties (Liberal Party and Christian Democratic Party) as well as by the parties in opposition. It was argued that the proposal did not consider the principles of prevention and proportionality, and that it reflected an opposition to the Norwegian tradition of a humane criminal justice system (Justis- og Beredskapsdepartementet, 2017b). It was also claimed by juridical professionals that there is no clear expression on behalf of the public that the sanctions in contemporary Norway are excessively lenient nor is there a demand for such an increase (ibid.). Consequently, due to the major sum of criticism, the Ministry of Justice

decided to moderate the suggestion and thereby ended up proposing a maximum penalty of 26 years (Justis- og Beredskapsdepartementet, 2017f). A new proposal was hence developed and submitted to the Parliament in May 2017. However, it was argued by e.g. the Liberal Party that the premises as put forward by the hearing authorities nevertheless remained the same in the new draft.

Interest organisation Stine Sofies Stiftelse[17] on the other hand, working to promote the rights of children who are victims of assault and sexual violence, got majorly involved trying to get the opposing parties to change their mind (Graff, 2017). The organisation hence created a petition in support of increasing the maximum penalty, which was signed by 16.700 persons (Solheim, 2017). Stine Sofies Stiftelse thereby argued that this implies that the general public is in favour of harsher penalties for repeat offenders (ibid.).

Yet, during the negotiations at the Parliament in June 2017, the majority of the political parties voted no to the proposal, both due to the critique from juridical professionals, and the rapid making of the proposal; as the new proposal was sent to hearing only days prior to the negotiations (Justis- og Beredskapsdepartementet, 2017c). However, although the proposal was discarded, the Progress Party stated that if they were to be re-elected, the party would continue to advocate for the implementation of harsher penalties for these categories of offences (Stortinget, 2017a).

5.3 Debate 2: "The Monster Debate" (2018)

The second debate analysed is the case in which has come to be labelled "the monster debate". This case differs from the two others, in that it mostly concerns rhetoric, and never led to an official proposal regarding change of legislation. The debate mainly unfolded in the mass media, where most of the other political parties disregarded the rhetoric used and thereby chose not to get involved. The discussions were provoked by the former Minister of Justice and deputy leader of the Progress Party, Sylvi Listhaug. Listhaug has been known to be a politician of controversial statements, advocating for harsher penalties and strict immigration policy. As she was entering her position as the Minister of Justice in January 2018, Listhaug stated that one of her main priorities would be to "hunt down" paedophile sex

[17] Stine Sofies Stiftelse was established in 2000 after Lena Sløgedal Paulsen (10) and Stine Sofie Sørstrønen (8) was raped and killed in Baneheia (Kristiansand). The organisation was founded by Ada Sofie Austegard, mother of Stine Sofie, and Bente Bergseth, who herself was a victim of violence as a child (Stine Sofies Stiftelse, 2019).

offenders. The background of such a statement was several reports published by Norway's largest commercial media group TV2, of Norwegians travelling abroad with the primary purpose of abusing children. In an interview with TV2, she further called for an amendment of the law in order to revoke the passport of Norwegian convicts who have served long prison sentences for sexual abuse of children in Norway. According to her, this would prevent them from leaving the country and thereby from taking advantage of vulnerable children in regions affected by poverty (e.g. Thailand and Cambodia). During the presentation of this proposal, which was made in conjunction with her new title, paedophile sex offenders were at several occasions referred to as "monsters". This further provoked and produced a massive public debate regarding her rhetoric. Although all commentators agreed that paedophile sex offenders indeed is a serious problem which needs to be counteracted immediately, her choice of words was majorly critisised nationwide.

The debate further escalated during a discussion between Listhaug and jurist Anine Kierulf at the Norwegian debate-program Dagsnytt 18 aired by NRK. Throughout this debate, Listhaug rejected the criticism and repeatedly insisted on being able to call "a spade for a spade". Kierulf, on the other hand, who is the Research Director at the NIM[18], argued that by dehumanising these offenders one rejects the Norwegian tradition of a humane criminal justice system, where criminals are punished by law as humans rather than as "monsters".

The debate hence became centred around the rhetoric and its consequences rather than concrete initiatives to prevent and prosecute such offences, where Listhaug claimed that the reference to these offenders as monsters would have a deterrent effect on their behaviour. She also stated that it would send a clear message to the offenders that such cases now will be prioritised by the police.

5.4 Debate 3: The Increased Threat of Criminal Youth Gangs (2018- 2019)

The third debate analysed is the ongoing discussions in the official discourse addressing youth crime, criminal youth gangs, and punishment of youths. Over the course of recent years, incidents covered in the media and an increase in recorded youth crime has caused major public concern in regard to criminal offences committed by youth. It has been argued that these offenders are getting involved at a younger age, and that youth engage in more severe

[18] Norwegian National Human Rights Institution.

offences than before. However, the debate arguably escalated in June 2018, when national newspaper Verdens Gang (VG) published a report titled "the gang nobody has managed to stop", revealing the criminal activity of the youth gang "Young Bloods" based in Holmlia south of Oslo (Tommelstad et al., 2018). The report has been followed by headlines such as "the gang development in Oslo: a foreseen catastrophe", "children down to the age of ten have criminals as role-models" and "the gang culture has become eviler" (Skogstrøm and Uglum, 2019; Berg et al., 2018; Lohne, 2018b). Thus, although the assumed increase in youth crime has been commented on occasionally prior to the publication, these revelations triggered a major debate regarding the issue of youth crime and criminal gangs, which is still ongoing.

These publications, as well as the following public concern, has further been followed up by the politicians, where a "war on criminal youth gangs" has been declared. Shortly after the publication of the VG report, Prime Minister Erna Solberg promised that the government would now work to stop the criminal gangs in the capital, by allocating more resources to the police (Lohne and Hansen, 2018; Lohne, 2018a). She argued that she was not aware of the seriousness of the situation prior to the publication and referred to the emergence of new criminal gangs in Oslo in recent years as a major cause of concern (ibid.). Hence, the Government proposed to allocate 50 million NOK from the National Budget to increased efforts against juvenile delinquency and gang crime in 2019 (Justis- og Beredskapsdepartementet, 2018). The allocation was further promoted as an investment in youth and gang crime, to strengthen the environments that work against the established gangs (ibid.)

The politicians have also suggested a wide range of other means and measures to combat youth crime, by change of legislation and incorporation of new institutions. One of the proposals which has received the most attention in the official discourse has been a proposal of double penalties for crimes committed in so-called "criminal zones" (high-crime areas), as well as for criminal acts committed under the auspices of gang operations (Spence and Lundegaard, 2019). This proposal was promoted by the Progress Party, by reference to a need for immediate and harsh measures against criminal youth gangs. Furthermore, other proposed initiatives have included increased use of youth prisons, the prohibition for gang members in regard to staying in specific geographical areas, prohibition of gang-memberships altogether, and higher fines for carrying a knife (e.g. Spence and Lundegaard, 2019; Lohne et al., 2018b).

The main argument behind all these initiatives has further been that it might prevent recruitment, as well as the formation of new criminal youth gangs. However, very few of the initiatives have resulted in formal suggestions to the Parliament, or policy implementation.

The focus on investigation, prosecution and punishment as means of combating youth crime has, however, been criticised from several holds. The main arguments have been that the proposed approach facilitates short-term solutions rather than long-term results, and that the measures are not corresponding to relevant research. While the initiatives often are centred on strengthened efforts by the police and stricter penalties against gang members, it has been argued that these measures will be counter-productive in regard to the reduction of youth crime (see e.g. Dinari, 2019; Engh, 2018). However, these inputs have not been majorly considered by political representatives.

6 FINDINGS

This chapter will present and analyse the qualitative findings gathered through the document analysis. In the analytical process, the themes were labelled into three component categories in accordance with the key trends of penal populism identified in the theoretical framework: "The Politicisation of Penal Policy Discourse", "The Changing Objectives of Punishment" and "An Emotional-Oriented Penal Policy". These key trends will structure the analysis, and the headings and subheadings within this chapter will, therefore, correspond to those of chapter 3. Although these themes are all connected and somehow overlap, they will, within this chapter, be individually analysed, interpreted and compared to the theoretical framework and secondary literature. The chapter is divided into themes and subthemes, where an introduction and the main findings are presented at the beginning of each theme, followed by an exploration of the specific trends linked to the theme in question. Each heading will firstly present literature and findings from when the writings of Pratt (2008a; b) and Lappi-Seppälä (2007), as well as Report No. 37 to the Storting (2008) was published, followed by a comparison with more recent findings (2016- 2019).

6.1 Theme 1: The Politicisation of Penal Policy Discourse

Theme 1 will address the politicisation of penal policy discourse, which has been identified by key scholars as a central trait to the presence of penal populism. It is, thereby, explored to what extent and in what way crime and justice have become a matter of politics and national election within a Norwegian context. In 2007/2008, Lappi-Seppälä stated that the relatively mild penal policies and low imprisonment rates in the Scandinavian region are rooted in high levels of social trust and political legitimacy, consensual and negotiating political cultures as well as the central role of juridical professionals. Him and others have noted that the consensual political culture in these countries diminish political dispute, reduce the amount of crisis talk, prevent frequent reversal of opinion, and preserve persistent and rational policies (Lappi-Seppälä and Torny, 2011; Lappi-Seppälä, 2007; 2008; Ljiphart, 1998). Pratt, on the other hand, argued that the inclusionary and egalitarian nature of the Scandinavian societies has functioned to maintain this consensus, while reducing social tensions and conflict (Pratt and Eriksson, 2012). These conclusions were further reflected in the overall impression of Report No. 37 to the Storting (2008), where expert opinion and long-term outcomes were

majorly considered, and the problems of crime and punishment were put forward as a collective social responsibility rather than a political issue.

However, the empirical data revealed clear signs of penal populism. The main finding was that the response to those who commit criminal offences has become a political question to a much greater extent than previously, when compared to Report No. 37 to the Storting (2008) and earlier writings on Scandinavian exceptionalism. It further appeared as if the increased attention to law and order in politics, to begin with, was mainly attributed to conservative forces in politics, corresponding to the theoretical framework of Tham (2001). However, the social-democratic Labour Party at times appeared to be more or less equally eager to express concerns about crime and propose "tough on crime" penal initiatives. This was arguably especially true in the most recent debate; addressing the alleged increased threat of criminal youth gangs. A strong connection was further found between popular public demands, competition between the parties and mistrust in research findings, in which combined appeared to result in irrational proposals for short-term and arguably ineffective penal policies.

Further, it appeared as if subject-matter experts indeed had lost some of their authority in the contemporary penal debate. However, a recurring trend seemed to be that the political representatives adhered to expert knowledge as long as it was working in their advantage while declining such expertise when it did not. As with "tough on crime" penal initiatives, the willingness to reject input from professionals appeared to be more evident in the ongoing debate on youth crime, in comparison with the debate on the maximum penalty from 2016. It thus seemed as if the phenomenon in which Lappi-Seppälä (2012) more recently referred to as the "the punitive turn- Nordic style" is becoming increasingly manifested in Norwegian penal policy considering this theme, due to the gradual politicisation and intensification of penal policy evident in the empirical data.

6.1.1 Conflict and Political Rivalry

The Scandinavian countries have, as discussed in the literature review, been perceived as consensual democracies practicing consensual politics, facilitating a general agreement on issues of law and order between the major political parties (Lijphart, 1998). Critique towards the achievements of the former government has thereby generally been frowned upon and

held more disadvantages than advantages (Lappi-Seppälä, 2007). This has further been linked to the production of rational and humane criminal justice policies.

However, while Pratt (2008) emphasised the generally dominant position of Centre and Labour parties and therefore minimal opposition to the extension of the welfare state as a central aspect of penal exceptionalism, the centre-left government was in 2013 replaced by a right-wing coalition. The Progress party, labelling themselves as a "law and order party", hereby entered the government and became in charge of the Ministry of Justice and Public Security (Todd, 2018). Although Lappi-Seppälä (2007) argued that the previous government upheld stability and prevented dramatic policy changes, this shift represented a major turnover in Norwegian politics (Shammas, 2015). Applying the theoretical framework of Pratt (2007) one may argue that the "new politics" is caused by lack of trust in politicians and the current political processes, which means that the public is more receptive to new forms of political expression. Hence, the relatively newfound Progress party has gained increased support among the general public over the course of recent years.

Penal populism is almost by definition referred to as a process by which the major political parties compete with each other to be "tough on crime", perceiving this to be the punitive stance of the population. Shammas (2015) argued that in a Norwegian context, politicians are also increasingly competing in regard to differentiating themselves through symbolic politics based on myths that popularise harsh penal policies. He noted that the Progress Party has organised crime control and penal policy in a way in which sparks the general public's imagination and has thereby dragged the Labour Party in the direction of its own "law and order" orientation. Hence, this has led to an ongoing struggle between the parties in regard to obtaining a position as the leading proponent of punitive penal measures (ibid.). The occurrence of such a structure is arguably due to a fear on behalf of the Labour Party, as to the possible advantages gained by the Progress Party if they were to be the only voice in official discourse dealing with matters of law and order. None of the parties are thus willing to be labelled as a "soft on crime" party, which may be a result of the increasing relevance of penal populism in the Scandinavian countries.

Furthermore, although Report No. 37 to the Storting (2008) emphasised cooperation between all parties involved as the modus operandi for the obtainment of a well-functioning penal practice, competition between the parties was one of the recurring themes disclosed in the reviewed penal debates. This structure was especially prominent accounting for the Labour

Party and Progress Party, and at times the Conservative Party, the Centre Party and the Socialist Left Party. Although all parties seemed to agree on which crimes that needed to be prioritised and counteracted, condemnation of initiatives and blame on the part of the former or current government was found somewhat frequently in the reviewed documents accounting for all three debates. Thus, although the alleged consensual Scandinavian political culture is built on compromise, it appeared as if the populist model, based on competition and confrontation, has become partly manifested in Norwegian penal policy.

Addressing the debate on criminal youth gangs, political rivalry was highly evident, where the majority of the parliamentary parties continuously proposed new initiatives in order to "defeat" criminal youth gangs, which were often of a similar punitive nature. However, the parties in opposition did in the vast majority of instances reject and criticise the proposals made by the other parties, as undermining and labelling of the opposition appeared to be prioritised over compromise. These dynamics were particularly obvious when the Progress Party downvoted a proposal developed by the Labour Party[19], which consisted of identical initiatives to the ones Progress Party representatives had, and have later on, strongly advocated for (incl. harsher penalties against youth offenders) (Stortinget, 2019a). Progress party representatives then even admitted during the negotiations that the proposal was dismissed as it came from the Labour Party, when confronted with how these representatives had praised identical initiatives in the mass media (ibid.) A Labour Party spokesman subsequently argued in the public debate that the Progress Party had "failed youth and vulnerable environments" by voting against their proposal (Gilbrant and Suvatne, 2019). He went on to emphasise that the Progress Party had during their six years in government allowed the problem of criminal youth gangs to increase, and that "it is now about time that they deliver" (ibid.). A Progress Party representative, on the other hand, responded to these accusations by referring to the proposal as a "cynical" move and a "play to the gallery," while arguing that the Labour Party initiated the proposal with the sole purpose of being able to argue in the public debate that the Progress Party voted against initiatives towards criminal youth gangs (ibid.; Rønning, 2019). Thus, these dynamics on the part of both parties correspond to Newburn and Jones (2005) suggestion of populist penal tactics, where the

[19] The Labour Party proposal was the only formal suggestion to the Parliament over the period of time that was analysed. The proposal contained 14 means and measures of combating youth crime, including prohibition of gang membership, harsher penalties for organised crime, expansion of the juvenile detention centres, the prohibition for gang members in regard to staying in specific geographical areas, and the banning of machetes.

politicians attempt to expose the opposition as to damage their reputation. These tactics appeared to come at the expense of consensus-seeking negotiations, as the parties somewhat agreed upon the "required" means and measures, however refused to accept initiatives promoted by the opposition. In addition, the alleged strategy of the Labour Party as well as the response from the Progess Party arguably implies that the politicians indeed are concerned in regard to being exposed as "soft" on crime. This correspond to Roberts et al.'s (2003) analysis, suggesting that a soft approach to the issues of law and order is associated with electoral failure in the era of penal populism.

A further tendency was that the efforts of the former and current government were criticised and blamed by the opposition. The Progress Party e.g. argued that the current government had "done a lot to rectify" the mistakes of the past (Spence and Lundgaard, 2019), where representatives claimed that the Progress Party was the only party acting upon youth crime (e.g. Steffensen, 2018). In turn, the Labour Party noted that they had launched several initiatives during their period in government, including the expansion of youth prisons (Stortinget, 2019a). However, they went on to argue that such initiatives have not been followed up by the governing Solberg cabinet, which was majorly criticised (ibid.). Following the framework of Shammas (2015) as discussed above, one may argue that this demonstrate a political trend whereby the Progress Party provoke the Labour Party and vice versa, where the opposing party arguably respond due to a concern as to who is gaining the upper hand on matters of law and order. A recurring trend was however that when referring to own achievements as a means of demonstrating their measures to reduce youth crime, both the former and current government highlighted "tough on crime" initiatives, rather than "soft" ones; implying that the politicians' priorities the promotion of penal initiatives that are "popular", yet ineffective.

Based on these observed dynamics it thus seemed as if the politicians reverted to punitive rhetoric to outbid each other on toughness, where political strategies of blame, a tough on crime approach, and disclaimer of responsibility were routinely applied as an attempt to undermine the opposing parties. Such an approach complies with suggestions of penal populism made by Green (2012), which widely opposes the notions on Scandinavian consensus politics made by Lappi-Seppälä (2007) and Ljiphart (1998). These tendencies were further especially evident between the Progress Party and Labour Party, reinforcing the notion that these are the two parties competing to propose "tough on crime" initiatives and obtain the

position as the leading party in regard to dealing with law and order (Shammas, 2015; Green, 2012). It consequently appeared, as if this tactic and exposition of mistakes on behalf of other parties enacted an ever-greater role accounting for this penal debate. This tendency follows the theoretical framework of Roberts et al. (2003) who argued that politicians who adhere to this phenomenon prioritise their image in the public discourse as well as electoral advantage, before crime reduction.

Similar tendencies were disclosed in the maximum penalty debate, were the whole debate, particularly during the negotiations, appeared to be embedded in conflict, critique and controversies. It seemed to be a competition between the Labour Party on the one hand, and the Conservative Party and Progress Party on the other, although the majority of the political parties indeed were in opposition of the proposal. As stated by a Labour Party representative during the negotiations at the Parliament:

> *"The Conservative Party and the Progress Party have chosen conflict and electoral campaign... (This) is demonstrated by the Conservative Party and the Progress Party's repeated attacks on the Labour Party, not on the Christian Democratic Party, not on the Liberal Party, which are their cooperative parties, but who in this case agree with the Labour Party." (Stortinget, 2017a; 4207)*

As with the tendencies available in the debate on youth crime, it thus appeared as if the representatives from these three parties were more concerned with undermining and labelling the opposition, rather than discussing the actual proposal or crime reduction. While the Labour Party argued that the procedure of developing the proposal was a "good illustration on how not to govern a country" (Stortinget, 2017a; 4198), the Conservative Party, simultaneously, labelled the Labour Party rhetoric as an "insult" towards public demands (Stortinget, 2017a; 4209). When the Conservative Party accused the Labour Party of not "recognising the problem" (ibid.; 4206), the Labour Party argued that the proposal was purely connected to rhetoric and electoral campaign. Such accusations back and forth constituted a recurring tendency throughout the debate, corresponding to the dynamics of the debate on criminal youth gangs, and a political climate embedded in conflict (Green, 2012; Garland, 2001).

A further tendency within this debate was that the Progress and Conservative Party attempted to satisfy the "public needs" with a tough approach, while at the same time outlining how

"soft" on crime the former government was. The former Labour-led government's alleged failure to deliver punitivity as well as politics which meets public expectations was i.e. used as a catalyst for the right-wing parties' "tough" law and order policies. In defence, the former Red-Green Coalition pointed at times in the past when they had advocated for and implemented harsher penalties, similar to the tactic of references to "tough on crime" achievements disclosed in the youth crime debate. However, simultaneously, references to "soft" initiatives, humaneness and legal principles were applied as counterarguments to the proposal way more frequently in comparison with the debate on criminal youth gangs, suggesting that the traditional principles of the Nordic criminal justice system as designated by Pratt (2008a) and others indeed were considered by the parties in opposition of the proposal in 2016/2017. Yet, the debate was mainly centred around political dispute, especially on the part of the three aforementioned parties.

Addressing the "monster-debate", Listhaug's rhetoric created conflict and disagreement among numerous stakeholders. However, as only a few political representatives got involved in this debate, the same foundation for political dispute was not available. Conflict was yet to be disclosed, as when the rhetoric received critique from various stakeholders, political representatives from the Socialist Left Party and the Labour Party immediately submitted to the debate (Kristiansen, 2018; Vågslid, 2018). Yet, as opposed to in the other debates, where politicians representing both wings referred to own "tough on crime" achievements as an attempt to gain an upper hand on the parties in opposition, counterarguments on the part of the representatives who got involved were in this debate to a greater degree characterised by attitudes associated with Scandinavian exceptionalism. The forceful rhetoric, in combination with a lack of implementation of concrete initiatives in order to reduce instances of sexual abuse against children, was thereby majorly criticiced by reference to traditional Norwegian legal principles (ibid.).

The stance of the Labour and Socialist-left Party representatives as well as numerous stakeholders' nationwide in regard to these statements may further be explained by Garland's (2000) notion of receptiveness to penal populism, as Listhaug's "monster" term might have been too controversial in a Norwegian context. One may assume that the "monster" rhetoric was a part of a "tough on crime" strategy which did not go according to plan, possibly due to miscalculations in regard to the availability of the cultural and structural preconditions needed to gain public support for such claims. It might be argued then that the politicians in

opposition turned to the traditional Norwegian legal principles, as her rhetoric was widely criticiced nationwide. On the one hand this may imply that these political representatives adhere to the values and principles associated with Scandinavian penal exceptionalism. On the other hand, one may also argue that the critique could be an attempt to gain electoral advantage by exposing a party in opposition (Roberts et al., 2003), by which the argument is embedded in political rather than penological concerns (Garland, 2001).

It did thus appear as if a significant part of all three debates concerned the attacking and undermining of other parties, rather than focusing on the reduction of the offences in question. This was a recurring trend throughout all the debates and further corresponded Roberts et al. (2003) suggestion of political manipulation, where the proposals do not appear to be embedded in an escalated crime problem nor an increase in public punitiveness. Instead, the main aim appears to be competing with each other in order to appear in the official discourse as an advocate for law and order (Shammas, 2015; Tham, 2001). Furthermore, the fact that political rivalry and dispute was mainly disclosed between the Labour Party and the Progress Party further reinforced the theoretical framework of Green (2012), of that populist societies are most often driven by two dominant and opposing parties that rarely compromise. Findings in youth gang debate does, however, imply that the minor parliamentary parties are also increasingly submitting to political dispute and distribution of blame in the official discourse. Yet, conflict and exposition of the opponent was clearly most prominent between the two aforementioned parties.

6.1.2 Electoral Advantage over Penal Effectiveness

As noted in the contextual framework, there has been a general perception in comparative analysis and welfare research of that in the Nordic region; deviance is tackled though social measures rather than punitive ones (Ugelvik and Dullum, 2012). Pratt (2008a) further argued in conjunction with his Scandinavian penal exceptionalism thesis that imposed punishment in the Scandinavian societies generally is fair, humane and effective. Lappi-Seppälä, on the other hand, claimed in 2007 that the Scandinavian region had adopted a functional approach to the problem of crime, where punishment is enforced as a means of "fair effectiveness" (Lappi-Seppälä, 2007; 232). These perspectives indeed complied with findings in Report No. 37 to the Storting (2008), which was, as discussed in chapter 5, drawing on utilitarian philosophies of punishment and sentencing as judged by its benefits. It was thereby emphasised that penal initiatives were only to be implemented if the initiative in question was perceived to have

long-term and functional outcomes, accounting for results on both an individual and societal level. The penal *effectiveness* was i.e. considered to exhibit a substantial role in the development and implementation of penal policy at the time.

However, although the effectiveness of policy initiatives was majorly considered in Report No. 37 to the Storting (2008), the proposals for change of legislation and practices in the aforementioned debates were somewhat characterised by an urge for political gain. It thus appeared as if crime and punishment have become a matter of national election also in a Norwegian context, as opposed to what Lappi-Seppälä (2007) and Pratt (2008a; b) suggested. These tendencies were particularly evident in the debate on criminal youth gangs and the debate on increased maximum penalty. However, while the urge for electoral advantage was most prominent among the right-wing parties in the debate from 2016/2017, the social-democratic Labour Party appeared to have submitted to this trend in the most recent debate that was reviewed.

Addressing the debate from 2016/2017, the fact that the proposal to increase the maximum penalty was introduced during the run-up for the general election in 2017, may certainly be linked to a penal populist governing style. Indications of such an approach were clearly evident in primary data, where politicians representing various parties as well as other stakeholders highlighted the link between the timing of the proposal and the upcoming election (Stortinget, 2017a). The proposal was further referred to as a strategic plan on behalf of the Conservative and Progress Party so that they, as noted by the Justice Committee: "can appear dynamic after a period of massive criticism on the field of justice" (Stortinget, 2017b; 6). This alleged strategic plan corresponds to the populist tactic proposed by Roberts et al. (2003), as they argued that penal populism may be pursued as an attempt to divert attention from other policy areas, where the government is failing the public. The government under criticism may then, as noted by Roberts et al. (2003), indeed strive to regain trust by attempting to exploit public anxiety regarding crime as well as public resentment towards offenders, which may explain both the timing and the retributive content of the proposal. Thus, i.e., the fact that the punitive proposal of increasing the maximum penalty came after a period of criticism, as well as prior to the general election, may certainly be linked to the political dynamics of penal populism.

The political tactic in question was, however, majorly criticised by professionals, as it was argued that when the electoral campaign is applied to penal policy, penal initiatives become

irrational and ineffective (e.g. Huitfeldt, 2017). This approach was also rejected by the Labour Party, despite the alleged application of the same tactic in the most recent debate that was analysed (2018-2019). The following was thus argued by a Labour Party representative as a response to this proposal:

"The Labor Party will not turn the Norwegian penal system into a ping-pong arena where sentencing levels and sanctions are changed rapidly back and forth as tools of party election campaign strategies. It is an irresponsible way of managing a country's criminal policy."
(Stortinget, 2017a; 4198)

Furthermore, while increased maximum penalty was proposed prior to the 2017 general election, the Progress Party proposed double penalties for gang members and offences committed in high-crime areas during the run-up for the 2019 local elections. The proposal in question came despite suggestions from the residents of these high crime areas that punitive measures are counter-productive, and that, e.g. increased police presence, as well as social reforms, would be more effective means of reducing recruitment to criminal youth gangs (e.g. Tjørhom et al., 2019; Lundgaard and Spence, 2019; Kihl, 2018; Goldar et al., 2018; Stolt-Nielsen, 2018). Various members of these communities thereby stated that they were tired of the area being stigmatised as well as being used as a part of political campaigns and justification for harsher penalties, while simultaneously not detecting any actual change (ibid.). The initiative was consequently, as with the proposal of increased maximum penalty, linked to the upcoming election in the official discourse. It was indeed argued, by various stakeholders, that rather than considering the effectiveness of measures introduced, the proposal seemed to be an attempt to appear in the public discourse as a vigour and "tough on crime" political party. The proposal was i.e. arguably introduced without consideration to the effectiveness, which is a strategy that has been ascribed to penal populism (Roberts et al., 2003).

The Progress Party has thus on multiple occasions been accused of applying the populist tactic of using issues of law and order in the electoral campaign (Roberts et al., 2003). However, other political parties also made punitive proposals disregarding evidence of effectiveness during the run-up to the election, at least accounting for the debate on criminal youth gangs. For example, many of the anti-gang crime measures proposed by the Labour Party have been similar to the ones proposed by the Progress Party, although the suggestions of the latter party have been slightly more controversial. Simultaneously, the populist strategy

of a metaphorical war against categories of offenders unlikely to receive sympathy from the general public were evident among all the largest parliamentary parties, of which declaration represent a simple way to gain electoral advantage in a way which invalidate the role of social exclusion to involvement in crime (Lappi-Seppälä, 2007). When arguing that penal populism targets "the others" and "simple" targets rather than "ordinary" individuals, Roberts et al. (2003) noted that young offenders, drug offenders and sex offenders constitute the categories of offenders that has gained increased political attention in the era of penal populism. The fact that all the debates concerned one of these listed "easy target" offenders - where a war was declared and consistently referred to in the two debates addressing a specific category of offence (pedophile sex offenders and youth crime) might imply that these "wars on crime" are at least partly connected to a political strategy of a "tough on crime" approach to penal issues – which is inherent to penal populism (ibid.; Pratt, 2007; Garland, 2001).

Short-term, "quick-fix" and controversial initiatives did i.e. indeed seem to be applied by all the largest parliamentary parties, in favour of long-term and functional alternatives, which were promoted in Report No. 37 to the Storting (2008). However, the other parties did not receive the same accusations, media attention nor critique in regard to prioritising electoral advantage over penal effectiveness, in comparison with the Progress Party. This trend may, however, be linked to the Progress Party's controversial image (Ulserød, 2019).

Considering these findings, in combination with secondary literature, it appeared as if electoral campaign indeed is applied to contemporary Norwegian penal policy, accounting for all the largest parliamentary parties. The involvement of parties representing both wings was yet especially true with regard to the debate on criminal youth gangs, as this strategy was harshly rejected by the Labour Party throughout the maximum penalty debate; however, particularly evident in the debate on youth gangs. Such initiatives may certainly be linked to Garland´s (2001) suggestion of a populist style of policy associated with the rapid-making of ineffective proposals as a political tactic for short-term electoral advantage. It also follows the theoretical framework of Roberts et al. (2003), of that penal populism emerges during the run-up for elections and throughout electoral campaigns, where a "tough" approach to crime is associated with electoral advantage. While they argued that penal populists allow the electoral advantage of a policy to take precedence over its penal effectiveness, such tendencies were partly disclosed in the Norwegian penal debates reviewed.

6.1.3 Crisis Talk and "Urgent Need" for Action

In 2007, Lappi-Seppälä argued that Scandinavian politics is less ruled by "crisis talk", in regard to societal or political crises in urgent need of attention. This further prevents the political pressure for rapid "quick-fix" measures as an attempt to combat issues of law and order. It also promotes the careful assessment of evidence prior to change or development of legislation, in order to avoid overuse of the criminal law (Lappi-Seppälä and Torny, 2011).

Crisis talk and the "need for urgent action" was not particularly evident nor applied in Report No. 37 to the Storting (2008). Instead, it was argued that "there is only a minority that constitutes a threat to public or individual safety," minimising the perception of risk (ibid.; 8). It was however noted that in the years to follow; crime rates might increase due to immigration and increased social differences (ibid.;54; 55). Yet, it was stated that these issues over time could be reduced through welfare initiatives and preventative measures (ibid.; 54; 55).

If one compare Report No. 37 to the Storting with the reviewed penal debates, however, a new and urgent emphasis upon the identification and management of any kind of risk seemed to dominate. In turn, this focus might have led to a change in the forms of calculation on the part of certain political representatives, emerging out of an increasing political pressure. The rapid and consistently making of new and ineffective penal proposals, as discussed above, may i.e. not solely be embedded in political manipulation and the urge for electoral advantage; however also the growing political pressure from inside and outside the criminal justice system (Garland, 2001). Both crisis-talk and the following urge for rapid action was indeed disclosed in all three debates analysed, reinforcing one of the most fundamental attributes to penal populism; the perception that "crime is out of control" (Pratt, 2007).

The general pattern was then that the offence in question was portrayed as a major societal problem or "crisis" which needed to be counteracted immediately, although the current situation on the offence had endured for decades (Garland, 2001). Discussions and proposed penal measures were further characterised by impatience, and a "we need to do something now" approach to penal issues. The use of careful analysis in order to obtain long-term solutions therefore appeared, according to empirical findings, to have been partly abandoned due to the increasing political pressure. Consequently, it seemed as if a re-arrangement in the form of decision-making has become manifested in a Norwegian context, where the attractiveness of harsher penalties has arisen as the nature of such initiatives presents

immediate reassurance and response to public anxiety. This further corresponds to the theoretical framework of Garland (2001), who argued that rapid state action in the sense of harsher penal measures has come to be prioritised over consideration of whether the measures will "work" or not, where "action" in regard to the issues of crime is associated with imprisonment.

Considering "crisis talk", such rhetoric was particularly evident in the youth crime debate, where the current situation was referred to as "worse than ever", and criminal gangs were declared as one of the two (along with terrorism) "greatest threats to security in peacetime" (Stortinget, 2018b; 1). It was repeatedly stressed that the amount of youth crime has expanded in both volume and seriousness. However, no sources nor figures were provided by the political representatives, except for references to the "number of episodes … in the media lately" (Stortinget, 2019a; 3484). It was, i.e. admitted that these claims were based on recent news crime reporting as the number of incidents presented by the media was provided as the source of information on several occasions. As stated by a representative from the Labour Party:

> *"I think there are many who live in Oslo, but also in other cities, who are concerned and anxious, especially when it comes to the number of incidents of knife attacks that we have seen in the media lately, no later than last weekend, the day before and the day before that again." (Stortinget, 2019a; 3484)*

However, considering theories on the construction of crime news and newsworthiness, one may argue that the mass media often concentrate on specific crimes based on public interests, and that these portrayals therefore does not constitute an accurate reflection of the overall picture of crime (Jewkes, 2011). It was indeed revealed in the article that provoked the debate in question, and thereby all this news coverage, that criminal youth gangs have been an ongoing problem for years with little governmental action prior to the publication (Tommelstad et al., 2018). Hence, it appeared in this case as if the crisis talk was caused by selective media coverage rather than evidence of an actual rapid increase in youth crime, which further produced political pressure for action. This corresponds to the theoretical framework of Garland (2001), as pressure from "the outside" (in this case the media) appeared to affect political decision-making and areas of priority throughout this debate. As the statement above also referred to public anxiety, it may further be suggested that the

political pressure is reinforced by public outrage and fear of crime, in accordance to trends of penal populism (Garland, 2001).

Similar tendencies were found in the "monster-debate," as it was also provoked by a single report as well as a public concern. Soon after this report was published, the issue of pedophile sex offenders was declared a societal crisis, and the foremost priority for the new Minister of Justice. The offences in question were thereby described via reference to the report as "amongst the most serious offences there is, representing a major societal issue" (Stortinget, 2018a; 1). This reaffirms the suggestion as made above, where forces from outside the criminal justice system create political pressure, which the political representatives act upon (Garland, 2001).

Addressing the maximum penalty debate, crisis talk was also disclosed, although the mass media did not appear to have enacted an equally direct role in provoking it. However, one of the ways crisis talk was most prominent was arguably instead through how the politicians applied the "quantum discount" as one of the main arguments in regard to increasing the maximum penalty. It was thereby stressed on the part of the Progress Party and Conservative party that those persons who commit the most serious crimes there is, are given *major* quantity discounts during court proceedings (Stortinget, 2017a; Justis- og Beredskapsdepartementet, 2017d). This practice was, by them, declared in public interviews as a massive problem, by reference to public sentiments of justice (Sandnes, 2017; NTB, 2016). However, the Norwegian legal system does not operate with "quantity discount", and the use of the terminology has therefore been widely criticised by both juridical professionals as well as other political representatives for being "extremely misleading" (Stortinget, 2017a; 4208; Skårdalsmo, 2017). The hearing authorities thereby argued that the term quantum discount harmonises poorly with current law and is applied as an argument merely in order to influence the perception of the proposal on the public; who allegedly demands action (Justis- og Beredskapsdepartementet, 2017a; Huitfeldt, 2017). Thus, although the media did not play an equally direct role in this debate, references to the public reinforce the findings as discussed regarding the debate on youth crime and the "monster-debate", whereby crisis talk is applied as a response to an outraged public and pressure from the outside.

Further, after the seriousness of the issue was settled (crisis talk), the general tendency appeared to be that the urgent need for action and immediate results was stressed. Both in the debate on criminal youth gangs and in the "monster-debate," there was a consensus among all

the politicians that these issues had to be acted upon immediately, although they often did not agree upon the methods of achieving these means. Throughout the debate from 2016/2017, on the other hand, the politicians appeared to be split when addressing the proposed urgent need to implement a higher maximum penalty for multiple violations of integrity. The rapid making of the proposal was a major subject of discussion surrounding this proposal, and was, in fact, one of the major reasons for its rejection (Stortinget, 2017a). However, the Progress Party and the Conservative Party repeatedly criticised the lack of will to grasp the opportunity for action on the part of the other parties, where a representative from the latter argued that "the voters expect us to act" (Stortinget, 2017a; 4205). Thus, reinforcing the proposed need for rapid reaction to public demands, as described by Garland (2001). Hence, in this case, the "urgent need" for action appeared to be a matter of political affiliation, as opposed to in the other debates, where there was a consensus that the issues had to be acted upon immediately.

Although one cannot conclude based on three penal debates, one may suggest that the newfound focus on immediate intervention in the two most recent debates imply a change over time, if one compare these to both Report No. 37 to the Storting from 2008 and the maximum penalty debate from 2016/2017. While an information-based and rational perspective to penal issues was promoted both in the report as well as by most political representatives in the maximum penalty debate, a dramatic approach to penal issues was more prominent in the two others. Accounting for these debates, it somewhat frequently seemed as if long-term and careful consideration indeed was perceived as an obstacle to rapid action, especially when the politicians attempted to respond to public outrage, media criticism and other political challenges. This may suggest that the political pressure has increased over recent years, which in turn could have increased the attractiveness of harsher penalties, as these could function to create the impression upon the anxious public that "something is being done with the crime situation, here and now" (Garland, 2001; 135).

Furthermore, the debate on criminal youth gangs provoked a significant number of suggestions from the political representatives on how to tackle criminal youth gangs over the course of the year that was addressed. However, only one proposal made it to Parliament. This indeed follows the theoretical framework of Garland (2001), of that populist politicians are highly responsive to public concerns, where punitive initiatives are associated with rapid action. However, as he argued, penal populism is vulnerable to public change of opinion, and thus suggestions in which do not comply with calculations of political gains are reversed

immediately. These dynamics may further explain the constant production of new penal proposals prior to the implementation of the others, without taking the time to see whether these initiatives as proposed would "work" over a more extended period or not. This trend was e.g. demonstrated through the critique presented by the Director of Public Prosecutions, after the Progress Party's suggested to impose double penalties if one obtains a gang membership. He then dismissed the trend of continually making new and drastic proposals, while asking the public and political representatives to be patient in regard to tackling the issue of criminal youth gangs:

> *From a professional point of view, this (suggestion) is absolutely unnecessary... let us first complete the measures we are working on. Then we have to look at the results (of these measures) before suggesting something new and drastic." (Ogre, 2019)*

The political representatives indeed experienced major pressure from both outside and inside the criminal justice system throughout this debate (Garland, 2001), as stakeholders including the police, the public, and the mass media persistently demanded action from the politicians while also being highly critical to the proposed initiatives. This has arguably played a crucial role to the aforementioned dynamics, as well as the temptation to consistently propose such punitive measures exemplifying state action; however, which do not particularly consider crime reduction (Newburn and Jones, 2005; Roberts et al., 2003). Such a trend was, yet, only to be disclosed in the debate on criminal youth gangs, as the nature of the other debates did not allow for the observation of these dynamics. As the maximum penalty debate only considered a single proposal, while the "monster-debate" considered the rhetoric of a single political representative, evidence in regard to the populist trend of constant production of new penal policies was not obtainable. Yet, crisis talk and the urge for immediate action and results through punitive initiatives was a recurring trend throughout all the debates, although only to be disclosed on the part of left-wing parties in the debate from 2016/2017. This perhaps suggests an increasing political pressure in the Norwegian penal debate, which in combination with an urge for electoral advantage has contributed to a trend whereby the politicians are highly responsive to public concerns, at times at the expense of cooperation and negotiation; although these were promoted as vital features of Nordic consensus politics by Lappi-Seppälä (2007).

6.1.4 The Decline of Expert Knowledge

In his writings on Scandinavian exceptionalism, Pratt (2008a; b) claimed that the Nordic region is the part of the world where expert-driven research has had the most impact and authority in regard to matters of the criminal justice system. Penal policy at the time was, as according to him, driven by experts rather than by opportunistic politicians. Lappi-Seppälä (2007) and Bondeson (2005) reached similar conclusions, noting that Scandinavian penal legislation has been majorly influenced by academics and intellectuals, which in turn has preserved persistent and rational policies.

Considering Report No. 37. to the Storting (2008), the submission to research-based expertise was highly evident. In the report, the government argued the following:

> *"The Government desires corrective services based on knowledge … National and international research is therefore of great significance for the Government´s choice of measures." (Report No. 37 to the Storting; 8)*

Research findings and expert knowledge was greatly referred to throughout the report, which was developed in cooperation with students and professors of criminology, sociology of law and policing. References were made to scholars such as Hammerlin, Mathiesen and Balvig, in order to justify penal proposals and practices. Expert knowledge thus appeared to have had a significant influence on penal policy and practice at the time, where governmental voices stated that *"Norwegian penal practice is in the process of becoming more academic, in which is a development that will progress further into the future"* (Report No. 37 to the Storting; 90).

On the contrary, Roberts et al. (2003) referred to the decline of expert knowledge as one of the defining characteristics of penal populism. While compliance to research-based expertise was perceived by Pratt (2008a; b) and others as a unique characteristic of Nordic political culture, findings in recent penal debates implied that experts have lost some of their authority in contemporary Norway. However, the choice to reject or adhere to research-based knowledge very much seemed to depend on the context and political party in question. It also appeared as if expert knowledge had more authority in the debate occurring in 2016/2017, when compared to the debate from 2018/2019, as research-based knowledge was neglected

and ignored to a greater extent in the most recent debate. The recurring tendency accounting for all the debates further seemed to be that the political parties submitted to the perspective of professionals if it somehow benefitted them (e.g. in regard to the justification of proposed penal initiatives or when dismissing initiatives proposed by others). The scepticism was, however, only found on the part of the largest parliamentary parties, where the minor parliamentary parties somewhat consistently submitted to the knowledge of professionals. On the other hand, although occasionally disclosed on behalf of all the largest parliamentary parties, the distrust in expert knowledge was yet certainly most prominent on the part of the Progress Party.

Addressing the maximum penalty debate, the proposal for the increase was majorly criticised by the hearing authorities, where it was argued that the initiative reflects an opposition to the Norwegian tradition of a humane criminal justice system (e.g. Justis- og Beredskapsdepartementet, 2017b). The opinion of professionals was yet harshly rejected by the Progress Party throughout the negotiations. As argued by a representative:

"...it has been noted that the hearing authorities are concerned in regard to increasing the penalties. I did not know that the Parliament was subjected to the hearing authorities! I thought the Parliament was free to choose what we want to listen to and what we want to disregard. Ultimately, this is about politics, not that ... [juridical professionals] think this is a terrible thing." (Stortinget, 2017a; 4208)

Responding to the critique of professionals, representatives from the Progress Party thus exhibited a mistrust in expert knowledge while at the same time suggesting that instead of adherence to these opinions; the politicians should gain a more prominent role in developing the rationale of punishment. These representatives further argued that a more prominent role of the part of politicians would allow sentencing based on "the public sense of justice," which was portrayed as a fundamental penal consideration. However, which is a consideration not extensively supported by professionals.

Similar statements were made throughout the debate on criminal youth gangs, where representatives from the Progress Party expressed their resentment to judicial professionals' opinion when criticising the suggestion of double penalties for offences committed in high-

crime areas. The objections of the professionals were then dismissed, where a representative stated that *"they [experts] always refer to some kind of convention, and then it turns out that they are wrong every time anyway"* (Spence and Lundgaard, 2019). Instead, the representative insisted that: *"we choose to look at the fact… that the citizens are positive about it."* The findings on behalf of the Progress Party in regard to both these debates did. i.e. arguably follow the theoretical framework of penal populism, where the "uninformed" public sense of justice act as a key reference for the development of policy, and penal experts consequently become less influential. The role of the "uninformed" sense of justice will, however, be further explored in theme 3.

The rejection of professional opinion on the part of Progress Party representatives constituted a trend also throughout the monster-debate. When criticising the rhetoric used by referring to the Norwegian tradition of a humane and rational criminal justice policy, as discussed by Pratt (2008a; b), professionals were accused of *"defending the offenders and portraying them as victims"* (Dagsnytt 18, 2018). Findings throughout all the debates thus revealed a recurring populist tendency on the part of the Progress Party, as the reviewed penal debates were somewhat marked by conflict between certain political representatives and penological experts.

A notion accounting for all three debates, however, suggested that not all the parliamentary parties discard the Norwegian tradition of a knowledge-based penal policy. Considering the maximum penalty debate, one of the arguments which led to its rejection was indeed the lack of references to research-based knowledge (Stortinget, 2017a). Thus, in addition to having to be better reviewed, the representatives who voted no argued that the proposal had to be further consulted with juridical professionals. As stated by a representative from the Labour party in conjunction with the negotiations at the Parliament:

> *"In this case, the governing parties have set aside considerations of… a knowledge-based foundation… The Labour Party wish for research-based knowledge … in discussions on this matter." (Stortinget, 2017a; 4198).*

This statement was made by reference to Report No. 37 to the Storting, emphasising the importance of maintaining long-standing traditional values and legal principles. The Christian

Democratic Party, the Liberal Party and the Centre Party also submitted to this perspective. Thus, rather than reflecting thoughts embedded in penal populism, these perspectives correspond to Lappi-Seppälä's (2007) suggestions of Nordic consensus politics, where the politicians adhered to a rational and humane approach to penal policy, influenced by a variety of experts.

Similar tendencies were found in the "monster-debate", where the Socialist Left Party and the Labour Party dismissed Listhaug's rhetoric by reference to public critique from various professionals (Kristiansen, 2018; Vågslid, 2018). In an op-ed, Labour Party representative Vågslid consistently listed professionals and their stance, while emphasising the importance of the Norwegian tradition of a humane criminal justice policy (Vågslid, 2018). Simultaneously, Socialist-left Party representative Eide argued by reference to subject-matter experts that the rhetoric applied has massive implications in regard to human rights, dehumanisation and legal principles (Kristiansen, 2018; Stortinget, 2018b). Thus, in both these debates, the parties in opposition of the debates very much appeared to adhere to the principles associated with Scandinavian exceptionalism, as they were applying expert knowledge as a main counterargument. The general assumptions of a Nordic penal policy embedded in rational and pragmatic thought was thus somewhat more evident than a populist rationale when considering the reliance upon expert knowledge in these two debates; if one excludes the Progress Party.

Throughout the debate on criminal youth gangs, on the other hand, expert knowledge was not massively *criticised* by other parties than the Progress Party. However, a trend accounting for the majority of the parliamentary parties was that the suggestions of experts appeared to be largely *ignored* when the politicians proposed new initiatives. While the experts continuously proposed various means and measures of reducing youth crime, a very limited amount of these suggestions seemed to be considered by the politicians. The neglect seemed to be embedded in the newfound prioritisation of immediate results through imprisonment, over the long-term initiatives proposed by experts. Due to the aforementioned political pressure for rapid action, the politicians might be tempted to turn to short-term solutions and imprisonment as a means of solving social problems, as was discussed before. Since the professionals tend to suggest alternatives to prison or social reforms, these suggestions might be rejected on the basis of that such suggestions will not acquire the immediate results that are

"demanded by the public". Thus, throughout this debate, expert knowledge appeared to be rejected due to the aforementioned political pressure in combination with an urge for electoral advantage.

Based on these findings, it first appeared as if the harsh rejection of expert knowledge by political representatives only was evident on the part of the Progress Party and hence could potentially be a matter of political affiliation. However, when addressing the debate on youth crime and discussions of the expansion of juvenile detention centres, it to some extent appeared as if the roles of the Progress Party and Labour Party had changed (Stortinget, 2019a). While the Progress party aimed to wait for evaluation prior to the implementation of punitive measures, the Labour party insisted that there is no need for evaluation as the decision should be based on "positive feedback" and "urgent need" (Stortinget, 2019a; 3483). Thus, in regard to this subtheme, the findings to some extent appeared to contradict as well as depend on the debate in question. The tendency seemed to be that the party which made the proposal declined the input from professionals, while the opposing party supported it. The politicians thus appeared to accept the suggestions as they were working in their favour, as well as using this knowledge in order to undermine the opposing party. It seemed as if especially the Labour party and the Progress Party partly applied this tactic, which are, according to Shammas (2015), the two parties having an ongoing struggle regarding penal issues. One may therefore argue that expert knowledge is applied as a form of political tactic on the part of the largest parliamentary parties as well as a tool in order to gain electoral advantage, reinforcing the findings as discussed in the subchapters above.

On the other hand, the minor parliamentary parties still appeared to acknowledge expertise as majorly important, often arguing that policy change must be embedded in research-based knowledge (e.g. Stortinget, 2017a; Stortinget, 2018b). This may, however, imply that the populist tactic of "short-term" penal initiatives as applied by the largest parliamentary parties perhaps is beneficial in the dynamics of contemporary Norwegian penal debate, as those were the parties which received the majority of the votes during the 2017 general election (NRK, 2017). This explanation nevertheless corresponds to the theoretical framework of Roberts et al. (2003), who argued that a "soft" and long-term approach to crime has become synonymous with electoral failure in the era of penal populism.

6.2 Theme 2: The Changing Objectives of Punishment

Theme 2 will address the proposed changes in the objectives of punishment, as noted by Pratt (2007) and Garland (2001). It is, therefore, evaluated to what extent the traditional objectives of punishment were evident in Report No. 37 to the Storting (2008) as compared to the debates tackling contemporary penal issues. While the theoretical framework of Scandinavian penal exceptionalism put forward rehabilitation, prevention and correctional ideologies as the objectives of punishment, the penal populist governing style has been observed as favouring an approach to punishment embedded in aims of retribution and deterrence (Roberts et al. 2003). Hence, it has been suggested that a resurgence of harsh and retributive punitiveness has arisen, at the expense of humanitarian and pragmatic penal policy rooted in correctional measures, as proposed by Pratt (2008a; b). The latter perspective was, nevertheless, reflected in Report No. 37 (2008; 8- 9) to the Storting, where it was stated that punishment could have multiple legitimate aims, however, that rehabilitation constituted one of the two main objectives along with public protection. Rehabilitation hence enacted a major role in the report, where retribution and primitive revenge as an objective of punishment was largely dismissed (Report No. 37 to the Storting, 2008; 17).

Considering findings in the more recent debates, on the other hand, changes in the perceived objectives of punishment were disclosed, especially on the part of certain political representatives. The main finding was indeed that the traditional objectives in regard to a humane criminal justice policy prominent in Report No. 37 to the Storting (2008) seemed to have been replaced by a more punitive penal culture. The functional approach to punishment thereby appeared to be declining, where penal policies are attempted to be imposed without consideration of whether they can be expected to affect the future criminal behaviour of the convicted offender. This further appeared to be connected to a changing belief in the motivation of crime, where involvement in illegal activity has come to be explained as a rational choice. Proposals solely considering retribution, or the deterrent effects, thereby seemed to have become legitimised in the official discourse. However, again, this seemed to depend somewhat on the stakeholder or political party in question as well as the context.

6.2.1 From Rehabilitation to Retribution?

Lahti (2000) suggested that rehabilitation and reintegration has enacted a major role in regard to the imposition of punishment in Scandinavia. Pratt (2008a) further argued in his paper on Scandinavian penal exceptionalism that the task of the Nordic criminal justice system is embedded in rehabilitation and correctional treatment, and not retributive punishment guided by subjective emotions. Lappi-Seppälä (2007), on the other hand, noted that from the 1970s and onwards, the Scandinavian governments adopted a functional and cost-benefit approach to the problems of crime - caused by a distrust to the effectiveness of deterrent and repressive penalties. These suggestions correspond to the vision of Report No. 37 to the Storting (2008;17), stating that *"the objective (of punishment) is not primitive revenge, however, punishment … which reduces the likelihood of new offences."* The main argument was that less crime and a safer society might be achieved through productive punishment and better rehabilitation. A "return-to-society guarantee" was additionally introduced and used as a point of reference, implying that rehabilitation had an essential role in penal policy at the time. In conjunction with this "return-to-society guarantee", the government demanded cooperation between several ministries, directorates and public services in regard to the transition from imprisonment to freedom. The report did i.e. emphasise the obligations of the welfare agencies towards the released, in order to obtain productive punishment in which benefits the population as a whole.

However, Garlands (2001) theory on the rise of penal populism described a decline of rehabilitation in societies affected by the phenomenon, which in turn has led to the re-emergence of retribution as a main penal goal. Firstly - addressing the point of rehabilitation, the disposition among politicians to invest in rehabilitative initiatives indeed seemed to have declined. While the theoretical framework suggested an erosion of correctional ideologies, however, rehabilitation was somewhat frequently referred to by political representatives. On the other hand, the main tendency was that it was mentioned only briefly and by certain parties (Stortinget, 2018b; Dagsnytt 18, 2018; Stortinget, 2017a). Thus, the overall impression was that rehabilitation appears to still be acknowledged as significant, however; not recognised as a goal to the same extent as in Report No. 37 to the Storting (2008).

Addressing the debate on maximum penalty, rehabilitation was not majorly discussed, nor did it appear to represent one of the main objectives of sentencing. However, rehabilitation

seemed to, as stated by a representative from the Liberal Party, nevertheless be perceived as *"an important part of punishment"* (Stortinget, 2017a; 4201). Although not considered by all parties involved, one of the reasons the Liberal party voted no to the proposal of increased maximum penalty was that they sought to consult the effect of punishment prior to the implementation of such an initiative, by considering rehabilitation. This initiative was even promoted as a formal suggestion during the negotiations at the Parliament, which was supported by Socialist Left Party, Centre Party and the Green Party. Rehabilitation in regard to the maximum penalty debate thus appeared to be considered mainly by the minor parliamentary parties.

On the other hand, rehabilitation was mentioned occasionally by the largest parliamentary parties with reference to the Norwegian tradition of a rehabilitative penal system (ibid.). However, rehabilitation was then most often discussed in the past tense, generally expressing satisfaction about the country's previous achievements on this matter. Rehabilitation was thus not recognised particularly much in regard to new initiatives, except from by the Liberal party with support from several of the minor parliamentary parties. Thus, i.e. only the minor parliamentary parties appeared to adhere to rehabilitation as a main objective of punishment, whereas the largest parliamentary parties partly neglected the role of correctional ideologies. Hence, while Garland (2001) argued that all political parties in the U.K and U.S has moved away from the correctional orthodoxy, it did, in this debate, appear to mainly account for the largest parliamentary parties.

In the "monster-debate", rehabilitation was not directly addressed by political representatives. However, it was noted by various subject-experts that the use of the term "monster" would have a negative effect on rehabilitation of paedophile sex offenders, where one commentator argued that such labelling "would make it extremely difficult for this group to rehabilitate" (Debatten, 2018). The argument was then that the rhetoric used might be counterproductive, as the likelihood for persons to seek treatment and help could decrease due to the prejudices and stigma applied to this group. Such claims were, on the other hand, rejected by Progress party representatives, where the accusations were dismissed as "nonsense" (Dagsnytt 18, 2018). Thus, it appeared as if the deterrent effect of the rhetoric applied, as well as considerations of the victims, was regarded of more importance as compared to rehabilitation accounting for this debate.

In the debate addressing criminal youth gangs, on the other hand, rehabilitation was partially confronted by political representatives through a proposal made by the Labour party, in which contained various means and measures of combating youth crime. One of the suggestions where then the implementation of an exit-programme, as an attempt to get youth to leave criminal gangs (Stortinget, 2018b). It was argued that the exit-programme would have to be comprehensive, containing several tools in order to "make the possibility of being able to leave (the gang) more realistic" (ibid.; 2). The proposition in question was further supported by the Justice Committee, which argued that youth punishment (ungdomsstraff) and youth follow-up (ungdomsoppfølging) needs to be improved in order to ensure better rehabilitation (Stortinget, 2019b). However, this was only one of 14 suggestions in relation to tackling youth crime, which did not provide any details of how this programme was to be implemented. There were also 13 other suggestions in which mainly contained punitive measures, including harsher penalties for youth crime and criminalisation of gang membership. Such prioritisation arguably implies that retributive measures have gained an increased focus compared to rehabilitation.

The empirical findings did thus, to some extent, imply a change in the political attitude towards rehabilitative initiatives - due to the signs of a somewhat diminishing support of rehabilitation as a primary purpose of punishment. Yet, the general impression throughout all the debates was that most political representatives were relatively silent on the matter of rehabilitation. On the other hand, Garland (2001) did indeed argue that rehabilitation programmes are still employed in societies affected by penal populism, however, that they do not longer represent the main aim of any penal measure. Rehabilitation is perhaps then reduced to one of several components of punishment when the politicians consider new initiatives, contrary to the ideals of Report No. 37 to the Storting (2008), as well as statements as made by Pratt (2008a; b) in regard to Scandinavian exceptionalism.

Furthermore, the theoretical framework suggested a somewhat causal relationship between decline of the rehabilitative ideal, and the re-emergence of retribution as a primary penal goal. While Report No. 37 to the Storting (2008) emphasised that retribution and revenge should not be applied to Norwegian penal policy and practice, the suggestions in regard to change of legislation found within the debates somewhat implied that retribution has become an

accepted penal goal; at least accounting for some political representatives. Retribution has been referred to as "public justice," meaning that it is a way of displacing private vengeance. Revenge and retribution as a motive was not explicitly stated in any of the debates however, as Gerber and Jackson (2013) argued, punitive attitudes towards sentencing are indeed mainly motivated by a desire for retribution. Thus, when there is no other objective with the imposed punishment than "public justice" or "justice for the victims," punishment is imposed as a means of revenge or social renovation.

A passive submission to retribution as a penal goal was thus somewhat evident in all the debates as they all displayed punitive attitudes towards sentencing. However, retribution was particularly evident in the debate addressing the maximum penalty, where "the public sense of justice" was applied as the main justification for the proposed increase. In this case, the politicians who initiated the proposal had not considered any of the traditional objectives, nor the utilities of imposed punishment. As stated by one of the hearing authorities:

"When the proposal does not lead to less crime nor have any other significant benefits, the Ministry is left with the individual victims desire for revenge and punishment as a means of social renovation." (Justis- og Beredskapsdepartementet, 2017a)

When these factors are not considered, punishment is merely an expression of the society's disapproval with the act and actor as well as deserved punishment, corresponding to a populist rationale in regard to the objective of punishment (Garland, 2001). The rejection of these considerations was even stated in the original draft, where it was admitted that the increase could not be justified by the utilities of criminal sanctions (Justis- og Beredskapsdepartementet, 2016a; 10). The words "revenge" or "retribution" was, however, not directly stated by any of the political representatives. Yet, the hearing authorities noted that the justification presented by the politicians exhibit a dramatical change in how we punish, representing a major step away from the Norwegian tradition of a humane and rational criminal justice system, as well as the fundamental principles in regard to the imposition of punishment. One may therefore argue that the political representatives as discussed have adopted a passive approach to both the decline of rehabilitation and retribution as a main penal goal, as both these somewhat causal trends are implied when proposals are

suggested to be imposed without regard to whether they could be expected to affect the future criminal behaviour of the convicted person (Jerre and Tham, 2010).

6.2.2 From Prevention to Deterrence?

Lappi-Seppälä (2007) argued that the Nordic region experienced a shift towards general prevention in the 1970s, where it was presumed that prevention could not be obtained through fear (deterrence). Instead, prevention came to be understood in a different matter, emphasising the creation of morals and values by expressing disapproval of offences through punishment. It was, thereby, argued that less severe sanctions could be applied when norm compliance can be upheld through acceptance and legitimacy rather than fear and deterrence. Prevention was further recognised in a Norwegian context in 2005 through Innst. O. nr 72 (2004-2005), where a joined Justice Committee settled that "the main objective of punishment is prevention" (Stortinget, 2005; 15). While prevention was acknowledged by Pratt (2008a; b) as a significant part of Scandinavian exceptionalism, deterrence was not addressed by other means than references to the past, or imprisonment in the Anglo world. Prevention was also a widely discussed characteristic in Report No. 37 to the Storting (2008; 19), where it was listed as one of the main objectives of punishment. Deterrence, on the other hand, was rejected as a leading approach to penal policy (ibid.; 69). The report thereby acknowledged that a prison sentence must not be imposed in a manner which purely considers the deterrent effects, due to concerns including assessments of justice and proportionality, legal rights, as well as the humanistic values embedded in Norwegian penal practice. The report further implied that imprisonment should not be used nor be an "evil" greater than necessary in order to achieve the intended effects, reflecting a utilitarian approach to punishment. Thus, as suggested by Ugelvik (2011; 90), Report No. 37 to the Storting is embedded in "productive evil" focusing on the correction of offenders, rather than "destructive evil for the sake of evil", although the latter would appear more deterrent.

Considering the penal debates analysed, on the other hand, the debate on maximum penalty was the only debate even addressing prevention as an objective of punishment. Prevention was, thereby, referred to in the original proposal to the Parliament, where it was openly stated that "it is uncertain what preventive effects increased penalties will have", however, that "the right level of punishment to a great extent (is) a question of values which cannot be fully answered by reference to the usefulness of punishment" (Justis- og Beredskapsdepartementet,

2016c; 10). The proposal thus rejected the utilitarian approach evident in Report No. 37 to the Storting (2008), arguing that punishment must have a functional objective. The limited focus on prevention as an objective was further reinforced by critique on the part of several of the hearing authorities, as it was argued that prevention theories could hardly justify such change of legislation.

However, defending the limited consideration of preventative effects, the Minister of Justice at the time argued that: "I think few would want a lower level of punishment, for example, for sexual assault on children, even if one could document that a lower level of punishment would have the same preventive effect." (Justis - og Beredskapsdepartementet, 2017e). The Minister of Justice following after he resigned applied the same argument during the negotiations in 2017, in conjunction with the same debate:

"Some have argued that punishment only can be justified by reference to the preventive effects of punishment. These utilities are important, but in my view, they cannot justify the current level of punishment. Although we cannot say with certainty that a sentence of 21 years is more preventive than, for example, five years, I think few believe that we should drastically lower the level of punishment for murder. It has to do with justice: for victims, for relatives, for survivors and for the society as a whole." (Stortinget, 2017a; 4202)

In combination with the limited attention to prevention in the other debates, these views arguably represent and reinforce a decline in considerations of the utilities of criminal sanctions and "penalties that works," as promoted in Report to the Storting (2008).

Deterrence as an objective of punishment was, one the other hand, disclosed in all three debates. However, the debates portrayed two different ways of applying deterrence as a rationale. While in the debates on maximum penalty and on youth crime, deterrence was applied mainly as an argument for increased *severity of punishment*, it was, in the "monster-debate", applied purely to promote an increased *certainty of punishment* for paedophile sex offenders.

Considering the latter debate, attempts to increase the fear of prosecution as a means of tackling crime constituted a major rationale in the "monster-debate". Deterrence was, in fact,

the only objective and means of reducing crime disclosed in this debate. Deterrent rhetoric and attempts to generate fear on behalf of potential offenders were routinely enforced by the former Minister of Justice. When confronted with the use of the word "monster", she argued the following:

"...it is incredibly important that we do what we can to deter those living with this (sexual) orientation. My clear signal is, therefore, to all those who may consider abusing children, that we will increase our efforts…so that it will be far more difficult to be an abuser. And that is a very important message to get out there, in which this sort of language signalises very clearly" (Dagsnytt 18, 2019).

The alleged deterrent effect of the rhetoric was thus portrayed as a means of reducing sexual abuse of children, implying that these crimes result from a straightforward process of individual choice; which may be reduced through increased control measures (Roberts et al., 2003). A precondition for such a perspective is indeed that crime is a rational choice, as it is assumed that the supply of criminal opportunities is strongly connected to the choice to offend (Garland, 2001).

Similar tendencies were found in the debate on maximum penalty, where Progress party leader Siv Jensen argued that by implementing a harsher maximum penalty for violations of integrity one would "send a very clear signal that... the risk of committing such crime is increasing" (Sandnes, 2017). Following the framework of Garland (2001), these statements may be said to express the anger that crime provokes through the manifestation of political efficacy. However, through the appliance of these objectives, Jensen and Listhaug also dismiss prevention programmes for individuals at risk in favour of symbolic politics and manipulation of incentives (Hermansson, 2018; Newburn and Jones, 2005). It is thus implied that more certain punishment though deterrent threats are a preferred solution over prevention programmes or other welfare initiatives, although experts argue that such moral condemnation and "expressive statements" are likely to fail in having any effects on crime reduction (Garland, 2001).

Furthermore, in the maximum penalty debate, there was also an evident reliance upon the belief that more severe sentencing equals less crime. In the Justice Committee, it was thereby

declared by members from the Progress and Conservative party that the increased maximum penalty would have a deterrent effect as "the implementation of more severe penalties both can and should stop a second (or third, or fourth) assault." (Stortinget, 2017b; 4). Both left-wing and right-wing politicians further appeared to submit to this perspective, where it was established by a Labour party representative that:

"the Minister of Justice claim that harsher penalties will result in fewer offences. We agree..." (Stortinget, 2017a; 4211)

It was thus implied by various parties that more severe punishment equal less crime, complying with a deterrent perspective. The proposed deterrent effect of increased maximum penalty was, however, rejected by several hearing authorities. It was concluded that the deterrent effect of punishment diminishes when the penalty reaches a certain level, meaning that an offender who does not allow his behaviour to be governed by the risk of a 21-year-long prison sentence is unlikely to be deterred by a 30-year-long penalty (Justis- og Beredskapsdepartementet, 2017a). Moreover, the Centre Party and the Liberal party were also doubtful to the deterrent impact of the proposal, where a representative from the latter argued that the offences in question are often "crimes of passion" where the perpetrator commits the act due to a sudden strong impulse (Stortinget, 2017a; 4201). Hence, as the crime is not premeditated, the deterrent effect is reduced to a minimum.

Furthermore, the same perspective of deterrence was disclosed in the debate on youth crime, where it appeared as if double punishment for gang members was proposed to be implemented to deter youths from becoming members of gangs. It was i.e. implied that harsher penalties in itself would reduce the likelihood of recruitment to criminal youth gangs. Again, this demonstrates a populist reasoning - where deterrent penalties are a central resource for crime control (Garland, 2001). In accordance with penal populism, a deterrent perspective thus appears to be applied in contemporary penal policy, at the expense of prevention, arguing that a tougher approach to crime will decrease the likelihood of engagement in certain types of illegal activity (Pratt, 2007). The aforementioned "tough on crime" approach to penal issues - in which somewhat defines penal populism, is i.e. embedded in a belief in the effectiveness of deterrent and repressive penalties (Roberts et al., 2003). The limited focus on prevention among the political representatives, along with the

portrayal of offenders as rational opportunists thus somewhat suggest a growing belief in the deterrent effects of increased severity and certainty of punishment among certain politicians, at least in comparison with Report No. 37 to the Storting (2008).

6.3 Theme 3: An Emotional-Oriented Penal Policy

Theme 3 will address the proposed turn to "expressive justice" in policy-making, which was identified by Pratt (2007) and Roberts et al. (2003) as another central trait of penal populism. It is, thereby, explored whether emotional-oriented rhetoric embedded in public resentment has gained a more prominent role in the official discourse as compared to when Report No. 37 to the Storting (2008) was published. Within a Scandinavian context, Lappi-Seppälä (2007) and Pratt (2008a; b) proclaimed in 2007/2008 that the legitimacy of political institutions has remained high and hence that the region has resisted the move towards symbolic politics. This corresponded to findings in Report No. 37 to the Storting (2008), which promoted an objective and rational approach to penal policy. Subjective emotion was hence dismissed as having any central role in the Norwegian penal system.

Considering the debates tackling contemporary penal issues, on the other hand, several traits of penal populism regarding this theme were disclosed. Expressive justice and an emotive approach to matters of the criminal justice system was thereby indeed one of the recurring themes identified in the penal debates. This was further manifested through a newfound focus in penal debate and policy-making, emphasising "the public sense of justice", public opinion, public demands, and the victims of crime. The interests and needs of these "actors" were thus routinely applied by political representatives and, at times, interest organisations, in order to gain support for measures of punitive segregation. However, "the public sense of justice" and "the victims" as portrayed by these key stakeholders seemed to be symbolic figures. Thus, i.e. "public sense of justice" and "the victim" did not appear to represent the actual interest of the victims nor the general public. "Public demands" is rather influenced by the mass media portrayal of crime news, as well as formed in a multidirectional relationship between key stakeholders to the criminal justice system. Thus, although research findings have suggested that neither the general public nor the victim is in favour of harsher penalties as the primary response to crime, this perspective was consistently applied by the policy-makers throughout the debates, following the dynamics of penal populism. These dynamics further seemed to be embedded in a rearrangement of the roles and influence of the various actors in criminal

justice policy, away from Report No. 37 to the Storting (2008) and the writings of Pratt (2008a; b), however; similar to the transformations disclosed by Garland (2001) and Roberts et al. (2003) in the Anglo countries.

6.3.1 The Role of the Mass Media

In 2005, Bondeson argued that the tabloid press is relatively absent in the Scandinavian region. Pratt (2008a), on the other hand, claimed that Scandinavian mass media portray objective rather than sensationalised and emotional crime news. He further noted that the absence of sensational news reporting is a major reason why fear of crime is not particularly prominent nor affecting the quality of life of the Scandinavian population. In Report No. 37 to the Storting, on the other hand, emotional and sensational reporting was recognised as an issue which needed to be counteracted. It was acknowledged that *"media usually present the most serious and sensational cases"* and hence that *"the public can easily get a wrong impression of the overall crime situation"* (ibid.; 93). It was therefore concluded that it is the government's responsibility to ensure that *"the few horrifying and spectacular cases must not generate the foundation of politics." (Report No. 37 to the Storting; 8)*.

In the reviewed penal debates, however, the mass media appeared to enact a major and comprehensive role, where there seemed to be a causal relationship between media portrayals, public perceptions, political pressure and government action. Common for all three debates was that they were somewhat provoked by the mass media and thereby followed by a reaction from political representatives. This reaffirmed the theoretical framework of Roberts et al. (2003), arguing that the media consistently presents focus areas with regard to issues of crime and punishment for political debate. The general tendency was then that a crime-related issue generated massive media coverage, which was followed by a public reaction and debate. Due to the political pressure occurring from these dynamics, political representatives rapidly approached the issue in question and made "quick-fix" proposals on how to tackle the problem. Following this, the political representatives received massive critique from parties in opposition, experts and other stakeholders for the initiatives proposed, or for not "doing enough". This whole process was indeed covered by the media, reinforcing the institution's role at the centre of political debate. However, although the structure of the three cases proceeded in a similar matter, there were yet individual differences in the role of the media as well as in the amount of involvement.

The debate on youth crime was especially characterised by mass media news coverage and involvement, as it did, as noted before, generate a massive amount of news articles. The whole debate even appeared to be driven by the mass media, especially VG (publishing the original gang report), which continued to portray and allegedly reveal a major and growing problem of criminal youth gangs. It was thus argued by the mass media, through op-eds and interviews with stakeholders, as well as references to statistics, that several political representatives were aware of the alleged increasing issue prior to the VG revelations. The government was thereby accused of holding information back from the citizens, as well as failing to counteract the issue prior to the escalation. Several political representatives admitted to being aware of such a problem before the publication, however, argued that they were asked by the police to restrain the information. It was then, in conjunction with this discussion, openly stated by former Minister of Justice Per-Willy Amundsen that if the political representatives were able to be publicly open about it before, it "would make it easier to mobilise more resources from the Storting" (Berg et al., 2018). He thus implied that if the issue in question had generated more attention from the media and the general public before, it would be more likely that the government would have acted upon it. The Prime Minister, on the other hand, stated after the revelations that the government will now "become better" at counteracting youth gangs, although being aware of the problems prior to the publication (Lohne et al., 2018a). This indeed suggests that the media reports crime that in turn become areas of priority to the politicians, in accordance with trends of populism (Roberts et al., 2003). Consequently, it was noted by several stakeholders that the fact that the revelations came from leaks to the mass media and not the politicians themselves, as well as their failure to act before the media revelation, affect the trust in the government and state power (Berg and Tommelstad, 2018b). The application of expressive justice and punitive initiatives on the part of political representatives in the aftermath of the revelations could thus be a means of attempting to regain the credibility which appears to be lost, during a period where youth crime appears uncontrollable (Garland, 2001).

Furthermore, the mass media repeatedly stressed that the police had lost control over the situation (e.g. Jonassen, 2018; Walnum, 2018; Tommelstad and Berg, 2018), implying that the threat of criminal youth gangs is out of control. The media further consistently highlighted the lack of governmental action, along with the "dangerousness" of these offenders, engaging

in “attempted murders, kidnappings and drug dealing” (Kihl, 2018). Thus, in accordance with penal populism, the media continuously confirmed the dangerousness of this subclass through portrayals of the issue of criminal youth gangs as drifting out of the control of public authorities (Roberts et al., 2003). In turn, this forced the rapid making of punitive initiatives as a means of attempting to reduce the growing public frustration. Hence, over a year, more than ten punitive initiatives were made, criticised and, in the vast majority of instances - withdrawn. This whole debate, and process of initiatives back and forth, was widely depicted in the mass media, reinforcing the media’s role as an arena of conflict between stakeholders regarding how to approach the issue of crime (Roberts et al., 2003).

The politicians even cited newspaper articles during negotiations at the Parliament in this debate. An article titled “Machete is Oslo's New Street Weapon” published by Aftenposten was e.g. referred to when proposing the criminalisation of such knives as a means of tackling the issue of criminal youth gangs (Stortinget 2019b; 10). When implementing increased punishment for gunshots against the police, a single incident at Roa in 2015, which generated major news coverage, was referred to by the Minister of Justice as justification for the change of legislation (Olsson, 2018). These dynamics further follow the theoretical framework of Roberts et al. (2003), who argued that penal populism allows for single events in the mass media to inspire the development of new penal initiatives. It was argued that this accounted especially for cases which cause public criticism and anxiety, corresponding to the cases above. Thus, throughout this debate, the political representatives to a great extent appeared to have abandoned the principle of Report No. 37 to the Storting, stating that single cases must not generate the foundation of politics, despite strong reactions.

Furthermore, although Holmlia - the high-crime area where “Young Bloods” presumably operates - is portrayed as “terrorised” (see e.g. Lohne et al., 2018c), the residents are drawing a quite distinct picture to that of the media and many of the political representatives (Lundgaard and Spence, 2019; Kihl, 2018; Goldar et al., 2018; Stolt-Nielsen, 2018). Although some referred to the area as a “ghetto”, the majority of the residents[20] argued that the portrayal of the area is severely exaggerated (ibid.). Thus, it seemed as if the issue of criminal youth gangs appears uncontrollable *because* of the major and sensationalist media coverage, and,

[20] At least the majority of people that were interviewed (Lundgaard and Spence, 2019; Kihl, 2018; Goldar et al., 2018; Stolt-Nielsen, 2018)

i.e. that the media is creating a perception which is not an actual reflection of the reality of the problem. This further corresponds to the theoretical framework of Roberts et al. (2003) arguing that media news coverage in the era of penal populism creates a perception that crime is more widespread and threatening than in reality. By promoting dramatic and unusual single cases, the mass media heighten political and public punitiveness, creating the perception that harsh measures are required and deserved. Consequently, it appeared as if the political representatives have become less willing to propose less punitive initiatives, as this points in the opposite direction of crime as it is depicted in the media (Roberts et al., 2003).

Addressing the debate on increased maximum penalty, the debate did not generate an outstanding amount of media attention compared to the debate on criminal youth gangs. Nor did it appear to be driven by media or provoke public debate to the same extent. It did, however, appear as if the proposal was applied as part of a political strategy prior to the general election, by responding to several recent high-profile cases which generated a great amount of media coverage. Although not explicitly stated one might assume that the proposal was inspired and provoked by the high-profile case of "serial rapist" Julio Kopseng, who was on trial only a few months before the proposal was made. The case generated massive media publicity through sentimental interviews with victims, as well as headlines such as "Julio Kopseng could get the same penalty as Anders Behring Breivik and Viggo Kristiansen[21]", portraying the lawsuit as equivalent to two of the most brutal and high-profile cases in Norway's history (Lofstad, 2016). Kopseng was sentenced to 21 years of preventive detention for 16 cases of sexual assault; the harshest penalty one can get in Norway. More victims came forward after the trial finished, however; as he was already imposed the maximum penalty, there was no new trial. Kopseng as inspiration for the proposal was not explicitly stated, however, the case was indeed referred to in the media by Progress Party representatives as a justification and example of the circumstances where the increase could have been applied (Sandnes, 2017). Thus, in accordance with the proposed dynamics of penal populism; a dramatic and unusual single case is applied, arguably as an attempt to gain electoral advantage. The representatives are i.e. arguably attempting to obtain electoral success by responding to public outrage and anxiety, which in turn is caused by distorted media

[21] Anders Behring Breivik killed 77 people in Regjeringskvartalet and Utøya 22. July. 2011. Viggo Kristiansen allegedly participated in the rape and murder of Lena Sløgedal Paulsen (10) and Stine Sofie Sørstrønen (8) in Baneheia 19. May. 2000. Both got 21 years of preventive detention.

coverage. This further demonstrates the multidirectional relationship as described by Roberts et al. (2003), where the media is at the centre, and all other stakeholders are influenced, respond and communicate through this institution.

Lastly, addressing the "monster-debate," sexual abuse of children is also an issue which has received major news coverage over the last few years. One may thereby argue that Lishaug's choice of focus area as she entered her position as the Minister of Justice, was a tactical choice based on the massive media attention. This assumption was further reinforced, as she indeed referred to the revelation of TV2 (sex offenders travelling abroad to abuse children) when declaring paedophile sex offenders as her main priority. The rhetoric applied thus appeared to be an attempt of showing that something is being done with the crime situation - as well as portray herself as a "tough on crime" and vigour politician - after the issue had been announced in the mass media. Again, this demonstrates a populist dynamic, where the mass media exhibit the power to present priority areas upon the politicians, provoking public debate and pressure for action (Roberts et al., 2003).

6.3.2 Public Opinion, Public Demands and "The Public Sense of Justice"

Closely linked to the role of the mass media as discussed above, is the newfound position of "the public sense of justice", public opinion and public demands in contemporary penal policy. While Pratt (2008a) argued that Scandinavian penal policy is embedded in rational thought as well as driven by expert knowledge, Garland (2001) noted that in punitive societies, the penal policy is increasingly legitimised by references to public sentiments. Roberts et al. (2003), on the other hand, argued that this trend is a vital characteristic of penal populism, routinely applied as argument and justification for proposals and implementation of more severe penal measures.

The public sense of justice was well-reviewed in Report No. 37 to the Storting (2008), where it was noted that public attitudes towards penalty levels indeed is influenced by knowledge. Balvig's (2006) empirical study of the Danish Public's attitudes towards punishment, where he found that harsher sentences cannot be legitimised based on public opinion nor "the public sense of justice", was thereby thoroughly considered and cited in the report (Report No. 37 to the Storting, 2008; 22). By reference to Roberts et al. (2003), it was further argued that the introduction of harsher penalties does not necessarily mean that public attitudes towards

punishment will change, nor that the public will even recognise the increase (Report No. 37 to the Storting, 2008; 23). It was acknowledged that public punitiveness and perception of development in the overall crime situation may be connected to mass media news presentation and that consequently, the public believes that the crime rates are increasing despite the actual decrease. The attitudinal survey on punishment carried out by Djupvik in 2007 was further referred to, where he found that rehabilitation was considered by the public as the most important penal goal as to reduce crime, in favour of both retribution, deterrence and incapacitation (ibid.; 25). It was thus concluded that the empirical studies referred to in the report provided a "basis for asserting that the government's penal policy, with a strong emphasis on welfare policy as strongly connected to crime policy, is broadly supported by the general population" (ibid.; 25). Thus, findings in Report No. 37 to the Storting (2008) suggested that the government rejected the "uninformed" sense of justice as a justification for punitive penal initiatives accounting for 2008.

Findings in the aforementioned debates did, however, imply that the role of the general (uninformed) sense of justice has now gained a more prominent role in the public penal debate. The unformed sense of justice (or "the public sense of justice", as put in the public debate) was indeed routinely invoked as an argument in support of more punitive penal initiatives, by both various politicians, interest organisations and the mass media. This trend was particularly evident in the debate on maximum penalty, where "the public sense of justice" was applied as a primary justification for the proposed change of legislation (Stortinget, 2017a). It was thereby argued that the current legislation is offensive when considering the public sentiments of justice, as no matter how many crimes an offender has committed, he cannot be punished harsher than the maximum penalty allows for (Justis- og Beredskapsdepartementet, 2017e). The application of public sentiments of justice was further particularly prominent when the political representatives from the parties in favour of the increase presented the suggestion in the media, as "the public opinion" constituted a recurring argument. As stated by Progress Party leader Siv Jensen:

"I believe people are seeking a change of legislation which exhibits that serial rape and other repeated serious crime is punished hard." (Sandnes, 2017).

Similar tendencies were found in the engagement of interest organisation Stine Sofies Stiftelse. The organisation got widely involved, creating a petition as an attempt to get the parties in opposition to support the proposal (Stortinget, 2017a; Graff, 2017; Solheim, 2017). Public opinion and "the public sense of justice" was then applied as justification for harsher penalties for repeat offenders. When promoting the petition in the media, Austegard - the founder of the organisation - stated the following:

> *"The current laws are in conflict with the public sense of justice. This amendment will apply to the most serious crimes, i.e. cases of multiple murders or multiple serious sexual assaults. I am convinced that the majority of people agree with us that a distinction is needed between those who commit one serious murder and those who commit multiple ones."* (Graff, 2017)

When the media revealed that 16.700 persons signed the petition, Austegard further concluded that the organisation had now "asked the people what they want" and that the public engagement, along with the fact that a large number of people signed the petition, "demonstrate public opinion" (Solheim, 2017).

Applying Roberts et al. (2003) analysis to both these cases, it appeared to be a dynamic interaction between the political representatives, interest organisation(s), the media and the public, where the effects were multidirectional. The interest organisation and the political representatives seemed to claim the public opinion, via the media, through suggestions of what the majority supports, in which further arguably influenced and reinforced public opinion towards their own interests.

Simultaneously, the dynamics of the latter case corresponds to Pratt's (2007) suggestion, arguing that "public opinion" does not actually represent public opinion but rather dissatisfaction and alienation felt by "ordinary people" applied by interest organisations in order to direct and influence government actors. Indications of such multidirectional dynamics were further reinforced as the political representatives applied the arguments and petition of Stine Sofies Stiftelse both in the media and during the negotiations at the Parliament. As stated by a Conservative party representative:

"Stine Sofies Stiftelse has collected over 18,000 signatures in favour of the government's proposal in just a few days. This tells me, at least, that the people want stronger reactions towards the perpetrators, and rather support the victims... We politicians have a responsibility to listen to people. That is why we have been elected to the Storting." (Stortinget, 2017a; 4204)

In accordance with research on public opinion towards punishment, the petition may arguably have been signed by "uninformed" persons frustrated with the criminal justice system (Balvig et al., 2015), which they perceive as failing to prevent the alleged escalation in crime as well as to protect the general public (Roberts et al., 2003; Garland, 2001). However, "public opinion" is yet - although shaped and reinforced in a multidirectional interaction between these key actors - acted upon by the political representatives in favour of increasing the maximum penalty. Thus, these findings on behalf of interest organisation(s) and right-wing politicians comply with suggestions as put forward by Roberts et al. (2003) and Garland (2001), explaining penal populism as at least partly attributed to the *perceived* idea that the public demands and expects harsher sanctions.

The suggestion that political representatives participate in this multidirectional interaction as to turn to "public opinion" for change of policy as it is depicted in the media (or polls) thus appeared to be true for the parties that promoted the proposal. However, the majority of political parties did, on the contrary, reject the argument of public opinion depicted in media as a justification superior enough to increase the maximum penalty. Corresponding to the theoretical framework of penal populism, the majority of the political parties did indeed acknowledge the public sense of justice and public demands as important as well as a valid justification for policy implementation. However, the fact that the Progress Party and the Conservative party claimed that the increase was in line with the public sense of justice without having conducted a sufficient analysis of public opinion was questioned. As noted by a representative from the Socialist left party:

"Many argue that this proposal is in line with the public sense of justice, but this is not necessarily true. Where do you get this from? How do you know that this (proposal) is in line with the public sense of justice? (Stortinget, 2017a; 4201).

A Liberal party representative went on to argue that there is indeed a to reason to believe that the general public demand harsher sentences, and thus that increasing the maximum penalty is in line with the public sense of justice. However, that public opinion regarding matters of punishment is majorly characterised by lack of knowledge as well as influence from the media, political representatives and interest organisations as discussed before. By reference to Olaussen's (2014) empirical study on attitudes towards punishment, he hence noted the following:

"The fact is that the Norwegian punishment level is broadly in line with people's general opinion. Yes, at times it is actually too strict. However, most people still believe that the level of punishment is much lower than it is. Why is that so? Well, maybe it is because we have a number of politicians who run around in election campaign after election campaign and give a misleading picture of how strictly we actually punish people in this country." (Stortinget, 2017a; 4206).

Thus, while Report No. 37 to the Storting (2008) referred to the Danish study conducted by Balvig (2006), Olaussen's (2014) more recent study on public punitiveness in Norway, based upon Balvig's (2006) study, was indeed discussed during negotiations at the Parliament in regard to increasing the maximum penalty. The parties in favour of the proposal did, however, dismiss such input, while continuing to argue that they, as put by former Minister of Justice Per-Willy Amundsen, seek to "safeguard the interests...that the population is asking for; that is stricter penalties" (Stortinget, 2017a; 4202). Thus, this complies to Smith (2018) and Balvig et al.'s (2015) suggestion of that it is the general or "uninformed" sense of justice which is applied when political representatives campaign for harsher penalties.

This further suggests that these political representatives are aware of the implications of applying public opinion as well as the public sense of justice to policy-making, however; still choose to pursue these justifications. Thus, the introduction of public sense of justice in penal policy may be attributed to the entrance of radical right-wing parties and a change in the Norwegian penal culture at large, rather than a genuine belief among the political representatives that the public is in favour of harsher penalties (Balvig et al., 2015). This corresponds to the theoretical framework of Roberts et al. (2003), who argued that the ignorance of evidence on the part of the political representatives is inherent to penal

populism. They further noted the distinction between harsh penalties suggested with the sincere belief in the effectiveness on the one hand, and purposeful ignorance on the other, where only the latter is associated with penal populism. The motivation is, i.e. what determines the prevalence of penal populism, and thus the willingness to disregard evidence regarding public opinion, as demonstrated by certain political representatives throughout this debate, might be ascribed to penal populism (ibid.).

The application of the public sense of justice as justification for increasing the maximum penalty was further widely criticised by both the hearing authorities and in op-eds by juridical professionals, where arguments embedded in subjective emotion was rejected as an approach to penal policy (see e.g. Justis- og Beredskapsdepartementet, 2017a; 2017g). However, these warnings by subject-matter experts did not appear to be taken into account, similar to the input from various political representatives in opposition to the proposal. This ignorance further suggests that these politicians pursued an emotional rather than rational approach to the maximum penalty, following trends of penal populism (Pratt, 2007; Roberts et al., 2003; Garland, 2001). Harsher penalties are indeed not supported by the "informed" public, according to research, which the political representatives acknowledged both in 2008 and 2016. The "public sense of justice" as an argument for harsher penal measures therefore seems to be applied merely as a political tactic. On the other hand, although the emphasis on public demands as well as public opinion appears to have become manifested in Norwegian penal policy, the interconnection between knowledge and public punitiveness was indeed considered by some political representatives. However, the group acknowledging this link did not include representatives from the largest parliamentary parties.

6.3.3 The Return of the Victim

As established in the theoretical framework, Pratt (2007) argued that the emergence of penal populism could be perceived as embedded in the thought that criminals have been prioritised at the expense of law-abiding citizens and victims of crime. The Scandinavian exceptionalism thesis, on the other hand, concluded that in the Nordic region, the interests of the victim was included under the interests of the general public, and not set in opposition to the interest of the offender (Pratt, 2008). It has thus been argued that the Scandinavian region have resisted the victimology trend prominent in most others modern societies (van Dijk, 1998), although Lappi-Seppälä (2012) noted that the position of the Nordic victim traditionally has remained

strong. A central aspect of the theory was yet that victims' rights in the Scandinavian region were not associated with personal revenge, but rather compensation for damages (Pratt, 2008a). The victims should receive support and restitution, but not have an impact on the imposition of punishment (Lappi-Seppälä, 2012). It was further emphasised that in Scandinavian penal practice, the role of the victim does not enact a major role, as to allow sentencing based on objective rationality rather than subjective emotion (Pratt, 2008a).

Addressing Report No. 37 to the Storting (2008), these views were partly confirmed. In the report, victims were briefly mentioned in relation to their interests and needs. It was then indeed noted that "crime victims" does not constitute a homogeneous group, as the victims do not inevitably have coinciding interests regarding the response to the offence (Report to the Storting, 2008; 93; 159). The report thereby listed the most common needs and interests of the victims, based on a survey, which were found to be safety, access, information, support, consistency and to be heard (ibid.; 159). It was further acknowledged that none of the factors suggests that victims are primarily concerned with revenge nor that they want the perpetrator to be punished as harshly as possible (ibid.; 159). On the other hand, although considered, the victim was most often referred to as one of the affected parties of crime, along with the public, the offender, and the offender's family and friends. It was further emphasised that the implementation of penal policy must take proper account to all these parties. Although it was argued in the report that *"the role of the victim shall be given increased attention in the years to follow"* (Report No. 37 to the Storting; 158), it was also stated that: *«it is, however, beneficial for all to ensure that the victims can be safeguarded in a way in which do not prevent the offender´s integration into the society."* (ibid.; 160). Hence, while Garland (2001) claimed that in the populist discourse, any attention to the offender´s welfare or rights is regarded as disrespectful to the victims, traits of Scandinavian exceptionalism were more evident in Report No. 37 to the Storting (2008). However, along with the incorporation of symbolic and sentimental reasoning, the victims of crime appear to have gained a whole new position in the penal policy discourse, considering more recent empirical findings.

The role of the victim was possibly the most evident trait of penal populism found in the empirical data, where crimes against the person appeared to be at the centre of attention as well as the prime target for politicians. This appeared to often be at the expense of other categories of crime, arguably as emotion has become an integrated part of contemporary penal

policy. All three penal debates concerned increased punishment for crimes against the person, and it was repeatedly emphasised that the proposals were not aiming to increase the penalty level for violations which do not directly harm the lives and health of individuals (Stortinget, 2017a). As stated by a representative from the Progress Party in conjunction with the maximum penalty debate:

"It is so important to distinguish between the types of crimes that have no victim, thus the types of crimes that are not so serious, and what we are talking about here. We are talking about murder… sexual abuse against children, rape, gross violence, which is repeated several times." (Stortinget, 2017a; 4204)

Due to this newfound focus on crime against the person as well as the following decline in perceived seriousness of "victimless" crime, the victim has arguably gained a whole new meaning in the official discourse and policy debate. References to the victim of crime were consistently made when the politicians advocated for harsher penalties, where justice for the injured was routinely applied as the main justification for the proposed change of legislation. The overall impression in all three debates was thus that the victim, along with the potential victim, act as the primary concern to the development of penal policy. However, no concrete measures to strengthen the position of the victim were suggested in any of the proposals, other than a harsher approach towards the offender. As demonstrated by a representative from the Progress Party during the negotiations addressing the maximum penalty:

"Serial killers and serial rapists should, for the sake of the dignity of victims, receive harsher penalties than (they do) today" (Stortinget, 2017a; 4205).

Harsher penalties thus appeared to be perceived as the primary way of strengthening the position of the victims; despite that both research, public statements by professionals, and Report No. 37 to the Storting (2008) suggested that this approach does not reflect the genuine interests of the victims, and may even be counterproductive (e.g. Justis- og Beredskapsdepartementet, 2017a; Garland, 2001). Professionals did in conjunction with this debate, therefore, argue that harsher penalties are not suitable for nor intend to protect potential future victims as it has no preventative effect, and will thereby not lead to a decrease in crime (Justis- og Beredskapsdepartementet, 2017a). The proposal hence arguably only

offers immediate relief from "problem populations" on behalf of the victims, which is not sustainable over time. This further reinforce the aforementioned emphasis on short-term rather than long-term solutions in contemporary penal policy (Roberts et al., 2003). It was also argued in the same debate on behalf of the Ministry of Justice that during court proceedings "the victim's subjective experience of the offence" (Justis- og Beredskapsdepartementet, 2017b; 34) should be emphasised, along with the extent of the adverse effects, the degree of blameworthiness and the objective gravity of the action. Thus, these findings to some extent contradicted with Pratt´s (2008a; b) argument of a Scandinavian penal policy based on objective rationality rather than subjective emotion with regard to victims.

Furthermore, although referred to in all debates, focus on the role of the victim was a trait of penal populism especially evident in the debate on maximum penalty and the "monster-debate". Most statements made by government officials, as well as the documents produced by them, somehow contained a reference to the victims of crime. The victims were further portrayed as "defenceless", "traumatised", "poor", and "in need of being saved". As stated by a representative from the Progress party in conjunction with the "monster debate":

"There is only one victim in such cases, and that is the children. Defenceless children." (NRK, 2018a).

This correspond to the theoretical framework of penal populism as put forward by Garland (2001), arguing that populist rhetoric applied to penal debate often portray a representative figure of the victim as an innocent and righteous character, often a woman or a child, who needs to be protected from suffering. It thus appeared in the two debates as if the victim had been turned into a symbolic character whose experience was taken to be collective rather than individual (e.g. assumed that harsher penalties would bring about justice for all victims). This is arguably in line with Christie's (1986) ideal victim, as the idea of the victim is constructed in a manner which to gain sympathy as well as legitimise the victim status.

The debate on youth crime, on the other hand, differed slightly from the two others in its focus on the victim. Although all three debates concerned crimes against the person, the victims of gang crime received less attention and sympathy than in the two other cases. This

could also be linked to the ideal victim, as the victims of gang crime is often involved in the environment themselves and therefore do not fulfil this profile, as opposed to the victims addressed in the two other cases. Hence, these victims tended to be discussed in a less emotive way, referring to the victim as the "victimised person" or just "the victim".

These findings thereby corresponded to the theoretical framework of penal populism, which claimed that the "interests of the victims" is routinely applied in order to gain support for measures of punitive segregation. In accordance with the writings of Garland (2001), feelings of the symbolic character of the victim appeared to be consistently invoked in support for new penal policies. However, it was also found that depending on the characteristics of the victim, some individuals are more likely to receive support from governmental actors. Of course, the victim has not obtained the same position as in, e.g. in the US, where laws and bills are passed in the name of victims of single offences (Garland, 2001). However, in comparison with Report No. 37 to the Storting, victims, or even the symbolic figure of "the victim", appears to have gained a much more dominant role in penal policy and the official discourse.

6.3.4 The Role of the Offender

Lahti (2000) noted that the offender traditionally has been at centre of the Nordic criminal justice systems, where attention has been given to his need for treatment rather than the act itself. Pratt (2008a) further argued that in the Scandinavian societies, the offender is perceived as a help-requiring "welfare client", to be treated with the respect of his human worth (Pratt and Eriksson, 2012b). He thereby claimed that there is an emphasis on care, rehabilitation and reintegration of the offender in this region, in order to reduce the harmful effects of punishment. Further, Pratt (2008a) referred to the proposed acknowledgement of the offender's potential in the Scandinavian region as the foundation stone which Scandinavian penal exceptionalism is built on. These notions partly complied with Report No. 37 the Storting (2008; 17) where it was acknowledged that "*it is important that the criminal conduct is based on the idea of solidarity with the societies vulnerable citizens".* It was further emphasised that *"it must be taken into account that people who are prosecuted are in a vulnerable situation" (ibid.; 17)* and *"belong to the poorest and most alienated sectors of our society" (Report No. 37 to the Storting; 11).* The report thereby acknowledged that crime is a result of deficiencies in upbringing and environment and not a rational choice, in accordance with the political climate marked by welfare and social engineering (Jerre and Tham, 2010).

Thus, solidarity with the societies vulnerable citizens was extensively evident in Report No. 37 to the Storting (2008), where the offenders' role as a welfare client in need of assistance was reaffirmed, complying with secondary literature as put forward by Lahti (2000) and Pratt (2008a).

Offenders in penal populist societies are, on the contrary, less likely to be represented in the official discourse as socially deprived individuals´ in need of assistance. Rather, they tend to be portrayed as liable, accountable and, to some extent, "dangerous" individuals (Roberts et al., 2003; Garland, 2001). The offenders are, i.e. perceived as a "risk", which must be controlled as a means of public protection and prevention of further offending. Theoretical framework on penal populism thus suggested a shift in the representation of the offender among the general public, where the attitudes have gone from sympathetic to unsympathetic (Melossi, 2000). In secondary literature, it was established that also in a Norwegian context; there is much to suggest such a transformation of collective representations (Shammas, 2015). Findings in the debates indeed reinforced these suggestions, were a transformation from Report to the Storting (2008) with regard to the position of the offender was highly evident. However, reaffirming the findings discussed in other subthemes, a harsh rejection of the offender was only found on the part of the right-wing parties. Yet, the other parties appeared to have adopted a passive approach, where most political parties were relatively silent on matters of the offender, while at the same time prioritising victims and the general public before him.

While Pratt (2008a) suggested that offenders in the Scandinavian region are perceived as "welfare clients", a quite distinct portrayal of the offender seemed to be evident in the three debates. Firstly - considering the "monster-debate", paedophile sex offenders were, by Listhaug, devaluated by the application of a strong "tough on crime" rhetoric:

> *"I believe they are monsters. I mean when you rape children, then you are actually a monster" (NRK, 2018a).*

By arguing that these individuals are monsters, Listhaug indeed rejected the human worth of these offenders, as opposed to what Pratt (2008a) suggested in conjunction with his Scandinavian exceptionalism thesis. This rhetoric was further supported by Helge Andre

Njåstad, representing the same party (NRK, 2018b), and her political consultant Espen Teigne, where the latter argued her depiction was a "good characteristic" of the group (Vaaland, 2018). This characterisation was, however, majorly criticised by various left-wing representatives and subject-experts. Although all commentators emphasised that paedophile sex offenders are indeed a serious problem which needs to be counteracted, the vast majority highlighted that one needs to distinguish between monstrous *actions* and monstrous *individuals*. However, such input was majorly discarded by the Progress Party representatives. The Norwegian tradition of a humane and rational criminal justice system was i.e., by them, dismissed in favour of an emotional-oriented approach, where the offender is perceived as a dangerous and opportunistic offender.

Similar traits were further disclosed in the debate on criminal youth gangs. The dynamics differed, and the rhetoric was not as "tough". However, criminal youth offenders were yet consistently portrayed as opportunistic offenders on the part of right-wing politicians. While lawyer Dinardi (2019) argued by reference to the suggestion to imprison more youths that "we have to take into consideration that children who experience serious neglect and do not receive the right help, develop a negative and dangerous behaviour," a Progress Party representative, on the other hand, argued that "we must stop with the excuses" for these offenders (Spence and Lundegaard, 2019).

Such rhetoric on the part of right-wing politicians further constituted a recurring theme throughout the debate, where it was argued, e.g. that "criminal gangs exploit that youth do not get punishment" (Berg and Tommelstad, 2018a), that "the time of naivety is over" (Stortinget, 2019a; 3479), that "we cannot accept that we are fooled and ridiculed by gangs who are taking advantage of our virtue" (ibid.; 3479), and that "these are not young people who have made a mistake and need help, but hardcore serial criminals who deliberately choose a criminal path" (Jonassen, 2018). In addition to reflect an unsympathetic portrayal of the offender, one may argue that these statements portray a rejection of crime as explained by deficiencies in upbringing and environment, and rather implies that crime is a rational choice; following the rationale associated with penal populism (Jerre and Tham, 2010; Garland, 2001). A change from the welfare and treatment-oriented Report No. 37 to the Storting (2008) was thus disclosed, where the offender now appeared to be perceived as a rational human being responsible for his actions. On the other hand, such statements were in both the debate

on criminal youth gangs and the "monster-debate" only found on behalf of the Conservative party and the Progress Party. A change in the *portrayal* of the offender in both these debates thus appeared to be a matter of political affiliation.

Considering the maximum penalty debate, however, the perception of the offender did not appear to be explicitly stated (Stortinget, 2017a). This may be explained by the nature of the discussion, as the other debates tackled specific offenders, while the debate in question tackled multiple ones. However, the fact that the proposal did not consider any measures to be implemented in order to compensate for the increased harmful effects for the individual prisoner, who in accordance with the suggestion would be incarcerated for a more extended period of time, indicate that the position of the offender is reduced (Stortinget, 2017a; Justis- og Beredskapsdepartementet, 2016a). Thus, the offender did not longer seem to be considered as a vulnerable citizen in the proposal, as was suggested by Pratt (2008a; b) and in Report No. 37 to the Storting.

Furthermore, while victims seemed to receive limited attention in Report No. 37 to the Storting (2008) as compared to the offender, the roles appeared to have changed in more recent empirical findings. As discussed in the theoretical framework, Garland (2001) argued that in the age of populism, being 'for' victims automatically means being tough on offenders. Such a rationale was indeed disclosed in conjunction with the maximum penalty debate, where it was implied that it is now about time that the victim is prioritised before the offender. As stated by a Progress party representative during the negotiations:

> *Criminals have for decades had a number of organisations, professors, criminologists and other experts who have fought for ever better rights for the offenders. With some honourable exceptions, there are few voices in the debate that talks about what is best for the victims" (Stortingsforhandlinger, 2017; 4205)*

A newfound dynamic in the victim-offender relation was thus disclosed in this debate, where the offender seemed to be given limited attention purposely, as a consideration of the offender appeared to be viewed as offensive to the victim. Similar tendencies were found in the "monster-debate", however; in this debate, there appeared to be an even stronger emphasis on deliberately excluding the offenders from the debate. At least, this accounted for the Progress

Party representatives, although representatives from both left and right-wing parties yet argued that the victim should be put at centre of political debate. Whenever commentators questioned Listhaug's rhetoric by reference to the offenders, Listhaug emphasised that she was by no means interested in discussing nor giving any attention towards these offenders. Discussing the rights of the offender was, instead, referred to by her as a "digression putting the offender at the centre, instead of those who should be lifted up, that is the defenceless children" (Talos, 2018; Kristiansen, 2018; NRK, 2018a). Thus, as the commentators attempted to explain the negative consequences of applying the "monster" rhetoric, Listhaug responded by accusing them of taking the side of the offenders rather than that of the victims; implying that those who reject the rhetoric, however, defend the rule of law, are opponents to the victims. She was i.e. giving the impression that anyone who raises questions of the fundamental rights of the offender, perceive the offender as the victim and rejects the role of the victim of the crime committed. These perceptions on the part of Listhaug and her associates further correspond to and reinforce the theoretical framework of Garland (2001), arguing that in the age of populism, being 'for' victims automatically means being tough on offenders.

In the debate on criminal youth gangs, on the other hand, the victim-offender relation was not majorly considered nor were the victims' interests put against the interests of the offender. However, as noted in the subchapter above, the victims did not receive noteworthy attention at all during this debate, potentially as the actual victims tend to be gang members themselves. However, these findings in regard to the role of the offender yet reinforce the suggestions put forward by Garland (2001) and Pratt (2007), and hence arguably confirm that along with the newfound focus on the victims of crime, a change in the perception and treatment of the offender appears to have become prevalent in the Norwegian penal policy. This majorly opposes the theoretical framework of Scandinavian exceptionalism as put forward by Pratt (2008a; b) as well as findings in Report No. 37 to the Storting (2008).

On the other hand, it is essential to emphasise that all these statements as described above were made by left-wing parties, and thus one may argue that the changing portrayal of the offender is a matter of political affiliation. However, the declined consideration of the offender in policy-making, especially when compared to consideration of the victim, seemed to apply for all the parliamentary parties. Penal policy thereby appeared to have gone from

emphasis on solidarity with the offender, to emphasis on solidarity with the “symbolic victim”.

7 CONCLUDING DISCUSSION

This final chapter will review and compare the key findings. Firstly, by providing an overall summary of the thesis aims and procedure, as well as outlining the key findings with regard to each theme. Secondly, by answering the research question. Lastly, by assessing the limitations of the research project and providing suggestions for future academic study.

The investigation in this study initially set out to answer the following question:

(To what extent) are tendencies of penal populism a visible force in penal policy and public debate within a Norwegian context?

To answer the research question, the thesis has conducted a qualitative analysis of 171 distinct sources, deriving from the state, and national newspapers. It has explored the rhetoric and attitudes applied to issues of crime and punishment, through an empirical analysis of a selection of Norwegian penal debates occurring between 2016 and 2019. The aim was to offer an insight into the dynamics and trends of contemporary penal debate, in comparison with the situation around a decade ago; where the government white paper (Report to the Storting) from 2008 was applied as the point of reference. Drawing on the theoretical framework of both Scandinavian penal exceptionalism and penal populism, the central question of this comparison has been to find out if, or rather to what degree, penal populism has become prominent in a Norwegian context, and perhaps lessened or derailed the prevalence of Scandinavian exceptionalism. The thesis has, i.e. attempted to disclose whether the Norwegian penal debate has submitted to trends of penal populism, or if this phenomenon has been successfully countered by the exceptional features of the egalitarian Norwegian welfare state, as was proposed by John Pratt.

The thesis started by outlining the contextual framework surrounding the claim of Scandinavian resistance in the era of penal excess. It introduced “the Nordic model” and discussed the ways which this model has been applied in comparative criminology and welfare research, in order to explain levels of punitiveness in differing states. It also addressed the concept of an international “punitive turn,” moving from penal-welfarism to penal populism. It further discussed how tendencies of this phenomenon have been observed and documented in a Scandinavian context, despite arguments of Scandinavian resistance to these trends. Second, the theoretical framework presented the theories of penal populism;

addressing global changes towards penal excess, and Scandinavian penal exceptionalism; proposing Scandinavian resistance in the era of penal excess. The most common attributes to both phenomena were outlined, including the structural requirements for Scandinavian exceptionalism and the three key trends of penal populism. These key trends, as identified by central scholars, were "the politicisation of penal policy discourse"; "the changing objectives of punishment"; and "an emotional-oriented penal policy." The following methodology chapter explained how a qualitative method, consisting of multiple-case study design and document analysis were applied to the collection of empirical data. In the findings chapter, the results from the analysis were compared to the theoretical framework as well as to the relevant secondary literature. As the thesis was attempting to detect the prevalence of penal populism, this chapter followed the structure of the theoretical framework with regard to penal populism. The three themes identified in the theoretical framework regarding this phenomenon were, i.e. used to guide and structure the analysis, in order to evaluate the impact of penal populism upon Norwegian penal policy and debate.

Theme 1, addressing the politicisation of penal policy discourse, found tendencies of new political dynamics in comparison with Report to the Storting from 2008. It was noted that the process by which the political parties compete to be "tough on crime," which is inherent to penal populism, was observed throughout the reviewed debates. It was argued that this mainly accounted for the Labour Party and the Progress Party, and at times the Conservative Party. This was not particularly surprising when considering the Progress Party, who has labelled themselves as a "law and order party" ever since their establishment (Fremskrittspartiet, 2019; Andersen, 2019). However, the fact that the social-democratic Labour Party seem to have submitted to trends of penal populism may suggest that the political pressure in Norway is increasing, and that penal populism has become more manifested in the Norwegian penal debate than proposed by John Pratt. Although Pratt noted that the Scandinavian political climate is growing "tougher," he mostly attributed these changes to the increased popularity of the right-wing parties. However, based on the findings in this study as well as secondary literature, one may argue that Pratt understates the situation accounting for the Norwegian penal debate in 2019. In the debates analysed, especially the most recent debate addressing the alleged increase of criminal youth gangs, the Labour Party at times seemed equally eager to campaign and advocate for tough on crime policies. Proposals for harsher penal initiatives, a "tough on crime" approach to penal issues, and a symbolic war against specific categories of

offenders thus appeared to have become the mainstream, accounting for all the largest parliamentary parties.

On the other hand, the majority of the minor parliamentary parties to some extent still submitted to the traditional values promoted in the Scandinavian Exceptionalism thesis, including humane and rational rhetoric regarding the issues of crime and punishment. This aspect does not fully comply with Garland's (2001) observations, who argued that all the major parties in the U.S and U.K have submitted to trends of penal populism. However, other scholars have suggested that penal populism tend to be driven by two dominant parties that rarely compromise, and in this sense, the debates revealed clear signs of penal populism (e.g. Green, 2012; Tham, 2001). One may therefore argue that the issues of law and order have become at least partly politicised for political gain, accounting for the largest parliamentary parties.

Theme 2, addressing the changing objectives of punishment, found that rehabilitation was still acknowledged as significant in the reviewed penal debates. However, it was found that the willingness among political representatives to invest in rehabilitative measures regarding new initiatives has declined. It was further argued that the political representatives were relatively quiet on the traditional penal objectives of rehabilitation and prevention. This accounted especially for the most recent debate on criminal youth gangs (2018-2019) and partially for the "monster-debate." While criminal justice professionals advocated for rehabilitative and preventative policy considerations, these recommendations seemed to continuously be ignored by the political representatives in favour of retributive alternatives. Thus, while Garland (2001) observed a decline of the rehabilitative ideal, one may interpret this recurring trend of ignorance as a *passive* erosion of correctional ideologies.

Theme 3, addressing the move towards an emotional-oriented penal policy, found that an emotive approach to matters of crime and punishment was applied throughout the reviewed debates. It was noted that this was manifested through a newfound role and focus on the mass media portrayals of crime news, victims of crime, public demands, public opinion and "the public sense of justice" in policy-making. This focus seemed to have come at the expense of rational thought and reliance upon experts and professionals. Two overall dimensions may thereby be drawn from the findings in this theme. First, the relationship between stakeholders to the criminal justice system seemed to have unravelled, regarding their role and influence. Second, this rearrangement seemed to be produced, reinforced and reaffirmed as the rhetoric

of the Norwegian penal debate arguably is changing from rational to emotional. The "experts," representing humane and rational thought, thus seemed to have been somewhat replaced by a representative figure of "the victim" or "the will of the people," representing subjective emotion. Expressive justice, referring to decision-making and penal policy designed to vent communal outrage rather than reduce crime, i.e. appeared to be applied in the Norwegian penal debate. This outrage, which may be exaggerated, as well as the political reaction, further seemed to be caused and reinforced by the mass media portrayal of the crime situation. While the key influence of these actors was dismissed in Report to the Storting from 2008, these actors seemed to act as the primary concern throughout the reviewed debates.

The findings relating to these key themes thus demonstrated that the Norwegian penal debate indeed has come to be at least partly influenced by trends of penal populism. However, while the data provided an answer to the research question, the results were complex. The research undertaken, combined with secondary literature, strongly suggested that penal populism in a Norwegian context has not been adequately countered by the existence of a so-called egalitarian welfare state. Secondary literature has promoted and documented this by reference to the newfound role of the victim, the decline of rehabilitative policies, and the emergence of symbolic politics, of which findings were reaffirmed in this thesis (e.g. Todd, 2018; Balvig et al., 2015; Shammas, 2015). However, secondary literature on penal populism and the Norwegian penal debate argued that the presence of this phenomenon mainly accounts for foreign offenders (Todd, 2018). While Todd (2018) specifically noted that the rhetoric and practice regarding youth offenders did not bear the hallmarks of penal populism in 2016, the findings in this thesis suggested otherwise accounting for the situation in 2019. The debate on criminal youth gangs was, in fact, the debate where trends of penal populism were most prominent, while also being the most recent debate. Thus, i.e., a gradual intensification of the trends of penal populism between 2008 and 2019 was evident when the debates were compared with each other, where the thesis found and argued that the presence of trends of penal populism in the Norwegian penal debate in 2019 somewhat accounted for both criminal youth gangs, recurring violent offenders and paedophile sex offenders. This perhaps reinforces the suggestion of a slow and gradual change towards penal populism, as acknowledged by both Shammas (2015), Lappi-Seppälä (2012) and Todd (2018), where Todd (2018) noted that a dramatic populist shift would be too controversial in a Norwegian context. The Progress Party may have started to "do populism" by focusing on foreign offenders,

however, over time, the targeting of other categories of crime associated with penal populism appears to be emerging, along with the involvement of other political parties.

It further seems as if the Norwegian penal debate has adopted a passive approach to some of the trends of penal populism, where the role of the offender, expert knowledge and correctional ideologies tended to be ignored rather than harshly rejected. More specifically, the harsh rejection of expert knowledge, ideologies of rehabilitation and the rights of the offender appeared to mainly be attributed to the Progress Party, while the other parties remained relatively silent on these matters. The consideration of these actors and penal objectives, of which strong position has been described as the foundation stone which Scandinavian exceptionalism is built on, thus appears to have declined over time. On the other hand, while the key actors and ideologies in the era of penal-welfarism tended to be ignored throughout the debates, the trends concerning promotion and increased reliance upon populist key actors were relatively evident. The strong position, influence and concern in regard to the offender, experts and rehabilitation hence appeared to have been somewhat replaced by adherence to the victim, public demands, public opinion, and mass media portrayals of crime.

Based on these findings and secondary literature, one may suggest that Norway indeed is moving in a more punitive direction, as the forces which have led to penal excess in other societies are evident in the Norwegian penal debate. However, one may also argue that the transformation has been both passive and gradual. This passive transformation may further be explained by the Norwegian society's receptiveness to these changes. In his observations, Garland (2000) stressed the notion of the receiving context to penal populism. He did, as mentioned, argue that there are certain cultural and structural preconditions that need to be available in a society, in order to gain public attention for specific claims and problems. Perhaps then, the features of the Scandinavian society, as explained by Pratt and others, indeed have facilitated a slow-paced transformation. However, while Pratt (2008a; b) argued that the Scandinavian societies have resisted these trends, this thesis seems to be understated accounting for the situation on the Norwegian penal debate in 2019.

Finally, two issues are vital to highlight. First, is that this thesis is not a comparative study between the Norway and the Anglo-countries, however, it compares Norway with itself, over time. Despite disclosure of several features of penal populism in the Norwegian penal debate, it is essential to note that there are still major differences between the degree of penal populism evident in the U.S. and the U.K, in comparison with Norway. Second, is that there is

indeed a distinction between talk (penal debate, rhetoric) and action (implementation of penal reforms, change of legislation). Although this study indicates that several trends of penal populism are prevalent in a Norwegian context, it does so based on political rhetoric in the official discourse. The analysis of "talk" in itself is important for a variety of reasons, as the rhetoric applied in public debate inevitably has an effect on society. It may contribute to the maintenance of solidarity and unity, in accordance with the proposed features of Scandinavian penal exceptionalism, or division and dissent, in accordance with the trends of penal populism. The application of a tough on crime and punitive rhetoric, as applied by various political representatives, may then provoke othering as well as acceptance for such statements. This may further create dispute and friction in society, and indeed reinforce the political pressure as well as lead to the implementation of punitive penal policies. However, to gather further insight, an investigation of the implementation of concrete legislation and reforms, as well as impact on the prison population, should be conducted, in order to further explore the prominence of penal populism in a Norwegian context, as well as to disclose whether the tendencies as disclosed are "just talk" or put into action.

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8 BIBLIOGRAPHY

Aebi, M. F. and Tiago, M. M. (2018) *SPACE I - 2018 – Council of Europe Annual Penal Statistics: Prison populations.* Strasbourg: Council of Europe.

Alestalo, M., Hort, S. and Kuhne, S. (2009) *The Nordic Model: Conditions, Origins, Outcomes and Lessons, Working Paper no 41.* Berlin: Hertie School of Governance.

Allen, F. (1978) The Decline of the Rehabilitative Ideal in American Criminal Justice. *Cleveland State Law Review.* 27(2), pp. 147-156.

Allen, F (1981) *The Decline of the Rehabilitative Ideal: Penal Policy and Purpose.* New Haven: Yale University Press.

Andersen, J. (5th May, 2019) 'Frp-leder Siv Jensen: - Keshvari må selv stå til ansvar' *Verdens Gang*.

Andersen, T., Holmström, B., Honkspohja, S., Korkman, S., Söderström, H. and Vartiainen, J. (2007) *The Nordic Model: Embracing Globalisation and Sharing Risks.* Helsinki: The Research Institute of the Finnish Economy (ETLA).

Anderson, D. (1995) *Crime and the Politics of Hysteria: How the Willie Horton Story Changed American Justice*. New York: Times Books.

Atkinson, P. and Coffey, A. (1997) Analysing documentary realities. In D. Silverman (Ed.), *Qualitative research: Theory, Method and Practice.* London: SAGE, pp. 45–62.

Balvig, F., Gunnlaugsson, H., Jerre, K., Tham, H. and Kinnunen, A. (2015) The Public Sense of Justice in Scandinavia: A Study of Attitudes Towards Punishments. *European Journal of Criminology.* 12 (3), pp. 342-316.

Balvig, F. (2005) When Law and Order Returned to Denmark. *Journal of Scandinavian Studies in Criminology and Crime Prevention.* 5 (2), pp. 167-187.

Balvig., F. (2006) *Danskernes Syn på Straff.* København: Advokatsamfunnet.

Berg, B. (2001) *Qualitative Research Methods for the Social Sciences.* Boston: Allyn and Bacon.

Berg, R., Tommelstad, B., Lohne, L. and Skjetne, O. (11th July, 2018) 'Gjengutvilkingen i Oslo: - En varslet katastrofe' *Verdens Gang.*

Berg, R. and Tommelstad, B. (14th November, 2018a) 'Nestleder i justiskomiteen etter VGs avsløring: - Frykter situasjonen er verre enn vi får vite' *Verdens Gang.*

Berg, R. and Tommelstad, B. (29th November, 2018b) 'Totalt mislykket' *Verdens Gang.*

Bloor, M. and Wood, F. (2006) *Keywords in Qualitative Methods: A Vocabulary of Research Concepts.* London: SAGE Publications.

Bondeson, U. (2005) Levels of Punitiveness in Scandinavia: Description and Explanations. In: Pratt, J., Brown, D., Brown, M., Hallsworth, S. and Morrison, W. (eds.) *The New Punitiveness: Trends, Theories, Perspectives.* Cullompton: Willan.

Bottoms, A. (1995) Philosophy and Politics of Punishment and Sentencing. In: Clarkson, C. and Morgan, R. (eds.) *The Politics of Sentencing Reform.* Oxford: Oxford University Press.

Bottoms, A. and Preston, R. (1980) *The Coming Penal Crisis: A Criminological and Theological Exploration.* Edinburgh: Scottish Academic Press.

Bowen, G. (2009) Document Analysis as a Qualitative Research Method. *Qualitative Research Journal.* 9 (2), pp. 27-40.

Bryman, A. (2012) *Social Research Methods.* Oxford: Oxford University Press.

Cavadino, M. and Dignan, J. (2006) Penal Policy and Political Economy. *Criminology and Criminal Justice.* 6 (4), pp. 435-456.

Christiansen, F., Petersen, K., Edling, N. and Haave, P. (eds) (2005) *The Nordic Model of Welfare: A Historical Reappraisal.* Copenhagen: Museum Tusculanum Press.

Christie, N. (1986) The Ideal Victim. In: Fattah, E. (ed.) *From Crime Policy to Victim Policy: Reorienting the Justice System.* London: Palgrave Macmillan. pp. 17-30.

Christie, N. (2000) *Crime Control as Industry: Towards Gulags, Western Style.* London: Routledge.

Cohen, S. (1972) *Folk Devils and Moral Panics: The Creation of the Moods and Rockers.* London: Routledge.

Denzin, N. K. and Lincoln, Y.S (eds.) *Handbook of Qualitative Research.* London: Sage.

Dinardi, C. (8th February, 2019) 'Barn bak lås og slå - en billig løsning på et kostbart problem' *Verdens Gang*.

Djupvik, H. S. (2007) *Advokatforeningens Spørreundersøkelse om Straff og Straffegjennomføring*. Oslo: Advokatforeningen/TSN Gallup.

Dobrynina, M. (2017) The Roots of "Penal Populism": The Role of Media and Politics. *Kriminologijos Studijos.* 4 (98), pp .98-124.

Durkheim, E. (1960) *The Division of Labour in Society.* Glencoe: The Free Press.

Engh, I. B. (28th September, 2018) 'Gjengprosjekt - nå igjen' *Verdens Gang.*

Ericson, R. (1991) Mass Media, Crime, Law and Justice. *British Journal of Criminology.* 31 (3), pp. 219-249.

Esping-Andersen, G. (1990) *The Three Worlds of Welfare Capitalism.* Princeton: Princeton University Press.

Esping-Andersen, G. and Korpi, W. (1986) From Poor Relief to Institutional Welfare States: The Development of Scandinavian Penal Policy. *International Journal of Sociology.* 16 (3/4) pp. 39-74.

Falck, S., von Hofer, H., and Storgaard, A. (2003) *Nordic Criminal Statistics, 1950-2000.* Stockholm: Stockholm University, Institute of Criminology.

Fereday, J. & Muir-Cochrane, E. (2006). Demonstrating rigor using thematic analysis: A hybrid approach of inductive and deductive coding and theme development. *International Journal of Qualitative Methods.* 5 (1), pp. 80–92.

Fremskrittspartiet (2016) *Vil Redusere Kriminelles Kvantumsrabatt* [online]. Available at: https://www.frp.no/aktuelt/2016/12/vil-redusere-kriminelles-kvantumsrabatt [last accessed May 8th 2019].

Fremskrittspartiet (2019) *Fremskrittspartiets historie* [online]. Available at: https://www.frp.no/fremskrittspartietshistorie [last accessed August 20th 2019].

Garland, D. (2000) The Culture of High Crime Societies. *The British Journal of Criminology.* 40 (3), pp. 347-375-

Garland, D. (2001) *The Culture of Control.* Oxford: Oxford University Press.

Gerber, M. and Jackson, J. (2013) Retribution and Revenge and Retribution as Just Deserts. *Social Justice Research.* 26(1), pp. 61-80.

Gilbrant, J. and Suvatne, S. (4th May, 2019) 'Sylvi Listhaug stemte mot strengere straff for gjengkriminelle før påske' *Dagbladet.*

Goldar, D., Larsen, E. and Lysbakken, A. (14th June, 2018) 'Den største og viktigste Holmlia-gjengen er alle andre enn dem som kaller seg det' *Verdens Gang.*

Graff, C. (10th June, 2017) 'Datteren ble drept i Baneheia - nå vil Ada Sofie Austegard ha 26 års fengsel for grove forbrytelser' *TV2.*

Green, D. (2012) Media, Crime and Nordic Exceptionalism. In: Ugelvik, T. and Dullum, J. (eds.) *Penal Exceptionalism?: Nordic Prison Policy and Practice.* London: Routledge. pp. 58-75

Hall, S. (1979) *Drifting into a Law and Order Society.* London: Cobden Press.

Herbst, S. (1998) *Reading Public Opinion.* Chicago: University of Chicago Press.

Hermansson, K. (2018) The Role of Symbolic Politics in Exceptional Crime Policy Debate: A Study of the 2014 Swedish General Election. *Journal of Scandinavian Studies in Criminology and Crime Prevention.* 19(1), pp. 22-40.

Huitfeldt, I. (15th February, 2017) 'Human strafferettspleie på historiens skraphaug?' *Aftenposten.*

Hunt, S.D. (1991) *Modern Marketing Theory: Critical Issues in the Philosophy of Marketing Science.* Cincinnati: South-Western.

Hyde, K. (2000) Recognising Deductive Processes in Qualitative Research. *Quantitative Market Research.* 3 (2), pp. 82-90.

Inhetveen, K. (2012) Translation Challenges: Qualitative Interviewing in a Multi-Lingual Field. *Quantitative Sociology Review.* 8 (2), pp. 28-45.

Jefferson, A. (2012) Comparisons at Work: Exporting 'Exceptional' Norms. In: Ugelvik, T. and Dullum, J. (eds.) *Penal Exceptionalism?: Nordic Prison Policy and Practice.* London: Routledge. pp. 100-117.

Jerre, K. (2013) *The Public`s Sense of Justice in Sweden – A Smorgasbord of Opinions*. Stockholm: Stockholm University, Department of Criminology.

Jerre, K. and Tham, H. (2010) *Svenskarnas Syn på Straff.* Stockholm: Stockholms Universitet.

Jewkes, Y. (2011) *The Construction of Crime News: News Values for the New Millennium.* 2nd ed. London: SAGE.

Johnsen, B. and Granheim, P. (2012) Prison Size and Quality of Life in Norwegian Closed Prisons in Late Modernity. In: Ugelvik, T. and Dullum, J. (eds.) *Penal Exceptionalism?: Nordic Prison Policy and Practice.* London: Routledge. pp. 199-213.

Jonassen, A. (14th July, 2018) 'Vil bevæpne politipatruljer i Oslo' *NRK.*

Jupp, V. (1989) *Methods of Criminological Research.* 1st ed. London: Routledge.

Justis- og Beredskapsdepartementet (2008) *St.meld. nr. 37: Straff som virker – mindre kriminalitet – tryggere samfunn (kriminalomsorgsmelding)* [online]. Available at: https://www.regjeringen.no/contentassets/d064fb36995b4da8a23f858c38ddb5f5/no/pdfs/stm200720080037000dddpdfs.pdf [last accessed August 18th 2019].

Justis- og Beredskapsdepartementet (2016a) *Regjeringen vil Redusere Kvantumsrabatten i Straffesaker* [online]. Available at: https://www.regjeringen.no/no/aktuelt/regjeringen-vil-redusere-kvantumsrabatten-i-straffesaker/id2524873/ [last accessed June 16th 2019].

Justis- og Beredskapsdepartementet (2016b) *Høringsbrev* [online]. Available at: https://www.regjeringen.no/no/dokumenter/horing---strengere-straffer-for-flere-lovbrudd-og-endringer-i-utmalingen-av-oppreisningserstatning/id2524272/?expand=horingsbrev [last accessed May 8th 2019].

Justis- og Beredskapsdepartementet (2016c) *Høringsnotat* [online]. Available at: https://www.regjeringen.no/contentassets/f674929ebfc943ad849c1deb1237efee/horingsnotat---skjerpet-straff-for-flere-lovbrudd-mv.pdf [last accessed May 14th 2019].

Justis- og Beredskapsdepartementet (2017a) *Høringsuttalelse* [online]. Available at: https://www.regjeringen.no/no/dokumenter/horing---strengere-straffer-for-flere-lovbrudd-og-endringer-i-utmalingen-av-oppreisningserstatning/id2524272/?uid=82283be6-b5be-4053-913c-81ce5800bad4 [last accessed May 14th 2019].

Justis- og Beredskapsdepartementet (2017b) *Prop. 137 L (2016-2017)* [online]. Available at: https://www.regjeringen.no/contentassets/f243499903b9491180a427b97af28cf1/no/pdfs/prp201620170137000dddpdfs.pdf [last accessed June 14th 2019].

Justis- og Beredskapsdepartementet (2017c) *Styrket Oppreisingsvern ved Krenkelser begått av flere i Fellesskap og Skjerpede Krav til Begrunnelsen for Utmåling av Straff* [online]. Available at: https://www.regjeringen.no/no/aktuelt/styrket-oppreisingsvern-ved-krenkelser-begatt-av-flere-i-fellesskap-og-skjerpede-krav-til-begrunnelsen-for-utmaling-av-straff/id2564059/ [last accessed May 9th 2019].

Justis- og Beredskapsdepartementet (2017d) *Et godt begrunnet straffenivå* [online]. Available at: https://www.regjeringen.no/no/dokumentarkiv/regjeringen-solberg/jd/Taler-og-artikler/taler-og-innlegg-justis--og-beredskapsminister-per-willy-amundsen/2017/et-godt-begrunnet--straffeniva/id2556154/ [last accessed June 3rd 2019].

Justis- og Beredskapsdepartementet (2017e) *Hva er riktig straff?* [online]. Available at: https://www.regjeringen.no/no/dokumentarkiv/regjeringen-solberg/jd/Taler-og-artikler/taler-og-innlegg-justis--og-beredskapsminister-per-willy-amundsen/2017/hva-er-riktig-straff/id2554274/ [last accessed June 3rd 2019].

Justis- og Beredskapsdepartementet (2017f) *Strengere straff for personer som begår flere volds- og seksuallovbrudd* [online]. Available at: https://www.regjeringen.no/no/aktuelt/strengere-straffer-for-personer-som-begar-flere-grove-volds--og-seksuallovbrudd/id2554149/ [last accessed May 14th 2019].

Justis- og Beredskapsdepartementet (2017g) *Høringssvar fra Sekretariatet for Konfliktrådene* [online]. Available at: https://www.regjeringen.no/no/dokumenter/horing---strengere-straffer-for-flere-lovbrudd-og-endringer-i-utmalingen-av-oppreisningserstatning/id2524272/?uid=5ccf390f-7866-4c37-98eb-cf063c4dc500 [last accessed July 14th 2019].

Justis- og Beredskapsdepartementet (2018) *Statsbudsjettet 2019: Satsing på Ungdoms- og Gjengkriminalitet* [online]. Available at: https://www.regjeringen.no/no/aktuelt/satsing-mot-ungdoms--og-gjengkriminalitet/id2614233/ [last accessed May 13th 2019].

Justis- og Beredskapsdepartementet (2019a) *About the Ministry of Justice* [online]. Available at: https://www.regjeringen.no/en/dep/jd/about-the-ministry-of-justice-and-the-po/id468/ [last accessed July 26th 2019].

Justis- og Beredskapsdepartementet (2019b) *Justis- og Beredskapsdepartementet* [online]. Available at: https://www.regjeringen.no/no/dep/jd/id463/ [last accessed July 26th 2019].

Justis- og Politidepartementet (2008) *Straff som virker: Mindre Kriminalitet - Tryggere Samfunn: Kriminalomsorgsmelding* [online]. Available at: file:///Z:/populaer%20(2).pdf [last accessed July 22nd 2019].

Kihl, J. (11th June, 2018) 'Meiner bydelen treng fleire verktøy' *Klassekampen.*

Kriminalomsorgen (2008a) *Pressemelding: Stortingsmelding nr. 37* [online]. Available at: https://www.kriminalomsorgen.no/pressemelding.4513205-237613.html [last accessed July 22nd 2019].

Kriminalomsorgen (2008b) *Stortingsmelding om Kriminalomsorgen godt mottatt* [online]. Available at: https://www.kriminalomsorgen.no/stortingsmelding-om-kriminalomsorgen-godt-mottatt.4513879-237613.html [last accessed July 22nd 2019].

Kristiansen, A. (7th February, 2018) 'Ber Listhaug svare om monster-begrepet' *Dagbladet.*

Labuschagne, A. (2003) Qualitative Research – Airy Fairy or Fundamental? *The Qualitative Report.* 8 (1), pp. 100-103.

Lacey, N. (2008) *The Prisoners`s Dilemma: Political Economy and Punishment in Contemporary Democracies.* Cambridge: Cambridge University Press.

Lahti, R. (2000) Towards a Rational and Humane Criminal Policy? Trends in Scandinavian Penal Thinking. *Journal of Scandinavian Studies in Criminology and Crime Prevention.* 1(2), pp. 141-155.

Lappi-Seppälä, T. (2007) Penal Policy in Scandinavia. *Crime and Justice.* 36, pp. 217-295.

Lappi-Seppälä, T. (2008) Trust, Welfare, and Political Culture: Explaining Differences in National Penal Policies. *Crime and Justice.* 37, pp. 313-387.

Lappi-Seppälä, T. (2012) Penal Policies in the Nordic Countries 1960-2010. *Journal of Scandinavian Studies in Criminology and Crime Prevention.* 13 (1), pp. 85-111.

Lappi-Seppälä, T. (2016) Nordic Sentencing. *Crime and Justice.* 45 (1), pp.17-82.

Lappi-Seppälä, T. and Torny, M. (2011) Crime, Criminal Justice and Criminology in the Nordic Countries. *Crime and Justice in Scandinavia.* 40 (1), pp. 1-32.

Lijphart, A. (1998) Consensus and Consensus Democracy: Cultural, Structural, Functional, and Rational-Choice Explanations. *Scandinavian Political Studies.* 21 (2) pp. 99-108.

Lohne, L., Berg, R. and Tommelstad, B (20th June, 2018a) 'Raser mot Erna Solberg: Mener hun har kjent til gjengproblemene. *Verdens Gang.*

Lohne, L., Berg, R. and Tommelstad, B. (22nd June, 2018b) 'Justisministen: det er en ny type kriminalitet vi står overfor' *Verdens Gang.*

Lohne, L., Skjetne, O., Berg, R. and Tommelstad, B. (10th June, 2018c) ‘Folk skal ikke bo i et nabolag hvor det ikke er politiet som holder lov og orden og bestemmer hva som er rett og galt å gjøre’ *Verdens Gang.*

Lohne, L. (19th July, 2018a) ‘Erna Solberg: - Vi har ikke vært gode nok til å gå på bakmennene’ *Verdens Gang.*

Lohne, L. (24th June 2018b) 'Tidligere barneraner Nahom Daniel: Gjengkulturen har blitt ondere' *Verdens Gang.*

Lohne, L. and Hansen, F. (19th June, 2018) ‘Erna Solberg: - Vi har ikke vært gode nok til å gå på bakmennene’ *Verdens Gang.*

Lundgaard, H. and Spence, T. (2019) ‘Holmlia-beboere om Frp-forslag: - Kanskje noen av gjengmedlemmene tenker seg om’ *Aftenposten.*

Mathiesen, T. (2012) Scandinavian Exceptionalism in Penal Matters: Reality or Wishful Thinking? In: Ugelvik, T. and Dullum, J. (eds.) *Penal Exceptionalism?: Nordic Prison Policy and Practice.* London: Routledge. pp. 13-37.

Melossi, D. (2000) Changing Representations of the Criminal. *British Journal of Criminology.* 40, pp. 296-320.

Mills, J., Bonner, A. and Francis, K. (2006) The Development of Constructivist Grounded Theory. *International Journal of Qualitative Methods.* 5 (1), pp. 25–35.

Nellis, M. (2014) Understanding the Electronic Monitoring of Offenders in Europe: Expansion, Regulation and Prospects. *Crime, Law and Social Change.* 62 (4), pp. 489-510.

Neumann, C. (2012) Imprisoning the Soul. In: Ugelvik, T. and Dullum, J. (eds.) *Penal Exceptionalism?: Nordic Prison Policy and Practice.* London: Routledge. pp. 139-154.

Newburn, T. (2007) “Tough on Crime”: Penal Policy in England and Wales. *Crime and Justice.* 36 (1), pp. 425-470.

Newburn, T. and Jones, T. (2005) Symbolic Politics and Penal Populism: The Long Shadow of Willie Horton. *Crime, Media, Culture: An International Journal.* 1 (1) pp. 72-87.

Nielsen, B.G. (1999) Kriminalpolitik og Strafferetlig Lovgivning på Træsklen til et Nytt Årtusind. *Nordisk Tidsskrift for Kriminalvidenskab.* 86 (4), pp. 309-319.

Nilsson, R. (2012) ‘The Most Progressive, Effective Correctional System in the World’: The Swedish Prison System in the 1960s and 1970s. In: Ugelvik, T. and Dullum, J. (eds.) *Penal Exceptionalism?: Nordic Prison Policy and Practice.* London: Routledge. pp. 79-98.

Norman, D. and Lincoln, Y. (eds.) (1998) *The Landscape of Qualitative Research: Theories and Issues.* Thousand Oaks: Sage Publications.

NRK (2017) *Valgresultat 2017* [online]. Available at: https://www.nrk.no/valg/2017/resultat/ [last accessed August 3rd 2019].

NRK (2018a) *26. jan. 2018 - Dagsnytt 18* [online]. Available at: https://tv.nrk.no/serie/dagsnytt-atten-tv/201801/NNFA56012618/avspiller [last accessed July 15th 2019].

NRK (2018b) *25. jan. 2018 - Debatten: fra Bergen Fengsel* [online]. Available at: https://tv.nrk.no/serie/debatten/201801/NNFA51012518 [last accessed July 15th 2019].

NTB (19th December, 2016) 'Regjeringen hever maksstraffen til 40 års fengsel' *Aftenposten*.

Ogre, M. (2nd May, 2019) ‘Riksadvokaten om Listhaug-forslag: - Helt unødvendig’ *Tv2.*

Olaussen, L. (2014) Concordance between actual level of punishment and punishments suggested by lay people - but with less use of imprisonment. *Bergen Journal of Criminal Law and Criminal Justice.* 2(1), pp. 69-99.

Olsson, S. (19th November, 2018) ‘Vil øke straffen for skyting mot politiet’ *NRK.*

Pollack, E. (2001) *En Studie i Medier og Brott.* Stockholm: Stockholms Universitet.

Pratt, J., Brown, D., Brown, M. and Hallsworth, S. (eds.) (2011) *The New Punitiveness.* New York: Routledge.

Pratt, J. (2007) *Penal Populism.* London: Routledge.

Pratt, J. (2008a) Scandinavian Exceptionalism in an Era of Penal Excess. Part I: The Nature and Roots of Scandinavian Exceptionalism. *British Journal of Criminology.* 48 (2) pp. 119-137.

Pratt, J. (2008b) Scandinavian Exceptionalism in an Era of Penal Excess. Part II: Does Scandinavian Exceptionalism Have a Future? *British Journal of Criminology.* 48 (3). pp. 275-292.

Pratt, J. and Clark, M. (2005) Penal Populism in New Zeeland. *Punishment and Society.* 7 (3), pp. 303-322.

Pratt, J. and Eriksson, A. (2012a) *Contrasts in Punishment: An Explanation of Anglophone Excess and Nordic Exceptionalism.* London: Routledge.

Pratt, J. and Eriksson, A. (2012b) In Defence of Scandinavian Exceptionalism. In: Ugelvik, T. and Dullum, J. (eds.) *Penal Exceptionalism? Nordic Prison Policy and Practice.* London: Routledge. pp. 235-260.

Pratt, J. and Miao, M. (2017) Penal Populism: The End of Reason. *Nova Criminis.* 9 (13), pp. 71-105.

Reiner, R. (1997) Media Made Criminality: The Representation of Crime in the Mass Media. In: Maguire, M., Morgan, R. and Reiner, R. (eds.) *The Oxford Handbook of Criminology.* New York: Oxford University Press. pp. 302-337.

Reiter, K., Sexton, L. and Sumner, J. (2017) Theoretical and Empirical Limits of Scandinavian Exceptionalism: Isolation and Normalization in Danish Prisons. *Punishment and Society.* 20 (1), pp. 93-112.

Roberts, J.V., Stalans, L. J., Indermaur, D. and Hough, M. (2003) *Penal Populism and Public Opinion: Lessons from Five Countries.* New York: Oxford University Press.

Rønning, M. (12st May, 2019) 'Frp mener Ap stjeler ideene deres: fantasiløs velgerbløff' *Dagbladet.*

Sandnes, Å. (5th May, 2017) 'Regjeringen vil øke maksstraffen til 26 års fengsel' *Verdens Gang.*

Scott, J. (1990) *A Matter of Record, Documentary Sources in Social Research.* Cambridge: Polity Press.

Shammas, V.L. (2015) The Rise of a More Punitive State: On the Attenuation of Norwegian Penal Exceptionalism in an Era of Welfare State Transformation. *Critical Criminology.* 24, pp. 57-74.

Shih, F. (1998) Triangulation in Nursing Research: Issues of Conceptual Clarity and Purpose. *Jan.* 28 (3), pp. 631-641.

Skårdalsmo, K. (20th March, 2017) 'Forslag om 40 års maksstraff får hard medfart' *NTB.*

Skogstrøm, L. and Uglum, M. (2019) 'Rektor på Mortensrud: Barn helt nede i tiårsalderen har kriminelle som forbilder' *Aftenposten.*

Smith, P.S. (2012) A Critical Look at Scandinavian Exceptionalism: Welfare State Theories, Penal Populism, and Prison Conditions in Denmark and Scandinavia. In: Ugelvik, T. and Dullum, J. (eds.) *Penal Exceptionalism?: Nordic Prison Policy and Practice.* London: Routledge. pp. 38-57.

Smith, P.S. (2018) Prisoners' Families, Public Opinion, and the State. In: Condry, R. and Smith, P.S. (eds.) *Prisons, Punishment, and the Family: Towards a New Sociology of Punishment?* Oxford: Oxford University Press. pp. 121-135.

Smith, P.S. and Ugelvik, T. (2017) *Scandinavian Penal History, Culture and Prison Practice. Embraced by the Welfare State?* London: Palgrave Macmillan.

Solheim, M. (12th June, 2017) 'Nå vil over 16.700 ha 26 års fengsel for grove forbrytelser' *TV2.*

Sparks, R. (1992) *Television and the Drama of Crime: Moral Tales and the Place of Crime in Public Life.* Philadelphia: Open University Press.

Spence, T. and Lundegaard, H. (30th April, 2019) 'Sylvi Listhaug: Vil ha dobbel og firedobbel straff for kriminalitet på Holmlia og andre belastede områder' *Aftenposten.*

SSB (2018) *Rekordmange i Fengsel i 2016* [online]. Available at: https://www.ssb.no/sosiale-forhold-og-kriminalitet/artikler-og-publikasjoner/rekordmange-i-fengsel-i-2016 [last accessed February 6th 2019].

Statsministerens Kontor (2013) *Sundvolden-plattformen* [online]. Available at: https://www.regjeringen.no/no/dokumenter/politisk-plattform/id743014/ [last accessed May 11th 2019].

Steffensen, R. (13th June, 2018) 'Gjengproblemer i Oslo: Gjengene skal tas' *Dagbladet.*

Stine Sofies Stiftelse (2019) *Historien* [online]. Available at: https://www.stinesofiesstiftelse.no/om-oss/historien [last accessed July 14th 2019].

Stolt-Nielsen, H. (23rd October, 2018) 'Selv om ryktet til Holmlia er overdrevet, ligger også deler av ansvaret på oss' *Aftenposten.*

Storberget, K. (22nd April, 2008) 'Reformerer fengslene' *Dagbladet.*

Stortinget (2005) *Innst. O. nr 72* [online]. Available at: https://www.stortinget.no/Global/pdf/Innstillinger/Odelstinget/2004-2005/inno-200405-072.pdf [last accessed June 24th 2019].

Stortinget (2017a) *Møte tirsdag den 13. juni 2017 Sak nr. 13* [online]. Available at: https://www.stortinget.no/no/Saker-og-publikasjoner/Publikasjoner/Referater/Stortinget/2016-2017/refs-201617-06-13?m=13 [last accessed May 14th 2019].

Stortinget (2017b) *Innst. 428 L (2016 - 2017)* [online]. Available at: https://www.stortinget.no/globalassets/pdf/innstillinger/stortinget/2016-2017/inns-201617-428l.pdf [last accessed May 11th 2019].

Stortinget (2018a) *Skriftlig Spørsmål fra Emilie Enger Mehl (Sp) til Statsministeren* [online]. Available at: /www.stortinget.no/no/Saker-og-publikasjoner/Sporsmal/Skriftlige-sporsmal-og-svar/Skriftlig-sporsmal/?qid=71046 [last accessed May 15th 2019].

Stortinget (2018b) *Representantforslag 39S (2018 - 2019)* [online]. Available at: https://www.stortinget.no/no/Saker-og-publikasjoner/Publikasjoner/Representantforslag/2018-2019/dok8-201819-039s/ [last accessed May 14th 2019].

Stortinget (2019a) *Møte torsdag den 11. april 2019 Sak nr. 5* [online]. Available at: https://www.stortinget.no/no/Saker-og-publikasjoner/Publikasjoner/Referater/Stortinget/2018-2019/refs-201819-04-11?m=5 [last accessed May 14th 2019].

Stortinget (2019b) *Innst. 204S (2018 - 2019)* [online]. Available at: https://www.stortinget.no/globalassets/pdf/innstillinger/stortinget/2018-2019/inns-201819-204s.pdf [last accessed May 11th 2019].

Stortinget (2019c) *The Storting* [online]. Available at: https://www.stortinget.no/nn/In-English/About-the-Storting/ [last accessed July 26th 2019].

Stortinget (2019d) *Parliamentary Party Groups* [online]. Available at: https://www.stortinget.no/en/In-English/Members-of-the-Storting/Parliamentary-Party-Groups/ [last accessed November 11th 2019].

Talos, P. (21th January, 2018) 'Listhaug forsvarer "monster"-betegnelsen' *NTB.*

Tham, H. (2001) Law and Order as a Leftist Project?: The Case of Sweden. *Punishment and Society.* 3 (3) pp. 409-425.

Thurmond, V. (2001) The Point of Triangulation. *Journal of Nursing Scholarship.* 33 (3), pp. 253-258.

Tjørhom, V., Fossen, C., and Jonassen, A. (2019) 'Vil har forskjellig straff for same lovbrot' *NRK.*

Todd, J. (2018) Bordered Penal Populism: When Populism and Scandinavian Exceptionalism Meet. *Punishment & Society*. 21 (3), pp. 295–314.

Tommelstad, B., Berg, R., Åsebø, S., Byermoen, T. and Alsaker-Nøstdahl (9th June, 2018) `Gjengen ingen klarte å stoppe`. *Verdens Gang.*

Tommelstad, B. and Berg, R. (8th November, 2018) 'VG avslører: Slapp straff for vold og narko' *Verdens Gang.*

Tonry, M. (2004) *Thinking about Crime: Sense and Sensibility in American Penal Culture.* New York: Oxford University Press.

Tubex, H. (2013) The Revival of Comparative Criminology in a Globalised Worlds: Local Variances and Indigenous Over-representation. *International Journal of Crime, Justice and Social Democracy.* 2 (3) pp. 55-68.

Ugelvik, T. (2011) Hva er et Fengsel?: En Analyse av Manualen til en Sosial Teknologi. *Retfærd.* 34 (1), pp. 85- 100.

Ugelvik, T. (2012) The Dark Side of a Cultural of Equality: Reimagining Communities in a Norwegian Remand Prison. In: Ugelvik, T. and Dullum, J. (eds.) *Penal Exceptionalism?: Nordic Prison Policy and Practice.* London: Routledge. pp. 121-137.

Ugelvik, T. and Dullum, J. (2012) *Penal Exceptionalism?: Nordic Prison Policy and Practice.* London: Routledge.

Ulserød, T. (6th May, 2019) 'Frp har foreslått noe drøyt igjen!' *Verdens Gang*.

Vaaland, M. (27th January, 2018) 'Ber Listhaug vaske munnen sin' *Vårt Land.*

van Dijk, J. (1988) Ideological Trends within the Victims Movements: An International Perspective. In: Maguire, M. and Pointing, J. (eds.) *Victims of Crime: A New Deal?* Miltion Keynes: Open University Press. pp. 115-126.

van Dijk, J., van Kesteren, J. and Smit, P. (2007) *Criminal Victimisation in International Perspective: Key Findings from 2004 - 2005 ICVS and EU ICS.* WODC: The Hague.

van Nes, F., Abma, T., Jonsson, H. and Deeg, D. (2010) Language Differences in Qualitative Research: Is Meaning Lost in Translation? *European Journal of Ageing.* 7 (4), pp. 313-316.

Vågslid, L. (1st February, 2018) 'Innsats mot overgrep mot barn: Monsterprat eller handlekraft?' *Dagbladet.*

Wacquant, L. (1999) How Penal Common Sense Comes to Europeans. *European Societies*. 1 (3), pp. 319-352.

Wacquant L. (2001) The Penalisation of Poverty and the Rise of Neoliberalism. *European Journal on Criminal Policy and Research.* 9 (4), pp. 401-412.

Wacquant L. (2009) *Prisons of Poverty.* University of Minnesota Press: Minneapolis.

Walnum, A. (7th August, 2018) 'Politiet sloss mot store krefter' *Dagbladet.*

Webb, E. J., Campbell, D.T., Schwartz, R. D. and Secrest, L. (1966) *Unobtrusive Measures: Nonreactive Research in the Social Sciences.* Chicago: Rand Mcnally.

9 APPENDIX

9.1 Dataset overview

Name:	Type:	Length:	Published by:	Date of Publication:
Debate 1: Increased Penalties				
Stortinget - Møte tirsdag den 13. juni 2017 Sak 13	State-provided	17083 words	Stortinget	13.06.17
Høringsuttalelse	State-provided	4046 words	Justis- og Beredskapsdepartementet	20.03.17
Prop. 137 L (2016-2017)	State-provided	29124 words	Justis- og Beredskapsdepartementet	22.05.17
Styrket oppreisingsvern ved krenkelser begått av flere i fellesskap og skjerpede krav til begrunnelsen for utmåling av straff: pressemelding	State-provided	321 words	Justis- og Beredskapsdepartementet	30.06.17
Regjeringen vil redusere "kvantumsrabatten" i straffesaker: pressemelding	State-provided	213 words	Justis- og Beredskapsdepartementet	19.12.16
Et godt begrunnet straffenivå: tale/innlegg	State-provided	618 words	Justis- og Beredskapsdepartementet	09.06.17
Hva er riktig straff?: tale/innlegg	State-provided	600 words	Justis- og Beredskapsdepartementet	23.05.17
Strengere straff for personer som begår flere volds- og seksuallovbrudd: pressemelding	State-provided	209 words	Justis- og Beredskapsdepartementet	22.05.17
Høringsbrev	State-provided	201 words	Justis- og Beredskapsdepartementet	19.12.16
Høringsnotat	State-provided	20762 words	Justis- og Beredskapsdepartementet	19.12.16
Inst. 428 L (2016-2017)	State-provided	5647 words	Stortinget	06.06.17
Lovvedtak 133 (2016-2017)	State-provided	285 words	Stortinget	21.06.17
Høringssvar fra Sekretariatet for konfliktrådene	State-provided	1315 words	Justis- og Beredskapsdepartementet	20.03.17
Høringssvar fra Stine Sofies Stiftelse	State-provided	338 words	Justis- og Beredskapsdepartementet	16.03.17
Høringssvar fra fagpersoner ved det juridiske fakultet, UiB	State-provided	3602 words	Justis- og Beredskapsdepartementet	15.02.17
Høringssvar fra Riksadvokaten	State-provided	4279 words	Justis- og Beredskapsdepartementet	21.03.17
Regjeringen hever maksstraffen til 40års fengsel	Newspaper	490 words	Aftenposten	19.12.16
Venstre vil ikke heve maksstraffen til 40 års fengsel	Newspaper	489 words	NTB	19.12.16
Regjeringen vil heve maksstraffen til 40 års fengsel	Newspaper	362 words	NTB	19.12.16
Regjeringen vil heve maksstraff til 40 års fengsel	Newspaper	385 words	Dagsavisen	19.12.16
Regjeringen hever maksstraffen til 40års fengsel	Newspaper	209 words	Tv2	19.12.16
Vil heve maksstraffen til 40 års fengsel	Newspaper	216 words	Dagbladet	20.12.16
Vil heve makstraffen til 40 år	Newspaper	361 words	Dagsavisen	20.12.16
Human strafferettspleie på historiens skraphaug? (ed)	Newspaper	986 words	Aftenposten	15.02.17
Økte straffer er ingen løsning (ed)	Newspaper	423 words	Dagbladet	20.02.17
Vil beholde kvantumsrabatt for gjentatte lovbrudd (ed)	Newspaper	555 words	Aftenposten	20.02.17
Økte straffer støttes ikke av folket (ed)	Newspaper	275 words	Dagsavisen	17.03.17
Forslag om 40 års maksstraff får hard medfart	Newspaper	573 words	NTB	20.03.17
Vil ta gjengangerne: mener det er på tide å øke landets straffer	Newspaper	450 words	Dagsavisen	27.03.17
Økt straffenivå er farlig symbolpolitikk (ed)	Newspaper	968 words	Aftenposten	03.04.17
Regjeringen vil øke maksstraffen til 26 års fengsel	Newspaper	970 words	Vg	05.05.17
Regjeringen skrinlegger 40 års maksstraff	Newspaper	546 words	NTB	22.05.17
Regjeringen dropper omstridt forslag om høyere maksstraff	Newspaper	614 words	Dagbladet	22.05.17
Kriminaliteten er på vei ned i hele den vestlige verden. Utviklingen tilsier ikke økt straff (ed)	Newspaper	871 words	Aftenposten	29.05.17
Vil ha økt maksstraff til 26 års fengsel	Newspaper	261 words	Dagsavisen	10.06.17
Datteren ble drept i Baneheia: nå vil Ada Sofie Austegard ha 26 års for grove forbrytelser	Newspaper	503 words	Tv2	10.06.17
Nå vil over 16.700 ha 26 års fengsel for grove forbrytelser	Newspaper	623 words	Tv2	12.06.17
Stortinget sa nei til å heve maksstraffen til 26 års fengsel	Newspaper	675 words	Vg	13.06.17
Frp vil heve maksstraffen til 26 års fengsel	Newspaper	220 words	Dagbladet	06.12.17

Debate 2: "The Monster Debate"				
Skriftlig spørsmål fra Petter Eide (Sv) til justis-, beredskaps- og innvandringsministeren	State-provided	254 words	Stortinget	05.02.18
Skriftlig spørsmål fra Emilie Enger Mehl (Sp) til statsministeren	State-provided	541 words	Stortinget	07.02.18
Sylvi Listhaug om sin nye jobb: - Jeg kommer ikke til å forandre meg	Newspaper	648 words	Dagbladet	17.01.18
Listhaug: Vil stoppe "monstrene på nettet"	Newspaper	864 words	VG	17.01.18
Listhaug vil jakte pedofile "monstre"	Newspaper	300 words	Tv2	19.01.18
Listhaug vil endre loven for å stoppe pedofile "monstre"	Newspaper	391 words	Tv2	19.01.18
25. januar 2018 - Debatten: fra Bergen fengsel	Newspaper	1132 words	NRK	25.01.18
Barneovergriper: monster eller menneske? (ed)	Newspaper	652 words	Aftenposten	26.01.18
26. januar 2018 - Dagsnytt 18	Newspaper	2103 words	NRK	26.01.18
Listhaug mener "monster" beskrivelse vil avskrekke overgriperne	Newspaper	715 words	NRK	26.01.18
Statsråden og monstrene (ed)	Newspaper	287 words	Vårt land	27.01.18
Ber Listhaug vaske munnen sin	Newspaper	1076 words	Vårt land	27.01.18
Her er Sylvi på "monsterjakt"	Newspaper	491 words	Tv2	28.01.18
Grande om Listhaugs "monster" beskrivelse: - Jeg ville aldri brukt det ordet	Newspaper	436 words	Aftenposten	29.01.18
Tilslørende monster-retorikk (ed)	Newspaper	356 words	Vårt land	29.01.18
Overgriperar har verken horn eller geiteklover (ed)	Newspaper	798 words	NRK	29.01.18
"Monster"- ministeren	Newspaper	406 words	Vg	30.01.18
Justisministerens monstre (ed)	Newspaper	545 words	Aftenposten	30.01.18
Verdighet i koleraens tid (ed)	Newspaper	1097 words	Dagbladet	30.01.18
De som ikke lytter: Iar seksuelle overgripere seg avskrekke? (ed)	Newspaper	511 words	Dagbladet	31.01.18
31. januar 2018 - Dagsnytt 18	Newspaper	1085 words	NRK	31.01.18
Listhaug forsvarer "monster" betegnelsen	Newspaper	312 words	NTB	31.01.18
En avsporing (ed)	Newspaper	598 words	Vårt land	31.01.18
Mangel på folkeskikk! (ed)	Newspaper	211 words	Klassekampen	31.01.18
Verbal nid (ed)	Newspaper	191 words	Klassekampen	31.01.18
Om monstre og menn (ed)	Newspaper	633 words	Vårt land	31.01.18
Listhaug og "monstrene": Iar en overgriper seg avskrekke av å bli kalt "monster"? (ed)	Newspaper	485 words	Dagbladet	31.01.18
Politisjef meiner Listhaug øydelegg etterforskning når ho kallar overgriparar for monster	Newspaper	575 words	NRK	31.01.18
Kritiserte Listhaugs "monster" beskrivelse: nå får Arne Johannesen kritikk av sine egne	Newspaper	440 words	NRK	31.01.18
Innsats mot overgrep mot barn: monsterprat eller handlekraft (ed)	Newspaper	993 words	Dagbladet	01.02.18
Hvordan blir et monster til? (ed)	Newspaper	671 words	Klassekampen	01.02.18
Oss monstre imellom (ed)	Newspaper	747 words	Vårt land	01.02.18
Sylvi Listhaugs monster (ed)	Newspaper	717 words	Dagsavisen	02.02.18
Listhaug ser seg blind på monstrene (ed)	Newspaper	597 words	Vg	02.02.18
Hatretorikk og humanitet (ed)	Newspaper	819 words	Dag og tid	02.02.18
Biskop mener Listhaugs monster-uttalelse skaper fronter	Newspaper	417 words	NRK	02.02.18
En moralsk plikt (ed)	Newspaper	905 words	Vårt land	03.02.18
- Min jobb er å redde barn	Newspaper	737 words	Dagbladet	06.02.18
Listhaug om monsterkritikken: kom dere videre	Newspaper	272 words	Aftenposten	06.02.18
Listhaug fastholder at pedofile overgripere er monstre: - min jobb er å redde barn	Newspaper	723 words	Dagbladet	06.02.18
Ber Listhaug svare om "monster"-begrepet	Newspaper	738 words	NRK	07.02.18
Utfordres om monsterbegrepet	Newspaper	559 words	Dagbladet	07.02.18
Forsvarsadvokat: - Følelser kan overstyre jusen når pedofile havner på tiltalebenken	Newspaper	674 words	NRK	16.02.18
Oslo-ordføreren: Lishaug må komme med konkrete tiltak mot overgriperne	Newspaper	633 words	Aftenposten	22.02.18
Krever tiltak mot barneovergrep	Newspaper	759 words	Aftenposten	23.02.18
Oslos ordfører krever tiltak fra Listhaug	Newspaper	261 words	NTB	25.02.18

Debate 3: Youth Violence and Criminal Gangs				
Statsbudsjettet 2019: satsing mot ungdoms- og gjengkriminalitet: pressemelding	State-provided	208 words	Justis- og Beredskapsdepartementet	08.10.18
Representantforslag 39 S (2018-2019)	State-provided	1510 words	Stortinget	13.11.18
Skriftlig spørsmål fra Jenny Klinge (Sp) til justis- beredskaps- og innvandingsministeren	State-provided	166 words	Stortinget	14.11.18
Skriftlig spørsmål fra Jenny Klinge (Sp) til justis- beredskaps- og innvandingsministeren	State-provided	220 words	Stortinget	19.11.18
Skriftlig spørsmål fra Jenny Klinge (Sp) til justis- beredskaps- og innvandingsministeren	State-provided	250 words	Stortinget	07.12.18
Innst. 204 S (2018-2019)	State-provided	9155 words	Stortinget	12.03.19
Stortinget - Møte torsdag den 11. april 2019 Sak 5	State-provided	7507 words	Stortinget	11.04.19
Interpellasjon fra Jan Bøhler (A) til justis- og innvandringsministeren	State-provided	183 words	Stortinget	11.04.19
Justisminister Wara taus om Oslo-politiets gjenginnsats	Newspaper	778 words	Vg	10.06.18
"Folk skal ikke bo i et nabolag hvor det ikke er poltiet som holder lov og orden og bestemmer hva som er rett eller galt å gjøre"	Newspaper	1242 words	Vg	10.06.18
Wara vil ikke si om politiet har jobbet godt nok mot Holmlia-gjeng	Newspaper	437 words	Aftenposten	10.06.18
Forsvarer at Oslo-politiet ikke fikk mer penger i år	Newspaper	837 words	Vg	10.06.18
Sara Gaulin (Ap) om Holmlia: Oslo sør til jeg dør (ed)	Newspaper	754 words	Vg	11.06.18
Meiner bydelen treng fleire verktøy	Newspaper	363 words	Klassekampen	11.06.18
Wara: Holmlia-gjengen skal tas	Newspaper	199 words	Vårt land	11.06.18
Politiet fikk ikke en krone ekstra	Newspaper	743 words	Vg	11.06.18
Politiet mener Holmlia-gjeng tjener millioner på kriminalitet	Newspaper	237 words	Aftenposten	11.06.18
Støre om gjengavsløringen: politiet har ikke gjort en god nok jobb	Newspaper	932 words	Vg	11.06.18
Har gått fra vondt til verre	Newspaper	589 words	Klassekampen	12.06.18
Kampen om gjengkriminalitet handler om politisk innsats (ed)	Newspaper	1354 words	Vg	12.06.18
Ansvaret for Oslo-gjengene (ed)	Newspaper	417 words	Dagsavisen	13.06.18
Gjengsituasjonen i Oslo forverret	Newspaper	96 words	Vårt land	13.06.18
Gjengproblemer i Oslo: Gjengene skal tas	Newspaper	557 words	Dagbladet	13.06.18
Sylvi Listhaug hardt ut mot politiet etter gjeng-avsløringen	Newspaper	751 words	Vg	13.06.18

Raymond Johansen "sjokkert" over Listhaug politikritikk	Newspaper	923 words	Vg	14.06.18
Ikke svenske tilstander (ed)	Newspaper	1304 words	Vg	14.06.18
Vil bevepne politipatruljer i Oslo	Newspaper	696 words	NRK	14.06.18
Wara hasteinviterer seg selv til Stortinget: vil bevepne politipatruljer	Newspaper	562 words	Vg	14.06.18
Ja, det er tilfeldig. Nå er det terror, gjengene kommer vi tilbake til	Newspaper	602 words	Dagbladet	14.06.18
Barnevernet på Holmlia: Vi må bli bedre til å jobbe med ungdommene	Newspaper	862 words	Vg	15.06.18
Politiveteraner: -Slik kan politiet vinne kampen om gata i Oslo	Newspaper	1331 words	Dagbladet	17.06.18
Byrådsleder Raymond Johansen: - Narkotikaen flommer i Oslo	Newspaper	872 words	Vg	18.06.18
Erna Solberg:- Vi har ikke vært gode nok til å gå på bakmennene	Newspaper	854 words	Vg	19.06.18
Raser mot Erna Solberg: Mener hun har kjent til gjengproblemene	Newspaper	919 words	Vg	20.06.18
Justisministeren: det er en ny type kriminalitet vi står overfor	Newspaper	770 words	Vg	22.06.18
Slik skal Siv Knuse gjengene	Newspaper	596 words	Vg	23.06.18
Polititet sloss mot store krefter	Newspaper	548 words	Dagbladet	07.07.18
Gjengutviklingen i Oslo: -En vaslet katastrofe	Newspaper	895 words	Vg	11.07.18
Ungdommer nå til dags (ed)	Newspaper	692 words	Dagsavisen	19.07.18
Riksadvokaten: kaller inn politimestre etter gjengavsløring	Newspaper	730 words	Vg	14.08.18
Tidligere "Young Guns-medlem": Forebygging begynner på stellebordet	Newspaper	564 words	NRK	14.08.18
Møte om gjengkriminalitet hos Riksadvokaten	Newspaper	308 words	Aftenposten	21.08.18
Riksadvokaten: -Gjengkriminalitet skal bekjempes med kraft og styrke	Newspaper	850 words	NRK	21.08.18
Riksadvokaten etter gjengmøte: langt unna svenske tilstander	Newspaper	508 words	Vg	21.08.18
Riksadvokaten: - Det er ingen svenske tilstander, men en alvorlig situasjon vi må gjøre noe med	Newspaper	745 words	Dagbladet	21.08.18
Riksadvokaten foreslår tiltak mot gjengkriminalitet	Newspaper	425 words	NRK	06.09.18
Nye millioner mot gjengkriminalitet	Newspaper	62 words	Vårt land	19.09.18
Regjeringen vurderer gjengforbud	Newspaper	249 words	Aftenposten	19.09.18
Ny gjenglov er ikke nok	Newspaper	1090 words	Dagbladet	27.09.18
Gjengprosjekt - nå igjen! (ed)	Newspaper	775 words	Vg	28.09.18
Selv om ryktet til Holmlia er overdrevet ligger også deler av ansvaret på oss	Newspaper	980 words	Aftenposten	23.10.18
Uro, kriminalitet og dårlig omdømme. Dette bekymrer de som bor i Oslos mest beryktede bydel	Newspaper	1171 words	Aftenposten	23.10.18
Denne gjengen skal tas!	Newspaper	829 words	Vg	10.11.18
Nestleder i justiskomiteen etter VGs avsløring: -Frykter situasjonen er verre enn vi får vite	Newspaper	968 words	Vg	14.11.18
Vil øke straffen for skyting mot politiet	Newspaper	383 words	NRK	19.11.18
Totalt mislykket'	Newspaper	522 words	Vg	29.11.18
Oslo-politiet vil fengsle flere unge under 18 år	Newspaper	1289 words	Aftenposten	12.12.18
Riksadvokaten varsler nasjonal gjenginnsats	Newspaper	710 words	Vg	12.12.18
Sv mener fengsling av ungdom er for lettvint	Newspaper	724 words	Aftenposten	13.12.18
Sylvi Listhaug stemte mot strengere straff for gjengkriminelle før påske	Newspaper	1263 words	Dagbladet	04.01.19
Åpner for barnefengsel	Newspaper	690 words	Vårt land	22.01.19
Slik kan justisminister Tor Mikkel Wara ta pengene fra de kriminelle (ed)	Newspaper	630 words	Aftenposten	22.01.19
Barn i fengsel (ed)	Newspaper	773 words	Dagsavisen	24.01.19
Frp snur: vil innføre forbud mot machete	Newspaper	648 words	Vg	30.01.19
Barn bak lås og slå - en billig løsning på et kostbart problem (ed)	Newspaper	873 words	Vg	08.02.19
Byråd, departement og oppositsjon etterlyser tiltak fra hverandre for å bekjempe ungdomskriminaliteten	Newspaper	1238 words	Aftenposten	20.02.19
Gjengkriminalitet, slutt å prat - gjør noe! (ed)	Newspaper	206 words	Aftenposten	25.02.19
Gir ordre om 'kraftig bekjempelse' av gjengkriminelle	Newspaper	394 words	Vg	04.03.19
Listhaug om dansk dobbeltstraff: veldig intressant	Newspaper	164 words	Dagsavisen	07.03.19
Vil forby salg av sim-kort uten ID- sjekk	Newspaper	110 words	Vårt land	12.03.19
Høyre-forslag: vil låse inne barn og ta dyre biler fra kriminelle	Newspaper	801 words	Vg	13.03.19
Må unngå at nye generasjoner i deler av Oslo går til grunne	Newspaper	631 words	Aftenposten	30.03.19
- Gjelder veldig få	Newspaper	370 words	Klassekampen	11.04.19
Vil gi unge kriminelle portforbud	Newspaper	1064 words	Aftenposten	13.04.19
Kritikken haglet mot Oslo-politiets håndtering av gjengmiljøene. Nå mener de å ha satt fire gjengledere bak lås og slå	Newspaper	960 words	Aftenposten	25.04.19
Sylvi Listhaug: Vil ha dobbel og firedobbel straff for kriminalitet på Holmlia og andre belastede områder	Newspaper	1005 words	Aftenposten	29.04.19
Holmlia-beboere om Frp-forslag	Newspaper	807 words	Aftenposten	30.04.19
Vil ha forskjellig straff for samme lovbrot	Newspaper	1147 words	NRK	30.04.19
Jan Bøhler (Ap): - Frp mangler forståelse for hvordan gjenger opererer	Newspaper	746 words	Aftenposten	30.04.19
Riksadvokaten om Listhaug-forslag: - Helt unødvendig	Newspaper	540 words	Tv2	02.05.19
Frp har foreslått noe drøyt igjen! (ed)	Newspaper	928 words	Vg	06.05.19
Bøhler vil se Frp-handling	Newspaper	600 words	Klassekampen	06.05.19
Ap-Raymond vil nekte kriminelle gjengmedlemmer å flytte hjem	Newspaper	852 words	Vg	07.05.19
Barneombudet: - Å sperre ungdom inne får ikke ned ungdomskriminaliteten	Newspaper	942 words	Aftenposten	09.05.19
Oslo-politiet vil stramme inn grepet: vil gi ungdomskriminelle innetid og oppholdsforbud	Newspaper	1594 words	Aftenposten	12.05.19
Rektor vil ha tiltak mot kriminalitet lenge før ungdomsskolen	Newspaper	1334 words	Aftenposten	14.05.19
Frp mener Ap stjeler ideene deres: fantasiløs velgerbløff	Newspaper	863 words	Dagbladet	21.05.19