INEQUALITY AND PUNITIVISM IN LATE MODERN SOCIETIES: SCANDINAVIAN EXCEPTIONALISM REVISITED

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Abstract

*In The Culture of Control, Garland (2001) suggests that whilst not inevitable, it is likely that late modern societies will experience increased punitivism. Certain critics have questioned to what extent Scandinavian countries should be included in that assumption, given their unique welfare systems and public/media reactions to crime, and this article comments on one in particular – Green (2008), in a comparison of child murder by children in England and Norway. We argue that punitivism is indeed increasing in Norway along the lines already identified in Anglo-American countries, albeit at the slower rate acknowledged by Green. However, the relevant benchmark for testing Garland's thesis is not only to compare **between** countries but also to look for changes **within** countries. We argue that there is a link between late modernity and increasing punitivism in Norway, that the main cause of the comparative 'uniqueness' of Norway is its low rates of inequality and that 'cultural' explanations, though relevant, are secondary.*

Keywords: Child murder – Inequality - Late modernity – Punitivism - Scandinavian exceptionalism.

Introduction

Since the publication of Garland's book, *The Culture of Control*, in 2001, there has been a torrent of claims and counterclaims about, amongst other things, whether Garland's thesis can be generalised beyond the Anglo-American countries, and most notably to the Nordic countries. Garland suggests that the US and UK, countries with which he is most familiar, illustrate 'late modernity' - the 'distinctive pattern of social, economic and cultural relations that… brings with it a cluster of risks, insecurities, and control problems that have played a crucial role in shaping our changing response to crime' (Garland, 2001: viii). However, several commentators (e.g., Tonry, 2007, 2008; Green, 2008; Pratt, 2008a, 2008b) have since suggested that certain Nordic countries have particular socio-economic and cultural buffers to late modern increases in punitivism, making these countries 'exceptional'.

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This article partly focuses on Green's (2008) methodology through which he illustrates the reduced pace of punitivism in Norway by comparing a case of child murder by children in that country with one in England; and partly on the logic of only comparing punitivism *between* countries rather than also *within* countries. We suggest that what is crucial to an understanding of comparative penal populism and late modernity is the time (rather than the space) dimension. It is changes over time within countries that have to be analysed if Garland is to be contested. Green's media and cultural comparisons between Norway and the UK present important perspectives which demonstrate *correlations* between culture, penal systems and punitivism, but we would go further in seeking a causal link between punitivism and *inequality* (i.e., suggesting that growing inequality is the root cause of differences in punitivism). Green's arguments, therefore, could and should be taken further to show how *differences in equality* represent the genealogical basis for a more thorough and explanatory interpretation of differences in punitivism in late modern societies.

The following section looks at Garland's thesis in more depth, notably in relation to Nordic countries. We then critique Green's methods for comparing child murder by children in England and Norway. We finally discuss the potential of the concept of inequality as being the original source of institutional, political, media and public insecurities, and hence increasing punitiveness. We conclude this article by suggesting that greater weight needs to be given to the role of inequality in penalising the poor.

'The Culture of Control'

Garland's thesis is that crime control policies and practices have been influenced by the social organisation of late modernity and notably the neoliberal and neoconservative politics emerging in, for example, the US and UK from the 1980s onwards, moulded in part by the contemporary cultural and social relations adhering in those two countries. Garland (2004: 166) suggests that US and UK crime policy *in particular* 'appeared to be grounded in distinctive cultural understandings and social routines' (p. 166), and that such countries need to adapt politically and culturally to the risks and opportunities brought about by late modernity. His argument is that one needs to take into account 'the character of contemporary social organization and the political and cultural choices that have been made in relation to it' (Garland, 2001: xii). Despite the significant differences in prison rates between the US and the UK (the former imprisons five times as many individuals as does the UK) and despite the fact that the US still maintains the death penalty, both countries focus on strategies, policies, penal values and legislative patterns that are 'remarkably similar' (2004: 179). Both countries, regardless of legal, political and cultural variations, appear to be 'affected by similar pressures for change' (2004: 179), pressures brought about because of the uncertainties of late modernity.

Garland (2004, 2005) suggests that increasing neoliberalist practices tend to go hand in hand with increasing neoconservative policies. He argues that the dominant classes develop policies to assuage their own 'neuroses and anxieties' about dangerous others (Garland, 2004: 174). Wacquant (2012) goes further in suggesting that the dominant classes create insecurities which can then only be managed through 'penalising poverty' (ibid: 1) or 'penalising precariousness' (ibid: 6). As Wacquant (2012) points out, regulating already limited opportunities to health, education, welfare and housing for marginalised populations through law and order policies, merely protects the status quo for the more affluent. Like Garland, Wacquant (2008: 170) also links neoliberalism with policies and practices when he suggests that: 'In sum, national states and their extensions have long exerted, and continue to

exert, a decisive influence over the nature and scale of inequalities and the sociospatial distribution of poverty'.

Whilst Garland states that it is not *inevitable* that countries in late modernity will become more punitive, he does suggest that it is *likely* because of political will, political vulnerability and the limited options available within the socio-economic constraints currently affecting all developed countries. Garland (2001: 168) also suggests that criminal justice policy is 'the outcome (partly planned, partly unplanned) of political and cultural policy choices – choices that could have been different and that can still be rethought and reversed'. Garland, in other words, confirms the '*politics matters'* thesis but without being a political voluntarist:

> [I]t is possible to overestimate the scope for political action, and to overstate the degree of choice that is realistically available to governmental and non-governmental actors. And it is all too easy to forget the extent to which political actors are, in their turn, acted upon (Garland, 2001: 181).

Whilst Garland sees the potential for all late modern societies to rely on ever-increasing punitive policies and practices, he acknowledges that some countries are more prone, more rapidly, to succumb to penal populism, but that each country is unique: 'every nation has its own distinctive culture and social characteristics. In that sense, every nation is exceptional – and none are' (2004: 183). Garland suggests that mainland European countries are less steered by public pressure, more guided by professional rather than state expertise and therefore less likely to bow to punitive populism. He also suggests that Nordic countries have the added protection of multi-party politics, a strong school to work transition for young people, and the relative absence of disadvantaged and marginalised citizens. But that does not make them immune from increasing punitivism, and does not deny the significance of Garland's thesis.

Nevertheless, Tonry (2008) denounces Garland's thesis in respect of Norway. In a somewhat counterproductive Foreword to Green's book, Tonry (2008: ix) suggests that the broader implication of Green's book is that it is 'a sure-to-be-classic refutation of David Garland's magisterial 2001 book *The Culture of Control'*. Despite this misleading endorsement from Tonry, Green has made a strong case for promoting the cultural and media differences in Norway which may have contributed to its slower rate of change towards late modern punitive excesses. However, we question Green's methods in illustrating Norway's slower rate of change towards increased punitivism in late modernity and we argue that criminal justice policy in Norway during the last three or more decades already confirms Garland's argument.

'When Children Kill Children'

Green (2008) questions a late modern structuralist explanation for increasing punitivism in a study which explores reactions to one case of child murder in England (Bulger) and one corresponding case in Norway (Redergård). In both cases, children were perpetrators as well as victims. The Redergård case in Norway, when contrasted with the Bulger case in England, demonstrates to Green that 'civilised' and muted reactions, even when children are killed by other children, *can* occur in late modern societies such as Norway.

However, we argue that one element of his methods – a comparison of two cases of child murder by children, one in England and one in Norway – cannot conclusively describe or

imply differences between the two countries in terms of punitivism. The two cases, although both of child murder by children, are not comparable. Even though Green himself raises this question, he concludes that the two cases *can* be used as indicators of punitivism in the two countries. We would disagree with this assumption for several reasons. Murders of children by children are not typical crimes in the first place. Whilst they may well prompt memorial crime control legislation (Griffin and Stitt, 2010) and moral panic, as was the case in England following the death of James Bulger, they are nevertheless snapshots in time and are not good examples of longer term trends in punitivism *per se*. The Bulger case *did* unleash a raft of legislation in its wake, but the fact that the Redergård case did not should not necessarily be taken as a good example of a country's ability to stem the tide of growing punitivism in late modernity. We briefly describe these two cases below, outlining the different reactions in each country and highlighting the basic differences between the cases that make comparisons between them unreliable.

England: James Bulger
In 1993, a 2-year-old boy, James Bulger, was abducted by two boys aged 10. He was beaten, possibly sexually abused and murdered, and his body left on a railway line to be subsequently severed by a passing train. The boys - Venables and Thompson - were tried in an adult court, both being at the age of criminal responsibility (which is 10 in England), and both pled not guilty, blaming each other for the killing. The judge concluded that it was premeditated murder and that the boys knew right from wrong, and unanimous guilty verdicts were passed on both of them.

Following the case, the media mirrored the fury and hatred of the public and a moral panic ensued about the seeming demise of childhood innocence. The judge called the murder 'unparalleled evil and barbarity', and because it was deemed that the boys were 'sane enough' to be held responsible (Smith and Sueda, 2008: 10), the names and faces of Venables and Thompson were printed by the media with the judge's permission following the verdict. There was a general disregard in the media for their rehabilitation, a media which proved to be mainly a source of sensationalism that merely served to fuel widespread and sustained vigilantism. Public loathing for the two boys, even before their finding of guilt had been established, was relentless, fuelled by threats from Bulger's family and other activists to hunt down and kill the perpetrators. James Bulger's family reacted not only with (an understandable) fury, but, as Green (2008: 10) suggested, they 'were outspoken in their belief that Thompson and Venables were not sufficiently punished for what they did'. This prompted them to set up a pressure group called 'Justice for James' aimed at campaigning to ensure the perpetrators remained in custody for life.

Although the judge in the case laid down an 8 year sentence, this was immediately increased to 10 years by the then recently elected Conservative government, and subsequently to a 15 year minimum sentence by the then Home Secretary. It was only on appeal that this 15 year sentence was reduced and the boys were in fact released at the age of 18, having served eight years in secure youth establishments (at which age they would have been moved from a secure establishment to an adult prison). On their release in June 2001 at the age of 18, Jon Venables and Robert Thompson were given new identities in different parts of the country with lifelong anonymity so as to protect them from vigilantism and overt public death threats. They were, however, subject to lifelong licence conditions managed by probation officers. The fact that rehabilitation had been constructive and positive during their incarceration was subsequently derided by the press, who supported a 'new punitiveness' (Pratt, 2005), and less tolerance of children who commit crime.

An increased level of penal populism was evident in the UK following the murder of James Bulger (Newburn, 2007). This was partly a political response to the public's continued demands for retribution in the aftermath of the killing, but also partly because the newly elected government under John Major was anxious to be seen to deliver on their manifesto promises to tackle crime at its roots – curiously, by targeting young people's behaviour (http://www.johnmajor.co.uk/page86.html). First, the Government introduced the Criminal Justice Act (1993) which increased prison sentences and remands, prompted longer and harsher sentencing patterns, restricted the right to silence for defendants and introduced secure training centres for persistent young offenders. A year later, the Criminal Justice and Public Order Act (1994) doubled the maximum term of imprisonment in young offender institutions for 14-17 year olds, gave greater powers to hold 10-14 year olds in secure units, and perhaps most significantly following the Bulger case, reduced the age of indeterminate sentences from 14 to 10. In 1998, *doli incapax* (the presumption of innocence of children aged 10-14 who are deemed incapable of committing a criminal offence) was abolished in the Crime and Disorder Act. Following breach of licence conditions by Venables in 2010 when he was charged with a new offence, the Justice for James campaign called for greater transparency in informing the public of Venables and Thompson's current circumstances and an end to their identity protection for life.

Norway: Silje Redergård
In 1994, some 18 months after Bulger's death, two six-years old boys beat five-year old Silje Redergård with stones and left her unconscious in the snow where she subsequently froze to death. All three children already knew each other, having played together many times. Whilst the Bulger case in the UK resulted in constant coverage in the media and generated strong pressure for politicians to take action, the 'parallel' in Norway was quite the reverse. The victim's picture and name were never published in the newspapers. Equally, the perpetrators' names were never published, 'and their anonymity has been protected and respected to this day, even though many people (including Silje's parents) know who they are' (James and MacDougal, 2010). The only government response in Norway was to regulate the age at which videos could be rented by children and to reduce television coverage of violent programmes, although Silje Redergård's name was never linked specifically to these legislative changes (Higraff, 2004).

Silje's mother became known for her muted reaction and prudent attitude towards her daughter's killers; even expressing that these children needed compassion and should be shown kindness and concern rather than vengeance (Smith, 2000). The closeness of the parents of both perpetrators and victim (as neighbours) and of the children themselves (as playmates) may well have contributed to this compassion.

The age of criminal responsibility is high in Norway, at 15, and the two boys involved in the incident were neither charged nor punished, but offered input from child welfare experts for their rehabilitation and reintegration. The media also bowed to the expertise of professionals, and only covered the case for 'about two weeks' (Green, 2007: 592), whereas in England, the coverage of the Bulger case was still ongoing some 18 years later, fuelled in part by the above-mentioned return to prison of Jon Venables for a further offence in 2010.

Comparing like with like?
These two cases from England and Norway have been portrayed by Green (2008) and the media (e.g., Smith, 2000) as two incidents that could be used as a radar to say something, not

only about the differing levels of punitivism in these two societies, but also about Norway as a negative case in respect of late modern punitivism, typical of what Pratt (2008a, 2008b) labels 'Scandinavian exceptionalism'. It is alluring to take as one's starting point the two dominant facts characterising both the Bulger (case B) and the Redergård (case R) deaths: first, the victim was a child and secondly, the perpetrators were children. Based on these 'simple' facts, it is indeed understandable to conclude, as one journalist did, that the Bulger and the Redergård cases had 'almost eerie similarities' (Smith, 2000). However, when comparing these cases analytically (as Green does), we suggest that Green underplays what we regard as essential differences between these two cases, as briefly highlighted below:

- The perpetrators in case B were 10 year old boys, while in case R they were 6 years old. Whilst Green suggests that this age difference is 'unconvincing' in explaining the different responses in the two cases, we would strongly question such an assumption. Disciplines such as developmental psychology have documented significant differences between children aged 6 versus 10 when it comes to *mens rea* and empathy.
- In case B, the victim was abducted, tortured and murdered and his body left on a railway line to be run over by a passing train so as to attempt to make his death appear to be an accident. In case R (where the facts are more obscure), the victim and the perpetrators had been playing together, but whilst playing, the boys inexplicably turned on the victim, punched, kicked and beat her with stones, unclothed her and ran away, leaving her unconscious in the snow (James and MacDougal, 2010).
- In case B, the perpetrators did not know their victim, nor did their parents, while in case R, the children were playmates and their parents were neighbours. Silje Redergård's mother knew the two attackers well (Green, 2008: 8), a fact of huge importance for understanding her 'muted' reaction and that of others.
- In case B, the murder took place in a large city (Liverpool) where the perpetrators could pass without attracting too much attention. Indeed, whilst thirty-eight people, known as the 'Liverpool 38' (Morrison, 1998: 68) had observed the three boys on their 4 km long walk through the streets of Liverpool and, although some bystanders spoke to the boys about Bulger's obvious distress, none took the matter into their own hands or contacted the police. In case R, the murder took place in a tight local community where everyone knew everyone else. Silje's parents were informed about their daughter's death by a local eight-year old boy shortly after the incident, although at that point the perpetrators were yet to be identified.
- The age of criminal responsibility – 15 in Norway and 10 in England – is undoubtedly important in determining the political, if not public, reaction to the two cases. Bulger's killers were at the age of criminal responsibility and it was therefore seen as justifiable to try them in an adult court. In Norway, the children who killed Redergård were well below the age of criminal responsibility, and to a certain extent, in terms of the legal system in Norway, potential prosecutors' hands were tied by legislation. However, the high age of criminal responsibility in Norway *could* of course reflect the country's higher tolerance of criminal and penal policy compared to that in the UK, which supports our argument that comparisons *between* countries with differing ethical and legislative boundaries is inadequate to demonstrate increasing punitivism *within* countries.

When one looks at another case of murder of children in Norway (which Green also commented on from a media perspective), one can see how the Redergård case is an anomaly in an otherwise upward trend in populist punitivism in Norway. The so-called Baneheia case

in 2000 involved the rape and murder of two girls, aged 8 and 10, by two young adults aged 19 and 21. This case, compared with the Redergård case, generated aggressive reactions from the public and sensational media coverage in Norway. One of the young men was sentenced to 17 years in jail (this was later extended to 19 years), and the other got the maximum penalty of 21 years in jail. The mother of one of the victims established a foundation to fight adult violence and abuse against children, and this foundation has become an important pressure group in Norwegian society in support of victims' interests. A fuller analysis of the Baneheia case would suggest some diverging conclusions from the Redergård case in terms of punitiveness.

In summing up our argument so far, a comparison akin to the one made by Green is of huge value when it comes to comparing 'cultures of punishment' between certain countries at certain points in time. However, it seems that Green (2008: 75) is hesitant about giving Garland's thesis due consideration when it comes to penal developments specifically within Nordic countries:

> Some Nordic criminologists have used this recent rise in apparent public punitiveness to suggest that those late-modern changes in penalty that authors like Garland have documented in England and the USA are indeed apparent in the Nordic countries too. However, though there appears to be some truth in this, comparisons show the scale of the differences between the Nordic countries and the Anglo-Saxon countries are drastic.

As well as giving greater weight below to the arguments emanating from Norwegian scholars themselves, we also argue that a more relevant benchmark for challenging Garland's thesis is to look at changes *within* single countries over time, rather than merely to attempt Green's cross-country comparison. As already mentioned, Garland's thesis is that there is a *tendency* for features of late modernity to generate pressures towards increasing punitivism within late modern societies. He does *not* argue that all countries are at approximately the same developmental stage in this regard.

Increasing punitivism in Norway?

In stating that 'the punitive shift in Norway… is somewhat dramatic when viewed parochially', Green (2008: 75) obviously supports the argument that Norway has moved in a more punitive direction. However, Green's argument fails to recognise the impact of neoliberalism in Norway since the 1980s, something that is illustrated in his assertion that liberalism never took a firm hold in Norway compared with other countries in the West. This perspective is not supported by, amongst others, Veggeland (2007) who argues that neoliberalism pervaded the Nordic countries to a greater extent than continental countries such as France and Germany. We would argue that Norwegian governments, from the 1980s onwards, be they Labour or more centre/conservative governments, all developed policies that were less generous, more condemning, more managerialist, more market-oriented and less welfare-oriented during this period. As Østerud (2005: 705) maintains, even though neoliberal reforms in Norway might have some peculiar characteristics, they still are unambiguously neoliberal in essence, where 'the Nordic model of politics fades in the rear-view mirror'. Staffan Marklund discussed the development of the Nordic welfare states through the period 1975-85 in a book entitled *Paradise Lost?,* and his conclusion was that these countries had experienced 'more restrictive economic policies including a farewell to most Keynesian anti-cyclical measures and a move towards stricter monetary philosophies' (Marklund, 1988: 11). 'A farewell to most Keynesian anti-cyclical measures' is rather a stark

conclusion for traditional Nordic social democratic welfare states. Of course, different scholars may emphasise different aspects of public policy in the neoliberal era, but from an historical perspective, liberalism has indeed taken a firm hold in Norway.

Green concludes that the public in these countries are still relatively confident in their institutions and politicians to protect their interests. This is not exactly the same story as that told by Strømsnes, amongst others (for example, Bondeson, 2005; Leonardsen, 2012; Mathiesen, 2012), about citizenship, democracy and participation in Norway. Strømsnes (2003) concludes that, as in many other industrialised countries, trust in politicians is approaching a low ebb. Once again, the foreign gaze as compared to a more internal gaze gives a different meaning to what could be described as modest versus significant changes in policy.

We will now take a brief look at such changes to criminal justice policy in Norway, again from the perspective of Norwegian criminologists. Mathiesen, Hauge and Christie have voiced particular concerns over the last three or more decades that undermine the 'too rosy a picture' (Dullum and Ugelvik, 2012: 4) of Scandinavian countries painted by, for example, Green (2008, 2009, 2012), Pratt (2008a, 2008b), and Pratt and Erikssen (2012), and a summary of these internal deliberations are given below.

Mathiesen (2006), in an evaluation of the criminal justice policy in Norway through the period 1970-2000, argues that liberal and reformative voices were lost from the mid-1970s onwards. He suggests that from this time onwards Norway experienced, *inter alia*, increasing numbers of prisoners, stricter punishments, stricter prison regimes, a netwidening of those being punished, an extension of police search methods and an emphasis on preventive policing. Mathiesen concludes that these trends in Norwegian criminal justice policy from the mid-1970s indeed illustrate a clear shift towards a more punitive climate in this country. In a more recent contribution, Mathiesen (2012) elaborates this perspective on Norwegian criminal justice policy. Confronting John Pratt's thesis about 'Scandinavian exceptionalism', he points out that Norwegian penal policy 'is hardly as mild' as Pratt suggests (p. 14) and that he '*idealizes the Scandinavian situation*' (p. 28, italics in original). He notes that it has been a hard struggle for reformers of Norwegian criminal justice policy in recent decades to have an impact, not least in reforming the traditionally harsh and sustained use of solitary periods of confinement on remand, pending trial. He questions the seeming U-turn of officialdom in Norway in the first decade of the 21st century which began to embrace an attitude of greater cooperation with reformers, academics and the media, suggesting that this may just be pragmatic in terms of winning public confidence.

Hauge (2002) refers to the politicisation of criminal justice policy in Norway from the 1980s, and characterises the 1980s and 1990s as a 'law and order' period in Norway, with increased demands for more money for the police, criminalising new fields of behaviour, stricter punishment, increased use of monetary penalties, and less use of conditional sentences. Hauge links this to the failure of the social democratic welfare project during this period, and a populist response to the cry for stricter punishment amongst all the political parties in Norway. This increasing punitivism, according to Hauge, has been particularly visible in respect of serious drug offences or sexual violence, where 'spectacular' crimes and equally spectacular media reports have triggered a political determination to enact symbolic legislation along the lines of memorial crime control (Griffin and Stitt, 2010).

Christie, perhaps the most profiled Norwegian criminologist in recent decades, has time and again raised concerns about developing trends in Norwegian society. Since he published 'How Tight Knit a Society' in 1975, he has consistently pointed out the direct link that exists between the naïve rush for economic growth within a liberalised market society and more punitive attitudes and reactions. Even though from a foreign perspective Norway might seem to represent a 'soft' and welfare oriented society, to an insider like Christie, the trend has for a long time been pointing in the opposite direction. Very much inspired by Bauman's (1989) analysis of the Holocaust, Christie shows how modern societies (and Norway is his main point of reference) more and more turn the lawbreaker into an alien, a person who is not one of us and, accordingly, whom we can dehumanise and treat with moral indifference.

Norway's Ministry of Justice (NOU, 2002) compiled a report based on a detailed evaluation by many scholars who highlighted the reduced emphasis on 'treatment' and greater attention to 'punishment' in the last 30 or more years. It states that the period 1980 – 2000 was characterised by 'an increasing scepticism regarding chances for treatment of offenders, and an increasing belief in control and the general preventive effect of punishment' (ibid: 5, our translation). That report highlights the trend towards the further politicisation and prioritisation of criminal justice policy since the 1980s, with young people in particular bearing the brunt of this increased punitivism.

Despite Pratt and Eriksson's contention that there has been no sign of 'wholesale restructuring of the welfare state' (2012: 255) in Nordic countries, others would argue that these countries *have* experienced restructuring of their welfare systems, reduced levels of security amongst their citizens and a greater intolerance of and punitivism towards others (Bondeson, 2005; Leonardsen, 2012; Mathiesen, 2012; NOU, 2002). For example, in terms of increased punitivism, the Ministry of Justice's White Paper on Crime in 2008 stated that: 'Safety for society is a superior aim for criminal justice policy….. The Ministry will propose to increase punishments regarding murder, rape, serious violence and child abuse. It takes strict reactions towards cynical, serious crimes and organised crime' (St.meld. no 37: 2008, our translation). Whilst increasing the use of prison for serious offences, Norway has also maintained a low use of probation, not least compared to England and Wales which has a 7 times greater use of probation (Council of Europe, 2009). In England and Wales, probation has increasingly become a quasi-compulsory and more punitive intervention focusing not on rehabilitation but on producing change in individuals, arguably out of the context of their environment. In England and Wales, such supervision is also the backbone of parole and licence conditions, where offenders are 'managed' by probation officers. In Norway, however, such supervision involves 'supporting' offenders via the auspices of social services rather than criminal justice services.

Whilst Green (2008, 2009, 2012) and Pratt and Eriksson (2012) still argue in defence of an exceptionalism thesis, there seems to be little disagreement amongst other scholars – notably those born and bred in Norway - that this country seems to have moved in a more punitive direction over a significant period of time. We contend that whilst Norway did not blindly copy the UK or the USA in its increasing punitive stance, it nevertheless and albeit at a slower pace – Wilkinson and Pickett (2010) suggest ten years later than in Anglo-American countries - introduced reforms that all carried a distinct neoliberal/neoconservative fingerprint. These reforms were thus seen as resulting in a high level of insecurity and increased punitivism (Barth et al., 2005; Kvist et al, 2012; Olaussen, 2010; Palme and Kangas, 2005). For example, Olaussen (2010), in a survey of public reactions to crime in Norway, calculates that 84 per cent of Norwegian citizens think violent crime should be

subject to harsher punishments, 68 per cent think punishments generally are too lenient, and 63 per cent think that the use of imprisonment should be increased. In the following section we will take this discussion one step further by arguing that one of the most significant parameters when discussing the level of punitivism in a society is the *degree of inequality* in that society.

Inequality and punitivism in loose societies

Punishment and social inequality are intrinsically linked' (Snacken, 2010: 278).

Inequality is the very soil that increased punitivism is nurtured by in modern societies, especially in 'loose' societies (Triandis, 1994). We would argue that levels of inequality impact on in-group/out-group identities, and hence on aggression and attitudes to punishment. Societies that invite neoliberal politics into their economic dispositions, with resultant widening inequalities as a consequence, will easily prepare the ground for 'we' and 'they' mentalities that, in turn, will create a pressure for more punitive reactions against the 'other'. This structuralist perspective, we argue, has to constitute the starting point for understanding increasing punitivism.

There are undoubtedly several parameters of relevance to explain what processes trigger anxiety, aggression, othering, punitivism, and so on. Theories of 'moral panic', for example, point to the role of the media, the public, law enforcement agents, politicians/policy makers, and action groups as important 'contributors' to the creation of 'folk devils' (Cohen, 1972, Goode and Ben-Yehuda, 1994). These agents are also all highly relevant in understanding reactions to the Bulger case. However, large scale economic inequalities and marginalization in society are often manifested through anxiety, aggression and othering. We do not easily identify with people who are significantly different from ourselves, and indeed can show outward hostility towards them, not least if their actions threaten our security. Therefore, as Pratt (2008a) concurs, punitivism will develop more rapidly in non-egalitarian societies, and, accordingly, more rapidly in England than in Norway. As Young (1999) also points out, fear of losing control is one of the driving forces of increased punitivism, whether within a public or political forum:

> Because of ontological insecurity there are repeated attempts to create a secure base. That is, to reassert one's values as moral absolutes, to declare other groups as lacking in value, to draw distinct lines of virtue and vice, to be rigid rather than flexible in one's judgements, *to be punitive and excluding rather than permeable and assimilative* (Young, 1999: 15, emphasis added).

To Garland (2004: 185) also, punitivism is about othering, namely: 'how we fail to "recognise the other", how we limit compassionate identification, how we establish distance and demonisation'. Experiments within the tradition of 'social identity theory', or the 'in-group/out-group' tradition, have shown how aggressive antipathies can be triggered via stereotyping and othering (Tajfel, 1978, 1981). The more difference and the less contact there is between groups, the easier it will be for feelings of antagonism and alienation to emerge. The reactions to the Bulger case fit well into an in-group/out-group framework. The killers of James Bulger, once identified, became aliens devoid of any human characteristics. These boys were simply socially constructed as 'monsters', an out-group *par excellence*. Of course,

the one sided and campaign oriented media coverage gave no space for balanced reactions, but the death of James Bulger also took place in a 'loose society' where even children could be portrayed as evil or cold blooded. As Goode and Ben-Yehuda (1994: 26) point out when discussing Cohen's theory of moral panics, 'there must be some latent potential on the part of the public to react to a given issue to begin with, some raw material out of which a media campaign about a given issue can be built'. This perspective is echoed by Garland (2001: xi) when he notes that:

> the sensibilities that characterize this popular culture [triggering law and order politics] do not stem from media representations or political rhetoric, though they have a shaping effect. They originate in the collective experience of crime in everyday life and the practical adaptations to which it eventually gave rise.

In the Bulger case, that 'raw material' referred to above sprang from a fragmented and insecure society. Every aspect of a society that contributes to creating distance, difference, exclusion and opaqueness will weaken the potential for social identification and increase the potential for punitivism. In such loose, class-divided, segregated and unequal societies, people behave in what Sartre (1976) calls a 'serial' way towards each other, as rivals and enemies. It is in this type of polarised society that processes of dramatisation, simplification, and escalation of conflict can take place, when only the more powerful voice can be heard, and the scene is set for further aggressive condemnation, stigmatisation and exclusion of the already marginalised.

The more segregated a society is, the less chances there are for empathy and identification with others, and the easier it is for the media to whirl up one-dimensional stereotypes where there are few nuances between dissociation and witch hunting. The public reactions witnessed in the Bulger case (described by Tonry, 2008: ix, as a 'decade-long national preoccupation that continues to fester') were obvious forms of witch hunting which have been amplified by sensationalistic media and adversarial relationships between political parties. Whilst in Norway the Redergård case did not provide the same impetus for public outcry, the Baneheia case did.

The elementary socio-psychological mechanisms that produce othering are well documented at the micro level, but if we want to search for root causes that represent the substratum from where one-dimensional media and politics can prosper, we have to look at socio-economic variables at the macro level. All countries, it could be argued, are at varying paces and through various means creating an 'us' and 'them' divide because of rising insecurities in the face of diminishing resources. Wilkinson and Pickett (2010) have, on a global basis, brought together the basic data in support of our argument about the importance of macro socio-economic variables. Even though their methodological approach has been disputed in some quarters (see, for example, Snowdon, 2010), the strong correlation (among 32 rich countries as well as among 41 US states) between income inequality and, *inter alia*, trust, health and wellbeing is quite staggering. Lappi-Seppala (2008, cited in Krajewski, 2010) also highlights, from a Scandinavian perspective, the positive correlation between low prison rates/low levels of income inequality and high levels of public spending, state legitimacy and social trust. The expanding literature on trust and social capital (notably in the USA) supports the argument that increasing punitivism results from increasing inequality in society (Bourdieu, 1986; Etzioni, 1994; Fukuyama, 1995; Putnam, 2000).

It is not surprising that with relatively low but nevertheless increasing income inequalities (Christensen et al., 2006), Wilkinson and Pickett (2010) illustrate that Norway still ranks much higher on all measures of societal well-being compared with the UK which has much higher income inequalities. All Nordic countries offer a particular welfare model of universalism and generosity and Norway is a prime example: 'Norway is generally considered to be one of the countries in the western world where opportunities are the most equally distributed and where the welfare system may limit the most adverse outcomes of low SES [socioeconomic status]' (Galloway and Skardhamar, 2010: 428). However, Bondeson (2005) argues that despite Nordic countries having inclusive welfare states, based on trust, reciprocity and national unity, there are now signs of 'a rupture in this fabric of tolerance' (quoted in Pratt, 2005: xx). Indeed, the conclusion that Wilkinson and Pickett draw from their broad analysis is that 'inequality is divisive, and even small differences seem to make an important difference [to social harmony]' (2010: 52).

Whilst it is important to document the political and other processes behind different penal cultures, this does not deny the relevance of structuralist explanations. Of course there are very complex interactions between economic and political processes and no doubt the media, the public and political persuasions play an important role in both forming and informing policy. However, the structuralist argument presented by Wilkinson and Pickett (2010) about inequality and social problems, according to our argument above, is crucial to an understanding of punitive attitudes in a society. If the primary concern of criminologists is to understand the root causes of crime, then the parallel trends towards growing inequality and punitivism *within countries* must be more closely analysed, as Wilkinson and Pickett (2010: 155) observe:

> In societies with greater inequality, where the social distances between people are greater, where attitudes of 'us and them' are more entrenched and where lack of trust and fear of crime are rife, public and policy makers alike are more willing to imprison people and adopt punitive attitudes towards the 'criminal elements' of society.

Scandinavian exceptionalism revisited

Even though Norway represents an interesting correction to oversimplified generalisations about punitivism and modernity, this does not negate a broader and more general thesis about late modern penal populism in that country. The trend in Norwegian criminal justice and wider policy in the last 30 years or more has been towards increasing punitivism, and we argue that this trend has to be interpreted in a context of growing socio-economic inequalities, uncertainties and anxieties which stem from global political trends. Our intention in this article has thus been to defend a structuralist argument about how late modern capitalist countries *of the neoliberal and neoconservative type* can all too readily drift into aggressive and punitive criminal justice policies. Even though Norway, from a comparative perspective, deserves the label of a non-repressive society, this does not change the fact that the *trend* within this country has been in the direction of widening gaps between rich and poor and harsher reactions to crime and criminality. While this is a conclusion that scholars like Green and Pratt will no doubt accept, we would go further in arguing that: a) it is the changes *within* each country that is of greater interest when analysing Garland's general argument about causal links between late modernity and punitivism; and b) scholars advocating the idea of Scandinavian exceptionalism may too easily underplay the extent of the impact of neoliberalism in Nordic societies over the last three decades. Scandinavia could still be used as a (Weberian) 'ideal type' when comparing different welfare state regimes, but

one needs to be careful not to exaggerate empirical differences *between* modern market societies nor to underplay policy trends *within* these societies. Across the developed world, there are clear examples of creeping punitivism associated with late modernity, and Norway is no exception in this regard.

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