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PEER REVIEWED ARTICLE

Low-Trust Policing in a High-Trust Society

The Norwegian Police Immigration Detention Centre and the Search for Public Sphere Legitimacy

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ABSTRACT

Immigration detention centres are often highly controversial institutions. They are frequently criticized for being too high-security and too prison-like, and they are therefore seen as unfit to hold a population of people who have done nothing wrong apart from searching out a new life for themselves and their families in a new country. According to critics, they are prisons for people that do not belong in prisons. This paper will discuss aspects of the ongoing negotiations over legitimacy that have taken place within and surrounding the Norwegian Police Immigration Service Detention Centre. Based on a reading of publicly available texts about the detention centre (newspaper articles, op-ed pieces, monitoring board reports, court decisions, etc.) as well as four months of fieldwork in the centre in 2013, I will show how the institution has responded actively to criticism in order to strengthen the legitimacy of Norwegian immigration detention.

INTRODUCTION

The available data suggests that the Norwegian police in general enjoy a strong foundation of legitimacy and trust among the Norwegian public. According to the OECD (2013) Norway is, along with Switzerland, Luxembourg and Sweden, one of the countries in the world where the government enjoys the highest levels of trust among the general public. Analysing data from the European Social Survey, Jackson, et al. (2011) find that Norway is among the countries in Europe (along with Denmark, Finland, and Spain) with the highest levels of police procedural legitimacy. Although there are no available studies that break Norwegian police legitimacy down by branch, different branches of the police are probably understood and valued very differently by the public. This paper will discuss the struggle for legitimacy of what might very well be the most controversial branch of the Norwegian police. The Norwegian Police Immigration Service (NPIS) and, more specifically, the Police Immigration Detention Centre at Trandum, has in recent years been an island of controversy in a calm sea of legitimacy and trust. In this paper, I will look at the recent history of the immigration detention centre and try to explore what low-trust policing in a high-trust society may look like.


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The NPIS Detention Centre at Trandum is Norway's only immigration detention centre. It is conveniently located about forty minutes north of Oslo and right next door to Gardermoen Airport, Norway's main international airport. It is so close, in fact, that visitors to the centre park their cars between the yellow pillars holding the runway landing lights. The centre opened formally in 2004, taking over disused cold war era army barracks. Today it has expanded beyond the original buildings. Two newly built wings give it a total capacity of 137 detainees. It is set to expand its capacity to 227 in the near future.

Immigration detention centres are often highly controversial institutions (Bosworth 2013, 2014; Bosworth and Turnbull forthcoming). They are frequently criticized for being too high-security and too prison-like, and are thus seen as unfit to hold a population of people who have done nothing wrong apart from trying to search out a new life for themselves and their families in a new country. According to critics, they are prisons for people that do not belong in prisons. Bosworth (2013) asks whether immigration detention centres can be legitimate at all. To many Norwegian commentators participating in a highly charged political debate over immigration control and detention, the answer seems to be no. Several Trandum centre employees told me that for this reason, they avoided telling strangers at a party where they work. One officer explained what it is like to work in such a controversial place:

I always hold back a bit, to tell the truth. When you meet people who don't know this place, it can go either way. You either get the whole 'oh yeah, throw them out, why don't you just dig a big hole in the ground and throw them in', or what we're doing is all torture and concentration camps. It's wrong either way, so I don't really want to tell people where I work.

This paper will discuss aspects of the ongoing negotiations over legitimacy that have taken place within and surrounding the Trandum centre. Based on a reading of publicly available texts about the detention centre (newspaper articles, op-ed pieces, monitoring board reports, court decisions, etc.) as well as four months of fieldwork in the centre in 2013, I will show how the NPIS has worked actively over the last ten years or so to strengthen the legitimacy of Norwegian immigration detention.

In the Norwegian context, Trandum is a unique institution. The people detained at Trandum are there because they have violated the Immigration Act, not the Penal Code. Legally, they are not there as punishment but as a precautionary and practical administrative measure. A traditional prison on the other hand, at least in the Norwegian context, is built on the twin purpose of punishment and rehabilitation. These logics are important parts of the foundation for the prison's legitimation. For most Norwegians, there is a "natural" goes-without-saying legitimacy in the attribution of the penal law. Although some prisoners may see prisons as illegitimate, they are largely seen as legitimate and rarely questioned by the general public. The immigration law seems to lack this reservoir of legitimacy. Immigration detention has since 2011 routinely

been described in both mainstream media and social media as illegitimate. People are not detained at Trandum as a punishment. The point of Trandum is not to rehabilitate people and bring them back into the fold but to make deportation as efficient as possible. Legally speaking, Trandum is not a prison, and it lacks the prison's natural legitimacy. This paper will describe and discuss some aspects of the ongoing struggle over legitimacy that the institution has been caught up in to date.

LEGITIMACY AND IMMIGRATION DETENTION

As Weber observed, “the fortunate is seldom satisfied with the fact of being fortunate. Beyond this, he needs to know that he has a *right* to his good fortune. He wants to be convinced that he ‘deserves’ it, and above all, that he deserved it in comparison with others” (Weber, 1946: 271). According to Weber, it is in the very nature of ‘good fortune’ that the fortunate will try to turn their fortune into *legitimate* good fortune. He shows how, in the past, this has been one of the main functions of organized religion. Even though the part religion plays in legitimation processes has diminished in western societies, legitimation work can still be said to be a fundamental part of any state formation. Indeed, following Weber, legitimacy may be said to be what separates a ‘state’ in the modern sense of the term from mafia organizations and other forms of illegitimate power constellations. According to one influential view, the monopoly on legitimate violence is a core part of the very definition of ‘state’. Weber famously states that

[O]ne can define the modern state sociologically only in terms of the specific *means* peculiar to it ... namely, the use of physical force. ... [W]e have to say that a state is a human community that (successfully) claims the *monopoly of the legitimate use of physical force* within a given territory. ... Specifically, at the present time, the right to use physical force is ascribed to other institutions or to individuals only to the extent to which the state permits it. (1948: 77-8).

This is a much-discussed topic in the policing literature. Police violence is frequently seen as an indispensable part of the maintenance of social order. According to Van Maanen (1978), the question is not whether the police can be violent, the question is to whom, under what circumstances, and to what degree, they can use violence *legitimately*.

In his seminal work, Beetham (2013/1991) argues that legitimacy should be seen as a complex phenomenon consisting of different elements, such as legal validity (conformity to rules), justifiability in terms of shared beliefs and legitimation through explicit consent. Beetham’s work complicates things for scholars who have, following Weber, seen legitimacy simply as the same as *belief* in legitimacy. This view of legitimacy as a composite with different aspects makes it possible for a given political system (or a given specific insti-

tution like Trandum) to be simultaneously legally and procedurally legitimate yet also, in the eyes of a given observer, highly unjust. From this perspective legitimacy is not an absolute, not a simple question of either/or, but something that is perhaps better thought of as a multidimensional and complex phenomenon.

As Tankebe and Liebling (2013) state in the introduction to their book about *Legitimacy and Criminal Justice*, the recent interest in legitimacy within criminology has been primarily focused on legal legitimacy and procedural justice, that is whether there is a proper legal foundation for the use of power and whether this legal foundation is implemented in practice in a way following established rule of law principles. Without denying that these aspects are important parts of the equation, this paper will focus on another part of the complex police legitimacy structure. It will describe the public sphere legitimacy challenges directed at the immigration detention centre, and discuss some of the NPIS's efforts to recreate the symbolic position of the detention centre as a legitimate institution.

With words echoing Weber's, Sparks (1994) refers to legitimacy as the claim made by people exercising power, to hold and use their power in a justified way. Legitimacy has also been defined as the experience of the worthiness of support among individuals or groups (Lamb, 2014). In practice, the question of legitimacy concerns the claims of the powerful, but it also, simultaneously, it concerns the question of whether the public actually acknowledge those claims and how they respond to the decisions made about them or on behalf of them, or the conditions imposed upon them. Schematically put, where legitimacy exists, it is the result of a process where a legitimacy claim is asserted by rulers and at least to some extent acknowledged by the ruled. This acknowledgement is never final, however. Police legitimacy should probably be conceptualized as a dynamic and heterogeneous phenomenon. Following the dialogic approach set out by Bottoms and Tankebe (2012), legitimacy is the unstable result of a sequence of attacks and counter-attacks. It is always piecemeal; it requires on-going work.

Legitimation work has been defined as the active production of recognition of the right to govern or "the worthiness of support" (Lamb 2014). Legitimacy (or the lack thereof) will have consequences; it simultaneously justifies the actions of both the power-holder and the subjects. As Weber (2012) put it, when the dominated *subjectively* regard the relationship of domination as binding to them, they are more inclined to obey. According to Lamb, legitimacy "induces compliance, encourages participation, and lowers the cost of sustaining a position, institution, or relationship, and so achieves stability (...)" (2014: VII). Legitimacy, then, is more than just "the clothes that power wears" (Barker, 2001); it is not a pretty mask that makes power look like something else and less sinister than what it really is. The creation of legitimacy is a form of normative power in its own right, or an example of what Lukes (2005) has called the third dimension of power, i.e. a more indirect rule through consent and

desire, in place of force and coercion. An institution like the Trandum detention centre has to take into account the public image the institution projects to the wider society including interest groups like prison activists, defence lawyers, and police officers' unions. These external public sphere views are part of the institution's conditions of possibility. As Migdal (2001) observed, the state is shaped by both image and practice, and both image and practice are vital parts of the state's ongoing legitimation work. The public image of the immigration control system is a complex phenomenon that is dependent on other less tangible aspects than its actual "output", such as whether it meets its annual target number of deportations. This paper describes and discusses the public sphere symbolic struggle over what sort of institution the Trandum centre really is, and whether and how such a centre can be legitimate.

PUBLIC SPHERE LEGITIMACY CHALLENGES

The immigration detention centre at Trandum formally opened in 2004. For the first few years, operations at the centre mostly went under the radar of the mass media. The very first time the immigration detention centre appeared in the news media was in the daily *Klassekampen* in February 2004.¹ The journalist had gone to Trandum without an appointment to interview a journalist colleague from Ukraine who was detained there at the time. The fences topped with barbed wire, and the fact that she was not allowed to meet with the journalist without an appointment, surprised her. She was clearly unprepared for the kind of an institution she was trying to get into.

Scattered critical accounts like this one were published from time to time in the first years, but the news media attention span being what it is, the negative attention was soon directed elsewhere. So, after *Klassekampen* left, it was more or less quiet around Trandum until 2006, when both national and international monitoring bodies started producing critical evaluations of Trandum conditions, pointing to overcrowding and the use of poorly trained private security guards. The report following the 2006 visit by the European Committee for the Prevention of Torture (CPT) created a bit of media attention. The CPT questioned whether the Group 4 Securicor (G4S)² employees that were working at Trandum at the time had received adequate training (CPT, 2006a). The private security guards lacked formal police authority and were only supposed to carry out duties connected to the practical operations of the centre, such as the administration of visits, the serving of food and escorting detainees between wings. According to the report, they were in fact also used for other, more "police-like", tasks. As legitimacy challenges go, the 2006 CPT visit

1. According to the comprehensive Norwegian news media archive Retriever, the first appearance of the centre in the news media is in the article "Innesperra i asylfengsel", in *Klassekampen*, 21.02.2004.
2. G4S is the world's largest private security company. Its headquarters are in the UK, but it is active in more than 100 countries.

report was primarily directed at the legal and procedural legitimacy of the institution. These challenges were reiterated by the news media.

In 2007, the Parliamentary Ombudsman took over where CPT left off, criticizing operations at Trandum in general, and particularly the lack of a sound legal foundation for the use of coercive force. The Ombudsman's report concluded that "The Police Immigration Detention Centre at Trandum is a prison-like institution, but without the regulatory framework of the prisons" (Ombudsman, 2007: 17). It also highlighted the use of private security guards from Group 4 Securicor (G4S) who were, again, using force beyond their legal mandate. Trandum was in those early days repeatedly criticized for operating in a legal void. When attorney Arild Humlen called Trandum "the Norwegian Guantanamo" in 2006 – a moniker that stuck, and has been repeated frequently by critics – he was explicitly targeting the legally dubious situation that detainees were held without a proper legal decision-making process.

Other legitimacy challenges have been directed at the centre's ability to create order and security. Trandum had a series of escapes earlier in its history. The fences were relatively low and made of a type of chicken wire that was easy to climb. The point of the fence in those early days was more to keep out the elk roaming the surrounding forests, than to keep the detainees in, according to one frequently heard saying at Trandum. Or, as one Trandum manager told me, "in those days, unless you were a total invalid, you could climb that fence in less than a minute." One escape ended in tragedy when a detainee on the run in the middle of winter was found drowned in a forest lake. Various other incidents, from fires (twice in 2010 alone, with both cases being arson by detainees) to mass escapes and minor riots were also given media attention. The reporting of all these incidents can be seen as more or less direct attacks at Trandum's ability to create order and security. The centre also got headlines in 2010 when it was closed down for a period for health and safety reasons because it was unhealthy to work there.

Although Trandum did get its share of media headlines in those early years, the public sphere criticism of the centre did not take off, however, until 2011. The NPIS could not possibly have been prepared for the full-fledged media storm that quite unexpectedly hit the institution with the so-called Amelie case. The young woman known in Norwegian public debate as Maria Amelie was arrested and taken into custody by the police in the small Olympic town of Lillehammer late in the evening on 12 January 2011. The grounds given for arresting her were that she was staying in Norway illegally, that she had taken up work without the proper work permits and without paying taxes, and that she had lied about her identity to the Norwegian government. These are all punishable offences – 'crimes' – according to Norwegian law. Amelie was not charged with any criminal offence, however; she was instead taken straight to Trandum. The following day, Oslo District Court decided that the police could imprison Amelie at Trandum for two weeks on Immigration Act grounds. The fact that she had received a final negative decision on her asylum application

as far back as 2003, that she lacked a legal right to stay in the country, and that she had made clear that she did not intend to leave voluntarily was given weight in the court decision. Amelie filed an appeal on the spot. On 17 January, the court of appeal overturned the district court decision to imprison her. Amelie was released the following day, but was required to meet in person at the offices of the NPIS on a daily basis to prevent her from absconding. Monday 24 January, Amelie was arrested again. Police officers accompanied her on a plane from Oslo to Moscow later that day.

Over the course of two weeks, Amelie was arrested, imprisoned, released, rearrested, and deported to Russia. Journalists were on her tail and documenting her every move throughout the process. She was at the centre of political and public debates that went from lying semi-dormant to firing on all cylinders in record time. Broadcast journalists reported live outside the fences of the detention centre and even got to interview her in the institution's visitation rooms. They were on her heels when she appeared in the courts and she answered questions in the courtroom corridors outside. She was photographed leaving her apartment with her partner on her daily walks to the NPIS offices. Her second arrest by NPIS officers was even filmed from outside the building through glass doors. The new year had just begun, and Amelie was on every newspaper front page.

What effects can such a major incident in the life course of an organization have on its legitimacy? I have argued elsewhere (Ugelvik, 2013) that the arrest and successful deportation of Amelie in 2011 represents a "formative moment" that moved immigration law issues and the question of immigration detention into the centre of public attention for the first time in Norway. If it is true that the arrest and deportation of Amelie in 2011 was a formative moment, one could say that it questioned the very identity of the institution (Shearing and Ericson, 1991). Amelie personified a development that had until that time been abstract, faceless, and easy to forget. Her face on newspaper front-pages represented a whole group of irregular migrants living a precarious existence in Norway. She soon became a potent symbol actively used by the growing anti-immigration law movement; the so-called Association of January Twelfth, a pressure group organization focusing on immigration and asylum issues, took its name from the date of Amelie's arrest in Lillehammer.³ People flocked to the streets to protest in most Norwegian cities and towns of any size. Celebrities of all kinds supported her cause in the media, and an online petition collected 80 000 signatures within a few days.

The media campaign in support of Amelie can be seen as a strong legitimacy challenge directed at the Norwegian immigration control field in general, and the NPIS specifically. On the one hand, critics charged the Norwegian government with human rights violations. Amelie's growing public persona on the other hand, combined with her continuous presence in Norway, made her a

3. <http://tolvtejanuar.org/english/> [accessed 29.04.2015].

powerful example of the fact that the NPIS were not doing their job very well. From the police point of view, something simply had to be done. The solution chosen – to arrest and deport Amelie as quickly as possible – did solve one problem (Amelie was no longer on Norwegian soil), but it simultaneously contributed to aggravate the other. Over the course of those January days, Amelie became a hot political potato. The grand narratives of the Norwegian government – a self-professed human rights and welfare oriented state system – did not sit well with the media accounts. The result was a form of narrative dissonance: On the one hand, the rules were clear: she had to leave the country. On the other hand, the government at the time was a left wing coalition dominated by the Labour Party and with members from the Left Socialist and the Centre Party; for them, deporting someone like Amelie in a very public fashion was a political liability. Since so much is at stake, formative moments will always be characterized by intense rhetorical battles fought between different groups each advocating their own interpretation of the world. In these battles, traditional power-holders will try to reaffirm, or reinterpret, the old narratives that have kept them in power, while challengers will try to recode the established metaphors to suit their new purposes. The result was that Amelie had to leave, but at the same time, she also had to stay. The situation warranted a compromise, and following a legislative amendment (sometimes referred to as “Lex Amelie”), she was able to return on a specialist visa. Because the government was willing to jump through hoops to make it possible for her to stay in the country, Amelie also, simultaneously, become something of a symbol for the political right and other critics of the lenient or misguided immigration control system. So interestingly, the Amelie case was used to criticize Trandum both for being too strict and punitive, and for being part of a system that is too lenient.

On 15 March 2015, there was another major incident at Trandum. Some fifty detainees were involved in what the newspapers called a ‘riot’. It started when detainees refused to return to their cells after the end of their scheduled time in the exercise yard. It soon escalated from passive opposition to active destruction and vandalism. Several cells and the common areas on two wings sustained serious damage. Extensive fire department and police department resources were deployed to Trandum, journalists from all major local and national media following on their heels. The police managed to regain control of the situation in a few hours. Faced with a mounting police presence, detainees returned to their cells, or in a handful of cases, were moved to the security wing, without serious injuries occurring.

Trandum received extensive media attention in the following days. The incident was described as a well-organized protest planned by a group of “asylum prisoners” in order to direct attention to the poor conditions at Trandum in general, and in particular, the fact that these conditions had led to two unsuccessful suicide attempts the previous month. According to Zulifqar Munir, an attorney with several clients detained at Trandum at the time, detainees felt they were being treated as “second-rate human beings”.⁴ Another attorney, who wished to stay anonymous to avoid problems for his clients, said that the frustration

stemmed from people being detained for 18 months or longer in what is essentially designed to be a short-term institution. Rune Berglund Steen, the head of Antirasistisk senter, an NGO pressure group, wrote an op-ed piece two days after the incident. He claimed that Trandum had reached a boiling point; a predictable result when you systematically imprison desperate people fearing for their lives and threaten to force them to return to the place they are fleeing from.⁵

The following week, Maria Wasvik (2015), also at Antirasistisk senter, published a summary of the public sphere criticism directed at Trandum since it opened. Her report describes several other earlier cases where the detention centre has received critical media attention, like the 2007 suicide in the security wing bathroom, and the coverage of the 2014 “child imprisonment scandal” where the detention of children was called unconstitutional by critics. Her conclusion is was, again, that the major problem at Trandum is that the institution has been made to progressively look more and more like a prison over time. The level of control has increased to mimic that of a high-security prison, even though detainees “have done nothing punishable”. The leading intellectual weekly newspaper *Morgenbladet* ran an editorial the same week where Trandum, again, was described as a prison in everything but name.⁶ It pointed to the fact that officers at Trandum are armed with truncheons and wear uniforms resembling prison officers’ garb, and that the walls surrounding the institutions have barbed wire. The level of control was described as “total”. The editorial ended with a paraphrase of the oft-cited Dostoyevsky quote “The degree of civilization in a society can be judged by entering its prisons.”

In sum, it is fair to say that the NPIS immigration detention centre at Trandum has been under regular and mounting fire since its opening in 2004. Some commentators describe Trandum as an institution where innocent people are treated as criminals and held under torture-like conditions. Other critics question the legality and legitimacy of incarcerating children. The critical media attention has waxed and waned, but at least since the 2011 Amelie case, Trandum has never been far from the headlines. From the point of view of the institution, the criticism has in fact become routine: When the opening of a new four-wing cellblock in 2013 was covered by the news media in relatively neutral if not positive terms, officers at Trandum expressed surprise because they are so used to negative attention.

RESPONDING TO THE CHALLENGES

Over the course of its relatively short history, the Trandum Detention Centre has had to contend with external legitimacy challenges from several different sources; from op-eds and articles in the local and national newspapers, to

4. “Venter flere opprør: Dyp frustrasjon på Trandum asylinternat”. *Dagsavisen* 17.03.2015 (p. 11).
5. “Asylpolitikkenes kokepunkt”. *Klassekampen* 17.03.2015 (pp. 22–23).
6. “Trandum, et norsk sted”. *Morgenbladet* 10.04.2015 (p. 3).

reports by the CPT, the Norwegian Ombudsman for Public Administration and the local independent monitoring board. As an institution, the Trandum centre cannot operate in a vacuum; it is part of the society surrounding it. The public sphere attacks are interesting in themselves for what they say about the current Norwegian political discourse, but they also form an important part of the context for the legitimation work the institution has to engage in. The Norwegian public debate and the various pressure and activist groups that are active in the Norwegian public sphere can be seen as important parts of the symbolic context for everything that happens behind the wall of the institutions. Management at Trandum has had to take the centre's position in the public sphere seriously. They are well aware that immigration detention is a controversial issue and that the centre is vulnerable to external criticism. One Trandum centre manager told me that working at Trandum for this reason means working under close political scrutiny:

In a way, we are very close to the powers that be here. I don't think I've ever worked in a place where you're this close to the top decision makers. I guess it's because so much is at stake here, because the field is so politicized. The political focus and the media focus means that you could end up in the front pages at any time.

A certain level of minimal legitimacy is necessary to keep any institution or organization going. And the more legitimate an institution is in the eyes of the general public, the easier its job is. Much has changed at Trandum since its 2004 opening. In the following, I will describe some of the changes Trandum has implemented over the years as more or less explicit responses to the various legitimacy challenges it had faced.

When it comes to the early challenges directed at legal legitimacy and the legal status of detainees, it is true that in the days following the opening of Trandum, detainees did live in a sort of exceptional legal void similar to Agamben's (1998, 2000) descriptions of the situation facing *homines sacri*. In hindsight, the opening of the institution seems ad hoc and rushed, and as the result of a pressing need, not a thorough legislative process. For the first few years, the NPIS did lack a proper legal basis for incarcerating foreigners at Trandum. There was no such basis in the old immigration law, nor were the detainees suspected of doing anything that would make the penal law relevant. So, what that did in the beginning, legally speaking, was in a sense to imply or presuppose that detainees at Trandum had given their consent to be incarcerated.

From a legal perspective, this legislative void was filled by proper local regulations being drafted as well as the 2008 Immigration Act, which clarified the rights of detainees and the framework for the use of police force at the centre. Detainees' rights were clearly spelled out, with an emphasis on the right to receive visitors, make telephone calls, receive and send mail, have access to health services, associate with others, spend time outdoors, have privacy, and practice one's religion or life philosophy (all changes very much based on the

Executions of Sentences Act). Mechanisms of due process and legal oversight have been implemented at the level of what is common in the prisons. Detention is decided by, and can only be lengthened by, the court and always for a set time, normally for four weeks at a time. There is a maximum length of detention of 18 months, except in very special circumstances, e.g. when public security can be shown to be threatened. As in prisons, a permanent independent monitoring council can come on announced and unannounced visits, in addition to regular visits by the ombudsman for public administration. Trandum has, in short, changed into a bureaucracy in the Weberian sense, meaning that it is governed by rules on various levels that are supposed to be implemented fairly, according to rule of law principles, and needs to stand up to external scrutiny. It is no longer an institution where 'bare lives' are detained outside the law. Nor in those early days was there any mechanism that made Trandum accountable to other external agencies. It was only later, after the Norwegian ombudsman for public administration and the CPT started visiting Trandum, that they eventually decided to create a permanent Independent Monitoring Council mirroring the ones that regularly inspect Norwegian prisons. When it comes to its formal setup and its legal legitimacy, the Trandum centre must today be said to be a legitimate institution, despite regular public sphere criticism that Trandum is operating in a legal grey area.

As for the conditions offered to detainees, the old army buildings used in the first years of operation did leave much to be desired. Up to 16 detainees were kept together in run-down dormitory rooms. One Trandum veteran describes the difference between then and now thus:

It's like night and day, it really is. Talk about going from a slum to having everything in order in just a few years. ... Let's say you arrived for a night shift at 11 pm. At 1, we locked the doors to the wings. Then you had 30 guys in one common room. The TV was on with the volume way up, loud music, shouting and screaming, the level of noise we had was incredible. Ten guys in the smoking room smoking away into the wee hours. It was basically total chaos. This place has improved a lot.

The report following the first CPT (2006a) visit at Trandum pointed to problems of overcrowding, especially in the men's wing. It also questioned the amount of training that Trandum officers – at that time hired through a private security company – received. Finally, the CPT also concluded that the two special bare security cells at Trandum were unsuitable for detention of any kind, because they lacked natural lighting and a calling/communications system. As criticism goes, the issues raised by the CPT were of the very concrete and practical sort. And Trandum officials wasted no time engaging with the recommendations. According to the Norwegian government's response document (CPT, 2006b), they immediately took the capacity of the bedrooms in the men's wing down to six detainees, and soon further down to four. It discontinued the use of the bare security cells, until windows and a calling system could be installed. The contract with the security company was also terminated; officers

were rehired as state employees and given more appropriate training. They are today formally civilians employed in the police service. Requirements include a minimum of three years' secondary education and a four-week course at the Norwegian Correctional Services College. Critics have argued that this still is not an adequate background for personnel performing police authority, and that this practice is watering down the important principle of the police being the only legitimate enforcer of violence. The Police Immigration Service has countered this criticism by arguing that the transport attendants have only limited authority, and that they have received adequate training. This arrangement was seen as satisfactory in the 2011 CPT report.

The CPT representatives revisiting Trandum in 2011 were also impressed by the wide range of activities available for detainees (CPT, 2011). By and large, the facilities were seen as adequate for their purpose, at least for the majority of detainees whose stay at Trandum is relatively brief. An issue not really addressed by the CPT was the lack of meaningful daytime activities for the minority of detainees who for some reason end up staying in detention for longer periods. The CPT did voice a concern about the lack of on-site nursing staff. At the time, a doctor visited the centre three afternoons per week, but there was no permanent medical staff presence to perform screening of new arrivals. Following the 2011 visit, Trandum soon hired a permanent full-time nurse. In the light of such specific and concrete external criticism, the history of the Trandum centre can be described as the history of an institution that has rapidly and proudly corrected the flaws that have been pointed out.

In the early days, detainees were fed, given access to a television, a ping-pong table, and a few books during the day, and that was it. In many ways, it was a low control regime; detainees were for a large part basically left to themselves. Trandum guards focused on perimeter security as best they could, although escapes were not uncommon. And they opened and closed a few doors at different intervals, and broke up fights when they occurred and put the fighters in the special bare security cells for a period. This all changed when two new cell-blocks opened in 2012 and 2013. As a result, the institution discontinued the use of the old and run-down army buildings it had up to that point used to house detainees. The institution was explicitly taken up to "the Norwegian prison standard", meaning bright and well-furnished single occupancy cells with en-suite bathrooms in the style that has made Norwegian prisons famous world-wide for being exceptionally decent and humane institutions (Pratt, 2008a, b; Pratt and Eriksson, 2012). In addition to six wings for adult men, Trandum has smaller wings for adult women, families travelling together, and unaccompanied minors. It also has two separate activity wings with a library, game rooms, two gymnasiums and various smaller exercise rooms. The result is that the Trandum detention centre, materially speaking, is offering roughly the same living conditions as Halden prison, "the world's most humane prison", according to *Time* magazine (Smith and Ugelvik, 2016).

A final change is that the NPIS has recently decided to make Trandum guards look less like police officers and more like prison officers. Somewhat controversially among the guards themselves, they have been told to remove their so-called “power belts” holding handcuffs and pepper spray and keep them in a secure locker in the guards’ office. The detention centre management is trying to transform what used to be a regime heavily based on the threat of violence and physical coercion into something much more like an average Norwegian prison wing. Trandum guards are also being made to stop wearing their uniform trousers with rubber bands around the ankles, police style, to make them look less “operative” and more like prison officers. This might seem like an insignificant detail, but the symbolic message is clear enough that Trandum leaders want to make a point of it, and for Trandum guards to be somewhat reluctant to comply.

DISCUSSION

Bosworth (2013) observes how immigration detention centres are very often understood in terms of and in contrast to prisons. That is frequently seen as problematic by critical voices: prisons are for people who have done something wrong, morally as well as legally. Detainees have done no crime, and should therefore not be imprisoned in prison-like institutions. When critics claim that Trandum is like a prison, they are really saying that it is *no better* than a prison, the context being that this is wrong because detainees are not criminals, and thus deserve better. Differently put, the conditions at Trandum might have been appropriate in a place of punishment, but they are not good enough in an institution designed to hold the innocent. Specific legitimacy challenges in this vein have been directed at the quality of the food, the lack of direct sunlight in the special security cells, and the poor quality of the air in detainee living quarters.

It is true that even though Trandum is not legally a prison, it does look like one in many ways. Detainees are strip-searched and required to squat naked on a mirror on the floor upon entering the institution and following every visit. Officers at Trandum can arm themselves with truncheons when needed, and the high fences surrounding the institutions are adorned with a number of CCTV cameras and topped with razor wire. This has been a recurring basis for critique.

On that background, it is interesting that many of changes made by the institution in response to external criticism have made it not less but *more* prison-like. This has been an explicit strategy for the last few years, as seen in the case with the new prison-like cellblocks, as well as the new uniform trouser and “power belt” rules. Norwegian police officers wear truncheons and pepper spray, Norwegian prison officers do not. As an immigration detention centre, Trandum is a prison without the legitimacy that penal law and punishment as a goal affords to proper prisons, but Trandum has still decided to borrow from

the prison system and emulate Norwegian prisons in several ways in order to increase its legitimacy. The legal foundation the centre now is built on is for a large part a blueprint of the relevant prison related legislation. The low control regime that was originally implemented has now been replaced by a more high-security regime put in place in a more controllable space. Detainees have individual cells (like almost all Norwegian prisoners), and may thus maintain a sense of privacy.

A specific institution and its design can be seen as an argumentative structure directed at the general public. An institution always communicates, it is always sending out messages, and a form of state power is to make sure that these messages continue to strengthen the reputation and legitimacy of the system as a whole. According to Whitty (2011), UK prisons now regard human rights violations as a kind of reputation risk to be managed. This is precisely what has been happening at Trandum in recent years. The institution has been transformed in order to decrease the risk of a human rights-related scandal.

Legitimacy may be conceived of as a process where those in power (or seeking power) make a claim (more or less explicitly) to legitimacy; then members of the audience respond to this claim; the power-holder might adjust the nature of the claim in light of the audience's response; and then this cycle repeats itself. This perspective emphasizes the process aspect; legitimation work is more like a perpetual discussion than something that can be achieved once and for all:

Within the dialogical framework, legitimacy is constantly in flux; it is a significant test for power-holders when it becomes clear that a relevant audience has rejected one or more aspects of their initial claim to legitimacy. In such circumstances, the power-holder must put forward a revised claim to legitimacy, which in turn might well require adjustments in their own understanding of their right to rule (Bottoms and Tankebe, 2012: 152).

This process will never reach a definitive and final conclusion where legitimacy is achieved once and for all. In this sense, legitimation work is like the perpetual restoration of an old building; new problems will inevitably present themselves as old ones are mended. What characterizes government according to this view is not the possession of legitimacy, but the ongoing activity of legitimation. From such a perspective (one we might call 'Weberian') the quest for and struggles over legitimacy is a universal constant wherever a relationship of domination and subordination exists. Legitimation work has a certain Sisyphean quality.

The important general point is that legitimation work should be understood as connected to and dependent upon all the other forms of work that an institution does. Put differently, legitimacy is one of several important products that an institution like the Trandum centre is expected to produce, but the production process should be seen as dependent in part on all the other products, desired as well as unintended. An increased focus on physical (static) security

measures in an institution, for example, might be seen as necessary improvements by some, and as *too* high and thus an illegitimate change by others. Then again, so may a *lack* of static security; conditions where detainees do not feel safe from bullying or even physical violence from other detainees, will probably not be seen as legitimate by the detainee community, and their criticism may easily filter out and into the public sphere. Members of the critical public, on the other hand, may think that lower security is always better. So sometimes, what strengthen legitimacy among one group may simultaneously weaken legitimacy among others.

What Kostova and Zaheer (referenced in Lamb 2014) have called organizational legitimacy, the acceptance of an organization by its environment, is vital for the survival of any institution. From the point of view of the general public, the legitimacy of any public service institution will be closely tied to its stated purposes. Any state agency or system will be measured according to its perceived efficiency. Does it create the results that it is supposed to do? For prisons, this is relatively straightforward. From the perspective of the general public, a prison's ability to keep dangerous or troublesome individuals securely under lock and key, and to keep the everyday peace on the wings, is probably its most important source of external legitimacy. To a certain extent, in the eyes of the general public, a prison that manages to stay out of the news media is a legitimate prison. For the immigration detention centre at Trandum, the situation is more complicated. The institution seems to be controversial in the eyes of commentators no matter what it does. One Trandum manager described this to me as one of the more difficult aspects of working there:

Today, I feel that we can say that we treat detainees well here. Trandum stands up to scrutiny. Yet, we regularly hear that this is the Norwegian Guantanamo. The detainees say it as well, but often it's tongue in cheek. They know what these camps in Greece and Italy are like; they offer a completely different standard of living. The Norwegian Guantanamo, I think it's difficult to respond to that, to take it seriously. You get that from people who haven't been here, who haven't seen what it's like first hand.

Some commentators will have strong opinions about aspects of the institution even though their only experiences are taken from news media accounts. It seems that many points of criticism that are reiterated in news media accounts have come together and taken on an almost mythological quality. Some claims have never been true. One example is the claim sometimes made by critics that all detainees are woken by guards every 30 minutes throughout the night. This is probably based on a misunderstanding of routine procedures when individual detainees are placed on suicide watch. Others, like the claim that Trandum is overcrowded, are no longer true, but they have been repeated to the degree that they seem to have taken on mythical status.

CONCLUSION: SISYPHUS AT TRANDUM

Is Trandum today, after all the changes it has gone through, a legitimate immigration detention centre in the eyes of the general public? In the absence of proper public opinion data, it is difficult to say from the available public sphere texts alone. When the new cellblock with the new activity wing was opened in 2013, the media almost for the very first time covered it in more neutral and descriptive terms. This was immediately countered by immigration activists, however. And the coverage of the recent so-called Neda case where a 12-year old girl who had been living in Norway since she was 3, was deported to Jordan with her family, news stories still placed Trandum explicitly in the realm of concentration camps and compared the people working there with members of the Gestapo.

The institution has only rarely seen the controversies materialize as action locally, however. Unlike the situation in other countries, Norwegian activists have not, with a few exceptions,⁷ protested at Trandum or interfered with Trandum operations, nor have they interfered in deportation procedures at the airports. If one brackets the media attention and looks at practice, one would have to say that the lack of opposition in the form of demonstrations or other similar campaigns would suggest a high level of acceptance. Indeed, from this perspective, Trandum could be seen as largely legitimate. The amount of ink spilled on the institution and the number of blog entries, online petitions and heated Facebook discussions seem to suggest that the institutions is a long way from being totally accepted, however. Even after its transformation from ad hoc camp to prison-like institution with a proper legal foundation built according to the Norwegian “prison standard”, it seems Trandum still has to live with public sphere legitimacy issues in the foreseeable future.

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7. In one fairly recent example, protesters shouted slogans from the other side of the fence when the Finance Minister Siv Jensen of the right-wing Progress Party visited the institution in 2014. URL: <http://www.nrk.no/norge/bygger-90-nye-plasser-pa-trandum-1.11972931> [accessed 30.04.2015].

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