

The pains of crimmigration imprisonment: Perspectives from a Norwegian all-foreign prison

Thomas Ugelvik

Dorina Damsa

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Abstract

In the second part of his article on Scandinavian exceptionalism, John Pratt identified certain developments that might undermine the exceptional status of Scandinavian prisons and penal culture. A major problem looming on the horizon, according to Pratt, was the effects of globalization on Scandinavian societies. Since then, scholars have claimed that a bifurcation is emerging in the Norwegian correctional system, with humane and inclusive punishments reserved for nationals, while a more exclusionary alternative system is being developed to respond to the perceived challenge represented by foreign nationals. The opening of Norway's first all-foreign prison in 2013 has been seen as part of this trend. In this article, we describe three pains of imprisonment experienced by foreign national prisoners: those of (1) discrimination; (2) long-distance relationships; and (3) deportability. We argue that these are all specifically tied to the prison's status as an all-foreign prison.

Introduction: The Rise of the Crimmigration Prison

In 2012, Kongsvinger prison, until then an unremarkable local prison serving the wider Kongsvinger area, was converted into Norway's first, and so far only, all-foreign prison. This made Norway one of the few countries that, like the United Kingdom, include institutions designed to hold exclusively foreign nationals in their prison estates. While more or less informal separation of prisoners on special wings, based on ethnicity and/or citizenship, seems to be fairly common across Europe, only a few countries have taken the step of designating entire institutions as all-foreign prisons (Kalmthout et al. 2007; Ugelvik 2014a; Kaufman 2015). In the case of Norway at least, this should be seen in connection with the fact that, in recent years, foreign national prisoners have become a major issue in the political discourse. The Norwegian correctional system has always had to deal with foreign national prisoners, but their presence was not seen as particularly noteworthy. Recently, however, the proportion of foreign nationals in the prison system increased rapidly from around one in six in 2007 to around one in three in 2010. It has been stable at that level since; according to the most recent available statistics (Correctional Services 2017), 33.6 per cent of prisoners in Norwegian prisons are foreign nationals. This development led to increased focus on foreign nationals in prison as a 'new social problem' in need of political solutions. Todd (in review) shows how the 'foreign national criminal' has become one of the most significant figures in Norwegian political discourse on crime and criminal justice policies. The conversion of Kongsvinger prison has been seen as directly connected to this development.

As noted by Bosworth (2010), prisons have often been built to demonstrate both the actual and symbolic limits of the state. Kongsvinger prison has specifically been designed for foreign nationals who have received a final expulsion order from the immigration services. It is therefore part of a 'race to deport' in which the police in particular are being pressured to hit ever-higher deportation targets (Franko and Mohn 2015). The prison is also supposed, if possible, to facilitate the transfer of foreign nationals to prisons in their home countries. Kongsvinger can therefore be seen as part both of the 'deportation machine' (Fekete 2005) and of the rehabilitation and reintegration oriented system of all other Norwegian prisons. It is what one of the authors has elsewhere (Ugelvik 2017) called a 'crimmigration prison', meaning a prison where immigration control purposes either are added to, or replace, such traditional aims of prisons as punishment, deterrence and rehabilitation.

In the field of comparative penology, Scandinavian prisons are regularly highlighted as exceptions to an international punitive trend that has frequently been observed. In a series of publications, Pratt (Pratt 2008a; 2008b; Pratt and Eriksson 2011; 2012a; 2012b) argued that Scandinavian or Nordic penal cultures are exceptionally liberal and humane and that these values are

manifested in prisons. Scandinavian prisons, according to this literature, are different—better—than those elsewhere; the use of state punishment is generally exceptionally moderate, and the practical implementation of punishment, when it occurs, is welfare oriented and based on inclusionary values. According to this literature, the result is egalitarian welfare state prisons, where punishment is humane, rehabilitative, supportive, inclusive and future oriented and where the point of imprisonment is to empower prisoners to increase their chances of living a law-abiding life post-release.

Prison researchers based in Scandinavia have been less ready to accept the exceptionalism thesis. Several Nordic prison practices and penal policies have been highlighted as challenging such an understanding (Ugelvik 2012a; Barker 2012; Mathiesen 2012; Smith 2012; Smith and Ugelvik 2017). According to critics, Pratt could easily have painted a more sombre picture of the Scandinavian correctional systems, their prisons and their effects, by pointing out less liberal and humane aspects of the Scandinavian prison systems, such as the frequent use of pre-trial solitary confinement. In the second part of his two-part article, Pratt (2008b) himself identified a number of worrying trends and challenges to the Scandinavian model. He asked whether Scandinavian exceptionalism might soon be a thing of the past. One such challenge, according to Pratt, was the effects of globalization and increased numbers of foreign nationals in prison. Several scholars have pointed out that a bifurcation is emerging in the Norwegian correctional system, with humane and inclusive punishments reserved for nationals, while a more austere and exclusionary alternative system is being developed to respond to the perceived challenge represented by foreign nationals (Ugelvik 2012b; 2014a; Aas 2014; Franko and Mohn 2015; Pakes and Holt 2017; Shammass 2017). What is life in Kongsvinger like? Is Kongsvinger prison recognizable as a Norwegian prison or has it turned into something else? What does the conversion to all-foreign prison look like from the point of view of prisoners? This article is based on fieldwork in Kongsvinger prison. Inspired by Gresham M. Sykes' (1958) classic work *The Society of Captives*, and the recent studies that have updated and expanded on his 'pains of imprisonment' framework, we will describe life at Kongsvinger prison as seen from the prisoner perspective. We will discuss the relationship between the five original pains of imprisonment and the recent additions, to try to identify and describe the particular pains of imprisonment created by what we call 'crimmigration prisons'. We will not focus in detail on the general pains of imprisonment experienced by all or most prisoners in all or most prisons, but concentrate on the pains specifically associated with being held in a prison in a foreign country, and of being ascribed the status of 'foreign national prisoner'. This analysis will also allow us to interrogate the literature on the 'exceptionalism' of Scandinavian prisons.

The Prisoner Perspective

2018 will mark the 60th anniversary of Gresham M. Sykes's (1958) seminal work *The Society of Captives*. This undisputed classic can be said to have spawned a whole penological sub-field focusing on the phenomenology of imprisonment. One of its major contributions was the notion of five 'pains of imprisonment' that characterize the prison experience from the point of view of prisoners. These include the deprivation of liberty, of goods and services, of heterosexual relationships, of autonomy and of security. This framework continues to inspire new analyses of prison institutions and of prisoners' experience of imprisonment.

It has been claimed that all prisons share a number of characteristics. This idea is the foundation of Goffman's (1961) description of 'total institutions'. Drawing on Sykes, Goffman claims that certain common characteristics can be found across a range of very different institutions, such as prisons, mental hospitals, large ships and military camps. Sykes's work on the pains of imprisonment can be said to support this view. Although his analysis is based on empirical work done in a specific prison institution (New Jersey State Prison), the many studies that have since employed his framework to great effect show it to have general analytical value across very different kinds of institutions.

On the other hand, it may also be claimed that all prisons are unique institutions that should be studied individually. As Sykes's framework has been expanded, the description of specific pains of imprisonment connected to particular prisoner sub-groups has helped create an analytical framework increasingly capable of observing the range of differences that can be found between prisons separated in space or time. Thus, from a perspective akin to that of this paper, Bhui (2009) describes the challenges and frustrations experienced by foreign national prisoners in the English and Welsh system. Expanding on Bhui's work, Warr (2016) introduces a new range of pains and frustrations faced uniquely by foreign national prisoners, including the deprivation of certitude, legitimacy and hope.

There have also been studies focusing on differences between various kinds of prison regimes. In a series of publications, Crewe and colleagues (Crewe 2011a; Crewe et al. 2014; Crewe 2015; Crewe et al. 2017) have created an analytical vocabulary that makes it possible to study differences and nuances between prisons, between different wings within a prison and even between the experiences of individual prisoners on the same wing. Seen from this perspective, prisons are not all the same. Different people can even experience the same prison wing very differently. Building and expanding on Downes (1988) and King and McDermott (1995), Crewe argues that the notion of 'pains of imprisonment' might fruitfully be split up into a more complex system of sub-categories. Taken as a whole, the 'depth', 'weight', 'tightness' and 'breadth' of imprisonment

serve as a system of metaphors that can be used to capture variations between different institutions and between the experiences of different prisoners.

According to Crewe (2015), 'deep' imprisonment refers to the experience of being far away from the 'surface' of freedom. 'Depth' is often seen as connected to the prevailing levels of security and control: very high-security regimes can create a feeling of being buried far beneath the surface. The experience of 'depth' will therefore often be connected to the degree of physical freedom permitted to prisoners and the level of bodily control they are subjected to.

The 'weight' of imprisonment refers to the psychological onerousness of the prison experience. In 'heavy' prisons, everyday life feels like a burden on prisoners' shoulders. This feeling may not necessarily result from the security level itself, but from the way the everyday production of security is implemented on the wings, and the way authority is used in practice. 'Weight' is not about prison conditions as such, but the way particular conditions can be seen to communicate something about prisoners' moral status. According to Crewe (2015), prisoner–staff relationships may be seen as an important part of this. On wings where prisoners feel they are treated fairly and humanely, the experience is 'lighter', even if the security level per se is the same. Conversely, in 'heavy' prison regimes, poor material conditions can put additional pressures on prisoners, and staff may be seen as petty and provocative. Prisons that are 'heavy' are not always worse, however. In prisons that are too 'light', a lack of staff presence can lead to prisoners victimizing each other (Crewe et al. 2014).

The 'tightness' of a prison experience is associated with the changes in, and in particular the 'softening' of, modern penal power, according to Crewe (2011b). It captures the tension, uncertainty and anxiety associated with the increased use of 'responsibilisation' (Robinson 2002; Bosworth 2007) and indirect governance tactics (Garland 1997; Rose 2000) in the correctional setting. Increasingly, prisoners are no longer objects of punishment, but made instead into potential subjects of self-change, thus creating prisons characterized by what Crewe (2009) has called 'neopaternalism'. The feeling of 'tightness', then, is connected to the perceived need to self-govern, take responsibility and show credible change and growth in a context where outcomes are always uncertain and unpredictable. 'Tight' prisons are 'more pushy than caring, and more prescriptive than liberal' according to Crewe (2011a: 523).

Finally, the 'breadth' of imprisonment describes the dispersal of disciplinary mechanisms within civil society (Crewe 2015), including the rate of recall to prison and the extent to which penal agents continue surveillance following release.

Research Methods

The article is based on two different but interconnected research projects both based on fieldwork in Kongsvinger prison, a medium-sized Norwegian prison situated about an hour and a half's drive northeast of Oslo, Norway's capital city. Thomas did four months of fieldwork there in the autumn and winter of 2013, as part of a multi-sited ethnographic study of 'cimmigration prisons' (Ugelvik 2017). He was an experienced prison researcher who had previously done multiple short spells of fieldwork and one lengthy period. He held keys, and moved around the prison at will, collecting interview and ethnographic data. He did the fieldwork alone. As part of a collaboration between the University of Bucharest and the University of Oslo, Dorina went into Kongsvinger for the first time in the summer of 2015, to investigate the transition of Romanian prisoners from Norwegian prisons to freedom. She paid numerous short visits to the prison over 2015 and 2016, collecting interview data and doing participant observation. Thomas was also part of this project—in fact, he was the national project leader who hired Dorina to do the job—but the fieldwork was conducted exclusively by Dorina.

In the field, we were both mindful of the need to develop rapport and consciously and actively engaged in both the light banter and serious conversations that occur in prison spaces. Nevertheless, our field personas were perceived differently, particularly because of differences in our citizenship (Norwegian/Romanian), perceived experience/age (senior/junior) and gender (male/female). This resulted in our having rather different positions. We were co-opted differently by prisoners and officers, and we each established rapport with different participants. Thomas, because of his 'Norwegian-ness', had to work a lot harder than Dorina, a 'foreigner', to gain access to the prisoner group. Sharing a language also made it easy for Dorina to establish rapport and a shared cultural space with the prisoners. Thomas had an easier 'entrée' into the prison officer group, while Dorina, seen from the get-go as an outsider, had to work harder to connect with this group. Despite our different situations in the field, however, our findings were in most respects very similar. We have discussed our different field personas and their consequences at length elsewhere (Damsa and Ugelvik 2017).

The Pains of the Cimmigration Prison

Prisoners at Kongsvinger wanted to impress upon us that the cimmigration prison had its own particular shortcomings and that the experience of being imprisoned there came with unique pains and frustrations. Crewe (2011a) suggests that pains of imprisonment can be divided into three overarching types: (1) those deriving from the inherent features of incarceration, (2) those resulting from deliberate abuses and derelictions of duty and (3) those that are consequences of systemic

policies and institutional practices. In what follows, this paper will concentrate on three pains of the third kind: frustrations we believe are connected to the conversion of Kongsvinger into a special crimmigration prison.

The Pains of Discrimination

Prisoners at Kongsvinger frequently told us about the many ways the prison, the Norwegian Prison and Probation Service, and even Norwegian society in general, target them for discrimination and even outright racism. They often described Kongsvinger as a racist institution built on a logic of discrimination. The experience of being singled out as an 'outsider' and held in an institution that has transfer or deportation post-release as its main *raison d'être* was something prisoners frequently mentioned. Using the terminology of recent pains of imprisonment literature, we argue that this increases the experience of 'weight'. We have identified four connected but distinct concerns highlighted by prisoners:

First, in line with similar findings by Kaufman (2015), the practice of separating foreign nationals from Norwegian prisoners, and putting them into all-foreign prisons was in itself seen as illegitimate by many prisoners, as can be seen in the following excerpts from interviews and field diaries:

This country has such double standards. Why do you make separate systems for foreigners? Why do you make special prisons, worse prisons, for foreigners? The world's best country to live in, the wealthiest country, all that shit. [...] The system creates hate, when it's all about breaking people, destroying people. It's a system that is put there to break you. That's the point. (Field notes, Thomas)

It's like we're just prisoners, right, and we're not even Norwegian prisoners. Fairness and justice left this institution when the last Norwegian prisoner was taken down the hill outside the prison. (Field notes, Thomas)

This is the richest country in the world, you know. But what do you spend all that money on? This prison is crap. I have been in prison in Sweden and England, but I've never felt psychological pressure like I do here. There's nothing here, they are not even trying to return us to society. This is just pure incarceration. It's about breaking us. It's like having a dog in a cage, and you poke it with a stick all the time, poke, poke, every day. And then one day you sit on top of the cage so you're safe, and you open the cage, how do you think that dog will behave? That's what they do here, in this prison. (Field notes, Thomas)

Prisoners often claim that what they call the 'prisons for Norwegians', meaning, we suppose, all the other prisons in the Norwegian prison estate (including other prisons with sizable foreign national populations), are significantly better than those for foreigners. They often compare their prison experience with their perception of the life of the 'general Norwegian prisoner', highlighting all the ways that Kongsvinger is supposedly inferior. According to prisoners, in itself, the prison is not too bad, but because of the ideas they have about other prisons, they still claim to be the victims of discrimination. We could also, following Shammass (2014), call this the pain of relative deprivation. The resulting 'psychological pressure' the prisoner talks about in the third excerpt above speaks directly to an experience of increased 'weight'.

The second aspect is that officers at Kongsvinger are sometimes said to be racist. Some prisoners feel they are surrounded by staff members that do not care about them or about what happens to them, simply because they are foreign nationals. Typically, these accusations are quite vague and based more on a general feeling than specific incidents:

I can tell when someone I'm talking to is a racist. They're all racist here, or 95 per cent. This place is full of racists. (Field notes, Thomas)

We're just foreigners, right, we can tell, this prison isn't like other prisons. They don't care here, we're just being thrown out of the country anyway. We don't count. (Field notes, Thomas)

This happened yesterday. This one boy went to ask about the benefits you get to buy clothes. A Romanian boy, he's new, he doesn't know his way around, and he doesn't really speak English well. When they saw him come towards the window they waved him away, 'clear off, go away'. I don't know. They see us as trash, good for nothing people, like we're not fellow humans. (Interview, Dorina)

For these prisoners, everyday problems and frustrations are part of a wider and more pervasive tendency: they feel the staff discriminate against them because they are foreign nationals. Some prisoners disagree though and do not think most officers are racist. Rather, like the prisoners, they are pawns in a discriminatory system:

Some officers are racist, you can tell. But many officers are good people. They are trying to do a good job. The system is the problem. They get a negative response from the system as well, they even say it to us sometimes, that they don't understand why this happens, but

they just have to do their job. It's the people above them in the system who decide, you know. (Field notes, Thomas)

Thirdly, in line with the idea that the racist system impacts on prisoners and officers alike, prisoners often claim that the prison and welfare system decision-making processes are stacked against them. This explanatory frame is frequently used in the prison and has a number of different purposes. When an application comes back with a negative decision, or when a contact officer takes a long time to respond to a request, 'the racist system' is always there as a possible explanation. Some prisoners describe these everyday small disappointments, when taken as a whole, as a form of terror. Some even believe that this is the very purpose of Kongsvinger prison:

You feel like this system is designed to drive you mad. [...] If you ask for anything in here, you'll end up going mad. You need to do this and that. Their system breaks you down. It's not like you get out of here a better man, not wanting to commit crimes. It drives you mad, it drives you off the rails, so that you'll never want [to be in] Norway again. (Interview, Dorina)

Fourthly, while some prisoners assume that imprisonment by its very nature, involves considerable deprivations, others frame their situation as an intentional deprivation of rights, beyond the restriction of liberty alone. The very fact that it is intentional adds 'weight' to their prison experience. There also seems to be a very strong connection between the perception of racism, discrimination, and unfair treatment and the supposed knowledge of human rights. In our data, those prisoners who claim to be very much aware of their human rights seem to be more likely to interpret any sort of negative experience as racist and an intentional act of discrimination against them as foreign nationals. Some of the prisoners who are vocal in asserting a rights narrative frame prison officers' actions as retributive:

You ask for something, you won't get it. You're asking for your rights. You won't get to see a doctor. You won't get to see a psychologist, whom in prison [you will need]. This is not prison. This is psychological torture. [...] I know my rights, they've been taken away from me, straight up. You've got a one hour [yard] walk in here, you go for 45 minutes, and done. I exploded because of this. They want their order respected, so I want my rights respected. And he [the officer] told me 'You have no rights in here'. (Interview, Dorina)

In general, any sort of everyday problem on the wings, including poor communication with officers, due to language issues, a lack of understanding of or disagreements with prison rules and

regulations, frustration with the slowness of prison bureaucracy or an idealized understanding of 'prisons for Norwegians' is very likely to be interpreted as discrimination. From the perspective of prisoners, discrimination (and for some, outright racism) seems to work as an all-purpose, catch-all explanation whenever something bad happens. And again, when prisoners talk about feeling they are the victims of abuse, terror and a system 'designed to drive you mad', it speaks directly to their experience of 'weight', understood as a description of the psychological onerousness of the prison. Studies (Tyler 2003; 2006; Beijersbergen et al. 2014) have shown that perceived legitimacy makes negative decisions easier to swallow. Arguably, here the opposite may be happening: the frequent use of discrimination as the automatic explanation for any negative experience can be said to put additional 'weight' on the shoulders of foreign national prisoners. Not only are their applications refused, they are refused by a racist institution for illegitimate reasons. Being held in such a place will arguably feel much 'heavier' than being in a prison where decisions are based on a strong sense of procedural legitimacy.

The Pains of Long-Distance Relationships

Prisoners at Kongsvinger also regularly described pains and frustrations associated with being imprisoned far away from their families and loved ones. According to section 17 of the European Prison Rules (Council of Europe 2006), prisoners should be 'allocated, as much as possible, to prisons close to their homes or places of social rehabilitation'. This is, needless to say, usually difficult when it comes to foreign prisoners. Foreign nationals are entitled to as many prison visits as Norwegian nationals, but in practice, they generally get far less, for practical and economic reasons. Many prisoners also struggle to find the money to telephone their families, as long-distance phone calls are very expensive, compared to their weekly allowance. The prison does take these frustrations seriously and, in some ways, attempts to ameliorate them, e.g., by giving fathers the opportunity to read bedtime stories to their children on a CD that they can send back home, but other possible developments have been frustratingly slow. At the time of Thomas' fieldwork, Internet communication technologies like Skype were not available to prisoners at Kongsvinger. As a result, staying in touch with friends and family was difficult or, for some prisoners, impossible. Many prisoners talked about feelings of helplessness and sadness about letting their families down:

Thomas: So, a wife and a kid in another country, that must be rough?

Prisoner: Yes, but I think it is even rougher on her, to be honest. Living alone isn't easy for a young woman in the Ukraine, mentally as well as financially, I know she has had a rough time. She is living with her mother now, but her mother works all the time, so she's left alone a lot. With a child, that is difficult. (Field notes, Thomas)

Let me speak [to my wife]. You have taken every freedom, everything. I get it. You have taken my freedom, very well, I've made a mistake. But now let me speak [to my wife], because I have children, a family. I need to speak [to my wife] to know what is happening at home, to know what has happened. What if one of us dies? What if something happens? 'No, you're not allowed, you spoke on Sunday'. (Interview, Dorina)

For many prisoners, the worst thing about being imprisoned in a foreign country was the difficult financial situation in which their choices had left their families back home. Partners and children living in poor conditions, with little money, was a perpetual worry for many:

My wife and kids are in Romania, it's hard. My parents are both dead, so there is no one that can help. I asked whether it might be possible to apply for some money, just a bit for food and clothes for my kids, but that wasn't possible. I spend 100 kroner a week on phone cards, the rest, about 200 kroner I send back home. It costs 30 kroner just to send the money, every time. (Field notes, Thomas)

Many prisoners just wanted to get back home as soon as possible, to be closer to their loved ones. They contacted their embassies regularly to ask for a transfer to a prison in their home country, knowing full well that the conditions under which they would have to serve their sentences would be much worse than what Kongsvinger prison offered them. The need to see their family was paramount, overshadowing anything to do with the material conditions in the prison:

The pain that I'm feeling, can you imagine, my son was six months old when I was arrested, so small. Now he's five. Everything has happened without me there. He is starting to understand more and more, he's asking me 'Daddy, will you come home soon? Can we Skype soon?', stuff like that. [...] You can understand how painful it is, it's really awful. (Field notes, Thomas)

Some prisoners desperately want to be transferred or deported to their country of origin as soon as possible. The prisoner quoted below applied months ago to be transferred to his native Romania, a country with which Norway has a permanent bilateral agreement for prisoner transfers. Yet nothing happened, for reasons that were unclear to him:

I just want to go home! I want to be deported, so what is taking so long? What is the problem? Please deport me! I have talked with my contact officer, he says it is possible, but it will probably take some months, call your lawyer. I try to call my lawyer, I have called a hundred times! Really, a hundred times! But no, no contact. It's typical, when the case is finished, lawyers are quiet, they forget about you, they need new cases, need to make more money. And I have talked with my embassy three times, they tell me yes, is possible to serve the rest of the sentence in Romania. They told me this in 2011! Why, what is the problem? Two weeks ago, another prisoner was deported to Romania. Why did they not take me as well? It would be cheaper, yes? Easier? They are going anyway? I don't get it. (Field notes, Thomas)

Other prisoners were frustrated because they felt they were in a situation where it was impossible to decide on the best course of action. One prisoner was soon going to be returned to Estonia to serve out the rest of his sentence there. He constantly debated with himself whether to contest the deportation or go through with it voluntarily. He felt Estonia was preferable to Norway because prisoners there can apply for early release after serving half their time, unlike in Norway where you have to serve two thirds of your sentence before applying. On the other hand, he had to admit that Norwegian prisons are better, materially speaking. The major issue, however, was that his wife and the baby son he had never met were currently living in the Ukraine. So moving to Estonia would not make it easier for them to visit. Other prisoners told us that they tried to ignore the world outside the prison as best they could. There was nothing they could do anyway, life went on outside regardless, so they felt they were better off trying to ignore the pain, and then trying to patch things up when they were released. Some prisoners talked about relationships 'cooling' and about feelings of slowly drifting away from loved ones.

For many prisoners, the pains of frustrated or failing long-distance relationships added considerable psychological 'weight' to the prison experience. Although most prisoners agreed that conditions in Kongsvinger are very good, many also said that prison life 'breaks you away from reality' and that the disconnect between their prison existence and the important parts of life is 'total'. Arguably, this can also be said to make imprisonment at Kongsvinger much 'deeper' than it would seem at first glance. As described above, Kongsvinger is in many respects a 'shallow' prison. But 'depth' is always relative to a specific sense of a 'surface'. And to many foreign national prisoners, the 'surface' is not right there outside the prison—the freedom waiting just beyond the prison wall. The 'surface' is rather the world of families and loved ones; of struggling spouses and children they have never have got to know properly. And they are all far away, off in another country, and difficult or impossible to keep in

touch with. Regardless of what we might call the 'objective shallowness' of Kongsvinger, many prisoners felt as if they were buried deep beneath the surface, far away from a life in another country that just carried on without them. We therefore wish to suggest a difference between 'depth' as the distance from freedom and 'depth' as the distance from life. To many prisoners, the relative shallowness of the low-security wing at Kongsvinger did not mean that they did not feel captured deep beneath the surface represented by the life of families and loved ones far away.

The Pains of Deportability

Finally, while some prisoners were trying to leave Norway at all costs, others desperately wanted to stay in the country. In their case, the fact that they were up for transfer or deportation was the main issue they were struggling with, the one that overshadowed everything else. On paper, all prisoners at Kongsvinger prison are supposed to have received a final expulsion order from the immigration authorities. In practice, however, this is not always the case. Frequently, the immigration and prison systems work on very different timeframes. In most cases, a prison sentence will be followed by deportation, but the wheels of the immigration system turn slowly, and the final deportation decision may be made only months or even weeks before release from prison. In many cases, then, the prison system has to treat prisoners as likely deportees. Sometimes they pick the wrong cases. In 2016, 172 individuals were released from Kongsvinger prison and deported to another country, while nine prisoners ended up being released back into Norway anyway. When this happens, it gives hope to the many prisoners who are fighting their deportation orders as best they could. They know that they are likely to be deported, but they also know that the deportation decision is not final until they are actually put on a plane. To many, the uncertainty, unpredictability and lack of information they experienced, as a result, added considerable 'weight' to their everyday life in prison, making everything more difficult. For these prisoners, the question of deportability totally colonized the life-world of the prison. Prisoners frequently told us that they experienced frustration at being seen first and foremost as deportable, as 'nothing more than their passport'. Many told us they were frustrated and scared at the prospect of being returned to a country they had left years earlier, where they felt they had no ties and access to no resources. One prisoner faced deportation to Iraq after spending 15 years in Norway. He had no family or other network in Baghdad and dreaded the move to a country and a city he no longer considered his home:

I don't know anything, I have no ties to that city any more. What if they [Iraqi immigration] won't accept me? It could happen, they might just refuse. I guess I go back, and straight to Trandum [Norwegian police immigration detention centre] in that case? I have talked with IOM [International Organization for Migration], they say that they will help me financially if I

go voluntarily. And they won't tell anyone that I have been in prison; that would be a bit risky, if the people down in Iraq found out. They might just put me in prison for five or six more years, no conviction, nothing, just because I'm obviously a big criminal. That's scary. It might happen. I'm wondering whether I should apply for asylum in Norway. (Field notes, Thomas)

This prisoner experienced layers upon layers of uncertainty. Would he be deported? Would the Iraqi government allow him to enter the country? Perhaps they would even imprison him? What would life in Iraq be like? Perhaps he should seek asylum in Norway, but what would the asylum process be like? Would he live in an asylum centre or be incarcerated at Trandum? In most prison settings, release is something to look forward to. In 'crimmigration prisons', this is more complicated. Release can be bittersweet, when getting out of prison means being deported and forcibly removed from your life in Norway, including spouses and children who may be Norwegian citizens. In these cases, the prison existence is experienced as relatively 'shallow'. The release process, however, will result in a much 'deeper' existence, if we follow the division introduced above and see 'depth' as distance from life. Being released means being removed further from the life you want to live. In these cases, we might even talk about the pains of being released.

For some prisoners, being seen as unwanted by the Norwegian government is in itself experienced as an attack on their identity. Some were deeply frustrated by the very fact that, after being in the country for years, they were suddenly seen as deportable:

I've been here for 28 years, can you believe it? I came to Norway at 14 and grew up here. I haven't been back to my home country for eight years. But I'm being deported just the same. My whole life is ruined, you know. I have lived in Norway since I was a child, the crime I committed, I did in Norway. Yes, I have made mistakes, big mistakes in my life, but my life in Norway has created those mistakes. I didn't come to Norway as a criminal, I turned into one here. And now they're deporting me after 28 years. Norway, I had so much love for this country, when I came here I felt it was the best country in the world, I was so happy and felt lucky to be able to live here. Now it's all ruined, and no one is in charge, that's the worst bit, no one knows anything. People are sitting all over the place, making decisions, but no one sees the big picture. (Field notes, Thomas)

Other prisoners worried about whether they would be paroled or not, and if their application would be approved, whether they would be allowed to stay in the country:

Look, I don't even know today, five days before [release]...I don't know when I have to take that plane. They keep me under constant stress. They've been keeping me under stress with the two thirds [parole decision] for a whole month. 'Oh, I don't know if you'll get it [parole]'. Dude, is the two thirds for sure? 'It's not sure'. What will happen to me? And so, on the last day, the two thirds was given at 7:20 in the morning, I have the printed paper, and in the afternoon I went to ask and they said, 'Nothing's come yet.' So that they could stress me some more. So, with a piece of paper, if they can keep you under stress, they do. (Interview, Dorina)

In some cases, prisoners are totally unprepared when, on the day of release, they are met at the gates by immigration police officers ready to put them on a plane. Prison officers also often talked about this less than ideal arrangement. They were sometimes as surprised as the prisoner when they received word of a last-minute change of plans from the immigration authorities. For both groups, immigration decision-making processes were opaque and unpredictable and had low procedural legitimacy. For many prisoners, this led to a form of fatalism, where nothing you do in prison seems to impact the deportation decision. The root of all this, of course, is that immigration decisions like deportation orders are taken elsewhere. According to Warr,

Foreign national prisoners have to contend not only with the opaque bureaucracy of the criminal judicial system and the institutions in which they are housed but also the increasingly labyrinthine Immigration apparatus and policies of the Home Office. (2016: 307)

Prison officers were frequently almost as frustrated as the prisoners themselves when they had to respond to the many questions about the particulars of the release process with the refrain 'I just don't know'. In many cases, it is not that staff were unwilling to explain decisions and justify their behaviour (King and McDermott 1995), but that they could not, because decisions were taken elsewhere, within another system they were not familiar with. In short, the 'fog of uncertainty' described by Crewe (2011a) is particularly thick in Kongsvinger, as prison decisions and immigration decisions in Norway and abroad are seen as equally opaque and difficult to understand. This helps to create a pervasive sense of ontological uncertainty (Giddens 1991) among prisoners, adding significant 'weight' to their prison experience.

This uncertainty might also be said to add a specific form of 'tightness' to the prison experience. What prisoners who do not want to be deported and who are desperately trying to fight their deportation decision have in common with prisoners who want to go back but who for some

practical reason are difficult to return, is a lack of agency and a strong sense of uncertainty. They try to act rationally in the situation they find themselves in, but have a hard time understanding the rules, and the best way forward. In 'tight' prison settings, power is psychological and informational (Crewe 2015), it is grounded in paperwork, assessment exercises and psychological screening systems. According to Crewe, prisoners today have to be more self-conscious and more strategic in order to successfully navigate the system. Prisoners at Kongsvinger are not 'transformative risk subjects' (Hannah-Moffat 2005) who have to submit to endless evaluation and assessment exercises (Crewe 2011a); one could even claim that the opposite is happening: they are being left alone to the extent that many feel that 'Norway doesn't care'. Following Crewe's description of 'tightness', this should make for a 'loose' experience. However, it can be difficult enough to understand a bureaucracy that is actually present. The migration control system is elsewhere and equally opaque for prisoners and officers. Prisoners at Kongsvinger, therefore, have to try their best to navigate the treacherous waters of immigration bureaucracy, but with no proper map or knowledge of the conditions ahead. Many spend a considerable amount of energy trying to understand the ins and outs of the system and to act accordingly. A particular form of 'tightness' resulting from the need to engage proactively and constructively with a system prisoners do not understand is then increased by the extra 'weight' that is added when they do not succeed.

Discussion

Elsewhere, one of the authors (Ugelvik 2017) has discussed the conversion of Kongsvinger prison into an all-foreign prison from the point of view of the prison as a provider of welfare and rehabilitation services. At the level of the everyday reintegration and rehabilitation work that is supposed to happen in a Norwegian prison, very little changed. Even though the prison was now filled with prisoners that for a large part lacked legal rights vis-à-vis the Norwegian welfare system, the prison continued to provide them with services at the level of what one would expect of a normal Norwegian prison. Together with the various state welfare agencies that the prison system cooperates with, Kongsvinger prison decided to emulate and recreate the normal Norwegian prison experience as closely as possible, with a few rather minor changes. The material conditions offered to prisoners still resemble those of other Norwegian prisons. Prisoners are still given opportunities to work or go to school. The prison did not, like some critics feared, deteriorate into a place where all rights are forfeited and human beings are simply warehoused while they wait for their sentence to end.

A prison is a form of state social control where people—in theory at least—are temporarily excluded from society in order to change and be reintegrated as a successful productive member of it. What happens when you remove the goal of reintegration and make a more permanent and ‘total’ form of exclusion the primary aim of imprisonment? Even though little may have actually changed following the conversion of Kongsvinger into an all-foreign prison, the prison did change at the symbolic level. Introducing immigration control measures into the criminal justice and correctional system changes the way the system is experienced. The fact that prisoners are unwanted in Norway is now built into the core logic of the institution. Everything that happens at Kongsvinger prison is now seen through this lens. For most prisoners, any negative decision, every bad experience, is interpreted as a result of the conversion to all-foreign prison status. The three crimmigration prison specific pains of imprisonment described in this paper should all be understood as connected to this transformation at the symbolic level. The widespread accusations of discrimination and racism in particular can be seen as direct results of the change in institutional goals. Human experience is given meaning in particular symbolic meaning-making contexts; therefore, scholars who want to understand the experiences of prisoners in particular prison regimes also have to pay attention to these contexts. Sykes described New Jersey State Prison as ‘a social system in which an attempt is made to create and maintain total or almost total social control’ (Sykes 1958: xxxii). This is true of most, if not all prisons, depending on your definition of ‘total social control’. But in practice, prisons vary greatly in the range of social control tools and techniques available to them, and they deploy them in many different ways. The differences between a huge US Supermax prison (e.g. Shalev 2009) and a much smaller low-security Norwegian institution (e.g. Shamma 2014) are so many, and run so deep, that one could question if it makes sense to refer to them by the same term. For a start, the two prisons give prisoners vastly different levels of trust. One could say that the Supermax is designed to eliminate the question of trust altogether, while the open prison described by Shamma allows prisoners to travel by ferry to the mainland to go to work or school on their own, trusting them to return on time unescorted. It is likely that a comparative analysis of these two very different kinds of prison regimes would find that all five of Sykes’s original pains of imprisonment are more pervasively present in the Supermax than in the prison described by Shamma. Does that mean that prisons can be put on a simple scale according to the presence of these five pains? According to Shamma, role confusion, anxiety and boundlessness, ambiguity and relative deprivation are among the pains regularly experienced by prisoners in more open prison regimes. Other studies (Neumann 2012) have also argued that low-security regimes—even though they may indeed be experienced as better in some ways—produce their own, context-specific pains of imprisonment. A softer and more indirect form of power (Crewe (2011b) that is nevertheless experienced as constraining, and that may be as,

or even more, difficult to cope with than the harder power associated with traditional prison regimes is common in these institutions.

When read as a whole, the more recent pains of imprisonment literature provide a nuanced account of the wide range of very different institutions that share the designation 'prison'. These studies show that the question of pains and frustrations resulting from the prison setting is not one of degree on a single scale, where prisons go from bad to better (or even good). Rather, one might say that specific institutions represent a set of specific coordinates; a constellation of different pains. Some prisons can, materially speaking, be very good, but offer little by way of vocational training. Others are run-down and badly in need of renovation, but have liberal visitation schemes. The 'depth', 'weight', 'tightness' and 'breadth' framework allows for more sensitive and nuanced analyses of the phenomenology of imprisonment. The more this literature grows, the better we will be able to understand the nuances and variations found in the institutions we call 'prisons'. On the face of it, Kongsvinger prison is relatively 'light' and 'shallow'. In this article, we have shown, however, that there are new, 'cimmigration prison'-specific pains of imprisonment that help make life at Kongsvinger feel 'deeper', 'heavier' and 'tighter'. The experience of being singled out and consigned to a special prison for foreign nationals adds 'weight' because it contributes to a perception of being unwanted and of being the victim of discrimination. All prisons are built on a 'logic of scission' (Combesse 2002), whereby the institution's inhabitants are tagged as a particular type of people. This is even truer in an all-foreign prison: prisoners feel that their very existence on Norwegian soil has been criminalized. Many prisoners also claim that the officers, the prison and even the entire country of Norway are racist. For many of those we talked with, the sense of being treated unfairly in an illegitimate institution added psychological pressure and made for a 'heavier' prison experience over all.

Additional 'weight' and 'depth' also result from being imprisoned far away from your family and loved ones and not knowing when you will be able to see them again. Kongsvinger, especially its low-security wing, provides prisoners with what may look like comparatively 'shallow' conditions. There is no real prison wall, just a low fence that could be climbed over. Prisoners can apply for escorted and unescorted leave, including visits to the local library. Under this regime, most prisoners would not have a sense of being buried far beneath the surface of freedom. However, as we have demonstrated in this article, there is a difference between 'depth' as the distance from freedom and 'depth' as the distance from life. Many foreign national prisoners at Kongsvinger feel deeply buried in the latter sense, even though they are given ample opportunity to sample freedom outside the prison walls on a regular basis.

Finally, lack of information about their residence status, and not knowing whether they will be able to stay in the country upon release, adds a sense of psychological 'weight', as well as a crimmigration control-specific sense of 'tightness', which results not from continuous assessment and surveillance, but from the fact that important life-changing decisions are being taken by a faceless bureaucracy elsewhere. Prisoners want, and desperately try, to understand this system and to act rationally to improve their chances of staying in the country, but its logic and inner workings remain hidden from them. Prisoners at Kongsvinger feel trapped in a bureaucratic web where outcomes are deeply uncertain, and where life-changing decisions taken elsewhere are impossible to predict and almost as difficult to understand.

Neumann (2012) concludes her discussion of an open prison in Norway by saying that Nordic prisons may be more 'humane' in the sense that the material standards, and the living conditions provided, are better than elsewhere, but that this does not necessarily mean that the prison is experienced as any less prison-like. The same seems to be true of Kongsvinger. For many prisoners held there, the crimmigration prison produces its own specific pains and frustrations. This article has supported the claim that prisons and the experience of imprisonment should be understood locally and individually. In the case of Kongsvinger, prisoners' foreign national status, and the fact that they as foreign nationals are put in an all-foreign prison, marks their prison experience in particular ways, creating specific pains of imprisonment. Kongsvinger is an example of a non-inclusionary form of imprisonment. As a result, prisoners held there frequently use racism and discrimination as the mainframe (or optic) when they seek to understand their own situation and the everyday goings-on in the prison.

While the classic pains of imprisonment can be reduced or perhaps even eliminated, pain and frustration are intrinsic to imprisonment (Crewe 2011a), even in comfortable, materially plush Norwegian prisons. Simply put, any prison will represent a specific configuration of pains and frustrations experienced by its prisoners. The Scandinavian exceptionalism perspective, we argue, has been blind to this kind of variation. Even though one of the strengths of Pratt's framework, compared with some comparable studies, was his willingness to add some experiential elements to his macro-level analysis, the focus was never on thorough empirical study of prison conditions and the experience of prisoners in specific institutions. To say this is not really to point to a flaw in Pratt's analysis. He has, however, been read by some of his critics as someone who intended to carry out a detailed empirical study of specific conditions. Any research design will have its blind spots. Employing and expanding on the pains of imprisonment framework in this paper has allowed us to address some of the aspects of Scandinavian penalty that Pratt's analysis left unexamined.

Conclusion

When Johnsen and Granheim (2012; Johnsen et al. 2011) employed the MQPL survey developed by Liebling, assisted by Arnold (2004), the results were somewhat disappointing for the Norwegian correctional services. The praise they had repeatedly received from Pratt and others led prison officials to expect that prisoners in Norwegian prisons would report a significantly higher quality of life than their UK counterparts. The fact that they did not is worth reflecting on. Even prisons that, materially speaking, are exceptionally good can be experienced as painful. Even inclusive and humane prisons will create a range of frustrations. Even the most exceptional prison may, at the level of everyday lived experience, create a number of pains and frustrations and generate friction (Rubin 2015) and a need to resist (Goffman 1961; Ugelvik 2014b).

From the point of view of its critics, one of the main problems with the exceptionalism literature has been that it has regarded all Scandinavian prisons as more or less the same—the comparative project has meant that differences between Scandinavian prisons, although briefly acknowledged, have been made more or less invisible. The sophisticated vocabulary developed by Crewe and others, on the other hand, is designed to identify and analyse such differences. Pains of imprisonment vary according to the huge variations between different kinds of prisons. This is, perhaps, also a question of incommensurability: the lived experience of imprisonment is always deeply structured by the specificities of the institution in question—its architecture, regime, opportunities, security level and general atmosphere. Material prison conditions are easy enough to compare. The number of books in the prison library or the amount of time prisoners are allowed outside their cells can be tallied and measured against other prisons. The lived life of prisoners, on the other hand, defies easy categorization and comparison. Our conclusion is that there is a need for more detailed analyses of specific institutions and the life-world they represent for prisoners. We feel that any empirical exploration of Pratt's thesis should include this perspective. There is a need for a comprehensive analytical framework, as well as empirical detail and rigour going forward.

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