

## CHAPTER 10

# The Becoming of Punishment as an Unpredictable and Moveable Torment

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Based on narratives from an inmate, this article focuses on the connection between prison architecture, punishment and pain in a post-humanistic perspective (Barad, 2008). Post-humanism recognizes the significance of materiality, and moves thinking in the direction of a decentralized subject and its interaction with human and non-human materiality (Deleuze & Guattari, 2004) in a prison context. Humanism is central to the execution of sentences in Norway. It builds on ideals that put humans at the center and highlights the individual's human dignity, independence, inviolability and inherent value. Humane prison sentences and the idea of reintegration are the consequences of changes in penal ideology and this is also reflected in newer prison architecture. The attempt to humanize punishment, through raising material standards and making prisons more comfortable and homelike, can for some inmates be experienced as pain. It reminds them of the ordinary life outside from which they are secured through isolation, loss of time and deprivation of liberty. Inspired by Deleuze's concept, the process of becoming, the article seeks to illustrate how punishment and spaces of incarceration occur as a result of human interactions in prison, and which action forces are put into play in affective meetings between human and non-human materiality.

## Introduction

Humans are in constant dialogue with their physical environment, they move, smell, watch and sense their surroundings and leave behind material traces. An overall goal of this article is to study *punishment as a process of becoming* and how punishment, pain and prison architecture are closely connected. Punishment is not just a lack of freedom. It is an ongoing process that is experienced in various spaces within prison. It is not possible to approach punishment as becoming without relating it to human and non-human materiality, since people's experiences of reality cannot be seen independently of the materiality which surrounds them.

Fredrik<sup>1</sup>, an inmate whom I met in a Norwegian high-security prison, talks about punishment as *unnecessary pain*. I read Fredrik's texts about punishment as emotional and bodily experiences that exceed our imagination of what punishment is. His statement has made me aware of what punishment can do to bodies and that punishment is in constant motion. To approach punishment as moveable implies a break with traditional views on punishment as rational, humane and predictable (Ot.prp. no. 90 (2003–2004)). When Fredrik describes his experience of punishment, it is not the judgment in itself nor its premise, length or content that concerned him, but the absence of everyday occurrences that constantly reminds him that his life is on hold. Fredrik's description of his meeting with other people in prison, his experience of prison regimes, rules, routines, and his experiences of life inside and outside prison, open up new ways of approaching punishment. Thus, punishment is seen as a dynamic process, rather than a predictable and static reaction matched to the severity of the offence.

In light of Fredrik's narratives, the article seeks to challenge conceptual boundaries between theories of punishment, disciplinary practices and concepts such as body, pain and humanism, and study what affects the experience of punishment. More specifically the aim is to explore how the becoming of punishment can take place in the most *unexpected situations* and how punishment materializes through affective meetings between humans in prison.

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1 Fredrik gave me access to his diary, personal stories written during different periods of the atonement process, personal letters and various correspondence between him and the Correctional Service in connection with his atonement.

## Analytical and methodological reflections through being affected and moved

My first meeting with Fredrik was a momentous experience that thrust me into a new process of becoming as researcher. Suddenly, I found myself in a state where I was conscious of the presence of our bodies in the room, and the mood shifted from being formal to sensitive and sensuous. Fredrik's narratives about his life in prison affected me and moved me into a new and unknown world - a world that I wanted to explore further. I was no longer just a listening and explorative researcher. In meeting Fredrik and his sensuous way of speaking and experiencing the world, the boundaries between my researcher role and my role as a fellow human became blurred. I let myself be affected by the moment, both by the mood and the open dialogue between us, and deviated from my planned interview questions. Especially when Fredrik told me about his experiences of pain relating to punishment, I could hear, feel and sense this in my own body. We entered a process of becoming as humans in meeting each other, and this experience affected me. Letting oneself move into the sensuous sphere, enabled us to open up and discover what happens in the moment, and it accesses another door to our experience of the world. I found myself in a mood without suitable words or concepts to convey my experience of what happened in the space between us. In other words, I was not able to disentangle myself from the moment and move into a different analytical landscape which was quite different from where I had been earlier. It was no longer about giving voice to the informant, but to moving in and out of a common landscape where old concepts gained new meanings. It was also about capturing new knowledge of the meaning of bodies' movements in space, and a common awareness of the importance of interacting with each other. Retrospectively, I see how the pain in Fredrik's narratives affected me. His narratives materialize as real scenarios of life lived in prison.

Meeting with Fredrik was also the beginning of my search for new analytical terms to conceptualize what happens in meetings with others right *there* and *then* in the moment. It is not only what is said and observed in the meeting between researcher and informant that constitutes the empirical data, but just as much the experience of bodily meetings, momentary events and the way they act and speak together. Such an approach to knowledge presupposes an analytical input that allows other ways to collect and deal with empirical data

(Fransson & Johnsen 2015). It also means that the material, on which this article is based, cannot be read as a representation of reality, only as an expression of Frederik's thoughts and experiences there and then in time and space.

According to Deleuze (2004) it is not the subjective self-awareness that forms the basis of human consciousness. Human consciousness is understood here as a creative force, which moves through affectivity in meeting with the other. Deleuze's theories about the decentralized subject, as creative and affectively oriented, and not primarily as self-conscious and rational, make it easier to understand body-centered experiences in meeting with other humans. Without my affective experiences in my meetings with Frederik, I would not have been able to exceed my boundaries as a researcher nor to understand the materiality in the space between us.

The article is based on an ethnographic field study<sup>2</sup> and user-involved research cooperation (Borg, 2009) with Fredrik<sup>3</sup>, who is serving his sentence in one of the world's most modern and comfortable prisons. It is mainly Fredrik's own texts and conversations with him during the last four years which form the basis for this article. Fredrik was especially concerned about how rhetorical grips and humanistic ideas behind punishment, are trying to conceal the reality of prison practice. Moreover our continuous conversations about what meeting with prison does to the human body, contributed to creating a body of data in constant motion. With this, I want to point out that empirical data, connected to Fredrik's experiences, are read here as sensuous information, where bodily experiences are constantly contextualized in light of his interacting with the prison materiality and affective meetings in the moment.

In the game between different events and types of prison materiality, like disciplinary practices, legislation, prison architecture, cells, keys, outdoor space, smells and sounds, bodies come in contact with each other and contribute to affective meetings between human and non-human materiality (Sandvik, 2013). It is in the spaces in between that punishment as becoming takes place. Sandvik (2013: 50) stresses:

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2 The ethnographic fieldwork (Kvale 1997, Widerberg 2007, Hultman & Lenz Taguchi, 2010) consisted of interviews, observations, meetings and conversations with Fredrik and his experiences with crime, punishment, reintegration, what confinement does to humans, and his everyday life in prison.

3 Cf. diary notes and texts from the whole atonement process from remanding to the high-security prison.

In each negotiation-machinery it is debated as to which action forces have strength enough to achieve influence and what new processes of becoming the machinery is able to produce. The machine produces powers, intensities and currents, which are activated when various types of materiality pass through each other. Deleuze and Guattari (1994) show how forces affect and move us, and burst forth.

Prison life consists of many events where different action forces meet, move, burst forth and produce what Deleuze and Guattari (2002) call assemblages. In this context, the prison is seen as a machine that produces ever new spaces for incarceration which invade and affect the body when they come in contact. Based on Deleuze and Guattari's (2004: 13–14) rhizomatic mindset, the article seeks to open up manifold and new realizations, and to think experimentally about the approach to punishment. An overriding goal is therefore to read Fredrik's narratives in light of Deleuze's (2006) concept "*the process of becoming*" and make a close-up study to illuminate a part of the immanent fields that people, in all their ambiguousness create and live by. I am inspired by Deleuze's philosophy, because it is not locked into specific methods and analytical ways of understanding. According to Deleuze (2006) concepts are moveable and constantly open to new ways of understanding reality. In a prison context, this means to move into and in between individual and collective struggles that come to terms with inmates' meetings with events and intolerable conditions. And, as far as possible, this means that inmates liberate themselves from determinants and static definitions of incarceration. As I read Deleuze (1995:170) there is no clear distinction between empiricism and real life, these are interwoven and both are expressions of lived life.

Deleuze and Guattari (2004: 4) express themselves in this way:

We will never ask what a book means, as signifier or signified; we will not look for anything to understand in it. We will ask what it functions with, in connection to what other things it does or does not transmit intensities, in which other multiplicities its own are inserted and metamorphosed and with what bodies without organs it makes its own converge.

The article has a post-humanist approach (Barad, 2008) and takes Deleuze's concept of the decentered subject as its starting point in meeting with Fredrik's narratives. Post-humanistic theories approach the subject as "decentered" and not as hierarchically superior in the world. The subject *is*

*both in and participates in* the world in the same way as other living organs. Deleuze considers subjectivity as a creative force in meetings between humans - and talks about life as a continuous process of becoming. This involves an approach to the subject as affectively oriented (Deleuze, 2004) and forms the basis for an understanding of the individual as creative and diverse. Such an approach to the subject breaks with the traditional understanding of the individual as rational, volitional, bounded and intentional. As humans, we find ourselves in a continuous process of becoming, which takes place in time and space (Fransson & Brottveit, 2015). A traditional humanistic understanding of the subject, acknowledges the importance of relationships and the ways in which humans are affected, by both context and relationships (see Taylor, 1989: 20). In practice, this means that the humanistic subject is primarily related to its context and environment, through various interactions and connections (see also Stern, 2003), and to a lesser degree considered as a *part of* and as *intra-responsive to* the surroundings, as Deleuze (2001) argues in his immanence philosophy (see also Barad, 2007 and 2008).

In prison, as elsewhere, unexpected and unpredictable things happen which affect inmates and employees in their meetings with prison materiality, here understood as an interaction between human and non-human materiality. According to Deleuze (2006), humans perceive far more than the materiality that surrounds them. This means that the inmates are able to see and transcend prison materiality and its potentials. Deleuze connects affectivity to art's sensuous effect, but also to the sensuous experience in itself (Deleuze & Guattari, 1994: 167). Affectivity here links up to emotional responses, not in a traditional psychological sense, but as something that occurs independent of the individual's subjective self-awareness. It can for example be the effects of or spontaneous reactions to the meeting with prison. It is in the interactive landscapes of movements and changes, and in the meetings between human and non-human materiality, that the process of becoming takes place and puts us into a deeper state of affect.

## **Punishment and prison architecture**

Current forms of punishment have replaced medieval methods, which focused on corporal punishment, for example dismemberment or public execution.

Confinement, as a measure to prevent and treat criminal behavior is rooted in a newer humanistic view of punishment, which originated in post-Reformation Europe. On this basis, nineteenth century prison architecture was designed almost exclusively for the purpose of detention, training, regimentation and control. Criminals were seen as people without morals, knowledge or skills and were of no use to society. The intention of incarceration, under total isolation, was re-socializing under strictly controlled circumstances. Further, the idea was to protect and affect the inmates in a positive direction, and turn them into socially useful humans through hard work, strict daily routines and discipline (Hauge 1996).

The belief was that punishment in the form of isolation, safety, coercion and control, would result in stimulating repentance and self-control. Structured treatment programs like this, demanded a correspondingly structured architecture, and the reformers themselves developed a prison design intended to safeguard the execution of a sentence. Prisons in the early nineteenth century were, with minor variations, designed around a centrally located observation tower (cf. Panopticon), which consisted of galleries with entrances to solitary prison cells, which permitted full monitoring (Foucault 1999). Exercise yards and prison churches were constructed in ways that prevented contact between the prisoners. Until the early in nineteenth century, prisons were built upon such ideas (Helberg, 2015). Pentonville Prison from 1842, was the first prison facility built with punishment and detention as the basic tenets. According to Hauge (2007) this prison, and similar facilities, show a rare high degree of correlation between architectural design and intended use (see also Turner & Peters, 2015, Walbye & Piche, 2015).

The idea of prisoners as being worth less than others has gradually changed to viewing them as equal fellow citizens. This has formed the basis for modern criminal law theory, developed in the nineteenth and twentieth century (Andenæs, 1996, Hauge, 1996)<sup>4</sup>. Although modern methods of punishment have veered away from the "an eye for eye and a tooth for a tooth" ideology, and the isolation of prisoners is not as it once was, their bodies are still disciplined and monitored, through various punitive measures. Christie (1982, 2014) talks about punishment as an intentional torment, which is inflicted on the offender with the intent that it should hurt.

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4 Cf. absolute and relative punishment theories (Hauge, 1996).

This happens despite the fact that modern theories of punishment emphasize humane prison conditions, where rehabilitation and return to society are central goals, in addition to deprivation of liberty and safeguarding the general sense of justice.

Today's punitive theories have influenced prison architecture in the direction of modern design, intended to accommodate daily life in prison, and the material standard in many Norwegian prisons is high. An example of new modern architectural design is Halden Prison, which opened in 2010 and can accommodate about 250 prisoners. The prison has attracted considerable international attention, due to its special architecture and high degree of comfort. The architects responsible for the prison buildings have deliberately omitted symmetry and axial order, as this often creates associations of human oppression (cf. Østfold Correctional Service). The buildings are located in ways that enable prisoners to move easily between their rooms, school, workplace and recreational activities in the best possible way.

The architectural configuration represents a universal design as a strategic tool in the Norwegian Correctional Service and is a new model in the Nordic context. The requirements of today's prisons are that they should cover the prisoner's material, psychological, physiological and social needs. The architectural approach in Halden Prison is therefore an attempt to "normalize" prison life and prepare inmates for a life outside.

My first meeting with this prison was overwhelming, and there is little doubt that the configuration of the prison architecture is intended to affect the execution of sentences and pave the way for inmates' contact with others, both inside and outside the prison. The prison is in great contrast with earlier times, where the cells resembled dungeons and the inmates were isolated from contact with each other and the outside world. However, meetings and conversations with Fredrik have given me a new perspective on how punishment, pain and architecture are interwoven, and that comfort and modern prison design do not necessarily guarantee humane imprisonment.

## **Punishment and pain**

The following sections are based on Frederik's diary notes from different periods in the atonement process, his texts and our conversations in which he



describes his experiences with punishment, and his life in Norway's most modern, famous and publicized prison.

## The becoming of a new life

On an otherwise completely normal day in 2011, my life was totally changed. Before, I was an ordinary man, I had a good job, but within seconds, I became identified as a criminal and I had an unexpected meeting with prison-Norway. My action was not calculated, I was in a stressful situation and I really regret what I did, but it happened and I must take my punishment.

In the process of becoming, as Deleuze talks about it, one achieves an existential stage in which life is simply immanent and open to new relations and trajectories (Deleuze, 1995:171). This meant a whole new reality for Fredrik, that removed him from his ordinary life. Suddenly he could no longer determine his own daily life. Fredrik recounts:

When I was put on remand, I was a broken man. I was in a state of shock, despair and regretted my actions. I was confused and did not know how to behave in a prison. I was worried about the future, how it would be for my family and desperate for somebody to talk with.

A prison cell is a totally closed space of incarceration:

In my little prison cell I have a bed, desk, bookshelf, a WC and a mini fridge. The fridge sounds like a luxury, but sometimes I am locked inside the cell most of the day and must have the ability to store food. On the wall, above my bed, I have a flatscreen TV, which has received more attention in the media than any other TV in history. I have a bathroom of one square meter, covered with white tiles from floor to ceiling. Here I have a sink, a toilet and a shower. I can confirm that one can take a shower, go to the toilet and brush one's teeth without needing to move a step in this bathroom. The standard is good, but the size is problematic for an adult male, but having one's own bathroom is a luxury, so I do not complain about this. (...) But I sit in my cell from eight o'clock in the evening, after being wished good night by a prison officer. I will not be out of my room again for 10 – 18 hours. (...) Do you know how hot it can be in a cell of 12 square meters when you cannot open the window? We have a glass window that is not possible to open and a "side window" 12 cm wide, which can be opened, but

it does not help when the opening is so narrow that we cannot feel a thing (...). When there are staffing problems, among the prison officers, we are locked inside our cells even longer. (...) Once we were locked up in our cells continuously for three days, because prison officers were looking for a weapon they believed one of the prisoners had smuggled in. They never found anything, but it was difficult to be locked inside for such a long time. I wonder what outsiders know about how it feels to lose freedom.

Fredrik's narratives illustrate how inmates are left alone in their prison cells indefinitely and how this affects them, both physically and mentally. The "real life" outside seems far away for Fredrik who sits locked into his small cell, while days and nights glide past.

## The becoming of a new identity

The transition from being perceived as an ordinary man and to be seen as a criminal, was a powerful experience for Fredrik:

I had packed, made myself ready and waited for the transport from the remand prison to the high-security prison. The prison officer came to pick me up at eight o'clock. I was handcuffed and we went down to the reception and into the car where the police waited. I was locked into a small cage like a dog with handcuffs. Hm, what will happen if we collide now and the car catches fire? I do not see the importance of treating us like disobedient animals when the government has decided that prisoners should return to society again. I want to tell people outside, that they should think about how easily people are degraded when they are treated like bad people.

Deleuze's (2006) concept *the process of becoming* illustrates how Fredrik's identity changed immediately as a consequence of being treated like an animal. Later on, in meetings with prison officers and other prisoners, he increasingly experienced himself as a criminal offender. This affected him and moved him deeper into prison life. Fredrik's texts also show how he fought to retain his dignity and identity as an ordinary man to counteract *the process of becoming a prisoner*: "I have committed a *crime and deserve my punishment, but I'm not a criminal person*".

Usually we think of punishment simply as the deprivation of liberty, measured in a certain number of *months* or *years*. In this connection, I approach

punishment contextually, and as something that is constantly put into play in connection with minor situations and incidents in prison, not as an objective and measurable size. During many of our conversations, Fredrik described the degrading feeling of being treated like animals as an additional penalty. Unforeseen events in prison can unleash emotions and reactions among the inmates that contribute to the becoming of new experiences of incarceration.

## The punishment affects the human body

Sometimes I cry over all the sadness I feel when I am out on leave and all I have caused others by being here. It hurts me deep into my heart. I cannot leave prison or call my family or a friend when I want to and they cannot reach me or give me important text-messages. My child cannot reach me when he wants, but I have made a sort of peace with it. When I go on leave, I am out in society and together with my family. But when I go back to prison I must sign off emotionally, everything must be switched off. There is one last spasm just before I go through the prison gates and my heart dies a little each time. I experience this as an additional penalty, but also for my family, because I become completely inaccessible. The pain will not go away, but things are going in the right direction. I am on my way back to a life, my own life.

Fredrik's new life in prison consists of logging on and off each time he returns from leave. This gives meaning to the Deleuze and Guattari (2004) concept of assemblages, which here relates to prison machinery and illustrates how various disciplinary procedures and measures affect Fredrik's momentary experiences in prison. Further, it becomes a part of the materiality, which surrounds him. When all these assemblages are mixed into a machinery they become ever new spaces of incarceration. The way punishment is executed affects the inmates' bodies and I read Frederik's experience of being trapped and isolated in his prison cell as bodily pain. He has no possibility of influencing his own situation or having contact with the outside world. He can see that the seasons change outside his window, but he cannot feel the air or touch nature when he wants to. This contributes to the becoming of the imprisoned and monitored body.

## Punishment and humans

For the prisoners, people inside prison are the only points of human contact they have with the world outside their cells. Several of Frederik's experiences in meeting with others, both staff and inmates, reawakens existing views of criminals, as being of less importance than the rest of us.

### Humans affect the experience of incarceration

His treatment in prison contributed to Fredrik's experiences of becoming a prisoner, and his life was largely dependent on the prison officers' attitudes and decision-making:

The Correctional Service is full of humans who rejoice in the power they have gained, through choosing a profession where they can hide behind the statement "best for society". Everyone who is in prison has done something wrong and we know it, but the way we are treated, changes our attitudes and personalities. I had a confident personality before I was imprisoned and I'm really sorry for my actions, but the punishment is carried out without seeing me as a human. I have done something wrong, but my regret comes from my conscience and a good home background (...). I asked for help, but I did not get it and nobody saw me. I experienced this as if no one cared. Nobody is an individual here, no one is seen, but we are after all humans (...). The prison lawyers, who are responsible for processing applications for leave and representations, have rarely met the inmates. If the prison lawyer had taken the time to meet me before he made his decision as to whether I should be allowed to say goodbye to my dying father or not, I think the answer would have been different. My father died and I had no opportunity to be there. It is one year ago now. It hurts and I will never get over it.

The process of *becoming a prisoner* is continuous and shifts with time and space. Who the prisoners are and who they become in meeting with others, affects their experiences of life in prison. In one of Fredrik's texts, he states that the humans he met in prison, and especially prison staff, could behave quite differently:

I had accepted the idea of serving my punishment in a high-security prison, but the treatment we receive in this prison amazes me. There are big differences between staff. I've experienced those who fight for prisoners' rights, trust us and tell about their helplessness in meeting with the Correctional Service. I have also experienced staff who laugh at prisoners and smile when applications for leave, transfer to lower

security or other long-awaited benefits are rejected. You would not believe this happens in a prison, which is referred to as the world's most humane, luxurious prison.

## A call for help

Fredrik tells:

My way to survive prison, without going crazy, is to keep myself active. I will always be myself and have found my way of surviving, but I was crying alone in my cell the first six months.

Fredrik served under very strict security conditions and he struggled to reconcile with his act:

After I had been in prison for some weeks, I wrote a "conversation patch", a form that must be filled out if you want an appointment with health professionals or a doctor. When I met the doctor, I asked if he could send me to a prison psychologist. Since I did not get an answer, I filled out a new form and asked for a psychologist again. After a few days, I received a verbal reply in which the doctor concluded that I did not need to talk with a psychologist. I had to work with what I had done by myself, but I could have a conversation with a priest. I accepted the offer, but I wanted another type of help. The priest advised me to talk to a psychologist. When I replied, that I could not do this, there was nothing more he could do for me. I asked for help when I was at my most vulnerable, and I admitted that I had difficulties due to my action. The phrase from the doctor, "It will pass with time", illustrates what inmates in Norway's best prison may hear when they ask for help. I committed an act that was completely atypical for me. I was not able to handle my feelings and asked for help, but I did not get it and nobody saw me. I experienced this as if no one cared. My choice fell on school so that I could fill my days with something other than brooding and painful feelings.

The experience of not being heard or seen as an individual, and the absence of help, affected Fredrik and contributed to amplifying his experience of pain.

## Incarceration an invasion of private space

We must accept that all our telephone calls are monitored, but it is difficult to have a normal conversation when you know that somebody is listening. We have no choice,

even if it is humiliating and insulting, but when temporary staff ask me about my conversations I get angry. They should not listen for their own curiosity's sake. I have good, pleasant conversations with my child and they are private. I do not want to talk about my child with a 20-year old summer help. Let me have something in peace. I decide what I want to talk about and with whom. The employees have no right to ask the inmates about the content of their conversations. This is not the reason for telephone monitoring.

It is not primarily the control and limitation of privacy Fredrik reacts to, but the way the control is exercised. He talks about unnecessary comments from various prison officers and how he, involuntarily, is exposed to other people's interference and invasion of his private space. This is perceived as an expression of a ubiquitous and supervisory factory control (Foucault, 1999), also as an ambiguous form of social control that is spread everywhere, not only through strict prison regimes, but also in many unexpected situations.

## Living with privation and loneliness

Fredrik describes the absence of contact and interaction with his family as one of the most painful experiences relating to punishment:

The prison sentence prevents me from being present in normal family contexts and I am deprived of all authority here in prison. My child's mother decides everything because our son lives with her. I speak with him every week and they live their lives. I have put myself in this situation, but I miss him and he misses me. I get to taste a bit of freedom when I go out on leave, but the trip back to prison afterwards is long and means a return to isolation and loneliness that is heavy.

Missing his dearest ones made it particularly lonely and painful to spend days and weeks in prison, especially during summertime:

It is painful to talk about summer in a prison, it is lonely and it hurts. Others look forward to the summer, because summer means holidays, leisure, lazy days, sun, enjoying life, doing what you like and creating great memories with family and friends. This is the life "outside". Reality is quite different inside prison. Summer means more time locked inside the cell, inexperienced temporary workers with little human insight, stagnant heat, brooding, headaches and a stronger longing for your loved ones. The school takes holidays in late June and the prison work operation is

active only three weeks longer. For us who are not in work, this is the start of a period of confinement in the cell all day. Last summer it was extremely hot and no wind for several weeks. We did not get any air into our cells and we sat there, trapped with locked doors in heat up to 33 degrees, without the possibility of opening the window.

Fredrik's meeting with other humans in prison has activated a pain which exceeded the experience of the actual punishment. In Fredrik's experiences, we see how isolation combined with the way other people look upon him, the absence of social interaction and limited contact with his family and outside world, pains him and makes him a lonely man.

## Punishment and humanity

Fredrik points out that he lives in a luxury prison, but despite that, he says:

I can still feel pain over the situation, because luxury does not necessarily make the incarceration better.

Newer Norwegian criminal policy is based on humanism, justice and equal treatment. Politicians often speak about a correctional service where care, rehabilitation and returning to society are central goals (St. meld. no. 37. 2007–2008). When one talks about humane prison sentences this usually refers to respect and compassion in meetings between inmates and staff, and the importance of prison architecture that safeguards the prisoners' needs for social life and facilities. Human compassion, a high level of comfort and a homelike atmosphere in prison are intended to make the atonement more humane.

As I read Fredrik's narratives, he is constantly struggling for his self-worth and against the process of becoming as a criminal. He fights for his identity and to be seen as the person he feels he is. Meeting with prison machinery has led him deeper into the prisoner role and contributed to creating a static picture of him as a criminal offender. Deleuze and Guattari (2004) emphasize that it is not possible to read others' actions outside of the context. At any given time, all humans will always be a part of the materiality to which they belong. This means that we cannot read the inmates, their actions nor behavior, based on specific or general understandings or certain personality traits. At the same time, the prison system prevents us from seeing the prisoners outside a prison

context, and prison leaves little room for alternative ways of interacting with them. This, in combination with collective sanctions for disciplinary violations and strict conditions of imprisonment, contribute to inhumane practices (Ekeland, 2014) where inmates are objectified in a prisoner role. Ekeland stresses that the objectification of humans in general, as well as classifications of individuals, contribute to dehumanizing processes. Fredrik experienced a dehumanization of his personality, which contributed to objectification and the stigmatization of him as a person:

Whatever you ask prison officials about, they will reply, “Which number are you?” They are talking to you as a number in a succession and your name disappears.

Deleuze (2006: 22) also states that:

(...) There is no being beyond becoming, nothing beyond multiplicity; neither multiplicity nor becoming are appearances or illusions. (...). Multiplicity is the affirmation of unity; becoming is the affirmation of being. (Deleuze, 2006: 22)

Seen from this perspective, the inmates have limited opportunity to influence the way others perceive them. They are in a continuous process of becoming in meetings with each other and through prison employees’ assessments and reactions, and not least in the way staff classify prisoners when they talk about them in different contexts or meetings (Fransson & Brottveit, 2015). Objectification and classification of individuals violate a post-humanist tradition (Barad, 2008). Seen from Deleuze and Guattari (2002, 2004), the subject is not a self-conscious individual with a rational mental capability, but in a constant process of becoming - like Fredrik and other inmates.

## Material luxury tells nothing about life inside prison

As previously mentioned, the prison where Fredrik serves his sentence is described in the media and by researchers, as one of the most luxurious and modern prisons in the world (Pratt 2008, Dullum & Ugelvik, 2012). This indicates a perception that this prison is judged to be a humane prison. The contrast is therefore great when we move the focus from the outer descriptions of luxurious prison conditions to Fredrik’s experiences:

Material luxury has no value when one cannot make one’s own choices. (...). I have read in newspapers and magazines about how nice it is in this prison and that



there are no bars here. That is right, but imagine that you cannot go out and breathe the air when you want to. Life inside prison is completely different from life outside.

Foucault (1999) highlights how punishment is ubiquitous and permeates all life in prison. It moves into the small everyday events and affects collectively. Foucault also describes how the earlier panoptic control device in which it was possible to monitor everything from a central tower, hidden from others, has moved towards new forms of prisoner control.

The panoptic system is today replaced by newer technological forms of concealed social control. Giertsen (2015) describes how prison-related spaces for regimentation and sanctions, with extensive use of static control, have expanded. Prisons also have spaces for dynamic control, where inmates and staff are together and record and report inmates' behavior. In these spaces, there exist both an obvious and a disguised form of regimentation that can trigger sanctions and contribute to reinforcing the experience of punishment (Giertsen, 2015). This concealed discipline may, *inter alia*, take the form of an everyday compulsive disciplining force, free of physical means. But the prisoners are monitored electronically and are forced to comply with predefined measures that contribute to maintaining a hidden discipline (Hammerlin, 2004, Mathiesen, 1987). Fredrik states:

During one of Norway's warmest summers, we were compelled to attend an indoor painting course. The temperature increased and we struggled with the heat in our cells, but we got the message that we were obliged to attend this course. It was arranged in summer, when we were entitled to one extra hour of air per day. Not to participate was registered as refusing to work and entailed wage deductions. A result of this course was that some inmates lost one of their two long-awaited hours of air in a period with tropical nights and heat waves.

The requirement to participate in the course, contributed to reinforcing the experience of confinement and control, in ways that affected and pained Fredrik.

Pratt (2008) has stated that Norway has one of the most modern, luxurious and humane prisons in the world. He also emphasizes that Scandinavia is exceptional in an era of penal excess elsewhere, and that Norway is known to mete out low penalties. On this basis, Fredrik asks if modern

prison architecture and material luxury in themselves make incarceration more humane<sup>5</sup>:

This prison is described as the world's most humane and luxurious prison, but what is luxury? What makes a prison humane and what is humanity? What we need is to cover our basic needs. Do you think I have a better life if I have material prosperity? Yes, I have often heard statements like this: "The criminals should be locked inside and the keys thrown away. They have no right to complain and should rot and die alone, and they can thank themselves. They have it better than the elderly in Norway". I also thought like this before 2012. But now I've got the feeling that this prison is breaking hearts, hopes, dreams. I have lost the belief that there is something good in every human and that there is something in the phrase: "Do unto others as you would like them to do unto you".

According to Dullum and Ugelvik (2012):

It is evident that prison conditions in Norway are more humane than in many other countries it is natural to compare with. But the Nordic prison researchers emphasize that good physical prison conditions do not mean that serving a prison sentence is without great stress. Scandinavian prisons also carry out some of the dehumanizing practices that we find in other countries, such as a relatively extensive use of pre-trial custody and isolation. From a Nordic perspective the phrase "the Scandinavian exception" must therefore be nuanced.

For Fredrik it seems pointless to talk of humane prison conditions if inmates do not meet human compassion in their daily life in prison:

The effect of punishment is much more severe than you can imagine. Inmates are very often offended, humiliated, degraded and mocked in Norwegian prisons. Many prisoners experience distrust, internal injustice and a depressing daily life, because they do not get help and care. There is no care in the Correctional Services and prison is only a criminal retention institution. Some, in these systems, use their power and treat inmates in ways that contribute to the experience of enhanced punishment for the inmates (...) I have lost my freedom; I am incarcerated and cannot go where and when I want. This is what we in Norway refer to as deprivation of liberty and it is the punishment our society wants to inflict on criminals.

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5 We have often discussed this, on the basis of newspaper articles and feature articles. *The New York Times* has written about the humane Halden Prison.

According to Fredrik, the attempt to humanize punishment, through raising material standards and making prisons more luxurious, can for some inmates be perceived as a reinforcement of imprisonment, because it reminds them of the ordinary life outside of which they are deprived through isolation, loss of time and of liberty. All these aspects help to reinforce the perception of punishment as painful, and incarceration as the expression of an extreme deprivation of liberty, reinforced by monitoring and control in maintaining spaces of incarceration.

## The becoming of punishment in time and space

Fredrik is concerned that punishment is not only deprivation of liberty in a measured period, coupled with certain security routines. He was also concerned about how the *humanistic ideas* behind punishment, in combination with a prestigious luxury prison, remove us from reality and contribute to covering over the pain with punishment.

The prison machinery consists of various action forces, which enter into play in human encounters, unforeseen situations and in the execution of the penalty. All these contribute to open or closed spaces for incarceration and initiate ever new processes of becoming. When the prison machineries, with all their assemblies, flow together and pervade prison life, it affects and invades the prisoners' bodies and minds. Fredrik gives vivid descriptions of how the disciplinary action forces are put into play in the spaces between human and non-human materiality and turn penalty into a constant painful process of becoming. In other words, the inmates' bodies are monitored through a larger prison machinery and initiated by strong throughputs which are expressed both verbally, emotionally and affectively. Each machinery negotiates as to which action forces have strength enough to influence punishment, as well as which new processes of becoming the machinery is able to produce (Deleuze & Guattari, 2002).

Fredrik's meeting with prison machinery has activated a pain which has reinforced his overall feelings of incarceration.

## The punishment as a continuous process of becoming

Fredrik's experiences show that the most *unexpected* places and situations can be spaces of incarceration. Punishment seems to pervade *all aspects of prison*

*life* and emerges as an *unpredictable, subjective and existential experience*, which affects the prisoners in the moment. Fredrik's descriptions of the luxurious prison environment, seem to reinforce the experience of punishment as pain. This is intensified by his limited possibilities to move freely inside and outside prison and to enjoy the architecture, material benefits and the surrounding landscape.

Fredrik also fears that the high material standard and prison comfort, which is visible externally, helps to conceal the *loneliness* and the *embodied pain* of incarceration and punishment as *a thief of time* and *identity*. The rhetoric from the outside world, regarding the modern and luxurious prison, also makes it more problematic to react against existing prison conditions. Prisoners are humans who often must accept the state of affairs and the pain of punishment that comes and goes in time and space.

## The becoming of punishment beyond the humanity

The concept of humane penalties seems, in many ways to reflect the conditions desired in a prison, but which do not necessarily coincide with the reality of prison life. Fredrik often talked about punishment as an *unnecessary evil* and this leads me to Christie's (1982) concept about punishment as the *application of torment*. Fredrik's narratives also show that the idea of punishment as a *deliberate evil*, still seems to exist in current correctional service, despite the fact that reprisal, as a concept, is no longer stated in official criminal documents (Andenæs, 1999). There will always be unforeseen events and episodes in a prison that can trigger control and disciplinary initiatives, which result in punishment becoming an *unpredictable torment*.

After doing fieldwork in the high security prison over a period of four years, it seems that the procedures relating to the execution of sentences have become stricter. There are also indications that prisoners' *behavior* and *atonement progression* are given less weight when considering applications for leave. This fact, and that milestones in judgment are often not followed up, are perceived as unpredictable additional punishment (Fransson & Brottveit, 2015). Punishment, here understood as a moveable evil, is rooted in the idea that it can affect inmates, both collectively and individually at any time, when it is least expected.

There are also strong indications that we will still have many rewritings of Norwegian prison practice and modern methods of punishment, which try to move us away from the idea of imprisonment as *intentional torment* (Christie, 1982, 2014, Fransson & Brottveit, 2015).

## Closing remarks

This article has tried to transcend the traditional understanding of punishment as prevention and retribution.

To apply Deleuze's thinking in an ethnographic prison study has opened up new ways of approaching punishment. Deleuze's approach to concepts such as human and non-human materiality, the decentralized subject and the process of becoming, have also opened a new analytical door to understanding which action forces are in motion in prison machinery, and how bodies affect each other (Colebrook, 2000). The article has also shown how the prison machineries seem to pervade all aspects of prison life. The becoming of punishment as *painful* and *moveable* seems to happen in the interaction of humans and in the space between human and non-human materiality. Focusing on punishment as evil is not new, but this article's aim has just been to show that the pain of punishment is something far more than the actual confinement. Through Fredrik's experiences punishment can be read as a creative and painful process of becoming, in constant motion with its surroundings. His texts also illustrate how newer penal methods and modern luxurious prison architecture remove the focus from punishment as intentional torment.

Since prisoners will always be exposed to new processes of becoming, through interactions, material structures and the environment in prisons, ideals relating to humane incarceration and the impact of punishment must constantly be subjected to reassessment and critical research.

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