

AN INTEGRATED ORGANISATION FOR INSTITUTIONALISED CARING POWER: PRISON AND PROBATION IN SWEDEN

Kerstin Svensson, Lund University

Abstract

This article discusses the prison and probation organisation in Sweden. The changes in the organisation and the shifts in combinations of supportive and punitive aspects are presented in a brief historical description of the development from the early 19th century to the late 20th century. The Swedish prison and probation service is described in terms of its organisation, professionals and main ideology. Finally, the effects, or rather, the problem of evaluating the effects, of the most recent re-organisation, in 1998, is discussed in the light of, on the one hand, support and help and, on the other hand, punishment and control. The conclusion is that the causes and effects of the changes are difficult to pinpoint, but that the Swedish prison and probation service has gone through a major shift to an integrated organisation where punitive ideas predominate over ideas of help and support.

The Swedish probation service has a history, almost as long as the British equivalent. Sweden has looked at the British system for ideas ever since the beginning of the 19th century, when the industrial societies reformed their penal systems and probation became a possibility as an alternative to prison. Today, when we are members of the European Union and living in a globalised world, the differences between our penal systems and the social work carried out in them might be fewer than the similarities. Sentences today are supposed to be tough, credible and effective. New methods are developed within the widespread ideological framework of evidence-based practice and traditional social work has an increasingly subordinate role. As the practice of the punitive institutions becomes more and more uniform, the similarities increase not only between countries, but even between the prison and the probation service.

Comparing correctional systems between countries is still a complicated task. There are differences in criminal procedure, in how crimes are defined, in the types of sentences and in how the criminal justice system is organised. And of course, each criminal justice

system is created in its own context and the differences between countries are naturally reflected in their criminal justice systems. England and Wales, together with Scotland, have the highest imprisonment rates in Europe and Sweden, together with Finland and Norway, has the lowest (Komner, 2004). Even though there are similarities in some institutional ideas about the correctional system, the organisational arrangements also differ a great deal.

The aim of this article is to elucidate some aspects of the organisational changes of prison and probation in Sweden. I will briefly describe the Swedish organisation for prison and probation without going into any comparison with the system in England and Wales or any other country. Nor will I go into any details of the penal system. Proceeding from the way in which ideas of punishment and control on the one hand and help and support on the other hand have changed through history, I will present the development of the organisation and the institutional ideas in the Swedish correctional system over 200 years. I start with the latest organisational form in Sweden by describing its main characteristics. Then I give a short summary of the historic development and finally I sum up the continuity and the changes in a discussion of how to understand organisational changes.

The main material for this presentation derives from an earlier study of the historical development of the Swedish probation service (Svensson, 2001; 2003). That study was based on original documents in archives. In order to focus on the organisational aspects as well as to obtain updated facts, new material has been collected from the Swedish Prison and Probation Authority. This material has been read in the search for answers to questions about what the new organisation led to, and which aspects were central in the arguments for this change. Since the material was produced by the organisation that it concerns, it can be viewed as material similar to what I found in the archives and which was produced in the organisation in other times.

Prison and Probation Service as Organisations and Institutions

The concepts of organisation and institution are often used synonymously. In theories of institutional culture one can see a difference between these concepts. If we consider institutions in the sociological way, they represent products of cognition, institutionalised ways of understanding certain phenomena. Organisations, on the other hand, are rational and impersonal administrations with certain goals. Often organisations are institutionalised in society, but the difference between institutions and organisations is that, while organisations are built on administration of tasks that require actions, institutions are built on cognition, values and norms. An institution cannot act (Johansson, 2002). Organisations can act, and when they do, the action is carried out by the people involved in these institutions. Ahrne and Papakostas (2002) have described how human actions in organisations are ruled by their cognition, values and norms. Although institutions cannot act, the human actions within organisations are influenced by their institutional cognition.

When the prison was constructed as a correctional organisation it aimed at combining help and punishment. Through help and education the prison could be corrective whilst the sentence was served. To be helped was to be corrected, which means to be disciplined, as Foucault (1977) puts it. As time went by, society noticed that prison was not good enough at disciplining; the prisoners were not corrected. However, the punitive parts of prison and the benefits of incarceration, together with the fact that we had no better alternative, have made prison an institutionalised organisation in society. When people in general talk about punishment, prison is their main image. The prison is a punitive institution, and this institution is administered through the prison as an organisation.

Probation and parole became issues during the 19th century in many western countries. They were a reaction to the punitive aspects of prison and they were launched as alternatives to punishment and incarceration by the associations and individuals that tried to find more humane ways to deal with offenders. The main ideas behind probation and parole were to give help to the offenders so that they could lead a life without crime. That way, probation and parole became institutionalised as helping offenders. The organisations that were built aimed to administer help and to be in contrast to the punitive prison. These new organisations hoarded the opportunities that emerged in the niche that arose when the prisons were reformed and the discourse concerned correction instead of punishment.

Caring Power

When we talk about the organisations of prison and probation, we also talk about institutionalised help and institutionalised punishment. However, neither of these organisations has ever been purely punitive or purely helpful. They are both built on ideas of caring power. Caring power is a term coined by two Dutch researchers, Annemieke van Drenth and Francisca de Haan (1999). It derives from Foucault's concept of pastoral power, and has essentially the same meaning. The main differences are that while pastoral power, as a concept, has religious connotations and refers to actions performed by professionals, caring power can be exercised even by lay people and refers more clearly to care as tool for power.

A caring power is exercised with kindness and in a spirit of doing what is said to be the best for the person helped. The helper defines what is best for the one who is to be helped and then promises them a better life if they follow the advice given by the helper. In this way, the helper dictates the conditions and the one who wants help has to accept the conditions. This caring power carries both help and control in the same actions, and is apparent in a welfare state correctional service where punitivity requires control and the ideology in society asks for help for the disadvantaged.

Even if prison is a punitive institution and probation and parole are helpful, they have always overlapped with each other in the ideas of caring power. An integrated caring power makes it possible to institutionalise help as a punitive tool as well as punishment as a tool for help. In the history of the prison and the probation service in Sweden we can

see examples of organisations built on different combinations of helping and punitive aspects.

Prison and Probation in Sweden today

The Swedish Prison and Probation Authority was reorganised in 1998. Today it is one organisation that unites the three branches of prison, probation service and remand prison. At the local level these three units are also under the same administration.

The main tasks of the probation service are to conduct pre-sentence investigations, to handle the supervision of offenders on parole and probation and to manage intensive care with electronic monitoring and community service. In the probation service, probation officers are skilled social workers; they administer the work, run programmes and keep continuous contact with offenders. In about half of the cases lay supervisors are appointed. These volunteers have their appointment from the probation service and are not organised through any non-governmental organisation.¹ No matter whether the supervisors are employees or volunteers, they always have to consider first and foremost that their contact with the offender is a part of the punishment. Therefore the help given is combined with control.

In prisons and remand prisons, the officers employed can have, or preferably do have, some education from university. They can be social workers, but most often their education is shorter, and many of the prison officers lack specific education. The prison officers take care of the everyday arrangements in prison. They guard the security, they transport prisoners between different parts of the prison, they check visitors and prisoners and they lock prisoners up. At the same time, they also are responsible for ensuring that the best things possible are done during the prisoner's time in prison and then that there is a good plan for the time after prison. A prison officer is the contact person for some of the prisoners, making plans for their rehabilitation and parole, and running programmes. The prison officer always has to put security first, but as a personal contact for a prisoner, this officer also has to help the prisoner. In that sense even the prison officer deals with both help and control.

In this organisation of the prison and probation service, all personnel are believed to manage both support and control, both help and punishment. While the organisation of prison, remand prison and probation is under the same administration, job-rotation is possible. Social workers from the probation service can run programmes in prison and prison officers can check on offenders in community service or with intensive supervision with electronic monitoring. Probation officers mainly work in the probation service and prison officers in prison, but when they act in the other part of the organisation they act in their professional role. This means that prison officers in probation service mainly manage controlling aspects and probation officers in prisons mainly manage supportive aspects.

In this new organisation help and punishment have merged into the same actions. The caring power is performed so that the punishment includes help and the help includes punishment. Support and control cannot be separated because they are performed in the same actions. But, as we see when we regard the correctional services in a historical perspective, the punitive aspects are now dominating both the prison and the probation service.

The 19th-century Reforms

At the beginning of the 19th century the state of Sweden went through a revolutionary change. At this time the American and British prison reforms influenced the change of the Swedish prisons as well as continental ideas of associations for help to prisoners. The prison reformer John Howard had visited Sweden in the late 18th century and pointed out unsatisfactory conditions of many kinds. The work done by the Quaker Elizabeth Fry in Newgate prison in London was known in Sweden as the book by her brother Thomas Fowell Buxton (1818) was translated into Swedish in 1820. In his descriptions, he stated the foundations in caring power, when he referred to his sister's words that "the prisoners are ruled by kindness, chains are therefore unnecessary" (McGowen, 1995: 96).

While the influence came from work by volunteers and non-governmental organisations, in Sweden it was the government that initiated the changes. In 1820 a governmental committee was appointed with the task of finding solutions for a new correctional system. Many years of discussion followed, and in the mid 19th century a reform of considerable proportions was realised. New prisons were built throughout the country, and volunteers were connected to each new prison. These volunteers were organised in non-governmental organisations, but since the county governor in each county was to be the president of the organisation, it was closely connected to the governmental administration. The organisations were encouraged by the government since they were a necessary complement to the prisons. Right from the start, the negative aspects of prison were well-known. The volunteers' task was to relieve the negative consequences of the incarceration and to help the offender to find a constructive life after prison.

Although it started in the 1840s, it was not until the end of the 19th century that these associations really got to work. Philanthropic ideas were then being spread all over Europe. The philanthropic idea is not the same as charity, as Jacques Donzelot (1979) and others have pointed out. While charity is a matter of giving gifts and giving help, philanthropy is a matter of giving support and help so that a person can manage autonomously. The means to do it were primarily kindness and humanity, combined with some practical actions.

This first period in the history of probation was characterised by 'surety of good behaviour' (Simon, 1993). Philanthropic help, through caring power, was supposed to complement the punitive aspects of the prison's incarceration. The associations that were established during this period thereby became complementary organisations to the prison. The prison

was the institutionalised punishment, and the establishment of voluntary associations meant the start of an institutionalisation of help to offenders.

Establishing Probation as an Alternative

As time went by, the caring power was increasingly organised in different kinds of associations, primarily non-governmental organisations, but often with governmental support. In these organisations social workers as well as lay people were engaged. The law was changed and from 1906 there were legal forms of probation and parole as alternatives to imprisonment. In these first years supervision was not included in the non-custodial sanctions. The offender could turn to an association for help, but was not obliged to. From 1918 it was possible for the court to decide that the offender had to have a supervisor during the probation period or when he was under parole.

By this time, the alternatives to imprisonment were thought of as something other than prison, help instead of punishment. In the 1930s the building of the welfare state led criminal policy to be a part of social policy. It was very clearly stated that the offenders should be reformed into well-behaved citizens and that help and support should be a major part of the penalty. The prison system could not help the offender to arrange a decent life in society, so this alternative to imprisonment was intended as a way of making a good citizen instead of punishing. The caring power through advice and support in everyday life was the means to do so. In order to manage this, the most crucial concept was differentiation. By differentiating the offenders through different sanctions, and sending the convicts to different prisons, the potential to give them the best treatment was supposed to increase.

As in the reform in the mid 19th century, one of the main ideas was that there should be as little variation as possible between different courts, different associations and different parts of the country. Since the associations had grown and were established throughout the country, these organisations had developed in different ways. At the end of the 1930s a decision was taken and in 1942 the first civil servants were employed for controlling and supervising the volunteers that were engaged as supervisors through the associations. Probation now became an independent organisation under the correctional services, detached from the prisons, but no longer a non-governmental organisation.

Two Organisations, Two Institutions under the Same Government

The new governmental organisation for probation became an autonomous authority within the criminal justice system. It was responsible for the help as well as the control of the offender, and skilled social workers were employed to organise the help. As the number of social workers grew, the lay supervisors became fewer and fewer, but they continued to be appointed.

The profession of the 'probation officer' was created by comparison with, on the one hand, the prison officers and, on the other hand, the lay supervisors. The probation officers' distinctiveness then was that they had a higher education than the prison officers, and that they were employed full-time, while the lay supervisors had their contact with the offenders during their spare time. This definition of a profession was rather weak, and the social workers in the probation service were doing roughly the same things with the offenders as the social workers in the social services were doing. They were talking with offenders, primarily about their social lives and situation, and trying to find solutions to problems that occurred.

The treatment ideology grew strong during the 1950s and 1960s, and the work done in the probation service in this third period was rather clinical (Simon 1993). The caring power during this period was built on an ideal of therapeutic treatment and aimed at the reform of the offenders' behaviour. The probation service clearly institutionalised the ambitions to help. Although the ideology even in the prisons was in some way influenced by the treatment ideology, prison was still an organisation for punishment. In the same period when new treatment ideologies were emerging in prisons, new and more secure prisons were built. Both the supporting and the controlling aspects of prison became more explicit, while the probation service increasingly dissociated itself from the controlling aspects. At the peak of this era, ideas about the possibilities of non-custodial sentences were strong; the new penal law in 1965 established the ideas from the previous decades and stated that non-custodial sanctions were always to be used wherever possible.

In the 1970s a great deal of criticism was levelled at the idea of treatment in the criminal justice system, in Sweden as in other western countries. Therapeutic work had not shown the expected results. So, the later part of this period was characterised by scepticism. Probation was not to be treatment or therapy, and no one really knew what was going on. Many probation officers left their work in the late 1980s and early 1990s when new kinds of punishment entered the scene in the shape of community service, contract treatment and, later, intensive supervision with electronic monitoring. During the 1980s discussions had concerned whether probation should continue to be an authority in the criminal justice system, or if it should be connected to the social services. At the end of the 1980s it became more and more obvious that probation was shifting towards an increasingly punitive role.

As the treatment ideology was strong amongst the social workers in the probation service, and the prison personnel listened to the criticism of the treatment ideology, the gap between the institutionalised punishment in prison and the institutionalised help through probation and parole grew, or at least it became more visible.

A United Institutionalised Organisation

At the beginning of the 1990s a radical shift came in Sweden. The well-established welfare state changed and a great deal of social security system was altered. The welfare state was now no longer built on universalism; instead the help offered by the state was to

be increasingly subjected to means testing (Sunesson et al, 1998). Individuals were to be thoroughly investigated and tested to receive specific aid. The same ideas characterised the criminal justice system; the individual offender was to be tested and help was to be given when results could be expected.

During the 1990s the discussion in the prison and probation administration concerned more explicit programmes, better knowledge of the effects of the efforts chosen and better knowledge of the individual offender. Further, it was clearly stated that both prison and probation are punishment and that the first aspect to ensure is that the punishment is carried out. Then, if the offender could be matched to a specific programme that had shown results, help could be given in that way. The caring power is still there, but now in a new shape. It is performed by skilled social workers in their role as probation officers, as well as by lay supervisors. The main idea now is that the probation officer has professional knowledge that can serve the state, the public and the offender, and the knowledge of everyday life can be provided to offenders by the lay supervisor who in the same actions controls them in the community. The controlling aspects are highlighted and the lay supervisors are supposed to manage the supportive actions the probation officers can no longer perform. The role of the probation officer today can therefore be said to be more to administer social problems than to try to find solutions for them.

The probation service is now in the same organisation as the prison, even in the local organisation. This means that the head of the probation service is also head of the prison. The work is now based on ideas from "What works?" and cognitive explanations. Courses and seminars are arranged with researchers from Canada and England, with the ambition of implementing evidence-based work in the organisation (see e.g. Farbring, 2002). Now the professional caring power aims to change not only the offenders' behaviour, but also their thoughts. This is done by creating a punishment with explicit programmes and explicit sanctions. When the new united organisation was constructed in the 1990s, the probation officers were worried that probation would lose its importance. With a local administration for both prison and probation, it was feared that the security problems, overcrowding and other material and urgent issues in prison would prevail over the more durable issues of the life situations in society of individuals on probation. The answer from the governmental administration was that the probation officers had misunderstood; in this new organisation the probation service would have the greatest influence.

What happened then to the probation service in this new organisation? One could say that both sides were right: the probation service plays an important role in the new integrated organisation. Probation officers supervise work done in prison, they run programmes and being more educated their voices are heard more in the new organisation. Meanwhile, probation is not the same thing today as it was during the 20th century. Today probation is a form of punishment in the community, which is different from earlier periods when it was help in the community. The idea of probation as an alternative in the sense of *something other than prison* has changed to an alternative in the sense of *another form of prison*. The basic ideas of the prison's organisation of time and space have merged

with the probation service's idea of caring power. While the two organisations had formerly emphasised either control or support, today both branches in the integrated organisation emphasise a caring power where punishment dominates and where help is given in specific ways to those who accept the frameworks set up by the system.

Help in a more general sense has no room in Swedish probation today. This area of interest has been left behind when the controlling aspects grew stronger. In this deserted area, or niche as Tilly (1999) puts it, new actors have hoarded opportunities and formed new organisations. Since late 1997 a new organisation has been acting in the field of prison and probation. It is 'KRIS', in English CRIS., Criminals Return Into Society, a non-governmental organisation, run by ex-prisoners (www.kris.a.se). Their task is to give help and support to prisoners and parolees so that they can find a place for themselves in the community. The methods used and the way of organising the work are the same as previous organisations have had, the difference being that this time it is the prisoners themselves that form the organisation. This KRIS is not in opposition to the prison and probation service; on the contrary, it considers itself as a complementary organisation that gives the offenders the help that is not given within the system, more or less the same arguments that have been used by other organisations in other times.

Effects of the New Organisation

Now that we have this integrated organisation, can we say if it is better or worse? Of course it depends on what aspects we view it from. Like all earlier forms of organising, this is an organisation that fits the contemporary community. In Sweden today, there is no open discussion on crime and punishment; there are no controversies about help or punishment. The criminal justice system is supposed to do both. Therefore one could say that today the integrated organisation is based on an integrated, institutionalised caring power.

There are some difficulties in understanding what the reorganisation of the Swedish criminal justice system in 1998 led to. No official evaluation has been made and a new reorganisation is now in progress, aiming at an even more uniform administration with better possibilities for differentiation. A student of sociology wrote her degree thesis about the reorganisation in 1998 (Evaldsson, 2003). On the basis of documents and interviews she states that the inertia in the organisation has had great implications. Since organisations are built by people and people strive to do what they think is best, the official aims of the organisation are not being achieved, at least not immediately. It could be said that prison officers and probation officers still strive to manage their traditional roles, although their tasks today are a bit different and they now have common internal training after they have been employed.

Organisational inertia is characterised by unwillingness and inability among the actors (Ahrne and Papakostas 2002). The actors in the prison and probation system are the organisation's main tool. Since a great many of the staff from the former organisations work in the system, they have often learned their tasks in another setting. They cannot

change their actions, ways of making decisions and ways of regarding what is needed to be done, as quickly as the administration can be changed. This can be explained in psychological terms, but it can also be understood as a resistance towards the new ideas where help and support are subordinate to punishment and control. If we regard the fact that social workers are still an important profession, and social workers aim to help and support people, perhaps it is more likely to regard the inertia as resistance.

Through history we know that some ideas are permanent, among them the ideas of uniformity and differentiation. The Swedish government in the last 200 years has had the ambition to make the criminal justice system more uniform so that an offender in one part of the country will be managed in the same way as in other parts. Since the organisation is built by human action, this kind of uniformity is never fully attained. Humans act differently depending on a great many things, and organisational facts and rules are just some of them. Through all time, inertia in organisations has made changes slow since intentions are translated before they become action.

The ideas of differentiation have also been with us for a long time. First, the ambition was to separate children from adults, women from men and then the mentally ill from the mentally sane. By the late 20th century differentiation had become far-reaching. With the aid of different instruments, offenders are judged in many ways and differentiated with different sanctions, different prisons, different departments in the prison and different programmes and interventions. Differentiation is a consistent part of the ideas of criminal justice, and as time goes by this differentiation becomes more and more specific.

When we talk about ideas of differentiation and uniformity, and when we talk about institutionalised caring, power and resistance, we are dealing with rather abstract phenomena. Do we not have any facts about the efficiency of the new organisation? Well, we have facts, but do they tell us anything about the changed organisation or about the merger of prison and probation? The latest study of reconviction rates was based on a follow-up until 2000, which means that it is too close to the reorganisation to draw any conclusions about the effects of the new organisation (Krantz and Lindsten, 2002). A recently published study showed that offenders today have far more social problems than ten years ago. There are fewer that have jobs and proper living conditions. More of them have mental problems, more have drug problems and offenders today are much less assimilated in the community in many other ways (Kling and Gustavsson, 2004).

Conditions in prison and probation have also changed. The prisoners are sentenced to longer terms in prison and the probationers have stricter programmes to follow. Since the non-custodial sentences now require stricter programmes, the short-term prison punishments are not used as much as before. While the prisoners serve their sentence they now have far fewer activities outside the prison, fewer periods of leave from prison, and fewer visits in the community (Kling and Gustavsson, 2004). Are these circumstances due to the new organisation or to the fact that the offenders are less assimilated in the community today? We can see that the sentence is served under a stricter regime, but it is

too complicated to explain whether the strict regime affects the prisoners or if the prisoners affect the regime so that it becomes stricter.

When the circumstances both under and beyond the control of the prison and probation organisation have changed so obviously, it is not reasonable to discuss the efficiency in terms of re-offending or other changes in the prisoners' situation. The prison and probation service deals with a very different context today, and how would it be possible in a new organisation to discern what is causing what? There are far too many variables to consider in drawing conclusions from the organisational changes. What we can say is that the new organisation coincides with the shift from two different institutions, emphasising either help or control, to one institution emphasising a caring power where control is predominant over support.

End Note

- (i) There is an organisation for lay supervisors, but it is more of an interest group. They do not organise any of the work, they ensure the lay people's education, security and other factors and as an organisation they look after the best interests of lay people and offenders in discussions with the criminal justice system. Not all of the lay supervisors are members of this organisation.

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