Norway Prisons  
Opposition Brief by Chris Jeub



*Norwegian mass killer Anders Behring Breivik at Oslo Courthouse August 24, 2012. © Heiko Junge / NTB Scanpix / Reuters*

Monument Publishing has released to its membership several case ideas for consideration so far this year. You have either adopted the case ideas that Monument Publishing has suggested, come up with your own case ideas, or managed to do something in between. Whatever the case may be, you have likely come across applications as persuasive elements to a number of different cases.

As you know, contentions beg for “real-world” examples, and these examples we call “applications.” These are references to history, items in the news, stories or analogies, or philosophical truths. Applications are considered the most persuasive elements of a contention, often pulling the judge into granting the debater a winning ballot.[[1]](#footnote-1)

Moving into the “midseason” of the competitive year in NCFCA, Monument Publishing is turning attention to applications, and this is our first “opposition brief” to a particular application being bantered at NCFCA scrimmages. Norway prisons are heralded as the best criminal justice rehabilitation centers in the world. Many in America are calling for a radical overhaul of our current penal system to resemble Norway’s.

A strong affirmative application is Norway prisons, arguing that America should follow their lead. Taken from [NCFCA LD Release #09: “A Better Society” (AFF)](https://www.monumentpublishing.com/ncfca-ld-release-9-better-society/) by Nathaniel Van Eeckhout:

“We find that countries that focus more on rehabilitation in their criminal justice systems have much lower rates of recidivism. For example, as mentioned in the beginning of this speech, Norway is a country that values rehabilitation highly in its criminal justice system. They affirm the resolution, focusing on repairing the individual and the damage done by their crime instead, rather than negating the resolution, a focus on punishing the criminal. In Norway the recidivism rate is only 20 percent, one of the lowest rates in the entire world. Beyond this, Norway’s incarceration rate is 75 for 100,000 people. In the United States, it’s 707 per 100,000 people.”

The negative can respond by honing in on one of the deadliest shootings in world history. It happened in Norway in 2011 when self-professing neo-Nazi Anders Breivik set off a bomb and then ceremoniously began shooting children at a youth camp. It was horrific news.

Your response will also explain what has happened since. Breivik has enjoyed the most lavish prisons in the world, and has responded by suing the government for violating his rights. Besides, a comparison between US and Norway is like comparing apples and oranges; there are several reasons why Norway’s focus on rehabilitation would not work in America.

Directions: Use the following cards as evidence supporting your counter warrant of Norway prisons. In other words, if your opponent (likely the affirmative) tries to argue that we should adopt Norway’s rehabilitative practices, you can make the strong argument that such an approach would be unjust.

Opposition Brief: Norway Prisons

Norway: Home of World’s Worst Mass Murder

The Guardian, 2011. “Norway attacks: at least 92 killed in Oslo and Utøya island.” The Guardian, July 23, 2011. <https://www.theguardian.com/world/2011/jul/23/norway-attacks>

Norway was today coming to terms with one of the worst atrocities in recent European history as police revealed that 92 people died in the attacks in the centre of Oslo and on a nearby island summer camp, apparently the work of a lone gunman. The killings, it now seems clear, were carried out by a 32-year old Norwegian, named by local media as Anders Behring Breivik, who had expressed far-right views, and had dressed as a policeman to carry out his bomb attack on government buildings in central Oslo before heading to the island of Utøya, where he shot at least 85 people.

Mass Shooter Could Get Off

TIME Magazine, 2012. John D. Sutter (journalist). “Welcome to the world's nicest prison.” TIME Magazine, May 24, 2012. <http://www.cnn.com/2012/05/24/world/europe/norway-prison-bastoy-nicest/>

Norway's unusual prison policies have been pushed into the international spotlight after a bombing and shooting spree last year in which 77 people were killed, including children. Inmates at Bastoy have plenty of time for activities, including going to the gym and the beach. There's a chance -- although minimal -- that Anders Behring Breivik, who confessed to those crimes, could end up in Bastoy, one of Norway's "open prisons," Nilsen said. It's more likely Breivik will be sent to one of Norway's many high-security "closed" prisons, which look much more like their U.S. counterparts. He also could be set free some day. Norway has a maximum jail sentence of 21 years, which can be extended only when an inmate is deemed to be a real and imminent threat to society. The country expects nearly every prisoner to be returned to society, which influences its efforts to create jail environments that reduce re-offense rates.

Breivik faces maximum 21 years, maybe shorter

Alana Goodman 2011. “Justice and the Norwegian Prison System.” Commentary Magazine, July 25, 2011. <https://www.commentarymagazine.com/foreign-policy/europe/justice-and-the-norwegian-prison-system/>

At last count, the death toll from the Oslo terror attack was at 93. That number includes dozens of children shot indiscriminately at a summer camp. If there is justice, the terrorist responsible will spend the rest of his (hopefully numbered) days locked away from the rest of society, with nothing to distract him from the memory of his monstrous crimes. But as the Oslo police chief told the *San Francisco Chronicle*, the maximum prison sentence suspect Anders Behring Breivik could face in Norway is just 21 years – and he could be released years earlier for “good behavior,” an Oslo University law professor told the *Daily Caller*. That would mean if the 32-year-old Breivik is convicted on all charges, he could be back on the streets by the time he’s in his late 40s, or earlier.

Anders Breivik bemoans infringement of rights, but lives plush in prison

Daily Mail, 2016. Jenny Stanton (journalist). “A flatscreen TV, PlayStation and even his own GYM: Inside the cushy jail mass murderer Anders Breivik moans is 'cruel' and breaches HIS human rights.” Daily Mail, March 15, 2016. <http://www.dailymail.co.uk/news/article-3493418/A-flatscreen-TV-PlayStation-GYM-Inside-cushy-jail-mass-murderer-Anders-Breivik-moans-cruel-breaches-human-rights.html>

With a private television, a PlayStation and even use of his own gym - this is the luxury jail mass murderer Anders Breivik moans infringes his human rights. The mass killer claims his life behind bars is 'torture' - and his conditions behind bars are 'cruel' and 'inhuman'. The far-Right neo-Nazi is serving 21 years' jail, the maximum sentence in Norway, for the massacre of 77 innocent young people. Giving no thought his victims' human rights, Breivik claims he is a 'victim of cruel and inhuman treatment' in Skien prison, 87 miles south-west of Oslo, where he has an entire cellblock to himself. The spacious block has rooms for letter writing, sleep and exercise, which he can move freely between, and he is allowed to walk in the yard at his leisure. The murderer can also do his own laundry and cook his own food as he wishes. Photographs taken inside the comfy jail show spotless, well-maintained rooms, which are more than adequate for killer many argue should never be released.

Anders Breivik wins in court for so-called violations of human rights

CNN 2016. Tim Hume (journalist). “Mass killer Anders Breivik's human rights breached in prison, court rules.” CNN.com, April 21, 2016. <http://www.cnn.com/2016/04/20/europe/norway-anders-breivik-wins-suit/>

Norwegian mass murderer Anders Behring Breivik has won part of his lawsuit against the state over his solitary confinement in a high-security prison, a court announced Wednesday. The Oslo district court found the 37-year-old's treatment in prison violated Article 3 of the European Convention on Human Rights, prohibiting "inhuman or degrading treatment," and ruled that his conditions must be eased. The court also ordered the government to pay legal costs of 331,000 kroner ($40,600) for the right-wing extremist, who killed 77 people in a shooting rampage and bombing attack in 2011.

No Link: Norway is socialist, America is not

Rakesh Sharma 2015. “3 Reasons This ‘Perfect’ Prison System Will Not Work in America.” The Cheat Sheet, Mary 22, 2015. <http://www.cheatsheet.com/business/3-reasons-why-norways-prison-system-should-not-be-replicated-in-america.html/?a=viewall>

First, the two countries work on different economic paradigms. Much like other Scandinavian countries, Norway subscribes to the social welfare state model. In this model, the state levies high taxes from a mostly rich population and, in return, provides a number of social services, ranging from day care to paternity leave. As a result of the broad public agreement between the country’s citizens about social welfare, the government has considerable leeway and freedom to pursue radical experimentation in providing social services. In contrast, the American economic system is a melange of capitalism, libertarianism, and restricted social welfare. This system is best reflected in the constant tension between pure libertarianism and government intervention in America. As such, any government action — and consequently, spending — to expand its social services contract with citizens will be subject to the vigorous push and pull of this debate. It will, in some cases, also need to overcome considerable resistance to be successful.

No Link: Norway has lower inequality

Rakesh Sharma 2015. “3 Reasons This ‘Perfect’ Prison System Will Not Work in America.” The Cheat Sheet, Mary 22, 2015. <http://www.cheatsheet.com/business/3-reasons-why-norways-prison-system-should-not-be-replicated-in-america.html/?a=viewall>

Norway has a much lower rate of inequality as compared to the United States. This becomes important when you consider the role played by inequality in crime statistics. For example, a number of studies have proved that increased inequality is directly correlated to increased crime. According to the New York Times story, Norway has a grand total of 3,800 prisoners, compared to 2.2 million in the United States. Dividing those numbers by the total population in each country yields similar percentages (approximately 7.5%) of population incarcerated. The difference lies in the amount of money available to the government to reform and rehabilitate its prisoners. Norway is rich and regularly ranks among the top five countries in the world’s per capita gross domestic product. This results in a much bigger outlay per prisoner. Again, to reference the Times story: Norway spends approximately $93,000 per prisoner. In comparison, the United States spends $31,000 per prisoner. Thus, the United States needs a complex cocktail of reduction of low inequality, high per capita, and social welfare to imitate Norway’s prison systems.

No Link: Norway is homogeneous; America has immigration

Rakesh Sharma 2015. “3 Reasons This ‘Perfect’ Prison System Will Not Work in America.” The Cheat Sheet, Mary 22, 2015. <http://www.cheatsheet.com/business/3-reasons-why-norways-prison-system-should-not-be-replicated-in-america.html/?a=viewall>

Norway is a fairly homogeneous society with a shared history and culture. In contrast, the United States is a cacophony of cultures and immigrants. There is constant friction between established groups and society’s reinvention by new batches of immigrants. The Times story observes that a large number of current inmates in Norway’s prison system are immigrants. In fact, the share of foreign prisoners in Norway’s prison system has been steadily increasing over the years. That increase has also coincided with an increase in the number of immigrants to Norway. Compare that to the United States, where only 6% of the prison population is from abroad. Extrapolating past data, it may be reasonable to conclude that as the number of immigrants seeking asylum in Norway increases due to its welfare model, the number of foreign prisoners may also increase.

Norway prison system is unethical

Alana Goodman 2011. “Justice and the Norwegian Prison System.” Commentary Magazine, July 25, 2011. <https://www.commentarymagazine.com/foreign-policy/europe/justice-and-the-norwegian-prison-system/>

Again, this isn’t a white-collar, minimum-security facility. This is a place for hardened criminals, and it’s typical of the Norwegian prison system as a whole. It’s one thing to favor rehabilitation for the majority of inmates, but it raises ethical questions when spending 20 years in a place like Halden could be the worst fate facing a mass murderer and political terrorist.

1. Explanation adapted from *Red Book for Lincoln-Douglas Debate* by Chris Jeub. See <https://monumentpublishing.com/redbook>. [↑](#footnote-ref-1)