Seeing the Other

Nils Christie
Oslo University

Abstract
What here follows brings me to the core of what has been my criminological interest and also experience throughout life: The closer we come to another person, the more inhibitions are created against acting towards that person in ways usually seen as unacceptable. Seeing the other is an essential condition for being captured in the web of norms that makes us human.

Punishment is an evil intended as evil. It means intentionally to let other people suffer. In social systems where people come close to each other and therefore see each other, limits are put against delivery of pain. Mediation or restorative justice gains better growth conditions.

But there is much that prevents us from seeing the other in societies like ours. National, ethnic, cultural and social distance might dim the view. Social or geographical mobility might contribute to the same result. What is called crime is deeply imbedded in our social systems. May be the most important crime preventive design in our types of societies is one where caretaking of social systems is given priority to the idea of further material growth. May be models for the future these days is slightly behind us if we want to create democratic societies that opens for mutual informal control between humans standing close to each other, rather than by external powers as police and distant experts.

Key words: close to others, words as walls, against development

When the atrocities hit Norway

On mid-day, July 22, the article that here follows was ready for print, — just a few references were to be checked. Then the clock passed 15.26, and Norway became another country. A huge bomb exploded in the ministerial centre. The area looked like the aftermath of war. Seven people were immediately killed, more are in hospital, badly hurt. Hundreds of lives were probably spared because it happened in the middle of summer vacation and also 26 minutes after official office-hours.

Terrorism had reached Norway. A search for explanations followed immediately: May be some Muslim revenge for our participation in wars in Iraq, Afghanistan and Libya? Or reprinting those
caricatures of Mohammed? If so, bad times would be ahead for our immigrant population.

But then, as the night drew closer, other alarming news drifted in: There were shootings at a summer-camp for politically active youth from the Labour Party. It took place at a tiny island in a lake an hour from Oslo. A tall man walking back and forth, systematically killing anyone he could find—some of them as young as fourteen. Without mercy, just killing any he saw. He saw many.

The horror, despair, and sorrow that spread in the country needs an artist’s hand to describe. I refrain, but point to one piece of news during the long night that brought some sort of relief to many among us: The offender was not an immigrant. He was a Norwegian, a very Norwegian-minded Norwegian. His acts were directed against our political establishment that accepts immigrants and refugees with a Muslim background. A one-man war from the extreme right.

Thereafter we got the news that the prime minister was alive. Soon he was on radio and television. His statements were those of sorrow and despair, solidarity with the victims, but then, central in his speech that night and the days and nights that followed; we will not meet these acts with vengeance and terror, but by preserving our ideals for a democratic society. Or, as expressed by one of the young survivors from the island a few days later: We will meet terror with flowers.

We attended a memorial meeting outside the City Hall of Oslo three days after the atrocities took place. Oslo has 600 000 inhabitants. Estimates suggest that 200 000 of us were there. The Crown prince talked, the prime minister talked, survivors talked. I did not hear one sentence on revenge. Only roses, in words and in reality. Nearly all had flowers in hand and left them later at several memorial points. The public transportation system has been rearranged since as not to destroy the monuments of flowers in the centre of town. Similar memorial ceremonies have taken place all over the country. And it continues. I write these last words of this article on Sunday, July 31. Latest news this morning: more flowers yesterday and import tax on roses has been temporarily removed to get sufficient supply to the country.

The offender has been captured. A lawyer has been appointed to his defence. After preliminary hearings, he is now in custody, waiting for the major trial. Most probably, he will stay in prison for most of his remaining life. We have no death penalty in Norway. The maximum for murder is 21 years of imprisonment, but people seen as particularly dangerous might get a sentence called preventive detention. In extraordinary cases, and they are not many, their stay in prison can be extended to more than the 21 years, each time in periods of five years. These prolongations will all have to be decided by ordinary judges in ordinary court hearings. We have a law on crimes
against humanity, with a maximum of 30 years imprisonment, but that law seems not to be applicable in the recent case.

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I have, after the atrocities, not seen any need to change much in the text that follows here. Exceptions are section 6 on “Penal courts” and section 10, where I underline the importance of preserving the communal spirit that now reigns the country. I have highlighted these changes in italics. Norwegians have come closer to each other in these recent weeks. But then a central question is raised: will it be possible to preserve this spirit and thereby preserve, maybe strengthen, the ability to see each other, coming close to ‘the other’ as whole persons\(^1\). Seeing ‘the other’, that is what this article is about.

On being close

I grew up in the period of German military occupation of Norway. It was World War II. German soldiers were a common sight in the streets. But in this period, for me from age 12 to 17, I never had a conversation with a German soldier. Nor did I ever talk with a member of the Nazi-party, the one led by Quisling, the super-traitor. Except, of course, with Asbjørn. He was a Nazi. But he was first and foremost my classmate, seated just behind me in the room. He was physically handicapped with cerebral palsy, but always kind and nice and helpful. With a friend I once got the task of creating a historic play based on how Norway got its constitution in 1814. Without hesitation, we let Asbjørn get the major patriotic role as the person writing the draft for the constitution. The teacher disliked it intensely. A Nazi in that role! But to us, it was Asbjørn, not a Nazi-monster who got the role, someone we knew from thousands of encounters. But with Quisling, the super-traitor, the case was different. He was immediately imprisoned when the occupation ended, and later executed. So were 21 other Norwegians and 16 Germans. Only a tiny minority of the population protested against the re-introduction of capital punishment at that time. Those seen as monsters were not worth more than death.

One problem in particular remained after the end of war and occupation: the horrors of the German concentration camps, Buchenwald, Auschwitz and many more. Horrors without end from a country once close to us.

But then, as a serious threat to our Norwegian self-image, it turned out that there had been concentration camps also in Norway, with hundreds of Norwegian guards as active participants in
the killing and maltreatment. These were extermination camps for Yugoslavian partisans, some of them with death rates equal to the worst camps in Germany.

I had reached University then, and was asked to find out what sort of Norwegian monsters had been in operation in these camps. I talked with a great number of guards who were sentenced for killing and maltreatment — I found most of them in various prisons. And I talked with a similar number of guards from the same camps who had not been sentenced for killing and maltreatment. I did not ask any among them why they behaved as they did, but asked them to describe their prisoners. The essence of my findings was that the killers never came so close to the prisoners that they saw them as human beings. They saw dirty, stinking, dangerous animals from Yugoslavia. The guards that did not kill had another picture of the Yugoslavians prisoners. They had been able to come closer, and saw human beings. I was struck through my conversation with the killers, that if I had been recruited as a guard at the age of 16, and with their background, I might have been just the same.

And how were my findings that these killers were no monsters but relatively ordinary Norwegians, like most of us, received in Norway?

They were buried in a sea of hatred. Germans, were the enemies, the occupants, they could do such horrible things. Not Norwegians. My findings blurred the division between black and white. It was a highly unwelcome message in Norway at that time. There was next to no public interest in my findings. It took twenty years before my manuscript was published in the form of a book. A further forty years passed before the book was re-published. This time it was elevated to the status of being a canon of Norwegian sociological literature. It takes time to tear up monster-pictures.

**Ordinary people in extraordinary situations**

But how could this happen in the Germany of that time? Germany, that centre of culture in Europe, and then in Norway, these atrocities, the extermination of the unwanted?

The fate of the Jews is the most illustrative example. Parts of the explanation were the long process of creating a picture of them where they were completely de-humanized. All the caricatures; evil looking Jews, bent over their money, the money that brought endless debt to other people. The Kristalnacht in Germany. And accompanying this; big book fires out in the streets: books by Jewish authors being burned. And then the ideology of Germans as the best of
all races, — born to rule. Later, we have of course seen that Germany was not alone in such views. For all sorts of colonisations, the picture of “the primitive man”, ‘the other’, was a comforting one.

After this systematic degradation, first of Jews, later of gypsies and Eastern Europeans of all sorts; these were to a large extent pushed beyond the boundary of what were seen as human beings. In Bauman’s terminology (1989), they were weeds to be removed in societies built on functional rationality. To exterminate such weeds, was not killing in the ordinary meaning of that word. My thesis will be: They were not monsters, those killers in the concentration camps. They were ordinary people in an extraordinary situation.

In addition comes another unpleasant element: education is no guarantee against participating in horrible acts. The final solution to what was called “The Jewish question” was decided at a famous meeting in Germany. As Michael Wildt (2003) writes from the Wannsee-conference in 1942: rarely had a meeting been conveyed with so many members with doctorate degrees. Also, when the trains with prisoners arrived in the camps, there had always to be a doctor at the platform, to sort out those who were to be sent straight to the gas chambers, and those who first would be permitted to work for a period, before they were sent to the gas chambers.

The killings in the extermination camps were also prepared in another way, again a medical one. Doctors were given the mandate to decide over people in mental and other institutions. Was this patient a person with a “life worth living”? Maybe some people were not to be categorized as humans at all? If so, it would be better to let such beings die so that food and resources could be used for more useful purposes. Handicapped persons, and gradually an ever-widening circle of people with deviant life styles or attitudes, were seen as sick elements, a sort of cancer on what we could call the “folk-body”. It was a medical task to heal that body. Executions became a medical tool.

This description brings me to the core of what have been my personal as well as scientific interest throughout much of my life: The question on the conditions for, and consequences of coming close to others.

Close to others?

It has to do with coming so close to the other, through life or art, that it becomes possible to recognize elements of common humanity in all sorts of people.
The man behind the horrors in Norway on July 22 seems to have been an extraordinarily lonely person, one standing outside social life, a man forcing himself to remain an outsider, not seeing 'the others'. A man blinded by his mission. The challenge ahead will be to see him as one of us. Once he was a child, maybe he is fond of birds.

In all simplicity, it is my supposition that the more we are brought into positions that enable us to see each other as fellow human beings, the more we are under the control of that knowledge. We are then controlled by the whole set of norms ingrained in us throughout life on how to behave towards people of all sorts, from babies to old folk. To see 'the other' is to be captured in the web of norms that makes us human. The closer we come to another person in this way, the more inhibitions are created against handling that person in ways usually seen as unacceptable within the culture we belong to.

But also in more ordinary life, there is much that prevents us from seeing 'the other'. Language is often a most useful barrier. Therefore some words on this:

Words as walls

Words can create bridges between people — beautiful and useful bridges of types that bring ideas, emotions, and understanding back and forth. But words can also function as hindrances.

Some words are so big that they contain everything, and therefore nothing. We do not understand more when such concepts are used: we understand less and thereby give free room for manoeuvre to all sorts of political authorities.

"Crime" is one of these words. We do not understand more by using this concept. Is crime in Norway increasing? It is a question without meaning. When I was a young man, homosexuality was called crime, and severely punished. Nowadays, gay couples marry in City Hall. Further back in time abortion was a crime. Now abortion pills are for sale in the drug-stores. But new dangers have emerged. The war against drugs is the most productive in shaping criminals in my country these days.

Instead of entering the chorus of voices claiming that crime is on the increase, standing still, or going down, I think it is more fruitful to say: Crime does not exist! We cannot use one loaded word for so much.
Acts are not, they become. For all acts, including those seen by most as unwanted, there are dozens of possible alternatives to their understanding; bad, mad, evil, misplaced honour, youth bravado, political heroism, — or crime. The ‘same’ acts can thus be met within several parallel systems as judicial, psychiatric, pedagogical, theological, — or simply by understandings valid among family and friends.

Social and/or physical distance is of particular importance in giving meaning to acts. Persons close to me are mostly not seen as criminals, I see them too well; understand reasons for their acts. But family life is only one of several examples of social conditions of a sort that creates resistance against perceiving acts as crimes and persons as criminals.

‘Crime’ and ‘criminals’ are strong labels with a high potential to stick to individuals. They extinguish other understandings of the acts and the human beings behind the labels. I have never met people — when I come close to them — who are only criminals. They are, like most of us, a mixture of good and bad. Some, maybe all, are walking mysteries.

But some might have committed and are sentenced for something terrible, and then all other aspects of them are overshadowed by the concept of that act or by the personality type he or she is found to have.

Destructive words will often blossom among the many professionals so central in defining how humans are to be understood and governed: the psychopath, the paedophile, the manic-depressive, the ADHD-child. The diagnostic manuals are filled to the brim.

And how would I like to have the supposed behavioural expert to describe those they work with?

As whole persons, described in old-fashioned, pre-professional terms. Described so thoroughly that they become unsuited for categorization. I want to know something concretely about what occurred, and about that person. Small words put together in small stories are particularly well suited to give us such knowledge. The big words from the toolbox of the professionals will often close off both insight into what happened and informed social participation.

But without their language, would experts lose authority?
Neighbours

One of my earlier books (Christie 1975) had a title difficult to translate from Norwegian. It was “Hvor tett et samfunn?” Maybe “How tightly knit a society?” might be adequate, or “How close to one another?” How close do we dare to come, in households, neighbourhoods, states, or globally? A hesitation vis-à-vis the larger units is illustrated by the fact that Norway, in a large referendum, voted against membership in the European common market in 1994.

But we are forced out, by modernity, by ideas of growth and material progress and by beliefs that the grass is greener and tastier on the other side of the fence. And then, as we know so well; modernity and mobility are closely related. Increasingly, we move between regions and between countries. Lost are the times when we grew up, lived, and continued to live close to the house where we were born. At a farm in one of our valleys, descendants from same family have lived and worked there for more than ten generations. Rather heavy to be born in such a place, with the expectations of continuation. But fine seen from the point of social control. They knew each other in such neighbourhoods. As a teacher from one of these valleys once told me — he had been born there and was now back as a teacher — “I don’t need to ask the children on their first day in school on where they come from. I can see it from “ganglaget”, the way they walk.

But those days are gone. The teacher was an exception to modernity by not having educated himself away from the valley, his old neighbourhood. The normal consequence of education is ignorance, ignorance about your local neighbourhood and local neighbours. Local knowledge dwindles while the abstract knowledge increases. Kitchen academies, places where knowledge about local matters are exchanged, are substituted with all sorts of people from scientific academies. And then, inevitably, when neighbourhood-spirit, local knowledge and local control moves out, police and behaviour-experts move in with power and supposed knowledge. Neighbours are incapacitated in their functions as neighbours. The surroundings become invisible, perhaps even dangerous. The ground is prepared for external authority as the major agency of social control.

On punishment

Back in the 1950s, some 30 000 cases were officially handled as ‘crimes’ in Norway. Now it is more than 400 000. This does not, by necessity, mean that the amount of unwanted acts have
increased in this period. But it means that we now live under social conditions where most of us have lost close contact to the acts and the actors, and thereby also lost the possibility to create our own interpretations of what happens. In such a situation, the message is that law and order need to be given more power and as a result, the demand for punishment also increases.

But here, again, there is a need for clarification concerning the words we use.

Punishment: what do I mean? Let me explain by describing a tour to a small island in the Oslo-fjord:

It was a beautiful day in May. Some birds had just come back from the South to spend the summer with us up in the North. In the surrounding farmland, some workers rested on the ground, enjoying the sunshine. I recognized one of them. Some years ago, he had been sentenced for several very serious offences.

He was in an open prison. Bastøy is the name. Once upon a time, it was a place for naughty kids. In my youth, boys were told they would have to go to Bastøy if they did not behave. Today, it is seen as one of the gentlest regimes, both in the Norwegian penal context and beyond. There have been journalists here from all over the globe, describing the niceties of the place; no locked doors, life like on an ordinary farm, good meals, sunbathing and also swimming in the fjord.

I was there to lecture to prisoners and staff. I have forgotten the theme, but not the last part of the session. I asked the prisoners a question: Having been here now, at this summer paradise, a place most Norwegians would find perfect for summer vacation, how would you respond to an offer from the authorities to stay on here for a few weeks after your prison time is over? Just stay for a holiday? At first a low voiced mumble came from the crowd, then, louder, from several; never, ever.

There are huge differences in material standards and the physical and mental suffering produced in and by different prisons. But they have one major feature in common; they are all places where the suffering is the reason for the stay. Society, represented by a judge, has decided that a person has acted in ways that makes it right to let her or him receive a quota of pain. Even paradise converts to a place for suffering and shame when the penal courts order one to go there. So, no danger in improving prison conditions. A prison is a prison.

But it is also a mirror of society. The Scandinavian countries are affluent ones, with ideals of
equality and welfare for all. How far below the usual standard of conditions can we let the prisoners fall without damage being done to our self-conception of having created a welfare state for all? Not far, I hope.

My preferred definition of punishment is that it is pain, intended as pain. Penal law ought to be called pain law. The learned professors of penal law ought to be called professors of pain law. This clarifies the central element in the activity.

What then about my own view on punishment and on penal courts?

Penal courts, a necessary anomaly

Some would say: In these welfare states of yours, why not abolish punishment and penal courts altogether? Can't you control what ought to be controlled in other, more civil ways?

I agree, and disagree. It is an important ideal to create social forms where we do not need formal penal courts and the accompanying delivery of punishment; pain intended as pain. My social ideals are most definitely to work for a reduction in the amount of formal punishment used in my country. I am happy by living in a state with a relatively small prison population. Norway has 73 prisoners per 100,000 inhabitants. That is at the normal level in Scandinavia. The USA has 756 prisoners per 100,000. That high figure is not a North American destiny. Canada has "only" 117 prisoners per 100,000. Imprisonment rates reflect social organization.

I am a minimalist, not an abolitionist. And I see no reason to change that position after the atrocities of July 26. And I am not alone in my disbelief in punishment in a situation like this. Newspapers and TV these days are filled with statements from survivors, in funerals and in public meetings. They have two common themes. One of deep sorrow, the other of defence of the basic arrangements and values of the country. They want the country back, as it was a week ago. To change these basic features of the country as a result of these acts would be to give victory to the offender.

As mentioned, we have no death penalty in the country. The maximum for murder is 21 years of imprisonment, but people seen as particularly dangerous might get a sentence called preventive detention. In extraordinary cases, and they are not many, their stay in prison can be extended to more than the 21 years.
But is this not much too kind? Should we not have imprisonment for life? Or, to be certain, and with future madmen in mind: Life imprisonment without parole? Or we might go all the way: reintroduce death penalty?

I hope none of this will not happen. Instead, as formulated by a central spokeswoman for the victims outside the City Hall: Let us answer with roses, not with vengeance. Or, from one of the others: If one man can expose so much hatred, imagine then how much love we can express together. The Mayor of Oslo said it like this: Together we will punish the killer. Our punishment will be more openness, more tolerance, more democracy.

* * *

But these days of horror also illustrate an essential feature of Penal Courts:

They are cool, rational places. Emotions are kept to a minimum. Participants are not allowed to present themselves as full human beings, but as parties in a well-directed play. Training in law is to a large extent a trained incapacity, it is an education in what is not allowed to bring before the judge. A penal judge has to decide on facts; did the accused do what she or he is accused of having done? And secondly, if pain is to be decided on, judges are designed to balance interests. Equal cases are to be met with equal amount of pain. But humans are not equal, not even twins are, when they have lived for some time. It is only possible to compare a person before a judge with other people by limiting the amount of information admitted to court.

Penal courts are beautiful and valuable constructions seen as instrument for clarification on what happened, and when the task is to decide on what according to penal law traditions is the just amount of pain to be delivered in a case. I know of no better institution for that purpose. And there is a particular reason for preserving the penal courts; without them, other, less suitable social bodies might be tempted, or forced, to deliver some sort of pain, but pain then unrestrained by considerations of justice.

This danger is accentuated by the present growth and strength of the many victims movements in modern society. Victims deserve to be listened to. And much has been accomplished, particularly more information to victims from police, from courts, and from prisons. There is also, in some courts, more room these days for the victims to tell their whole story, unrestrained by legal conventions on relevance. Victims movements are to be honoured for bringing victims’ rights forward and to combat professional monopolies.
But there are needs for limits. Victims movements might, through their present strength and insistence of rights for the victims, damage the valuable instruments available in traditional penal law and courts. Penal law might lose balance and proportionality. If so, we will lose penal law. The prosecutor will get the upper hand and the road is then open towards a more punitive society. In this situation, it is important to see that there is also another road open for the victims movements. This is a road towards elevated status for the victim in direct communication with the person or system that might have hurt her or him.

Restorative justice, — reinvention of past times

Restorative justice is nothing new. Where humans live, conflicts follow. When states are weak or kings far away, local solutions are found; some with more authority than others come together, or the whole community gets involved. Sometimes they all fail, and communities are endangered by blood vengeance and continued conflicts.

Modern forms, now called restorative justice, are based on this simple principle. Some people come together; they meet the parties, listen to the case, and strive to find a solution. No mystery.

But that ancient solution contains two fundamental differences from what we find in penal courts. They were not based on an easily mobilized authority. If parties agreed, fine. If not, the threat of violence might loom. And they had not the power to punish. They were there to calm down conflicts, create some sort of peace. This oversimplification of history might drive historians to insanity, but I do not need more from the past to be able to say that as a minimalist, one that wants to reduce the delivery of pain in my society, I see restorative justice, or ‘boards for conflict resolution’ as we call it in Norway, as a major avenue towards solutions more in accordance with the important values common to most of us.

But here come also my reasons for not being a total abolitionist, but only a pale minimalist when it comes to punishment. To be able to ensure justice in meting out pain, penal courts are restricted in the information they can receive. Boards for restorative justice have no such restrictions. On the contrary, the more they get to know, the more the parties are able to present themselves as full human beings in life situations which are mutually possible to recognise and understand, the greater are the possibilities for finding peaceful solutions to the conflicts. But if these boards, as the only alternative in a conflict, are given the task, often hidden, also to deliver pain, they are highly unsuited. Parties will keep back, not expose facts that might increase the punishment. Restoration will be hampered. It will be like a copy of a penal court, but a bad one.
The strength in meetings for restorative justice is that the parties in the conflicts are elevated to be the central actors. It is their stories, the full stories, which count. For instance, some young people had forced their way into the apartment of an old couple. They were looking for brandy; the couple thought they were there to kill. Both parties told their stories. Slowly the meaning of the misdeeds became clear, and the actors, changed. The old couple began to resemble grandparents, the youngsters grand-children. They thronged to be together in the same lift after the session.

But does it work?

As a point of departure, this question is unacceptable. Basic values must come first when we discuss crime and punishment. It is no complicated case to prevent thieves from free access to continued theiving by branding a sign of warning on their foreheads. We did that in some periods. Or against kids that misbehave; a bloody portion of flogging in public places. Or against those that forensic psychiatry tell us are dangerous; store them away for life. We do not, we can not. The penal system of a country creates a mirror of society. It tells us who we are. Certain pictures become unacceptable to basic values among most of us.

This selectivity in tools ought also to be used when it comes to what we use the penal system to fight. The draconian drug laws in action in most industrialized countries are in my opinion one of the greatest threats against preserving an acceptable penal system in our countries. In 1985, I published with Kettil Bruun, a colleague in Finland, a book we called “The suitable enemy”. Suitable, that was the illegal drugs. Not tobacco, the main killer, not alcohol, also a great killer, but a variety of those other substances that some enjoy and others get rich by providing. One third of the prisoners of Norway are there because of drug-related offences. Our penal energies ought to have been used for other tasks, if used at all.

A last, minor, remark on this point: There seems to be good argument for restorative justice, both evaluated according to values, and from effects on recidivism. Of particular relevance here is the study by Sherman and Strang (2002). In a controlled study of a randomly selected group of offenders meeting victims, they found considerable reduced recidivism in certain categories, compared to what happened to a similar group, also willing to meet, but not chosen to participate. For the person who had misbehaved, it meant a lot in the future to have seen the victim with her or his own eyes, and in that situation to have perhaps uttered a “sorry”. For the victim, it might have meant even more. But even without proof of success, restorative justice
might be a good thing, simply because it puts the emphasis on basic values of how conflicts ought to be handled.

Development as the mantra

In olden times, we believed in God. Now we believe in progress. Development is the mantra. The danger lies in stagnation. We must keep going. Our politicians recite this message, again and again.

In 1992 came an interesting book on this topic. It was The Development dictionary, essays edited by Wolfgang Sachs. In a central article here, Gustavo Esteva took, as his point of departure, what Harry Truman said when he was installed as a president of the US in January 1949: "...we must embark on a bold new program for making the benefits of our scientific advances and industrial progress available for the improvements and growth of underdeveloped areas."

'This was the point when underdevelopment was invented', was the dry comments from Esteva (p.7). And he continued "On that day, two billion people became underdeveloped. In a real sense, from that time on, they ceased being what they were, in all their diversity, and were transmogrified into an inverted mirror of others' reality: a mirror that belittles them and sends them off to the end of the queue." Or, in the perspective of Ivan Illich in the same volume: "The human being was transformed from Homo sapiens (the wise and tasteful human) into Homo Miserabilis"²).

Being a citizen in a country at the very top on so many indicators of affluence and happiness, I am not unaware of my good luck in the time and place of my birth and life. "The Good Old Days, they were terrible" is the title of a book by Otto Bettman (1974). The title is a relevant reminder. 150 years back and 10 minutes walk away from my university in Oslo, half of the children at the bottom of the class-ladder died before they were adults (Sundt 1858). Our kids of today are well nourished, protected by welfare, made fit to stay alive. So is also the rest of the population. Income is high, life is long, hospitals are free of charge, — and even when it comes to crime control, it seems that we are exceptional up in the North.

And development has to move on. So say all responsible authorities in our countries. I think they are wrong. I think much of value in Scandinavia, including its penal exceptionalism, will evaporate if we let these extremes in development continue.
Instead of being driven forward by ideas of development towards distant goals, it might be fruitful to think of ourselves as on a track with several stations. We do not know where the line ends, we have already passed some unattractive landscapes, but also some with interesting qualities. Perhaps the future is somewhere behind us?

**On the caretaking of social systems**

The Scandinavian states are generally seen, and also called, “welfare states”. An alternative term is sometimes found in Sweden. “Folkhemmet” it is called, or in English; “the people's home”. It is an extraordinary designation for a state. It allows for some potentially unpleasant aspects: the state might be pushy, become too much of an authoritarian caretaker. But at the same time, it is a system where ideas of common welfare, solidarity and unity stay central.

All the Scandinavian countries are Welfare States. As a general principle, it is not a debated issue. On the contrary, it is by and large a matter of pride. It is a form of social organization we, to a large extent, take for granted.

And so it still is, but nowadays it is a threatened form. The fundamental ideas in the Welfare States are under siege. The acceptance of huge differences in income and standards of living, the adherence to the idea that the best is free to take all, the privatization of all sorts of services, the belief, or at least acceptance, of large scale units manned by all sorts of specialists — these are thoughts in grave contrast to much of the welfare thinking that once ruled Scandinavia.

*And then, all of a sudden, we got a reminder on what we are about to lose. These days following the atrocities brought the whole nation of mine together. Oslo has been packed with people. Sad people, a solemn population, tears and embraces, a prime minister able to expose much of it in his own behaviour and face. These have been exceptionally terrible days, but also exceptionally good days in a united country.*

*So many people, out in common space, out in the streets. Will it last? Not without reasons for being there. Not if we continue the development towards larger and larger units, centralization of hospitals, educational institutions, bureaucracies, police systems — so much of what makes people distant from each other, unable to see that they might be useful for other people, unable to see other people. People do not take to the streets without reasons for being there and they must get new reasons for remaining.*
If we want to keep the Nordic social model, I think it is essential to shift attention from material growth to caretaking of the social system. It is not money and houses and new commodities we need. It is the fundamental elements of the social system that need caretaking. It is the Welfare States and related systems of organizing life that are in need of care, not our material system. If we are able to rescue and preserve the Welfare States, we are also able to reduce the risk for trivial unwanted acts as well as of repetition of the horrors of July 22.

[Notes]
1) With Hedda Giertsen, I published an article three days after the horrors. The title was simply: “A better Norway is growing out of this.” (First published in the Danish newspaper Information, July 25).
2) The Frenchman Gilbert Rist is on the same plane in his book from 2008 on “The history of development”. In March 2010, a conference was held in Barcelona on just the topic of “The need for retardation of development”. (Klassekampen, April 7, 2010.) Hans Magnus Enzenberger once wrote an homage to “The heroes of retreat”. It is not the empire-builders we ought to celebrate. It is those that deconstruct empires that deserve celebration, was his view. (Information, Copenhagen, December 29, 1998).

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他者との出会い（他者を知る）

ニルス／クリスティ
オスロ大学

本稿は、著者のこれまでの人生で体験から学んだことや犯罪学者としての関心の根本にあるものである。それは、他人のことを知れば知るほど、その人に対して、普通に考えて許容されないような行動をとることにためらいが生じるということである。人としての他者との出会いは、私たちを人間たらしめている必要不可欠な条件である。

刑罰は、害悪であること意図して作られた害悪である。それは、意図的に人に苦痛を与えるものである。人々がお互いに親密な関係を保っているような社会の中では、お互いを人として見ているので、（他者に）苦痛を与えることにはためらいが生じる。仲裁や修復的司法といったものは、その意味でも、人々に（刑罰）よりも、もう少し実的な選択肢を私たちに提供することができるのではないだろうか。

私たちが暮らす社会では、他者と出会う（他者を知る）機会を奪う様々なものが存在する。国家、民族、文化といったものは社会的距離を生み、私たちの視野を暴らせる。社会的あるいは地理的な移動性も同じように私たちの視野を暴らせる。犯罪と呼ばれるものは、私たちの社会の中に深く埋め込まれている。おそらく、私たちが暮らす社会において最も重要的な犯罪防止は、物質的な繁栄よりも社会全体をケアすることが優先されるようなものではないだろうか。そして、もし、将来、警察や刑事司法の専門家といった外部の力に頼らず、お互いを人間として尊重し合うような、お互いさまの的なコントロールを形成するような民主的でオープンな社会を望むのであれば、その答えは、そんなに遠くない過去にあるのかもしれない。

キーワード：他者を知る、言葉の壁、反開発