



Research paper

The paradox of control: An ethnographic analysis of opiate maintenance treatment in a Norwegian prison

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ABSTRACT

Background: Opiate maintenance treatment (OMT) is increasingly being offered in prisons throughout Europe. The benefits of OMT in prison have been found to be similar to those produced by OMT in community settings. However, prison-based OMT has been a controversial issue because of fear of the diversion of OMT medications and the development of black markets for prescription drugs such as buprenorphine and methadone. Prison-based OMT thus involves a delicate balance between the considerations of control and treatment.

Methods: This article reports on an ethnographic study of a prison-based OMT programme in a closed Norwegian prison. The data include field notes from eight months of participant observation in the prison as well as qualitative interviews with 23 prisoners and 12 prison staff. Midway through the fieldwork, the prison authorities established a separate unit for OMT-enrolled prisoners to reduce the widespread diversion of buprenorphine. This “natural experiment” is explored in the analysis.

Results: The prison-based OMT programme was characterised by strict and repressive control to prevent the diversion of buprenorphine, and the control became even stricter after the establishment of the OMT unit. However, the diversion of buprenorphine increased rather than decreased after the establishment of the OMT unit. To understand this “paradox of control”, the article engages with theories of legitimacy, power and resistance. The excessive and repressive control was perceived as illegitimate and unfair by the majority of study participants. In various ways, many prisoners protested, confronted and subverted the OMT programme. The increase in buprenorphine diversion is interpreted as a form of collective resistance towards the perceived unfairness of the OMT programme.

Conclusion: The article demonstrates that an unbalanced and control-dominated approach to prison-based OMT may have the opposite effect of what is intended.

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Introduction

Opiate maintenance treatment (OMT) is increasingly being offered in prisons throughout Europe (European Monitoring Centre for Drugs and Drug Addiction, 2012), reflecting a general “rehabilitation renaissance” in correctional institutions (Ward & Maruna, 2007, p. 10). The benefits of OMT in prison have been found to be similar to those produced by OMT in community settings (Hedrich et al., 2012), and studies have documented that prison-based OMT programmes reduce participants’ in-prison drug use, risk-taking behaviour and other subcultural activities

during imprisonment (see Stallwitz & Stöver, 2007; Stöver & Michels, 2010, p. 3 for reviews). However, prison-based OMT has been a controversial issue because of fear of the diversion of OMT medications and the development of black markets for prescription drugs such as buprenorphine and methadone (Stöver & Michels, 2010, p. 3). Studies indicate an increase in illegal buprenorphine use in prisons in several jurisdictions (Doyle, 2013; Plugge, Yudkin, & Douglas, 2009; Tompkins, Wright, Waterman, & Sheard, 2009). Prison-based OMT thus involves a delicate balance between the considerations of control and treatment. Based on a larger ethnographic study of drug rehabilitation in a closed Norwegian prison, this article details the way these two considerations play out against each other in the everyday workings of the prison’s OMT programme. The article’s empirical point of departure is a measure that was implemented in the prison during the study period with the intention of reducing

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the diversion of buprenorphine through increased control and supervision. To the author's knowledge, this article is the first to report ethnographic findings from a prison-based OMT programme.

The article engages with theories of power, legitimacy and resistance in the analysis of the ethnographic data (Bosworth & Carrabine, 2001; Buntman, 2003; Crewe, 2009; Mathiesen, 1965; Rubin, 2014; Scott, 1990; Sparks, Bottoms, & Hay, 1996). These theories, although with different emphases, suggest that the degree to which prisoners comply with institutional rules, values and expectations is contingent upon how they experience the power to which they are subjected and how they perceive its legitimacy. Based on this theoretical assumption, the article seeks to answer the following research questions: how do participating prisoners experience the treatment and control to which they are subjected in the OMT programme, and how do they react towards it?

Power, legitimacy and resistance

How prisoners perceive and experience the power to which they are subjected in prison and how they address this power has been a main concern in the study of captive society (e.g., Crewe, 2009; Mathiesen, 1965; Sykes, 1958). While Foucault's works (e.g., 2008) have constituted a major influence on studies of modern forms of penal power, an alternative research tradition has been concerned with the issue of legitimacy (Liebling & Arnold, 2004; Mathiesen, 1965; Sparks & Bottoms, 1995; Sparks et al., 1996; Tankebe & Liebling, 2013; see also Tyler, 1990). Inspired by the work of Beetham (1991), Sparks and Bottoms (1995, p. 47) argue that "all systems of power relations", including those within prisons, "seek legitimation". This perspective entails a critique against those commentators who claim that prisons can be nothing other than entirely non-legitimate. These authors agree that prison authority may be based on force, control and coercion rather than consent and that prisons may produce violent disorder, but, they claim, "they do not do so equally always and everywhere" (Sparks & Bottoms, 1995, p. 51). Prisons may be perceived as *more or less* legitimate by the confined, and, according to these authors, the degree to which power relations are perceived as legitimate affects the way prisoners react and adapt to their subordinate position: "Considerations of fairness and respect are not just normatively desirable, they are central to the achievement and reproduction of social order itself" (ibid. 59). A related argument lies at the heart of Tyler's (1990) theory on procedural justice. Legitimacy is achieved most effectively when criminal justice institutions act according to principles of procedural fairness (e.g., respectful treatment, fair and consistent decisions). When principles of procedural justice are followed, Tyler (1990) claims, people are simply more willing to comply with the law.

One sociological problem that has been discussed in this literature concerns why reactions to "legitimacy deficits" (Beetham, 1991) are individually performed in some institutions and circumstances and collectively performed in others (e.g., Mathiesen, 1965; Sykes, 1958). This sociological problem is at the heart of Mathiesen's (1965) ethnography of the Ila detention centre in Norway. The prisoners Mathiesen studied accused prison staff of an arbitrary use of their wide discretionary powers, a lack of consistency and predictability in decisions of importance to prisoners (rewards and punishments), and a lack of adherence to the principle of non-discrimination. However, the prisoners did not confront this illegitimate use of power through collective and subcultural opposition, as Sykes (1958) had described some years earlier, but rather through an individualised defensive approach defined as "censoriousness": the prisoners criticised prison staff for not adhering to their own values and principles – or those

widely held and shared by society at large – when making decisions (Mathiesen, 1965, p. 12). In explaining the lack of peer solidarity and collective reactions, Mathiesen points to the treatment-oriented regime of the prison, a regime in which power was exercised through individual discretionary considerations, undermining the basis for solidarity and leading prisoners to pursue their interests individually rather than as a group. In a recent contribution, Crewe (2009) addresses this problem in a related way. He argues that "the institutional environment structures the meanings of and motives for resistance" (2009, p. 234). The "institutional environment" Crewe (2009) analyses in his comprehensive ethnographic work in an English prison is also characterised by individualisation, albeit in a somewhat different form. He describes how the introduction of incentive schemes, progression in sentencing and individualised discretionary arrangements have become the primary means of achieving compliance with institutional rules in "the late modern prison". In this context, he argues, "the kind of solidary subculture that might engender overt, collective resistance is unlikely to be realized" (2007: 265). Such changes in the way power operates may explain a more general trend in the literature on prisoners' reactions towards penal power: scholars increasingly investigate the small, hidden and *individually performed* "everyday practices of resistance" (e.g., Bosworth & Carrabine, 2001; Ugelvik, 2011). Inspired by Scott (1990), studies of everyday acts of resistance point to the agency of prisoners and the way that small or seemingly trivial rule-violating behaviours are important for prisoners in maintaining a sense of autonomy, identity and self-respect despite their subordination. The motivations for engaging in such behaviour, Bosworth and Carrabine argue (2001, p. 507), are not only "anger, rage, exploitation and injustice" but also "pleasure, play and boredom".

An important issue that has been addressed in this literature is how to conceptualise the reactions to (illegitimate) power. Very often, these reactions are described as "resistance". However, the concept of resistance (particularly "everyday practices of resistance") has been criticised for being vague, all encompassing, romanticising and loosely defined (Buntman, 2003, pp. 250–253; Crewe, 2009, p. 97; Rubin, 2014; see also Ortner, 1995). According to Rubin (2014), it is problematic that the concept covers diverse acts ranging from hunger strikes and riots initiated to bring about political change to everyday practices of "microresistance" such as disobedience, argot or quiet subversion. She argues that the label of resistance should be reserved for "consciously political, grievance- or justice oriented (and often collective) behaviour" (Rubin, 2014, p. 5). Despite differences in approach, these scholars seem to agree that subversive acts are best understood along a continuum, from individually performed "everyday acts of resistance" on one end to collective, organised and political actions on the other.

In the analysis that follows, I first describe how prisoners perceived the OMT programme and then how they reacted towards it. In the discussion, I return to the issue of legitimacy and discuss the reactions in light of the problems outlined above.

Context

Approximately 60% of Norwegian prisoners report having used illegal drugs the month prior to incarceration (Friestad & Hansen, 2005), and up to half of the Norwegian prison population is considered to have a serious drug problem (Ødegård, 2008). Partly in response to this situation, OMT is one of the drug treatment and rehabilitation services now offered in Norwegian prisons. The national OMT programme was introduced in Norway in 1998 (Waal, 2007). In 2004, OMT became part of the Norwegian health care service, and participants in OMT obtained status as patients with patient rights. The new national guidelines that were

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