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Women and bordered penalty in the Nordic welfare state

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To the women in this study

Preface

This dissertation is submitted in partial fulfilment of the requirements for the degree of Philosophiae Doctor at the University of Oslo. The research presented here was conducted at the University of Oslo under the supervision of professor Katja Franko and professor Thomas Ugelvik. The work was supported by NORDHOST: Nordic Hospitalities in a Context of Migration and Refugee Crisis, UiO:Nordic, and the Nordic Research Council for Criminology.

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Abstract

Narratives about Nordic goodness and exceptionalism, as regards punishment, gender equality and women's rights, have been described by Nordic scholars as status enhancing or brand building strategies and, on occasion, seen to reflect outsiders' romanticisation of the Nordics. However, these narratives are being increasingly challenged particularly because of Nordic responses to global mobility and immigration. The surge of bordered penal populism (Barker and Smith, 2021; Todd-Kvam, 2019) and the emergence of bordered penalty (Aas, 2014; Franko, 2020) in Denmark and Norway reflect ongoing debates about a struggle over Norwegian or Danish values, membership and belonging, and the limits of the welfare state.

This dissertation examines some of these tensions by drawing on extensive empirical research conducted with non-citizen women illegalised or incarcerated and thereby made deportable in Denmark and Norway between 2017 and 2019. The following overarching research question is addressed: How do non-citizen women experience the rationales, processes, and practices of bordered penalty and welfare in Denmark and Norway? A multi-sited ethnography that follows people, connections, and relationships across spaces is then employed to explore non-citizen women's perceptions, experiences, and everyday life practices. By focusing on women's subjectivities in interaction with state power at different sites, this dissertation provides an empirical perspective to existing legal and institutional accounts of bordered penalty and precarisation. Therefore, it contributes to the study of punishment, and feminist criminological scholarship more broadly, by providing a view of the experience of incarceration, deportability, and precarisation, at the intersection of various social inequalities, with a focus on gender and citizenship status, through a contextualised analysis.

The dissertation is made up of an extended introduction, four academic journal articles, and one book chapter. The five pieces can be read separately, as independent contributions to scholarship concerned with experiences of bordered penalty, while contributing to a better understanding of contemporary penal power in the Nordic welfare state. The first article shows how citizenship status (and the 'illegality' and 'deportability' derived from it) is intimately connected with the use of penal power and plays a central role in the co-constitution of gendered, classed, and racialised inequalities globally and locally, in Denmark and Norway. The second article looks at

non-citizen women's experiences in a penal institution in Denmark and the condition of deportability and suggests that the state appears more committed to enforcing its borders and protecting the citizenship regime rather than protecting women from gendered harm. The book chapter describes the carceral experiences and everyday lives of non-citizen women, and the tactics they employ in response to punishment and deportation from Norway. The third article, which examines the subjectivities of prison officers in Denmark, argues that increased punitiveness, limitations on welfare for incarcerated non-citizens, and the deportation regime are challenging welfare-oriented approaches to punishment. The fourth article represents an examination of the connections between the methodological reflections in this dissertation and the empirical field, offering insights into research with incarcerated non-citizens.

The contemporary citizenship regime and its logic of differentiation are expressed through punishment, precarisation, and deportation, structuring non-citizen women's experiences in Denmark and Norway – bordered penalty is also gendered. The dissertation therefore points to tensions between bordered penalty in Denmark and Norway and the two states' legal and political commitment to women's rights and protection. Nonetheless, non-citizen women refuse to be defined by the state and prioritise their own life plans and seek to co-opt, ignore, or transgress the state's power. Membership and citizenship have always been disputed categories, open to question, and ultimately susceptible to change. Currently, formal citizenship (and the privileges deriving from it) is intimately connected with state sovereignty, and it is one of the most jealously guarded social distinctions in the global order. This dissertation points to tensions between current practices in Denmark and Norway and the two countries commitment to women's rights and protection, and was written in the hope that recognizing how social disadvantage intersects with legal categories may pave the way to the destabilisation of socio-legal regimes that, presently, seem immune to change.

Abbreviations

AAA	American Anthropological Association
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CETS 210	The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence
CoE	Council of Europe
EC	European Commission
EU	European Union
NESH	Committee for Research Ethics in the Social Sciences and the Humanities
NPM	New Public Management
NSD	Norwegian Centre for Research Data
OHCHR	Office of the High Commissioner for Human Rights
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNSC	United Nations Security Council
UK	United Kingdom of Great Britain
US	United States of America

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- Article 1: Damsa D & Franko K (2022). 'Without papers I can't do anything' – The neglected role of citizenship status and 'illegality' in intersectional analysis. *Sociology*. 1-17. doi.org/10.1177/00380385221096043
- Article 2: Damsa D (under review). Punished and banished – Non-citizen women's experiences in a Danish prison. *The Howard Journal of Crime and Justice*, 1-17.
- Chapter 1: Damsa, D (2019). Migrants' resilience in a Norwegian welfare prison, in Bendixsen, S. & Wyller, T. (eds) *Contested Hospitalities in a Time of Migration: Religious and Secular Counterspaces in the Nordic Region*. Abingdon: Routledge. Pp. 162-175. ISBN [9781000710014](https://doi.org/10.1080/9781000710014)
- Article 3: Damsa D (2021). 'This is not what I signed up for' – Danish prison officers' attitudes towards more punitive penal policies. *Punishment & Society*. 1-19. doi.org/10.1177/14624745211068870
- Article 4: Damsa D & Ugelvik T (2017). A difference that makes a difference? Reflexivity and researcher effects in an all-foreign prison. *International Journal of Qualitative Methods*. 16(1), 1-10. doi.org/10.1177/1609406917713132

PART ONE

1. Introduction

In the spring of 2018, Samara,¹ a Pakistani woman living in Denmark, was serving a custodial sentence at Vestre prison. More than a decade before, she had left Pakistan for the European Union (EU) to escape a life of gendered inequality and violence, where she had no support from her family or the authorities. In one of the countries of the EU, she obtained a university degree, worked, fell in love and married, and then moved with her husband to Denmark. While at Vestre, much to her surprise, she also received a deportation order to Pakistan. The mutual reinforcement of criminal and immigration law, their interchangeability, and the differentiation this may produce in the criminal justice system, a novel legal script described by Katja Franko as bordered penalty (Aas, 2014; Franko, 2020), found Samara anxiously contemplating what was going to happen. She feared her life would be over:

There's too much punishment. [They say] 'you have to leave your husband, you should leave this country.' They want to send me alone to Pakistan. To do what? To die? I don't have a home there, I don't have a job there. Shouldn't they think about me like I'm a human being? They have the right to punish me, OK, but not to take my husband, my home. I have nothing there. They should check: do you have a job, do you have a family? They have rules, but they should consider the situation. How can I go back now? I am divorced, I married a Christian in Europe. They would kill me. How can I live alone? Without a husband, a brother, you don't get anything, you don't get anywhere. Do I have to become a prostitute? If they send me back, they will destroy my life. I'm banned for six years. Why is this happening to me? This is too much punishment. Denmark will destroy my life.

Stories of non-citizen women's liminality, marginalisation, and exclusion in the Nordic welfare state are at the heart of this dissertation. Under the gaze of penal power, non-citizenship becomes an 'adverse condition', as a more exclusionary 'bordered penalty' is employed to safeguard the position of formal citizenship and its privileges (Aas, 2014: 520; Bosniak, 2006: 317). What happens when women are subject to bordered penalty? Research in the region shows how the Nordics have built an international brand as 'best at being good', routinely employing the values

¹ All the names and direct identifiers in this research project have been changed or anonymised. Pseudonyms were chosen by the participants or assigned randomly by the author.

of gender equality and women's rights towards this end (Lawler, 1997; Browning, 2007; Witoszek, 2011; Larsen et al., 2021). Punishment, too, is part of these discourses of goodness, as an integral part of the 'inclusive and ambitious' Nordic welfare state (Ugelvik, 2016: 389; Lohne, 2022). What then comes first in the Nordic welfare state? Is it the exclusionary nature of penal power when directed at non-citizens? Or commitment to women's rights and protection and a welfare-oriented approach to punishment? How do non-citizen women experience bordered penalty? And what do their experiences tell us about contemporary penalty in the Nordic welfare state?

This dissertation endeavours to explicate some of these tensions, drawing on extensive empirical research conducted with non-citizen women illegalised or incarcerated, thereby made deportable, in Denmark and Norway, between 2017 and 2019. The main aim is to explore non-citizen women's perceptions, experiences, and everyday life in interaction with the contending rationales, processes, and practices of bordered penalty and precarisation in the Nordic welfare state. By focusing on women's subjectivities in interaction with state power at different sites, this dissertation contributes an empirical perspective to existing legal and institutional accounts of bordered penalty and precarisation processes directed at non-citizens. It also sheds light on women's experiences in relation to socio-economic dynamics, processes, and sites generally associated with men and researched in relation to the experiences of men. As regards the deportation of non-citizen women, the findings in this study point to tensions with the two countries' legal and political commitment to women's rights and protection.² Equally important, by considering the intersection of global inequalities, particularly those to do with citizenship status and gender, in penal institutions and beyond their walls, this study advances thinking on bordered penalty and provides a wider notion of punishment. The research also highlights the bordering of welfare and production of precarity, within and beyond prison institutions, and its gendered consequences for non-citizen women, thus also adding to knowledge on the differentiated governances of non-citizens. Recognising non-citizen women's perspectives and experiences, the dissertation assesses how the rationale, processes, and practices of bordered penalty operate in the Nordic welfare state.

² The Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS 210) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

1.1 Situating the study

The Nordics have often been seen as being ‘good’ and having a ‘better way’ of doing things, ‘different from or better than the norm’, even ‘exceptional’ (Browning, 2007: 27; Lawler, 1997; Witoszek, 2011). The process of Nordic identity building has long been centred around the idea of Nordic ‘exceptionalism’. So much so that scholars have described the Nordics (Nordicity, Norden, or the Nordic model) as a brand. Discourses on gender equality and women’s, a ‘humane’ approach to punishment and justice, peace mediation, humanitarian aid, welfare inclusion, sustainable development and environmentalism have all contributed to the creation of the brand of Nordic exceptionalism. Drawing on these discourses of goodness, the Nordics have gained authority as ‘moral superpowers’ (Browning, 2007; Dahl, 2006; de Bengy Puyvallée and Bjørkdahl, 2021; Esping-Andersen, 1990; Larsen et al., 2021; Lohne, 2022; Pratt, 2008a; Witoszek and Midttun, 2018; Ugelvik, 2016).

The Nordic approach to punishment has been described as a product of Scandinavia’s ‘cultures of equality’ (Pratt, 2008a; Pratt and Eriksson, 2013). Advanced during the ‘golden days’ of the Nordic welfare state, a welfare-oriented approach to punishment aspired to ‘normalisation’ and openness in prison life, the personal ‘development’ of prisoners in preparation for ‘reintegration’, and dynamic security (Bruhn et al., 2017; Smith, 2021; Westerheim and Eide, 2019). Penal institutions, their staff and the way they function are portrayed as better than elsewhere: prisons are smaller, have more open regimes, and provide more opportunities for education and work; the quality of prisoners’ lives (measured broadly in terms of their material aspects) is better, the relationship between prisoners and officers is more respectful, officer culture, recruitment, and training are superior (Pratt and Eriksson, 2013). This vision of ‘good’ punishment in the Nordic region has been elevated to an international brand (Lohne, 2022; Nilsson, 2012; Ugelvik, 2016) and, coupled with the Nordics’ already good reputation as humanitarian superpowers, has allowed ‘penal power to move beyond the nation state’ rendering the power to punish increasingly complex (Bosworth, 2017: 40; Lohne, 2019, 2020).

Similarly, the Nordic countries have consistently headed the Global Gender Equality and Human Development Indexes, ratified international conventions on women’s rights and introduced gender equality and anti-discrimination legislation at home, had women as heads of government,

internationally advocated for women's rights and their role in building peace and security, and spoken in the United Nations Security Council (UNSC) against gender-based and sexual violence against women in conflicts elsewhere in the world (Larsen et al., 2021; Kirkebø et al., 2021). Norway, for instance, has sought to produce 'gender accountability' through their foreign policy agenda and evaluate aid recipients based on it (Larsen et al., 2021; Lohne, 2022). Researchers in various policy fields, including women's rights, gender-based violence, sex work, women quotas and business policies, as well as in the index industry, show how the Nordics have built an international brand as 'best at being good' by employing the political and symbolic values of gender equality and women's rights. Their involvement in the production of international gender equality and rights regimes, together with their positions in the various indexes have reinforced global hierarchies in which the Nordics play the role of 'moral superpowers' (Browning, 2007; Dahl, 2006; Larsen et al., 2021; Lohne, 2022).

Narratives about Nordic 'goodness' (Witoszek, 2011), as regards punishment and gender equality (and their intertwinement), have been described by Nordic scholars as status enhancing or brand building strategies (Larsen et al., 2021; Lohne, 2019) and, on occasion, have been seen to reflect outsiders' romanticisation of the Nordics (Witoszek and Midttun, 2018). However, these narratives are being increasingly challenged (Browning, 2007; Larsen et al., 2021), largely because of Nordic responses to global mobility and immigration. The surge of bordered penal populism (Barker and Smith, 2021; Todd-Kvam, 2019) and emergence of bordered penalty (Aas, 2014; Franko, 2020) in Denmark and Norway, reflect ongoing debates about the struggle over Norwegian, Danish, and Swedish 'values', membership and belonging, and the limits of the Nordic welfare state (Barker, 2018; Barker and Smith, 2021; Franko, 2020; Ugelvik, 2017; Witoszek and Midttun, 2018).

The governance of migration through penal power and precarisation has produced new populations in the Nordic welfare state. Non-citizens have become important foci of state control and administration (Ugelvik, 2013), and much like elsewhere in Europe, the Nordic welfare states have created 'an elaborate legal regime that criminalises certain forms of movement, effectively rendering large proportions of the world's population "illegal"', a regime that consists 'not only of legal regulation, but also of an assemblage of mechanisms of policing, enforcement, and social exclusion related to the illegalization' (Aas, 2013: 27–28). As a result within the

broader population of non-citizens, a new group of illegalised, incarcerated, and deportable non-citizens has been produced. While there has been little research specifically concerned with non-citizen women illegalised, incarcerated, and expelled from Denmark and Norway, that on incarcerated women and on incarcerated non-citizens demonstrates the inconsistencies within and between women's rights commitments, current citizenship regimes, and punishment.

Franko (2020: 5) argues that 'the exclusion of the immigrant is built on a complex set of divisions between insiders and outsiders, good and bad, deserving and undeserving, in which the notion of immigrant criminality does important discursive work'. Moral boundaries are drawn 'not only through the discourse of punishment, but also through practises of banishment and expulsion' (idem). In the Nordic welfare states, too, bordered penalty and bordered welfare, are part of the many 'conspicuous attempts to re-establish Nordicity' (Witoszek and Midttun, 2018: 9). Within this context, the dissertation explores the experiences of non-citizen women, who are precariously placed at the intersection of universalist, inclusionary discourses on women's rights and the particular, exclusionary discourses of a bordered penalty.

Studies of non-citizens in Norway and Denmark show the emergence of a differentiated approach to criminal justice, a more exclusionary penal culture aimed at non-citizens, and limitations on welfare available to non-citizens (Aas, 2014: 521; Barker and Smith, 2021; Ugelvik and Damsa, 2018). Both Denmark and Norway have opened prisons exclusively for non-citizens, a phenomenon associated with more punitive jurisdictions rather than the more humane Nordic approach (Barker and Smith, 2021; Franko, 2020). The non-citizens' prison in Norway indicates the welfare state's 'double vision' – 'a welfare-oriented system with inclusion as its fundamental logic', 'accompanied by an alternative substitute system where exclusion is the desired end' (Ugelvik, 2017: 185). As suggested by Thomas Ugelvik (idem), non-citizens convicted of crime are thereby rendered 'illegitimate welfare subjects'. Further unpacking the logic of punishment in relation to welfare, Vanessa Barker and Peter Scharff Smith (2021: 1543, 1541) argue that in Denmark there may no longer be a 'straightforward relationship between strong welfare states and humane or mild penal regimes', and that the punitiveness directed towards non-citizens is reflective of the 'repressive elements' of society itself. The role of the prison, therefore, is to contain and remove 'unwanted' populations, thus preserving 'a nationalistic version of the values associated with being an egalitarian Nordic welfare society'

(Barker, 2017b, 2018; Barker and Smith, 2021: 1546). Deportation, too, has become part and parcel of penalty directed at non-citizens (Franko and Mohn, 2016). At the same time, Charlotte Mathiassen (2017: 379), when considering women's incarceration in Danish mixed-gender institutions, draws attention to their 'relatively invisible and silent life both in practice and in research', and questions the possibility of gender equality and harm prevention in prison. Research in other jurisdictions shows that historical, structural, and life-long gendered inequalities are compounded in penal institutions (Carlton and Segrave, 2013; George et al., 2020; Hector, 2020; Owen et al., 2017; Scraton and Moore, 2014).

Outside penal institutions, 'unwanted' populations are increasingly being governed through ever more closely guarded internal borders of the welfare state, producing conditions of precarity and deportability at the intersection of noncitizenship and other inequalities (Balibar and Williams, 2002; Bendixsen and Wyller, 2019; Karlsen, 2021; Khosravi, 2010; Lindberg, 2020). Marry-Anne Karlsen (2021: 5), looking at internal borders in Norway, suggests that 'irregularised migrants should be understood as precariously included in the welfare state, rather than simply excluded.' Through the notion of precarious inclusion, she seeks to capture how state sovereignty operates, as shown in the 'complex interplay between irregular migrants' formal exclusion from the nation-state and their (limited) access to certain services aimed at ensuring their bodily survival.' The bordering of welfare in Denmark, according to Annika Lindberg (2020: 413) serves to reinforce 'a dualised, hierarchically ordered welfare rights regime that gradually erodes the rights and life opportunities of unwanted non-citizen "others".' Drawing on these perspectives, in this dissertation, the governance of non-citizens through the curtailment of social rights and access to welfare is described as 'precarisation',³ as it can be applied in and outside penal institutions.⁴

This moral bordering and ordering of Nordic societies has been described as a departure from traditional penal and welfare discourses, policies, and laws (Franko, 2020; Karlsen, 2021). This casts light on the governance of non-citizens in the region, where in specific contexts, an assemblage of laws, practices, and institutions are used to border penalty and welfare (Barker and Smith, 2021; Franko, 2020; Karlsen, 2021; Ugelvik and Damsa, 2018). The Nordic welfare

³ The term is generally associated with the precarisation of labour, although as scholars have shown, there is great diversity in its use (see Munck, 2013).

⁴ An alternative conceptual framework is that of 'humanitarian' governance (see Fassin, 2011).

state has always involved various exclusions,⁵ and the exclusion of non-citizens is only the most recent iteration of this. These developments however, entail a differentiated approach to justice, separate institutional arrangements, territorial exclusion, and the socio-economic precarisation of non-citizens. Taken together, they represent a new legal configuration in the contemporary Nordic welfare state. These arrangements also produce penal subjectivities and experiences of precarity, to which non-citizenship and the condition of deportability are novel contributing factors (Franko, 2020; Karlsen, 2021; Ugelvik and Damsa, 2018). There is a clear disjuncture here between championing gender and penal welfarism and bordering penalty and welfare. Therefore, as argued by feminist criminologists such as Victoria Canning (2018: 192), the ‘gendered experiences of borders’ should be given more consideration in criminological analyses,⁶ including those relating to the Nordic countries. The power asymmetries produced by bordered penalty and precarisation destabilise the traditional contract based on rights and duties, specifically women’s rights, which has always been characteristic of the Nordic welfare state, replacing it with the humanitarian and penal governance of unwanted non-citizens, with concrete material and affective implications. How does this affect non-citizen women? And what do these changes reveal about the contemporary penal cultures of Nordic welfare states?

1. 2 Aims and research question

First, this study aims to provide a necessary empirical perspective for ongoing conversations about the emergence of a more exclusionary bordered penalty and non-citizens’ governance, by bringing to the fore women’s perspectives and experiences, and the everyday tactics they employ in relation to strategies of power. The aim is not only to enrich existing knowledge about the legal and institutional arrangements and practices of bordered punishment, but also to provide new knowledge about socio-economic dynamics, processes, and sites generally associated with men, and researched in relation to them.

Second, drawing on the empirical findings, this study intends to make theoretical contributions in terms of seeking to provide a more nuanced conceptualisation of punishment, in terms of its nature, purpose and effects, considering the differentiated experiences produced at the

⁵ The colonisation, oppression, exclusion from welfare, or deportation of various people, throughout the history of the welfare state will be discussed in more detail in section 3 on theoretical perspectives.

⁶ See also Canning (2017b), Gerard and Pickering (2014), Pickering et al. (2014).

intersection of inequalities such as non-citizenship and gender, and the spatial, material, and affective limitations produced at this intersection. It also argues for a conceptual expansion in the field of prison studies to include concepts developed in other sub-fields of criminal justice research, such as the ‘politics of pain’ or the notion of suffering as a ‘political statement’ (Barker, 2007; Bosworth, 2021), in articulating non-citizen’s experiences of imprisonment.

Third, this study aims to contribute to feminist scholarship, particularly in the field of border criminologies, by advancing an intersectional feminist approach that results in contextually rich, nuanced, and socially responsible research. The study aims to enrich intersectional scholarship by examining the neglected role of citizenship status (and the ‘illegality’ and deportability deriving from it) as a structural condition of global inequality operating in intersection with other social disadvantages; and to enrich border criminologies scholarship by providing a view of the lived experiences of bordered penalty at the intersection of various social disadvantages. In the Nordic context, there is little empirical insight into these intersections; therefore, this study seeks to provide some comparative knowledge regarding Denmark and Norway.

To address these aims, the research was guided by the following overarching research question:

Q: How do non-citizen women experience the rationales, processes, and practices of bordered penalty and welfare in Denmark and Norway?

The following interrelated sub-questions were used to operationalise the question and focus the empirical investigation:

sq1: How is the intersection of citizenship status and gender experienced by non-citizen women within and outside penal institutions?

sq2: How is incarceration and precarisation experienced by non-citizen women?

sq3: What tactics do non-citizen women employ when interacting with the rationales, processes, and practices of bordered penalty and precarisation?

sq4: Is there variation in bordered penalty between Norway and Denmark in terms of penal policies and regimes?

The research question and sub-questions are addressed from various angles in the five pieces that make up this dissertation. Each piece seeks to highlight certain aspects of non-citizen women's subjectivities in relation to bordered penalty in Denmark and Norway, thus also examining the nature and purpose of governance directed at non-citizens in Nordic welfare states.

To answer the overarching question and the sub-questions, I employ an interpretive approach (Denzin and Lincoln, 2011), informed by (transnational) feminist theoretical insights (Disch and Hawkesworth, 2016; Hesse-Biber, 2012; Letherby, 2003), to make sense of the dynamics, processes, and practices of bordered penalty and welfare as seen by the non-citizen women who participated in this research. The research is designed as a multi-sited ethnography (Coleman and Hellermann, 2011; Falzon, 2009; Marcus, 1995), to produce contextually rich and nuanced findings. A range of sites, penal institutions, humanitarian organisations, and public and private spaces in Denmark and Norway were chosen to capture a variety of forms of governance directed at non-citizen women. The data used in the empirical pieces was collected between 2017 and 2019 through observation, ethnographic interviews, and semi-structured interviews with non-citizen women who were illegalised or incarcerated in Denmark and Norway. Supplementary data came from observation and semi-structured interviews with men incarcerated in Norway, prison officers in Denmark, prison administrators, humanitarian organisation personnel, churches, and women's collectives, together with informal interviews with volunteers. This design accommodates a multiplicity of perspectives and experiences and produces a more comprehensive view of women's subjectivities, within the context of bordered penalty and welfare.

The findings are organised into five pieces – four peer-reviewed journal articles and one book chapter – each exploring aspects of the overarching question, and reflecting the individual sub-questions. Each piece represents an independent contribution to scholarship in the fields of border criminologies, prison studies, citizenship studies, and gender studies, but the five are intertwined thematically. Taken together, they produce a comprehensive study of non-citizen women's perspectives, experiences, and everyday lives under the gaze of penal power in the Nordic welfare state.

1.4 Organisation of this dissertation

This dissertation is an account of the theoretical, empirical, and methodological work undertaken in my research project on women's subjectivities in relation to bordered penalty and welfare in the Nordic region, divided in two parts.

The first part consists of this extended Introduction, in which I have situated the research in its broader theoretical and empirical context and highlighted its timeliness and utility. I have also described my main aims, the overarching research question and sub-questions, and briefly outlined the empirical work conducted in relation to them. The Introduction is followed by five more sections. The second section briefly addressed the background of the research: I present the legal, policy, and institutional arrangements put in place to govern non-citizens in Denmark and Norway. The third section details the theoretical perspectives that frame this study, existing empirical research in the Nordic region, and the concepts employed in it. I consider criminological approaches to bordered penalty and welfare, while arguing the need for intersectional analysis, and recognition of the importance of citizenship status and gender. Interdisciplinary perspectives complementary to a criminological approach are also discussed. The fourth section deals with the methodological considerations involved in this research, outlining the interpretive constructivist approach I have taken, which is informed by feminist thought, and considering its implications. I describe the multi-sited ethnographic research design, qualitative data collection methods, and thematic analyses employed. I also give a detailed overview of the participants and sites that feature in this study. I discuss the ethical considerations involved, and reflect on my own position in the field. The fifth section presents a summary of the five pieces. The sixth and final section presents the conclusions, addresses the main contributions of this study, and reflects on their implications for future research on bordered penalty and welfare, gender, and non-citizenship in the Nordic welfare state.

The second part of this dissertation consists of five empirical pieces, each addressing at least one aspect of the overarching question and the guiding sub-questions. These are presented separately and introduce the findings in the form of academic publications: four peer-reviewed journal articles and a book chapter. These are as follows:

- Article 1: Damsa D & Franko K (2022). ‘Without papers I can’t do anything’ – The neglected role of citizenship status and ‘illegality’ in intersectional analysis. *Sociology*. 1-17. doi.org/10.1177/00380385221096043
- Article 2: Damsa D (under review). Punished and banished – Non-citizen women’s experiences in a Danish prison. *The Howard Journal of Crime and Justice*, 1-17.
- Chapter 1: Damsa, D (2019). Migrants’ resilience in a Norwegian welfare prison, in Bendixsen, S. & Wyller, T. (eds) *Contested Hospitalities in a Time of Migration: Religious and Secular Counterspaces in the Nordic Region*. Abingdon: Routledge. Pp. 162-175. ISBN [9781000710014](https://doi.org/10.1177/00380385221096043)
- Article 3: Damsa D (2021). ‘This is not what I signed up for’ – Danish prison officers’ attitudes towards more punitive penal policies. *Punishment & Society*. 1-19. doi.org/10.1177/14624745211068870
- Article 4: Damsa D & Ugelvik T (2017). A difference that makes a difference? Reflexivity and researcher effects in an all-foreign prison. *International Journal of Qualitative Methods*. 16(1), 1-10. doi.org/10.1177/1609406917713132

2. Background

Against a background of increased global mobility, in the 1990s, the issues of ‘illegal migration’ and ‘migrant criminality’ were taken up by political parties in affluent European states (De Genova, 2002; Franko, 2020; Sassen, 1996). The discursive and legal production, initially by parties on the right, of various ‘crises’ concerning migrant ‘illegality’ or ‘criminality’, has gained momentum in European politics, with far reaching consequences for the governance of migrants (Alonso and da Fonseca, 2012; Dekeyser and Freedman, 2021; Dennison and Geddes, 2019; van Spanje, 2010). The situation has been no different in the Nordic welfare states (Franko, 2020; Karlsen, 2021; Todd-Kvam, 2019). As elsewhere in Europe, political debate may not be necessarily rooted in actual ‘pressures’ but in evolving political ‘logics’ (Grande et al., 2019; Todd-Kvam, 2019). To contextualise non-citizen women’s experiences, this section briefly describes some of the recent and relevant legislative, policy, and institutional developments in Denmark and Norway that relate to immigration and crime.

At the time of this study, Denmark had one of the strictest approach to immigration in Europe, and the European Commission (EC) and international human rights bodies raised the question of its legal obligations within the EU and its commitment to fundamental human rights (Global Detention Project, 2022; EC, 2021; UNHCR, 2021).⁷ In the last few years, the country has introduced a flurry of restrictions and sanctions on immigration. There had been no fewer than 70 amendments to immigration law (e.g. via the 2019 Aliens Act) by the time this study was carried out in 2018. Given the relatively low and stable number of migrants to Denmark (Statistics Denmark, 2022), some of these measures constitute acts of ‘hostile performativity’ that test the limits of the law (Akal, 2021; EC, 2021). Norway has also been steadily tightening immigration law, including that relating to refugees and asylum seekers, but not to the same extent as Denmark. The justification offered by Norwegian politicians is that Norway should not become more ‘attractive’ to migrants, refugees, and asylum seekers than the neighbouring countries – Denmark and Sweden (Pedersen, 2016).

In recent years, Danish political parties, on both the right and the left, have fought and won electoral campaigns based on anti-immigration rhetoric, penal populism, and the return to a

⁷ For instance, in 2021, the Danish Parliament amended the ‘Danish Aliens Act’ to remove asylum seekers from the territory of Denmark (and Europe) for processing. Social-Democrat Prime Minister Mette Frederiksen stated Denmark was working towards the goal of ‘zero asylum seeker arrivals’ (Tv2 Nyheder, 2021).

‘classic’ welfare state – one that is just for the Danes (Barker and Smith, 2021; García Agustín and Bak Jørgensen, 2019; Orange, 2019). The socio-economic rights of non-citizen and their access to welfare have been ever more restricted in both Norway and Denmark and, in the case of Denmark, it has often led to conflict with EU law (Andersen, 2019; Isaksen, 2020; Martinsen, 2020). Scholars argue that these measures represent the construction of non-citizens, and racialised, ethnic, and religious minorities, especially when socio-economically disadvantaged, as a ‘problem’ for the Nordic welfare states (Andersen, 2019; Koefoed, 2015; Isaksen, 2020; Seeman, 2020).

Non-citizens and racialised citizens (from an ‘immigrant background’, especially ‘non-Western’⁸) were explicitly targeted by various penal populist policies adopted by mainstream political parties in Denmark (Barker and Smith, 2021; Elabdi, 2019; García Agustín and Bak Jørgensen, 2019) and to some extent in Norway (Franko, 2020; Todd-Kvam, 2019). In both countries, immigration offences may be punished by incarceration, and criminal offences may result in expulsion. Both countries have created new strategies targeting ‘mobile organised crime groups’ and criminalised the subsistence activities of various mobile populations e.g. sleeping rough, panhandling (Franko, 2020; Friberg, 2019).

Both countries have operated penal institutions segregated on the basis of citizenship in order to expedite the deportation of non-citizens upon completion of their sentences: Kongsvinger prison in Norway (between 2012 and 2021, reoriented to hold both citizens and non-citizens during the covid-19 pandemic) and Ringe prison in Denmark (in operation since 2018). Prisons in both countries operate wings holding non-citizens only. Both signed extra-territorial agreements with third party states to hold non-citizens due to be deported: Norway had an agreement with the Netherlands between 2015 and 2018, and Denmark signed an agreement with Kosovo in 2022. At the time of the study, non-citizens in Danish⁹ and Norwegian prisons represented roughly 31% of the prison population, a significant increase from under 10% in the early 2000. Both

⁸ Denmark has a codified definition of ‘Western’ and ‘non-Western’ populations. According to Statistics Denmark (2022), Western countries include the member states of the EU, Andorra, Iceland, Liechtenstein, Monaco, Norway, San Marino, Switzerland, the United Kingdom, Vatican City, Canada, the USA, Australia, and New Zealand. All others are defined as ‘non-Westerners’.

⁹ According to the Danish Prisons and Probation Services and Statistics Denmark the category ‘foreign nationals’ is based on ethnicity and also includes the categories of ‘descendants’, ‘immigrants’ and ‘foreigners’, who may or may not hold Danish citizenship.

countries operate mixed-gender and women's only prisons: Jyderup Denmark (in operation since 2021) and Bredtveit, Ravneberget, Kragerø og Evje in Norway. Women represented 4.1% of the prison population in Denmark and 5.6% in Norway. Prior to the pandemic, the number of incarcerated women, including non-citizen women, in both countries had been trending slightly upward (Kriminalforsorgen, 2019, 2021; Kriminalomsorgen, 2019, 2021).

At the same time, both countries have signed, ratified and sought to incorporate international human rights treaties into domestic law. Both countries ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS 210) – Denmark in 2014 and Norway in 2017. CETS 210 identifies violence against women as ‘a violation of human rights and a form of discrimination against women’ (Article 3) and requires signatories ‘to exercise due diligence to prevent, investigate, punish and provide reparation for acts of violence [...] that are perpetrated by non-State actors’ (Article 5). Forms of gendered violence, according to the Convention are psychological violence, stalking, physical violence, sexual violence (including rape) forced marriage,¹⁰ female genital mutilation, forced abortion and forced sterilisation, and sexual harassment (Articles 33 to 40). Moreover, the Convention requires state parties to take the necessary legislative or other measures ‘to respect the principle of non-refoulement in accordance with existing obligations under international law’ (Article 60) and ‘to ensure that victims of violence against women who are in need of protection, regardless of their status or residence, shall not be returned under any circumstances to any country where their life would be at risk or where they might be subjected to torture or inhuman or degrading treatment or punishment’ (Article 61).

Norwegian and Danish governments have recently reaffirmed their commitment to women's rights and protection. In a joint opinion piece on International Women's Day, in 2020, Nordic Prime Ministers, including Erna Solberg of Norway and Mette Frederiksen of Denmark stated: ‘We, the Nordic Prime Ministers, wish to express our grave concern over the current pushback against women's and girls' rights. We have witnessed a surge in regressive policies around the world, often undermining universal human rights. [...] We therefore wish to reiterate our joint commitment to the protection and promotion of the rights of women and girls, and more generally of universal human rights’ (CNN, 2020).

¹⁰ In 2017, the Danish Refugee Appeals Board granted an Afghan woman refugee status because of the threat of forced marriage in Afghanistan.

3. Theoretical perspectives

Considering the legal, policy, and institutional developments described above, scholars in the Nordic region argue that penal power and limitations on welfare are increasingly being used to manage ‘unwanted’ non-citizens in Denmark and Norway (Barker, 2018; Barker and Smith, 2021; Franko, 2020; Karlsen, 2021). This literature is part of the emerging field of research within criminology which is currently described as ‘border criminologies’ (or the ‘criminology of mobility’) that aims to critically assess ‘the relationship between immigration control, citizenship, and criminal justice’ (Aas and Bosworth, 2013; Bosworth, 2017a; Pickering and Ham, 2015). These theoretical perspectives and the empirical work¹¹ have been fundamental to my understanding of non-citizen women’s experiences of punishment and precarisation in the Nordic region. In this section, I explore theoretical perspectives emerging from the field of border criminologies, to which Nordic researchers have made important contributions, and trace the lineage of the concept of ‘bordered penalty’ (Aas, 2014) within the context of the Nordic welfare state. I also consider salient intersectional scholarship emerging in this field. I discuss empirical work in the Nordic region that examines non-citizens’ and women’s experiences in relation to the bordering of punishment and welfare. I also reflect on literature on the politics of everyday life and alternatives to a state-centric vision of the social world. I discuss the development of a continuum of confinement whereby penal power and precarisation are combined to govern unwanted non-citizens. Finally, I describe the contribution to scholarship.

3.1 The making of Nordic states: membership, welfare, and penal order

A brief historical review of the dynamics of membership, belonging, and punishment in the Nordic region is necessary in order to understand the contemporary nature and purpose of punishment directed at non-citizens (and non-citizen women) in Denmark and Norway. As shown before, the Nordic region has built a politically potent and persuasive identity on the global stage as a ‘moral superpower’ (good, better, even exceptional compared to the norm) (Browning, 2007; Lawler, 1997; Witoszek, 2011). The ubiquitousness of the Nordic brand,

¹¹ See inter alia Aas (2013, 2014), Aas and Bosworth (2013), Aliverti (2013), Barker (2013, 2017, 2018), Barker and Smith (2021), Bosniak (2006), Bosworth et al. (2016), Cheliotis (2017), Fekete and Webber (2010), Franko (2020), Franko et al. (2019); Hoang and Reich (2017), Karlsen (2021), Melossi (2003), Mezzadra and Neilson (2012), Pickering and Ham (2015), Serpa (2021), Stumpf (2006, 2015), Ugelvik (2013, 2017), Vecchio (2015), Weber and Pickering (2011), Woude et al. (2014), Yuval-Davis et al. (2017, 2018), Zedner (2010, 2016).

however, has also effaced some of the struggles of peoples in the region, the Nordic history of colonial resource accumulation and nation-building practices (Loftsdóttir and Jensen, 2012). While the Nordic welfare states do not have identical histories, some foundational commonalities have been identified in literature concerning Denmark and Norway, and help better understand contemporary arrangements of welfare, membership, and punishment.

Post-colonial scholarship shows that, historically, power, influence, and value have been distributed differently among different people and geographies in the Nordic region.¹² Post-colonial scholars in the Nordic region show that Nordic states have benefited from colonialism at the expense of other people in the region or elsewhere in the world (Hoglund and Burnett, 2019; Jensen, 2008; Loftsdóttir and Jensen, 2012). Both Denmark and Norway have histories of colonialism in the Nordic region. Denmark (and the Dano-Norwegian union, which Norway was forced into) also colonised neighbouring Nordic countries and held colonies across four continents.¹³ Colonial histories in both Denmark and Norway are therefore significant to resource accumulation and state and nation-building. People in the Arctic regions of present day Denmark and Norway, for instance, were long viewed as a racialised, classed, and gendered ‘other’, outside of the rights community, and whose resources were appropriated by the Danish and Norwegian people and states (Boyle and Carden, 2021; Hoglund and Burnett, 2019).¹⁴ Post-colonial scholars therefore argue that notions of race and ethnicity (relying on class and gender) have been historically implicated in the construction of ‘welfare subjects’ (Keskinen et al., 2009; Loftsdóttir and Jensen, 2012). Contemporary nation-states have been built on exclusion, and the Nordic welfare state is no exception (Keskinen et al., 2009; Loftsdóttir and Jensen, 2012).¹⁵

¹² See inter alia Boyle and Carden (2021), Brimnes et al. (2009), Brydon et al. (2017), Hoglund and Burnett (2019), Jensen (2008), Loftsdóttir and Jensen (2012), Naum and Nordin (2013), Petersen (2017), Vervoort (2019).

¹³ Nordic colonialism began in the Arctic (Sápmi) with the colonisation of indigenous Arctic people (Kalaallit in Greenland and Sámi in Northern Norway), as well as Denmark’s colonisation of parts of Estonia, Iceland, Faroe Islands, and reached its apex during the 17th and 18th centuries of European mercantilism, when Denmark (and the Dano-Norwegian Union) had colonies across four continents. Norway was also forced to enter ‘unions’ with Denmark and Sweden.

¹⁴ Scholars argue that the colonisation of the Arctic continues today in the form of ‘green colonialism’, whereby Nordic welfare states continue to dispossess Sámi people and devalue their knowledge of ecology (Normann, 2021).

¹⁵ Icelanders and Finns have not always been acknowledged as ‘white’ and struggled towards recognition; for Kalaallit and Sámi the option was not available.

Historians of the Nordic welfare state have also examined the more recent past of the Nordic welfare state (Christiansen and Petersen, 2001; Pedersen and Kuhnle, 2017), leading to questions regarding seemingly egalitarian Nordic societies (Audardottir and Magnúsdóttir, 2021; Matila et al., 2021). Despite considerable variation across the Nordic region, the contemporary Danish and Norwegian welfare states share some common formative characteristics (Denmark was an early adopter, followed by Norway). The incipient phase of the Nordic welfare state, from the end of the 19th century and up until the 1920s was characterised by market dominance and self-help principles, the normative dominance of conservative Christian social ethics, forced labour and the incarceration of the ‘poor’ or ‘vagrant’, but also the emergence of Danish and Norwegian organisation of labour and some welfare provisions for workers (Christiansen and Petersen, 2001; Ulvund, 2012). The following decades (1920-1950) saw increasing state intervention and comprehensive social legislation shaped primarily by Social Democrats in Denmark and Labour in Norway. Gender and family life were also given more attention.

The period between 1950 and 1975, scholars suggest, represents the ‘Golden Age of Social Democracy and Welfare’, whereby all citizens were entitled to social protection as a matter of social right. Welfare became a ‘total strategy’ that included all sectors of society based on the principle of universalism (Christiansen and Petersen, 2001: 178; Esping-Andersen, 1990). This was achieved through political consensus between Social Democrats and Liberal Conservatives, compromises between capital and labour, and strives to integrate women in the labour market, although this was done primarily within existing gender roles (Christiansen and Petersen, 2001; Knutsen, 2017; Pedersen and Kuhnle, 2017; Wahl, 2007). While equality was an intended goal, politicians also noted that welfare was ‘in reality productive capital’ (Karl Evang, Norwegian Minister of Health, cited in Even Lange, 2022).

The 1970s saw political consensus shift towards neoliberal policies, particularly in Denmark (Andersen, 2019), but also in Norway (Dølvik and Oldervoll, 2019), and the emergence of the contemporary gender equality regimes (Christiansen and Petersen, 2001). In Norway, however, macroeconomic policy coordination in the petrol industry produced revenues that allowed welfare expansion and for the most part mediated the neoliberal crises of the last decades. Denmark, meanwhile, saw significant cuts to social protections and the possibility of a ‘double exit from the welfare state’, as marginalised groups are being further excluded (the ‘undeserving’

poor, racialised and ethnicised groups, and previously included EU migrants), while the wealthy consider private solutions (Andersen, 2019: 201). Inclusion and exclusion have ebbed and flowed. The crucial question at the heart of the Nordic welfare state remains the same: who is worthy of rights and privileges?

Post-colonial scholars note that intertwined colonial, nationalist, racialised, and gendered ideologies are embedded within the Nordic welfare state and continue to be projected onto different groups in the region, especially non-citizens (Barker, 2018; Franko, 2020; Hoglund and Burnett, 2019; Keskinen et al., 2009; Loftsdóttir and Jensen, 2012), while the ‘cultural non-memory’ of colonialism and exclusions facilitate the view of exceptional Nordic identities as anti-racist, gender-equal, and classless (Jensen, 2008; Keskinen et al., 2009).¹⁶ The position of (non-citizen) women in Nordic societies, especially when racialized and classed, is best understood within this history of welfare and nation-state building. Gender equality regimes are fairly recent and, as argued by Lewis and Åström (1992), Sweden’s ‘woman-friendly’ universalism, for instance, was initially dependent on Swedish women being part of the labour force: they may claim ‘difference’ by first becoming ‘worker citizens’. Current debates about Nordic identity and access to the welfare state reignited by global mobility remain informed by these historical processes of welfare and nation-state building (Barker, 2018; Franko, 2020; Keskinen et al., 2009).

In this context, border criminologists have also observed the mobilisation of penal power as means of asserting national identity and the borders of membership, but also as means of delineating and safeguarding citizens’ welfare rights (Aas, 2014; Barker, 2018; Barker and Smith, 2021; Franko, 2020; Ugelvik, 2017). Until recently, welfare and punishment have been described as inextricably connected, part of the same assemblages of the Nordic welfare state (Smith and Ugelvik, 2017; Ugelvik, 2011, 2013, 2016, 2017; Ugelvik and Dullum, 2012). The ambidextrous quality of the modern state, observable in the alternation between the punitive practices of the ‘right hand’ and the assistive practices of the ‘left hand’ (Bourdieu, 1998, 2014; Wacquant, 2009), is perhaps most visible in Nordic prisons, where citizens are ‘grasped’ with both hands (Ugelvik, 2017; Smith and Ugelvik, 2017: 10; Ystanes and Ugelvik, 2020). The

¹⁶ Roma people, Tatars, and Jewish people have also experienced oppression and exclusions in Denmark and Norway.

‘ambitious’ Nordic welfare state has both the will and the means to ‘normalise’ and ‘civilise’ its citizens (Rugkåsa, 2011; Smith and Ugelvik, 2017; Ugelvik, 2016, 2017). This being so, Ugelvik (2016, 2017) describes the prison as a ‘welfare state institution’. Prisons are not just places for punishment, but (following the rationale of the welfare state) also ‘places for positive change’, achieved through a welfare-oriented approach ‘fully integrated into the everyday life’ of the institution’ (Ugelvik, 2016: 394). While deprived of their freedom, those incarcerated are still acknowledged ‘as citizens with important citizens’ rights and are given a ‘reintegration guarantee’, as the welfare apparatus is mobilised to oversee their return to society (Ugelvik, 2016: 394). Along with low rates of imprisonment and ‘humane’ prison conditions, this vision of Nordic penal culture has often been described, especially abroad, as ‘exceptional’ (Pratt, 2008; Pratt and Eriksson, 2013).

Scholars in the region, who are somewhat reluctant to embrace the exceptionalism thesis, argue that it is important to understand how penal power is exercised rather than minimised in the Nordic welfare state (Barker, 2018; Barker and Smith, 2021; Dullum and Ugelvik, 2012; Smith and Ugelvik, 2017). Research has shed light on the paternalistic, intrusive, and less than humane ways in which penal power is exercised (Dullum and Ugelvik, 2012; Reiter et al., 2018; Smith and Ugelvik, 2017). Incarceration and treatment programmes have been described as ‘powerful interventions’ in prisoners’ lives, which reflect the welfare state’s broader strategies (Andersson, 2017; Kolind, 2017; Smith and Ugelvik, 2017). Concerns have been raised, especially in Danish prisons, about the use of disciplinary solitary confinement (Engbo, 2021; Rua and Smith, 2019; Smith, 2012, 2017, 2020). The possibility of gender equality in Nordic prisons has also been questioned (Mathiassen, 2012, 2015, 2017). Scholars have also pointed out that different Nordic prisons may follow quite different regimes (Ugelvik, 2013; Smith and Ugelvik, 2017): small, open prisons may be described as ‘exceptional’ (Lundeberg et al., 2018; Pakes, 2020; Shammas, 2014), while other institutions make clear that ‘suffering is fundamental to incarceration’ (Reiter et al., 2018: 94), or that certain prison regimes cause immense harm (Hellebust et al., 2021; Rua and Smith, 2019). Barker (2012), for instance, describes Nordic penal regimes as ‘Janus-faced’: generous care and intrusive deprivation being the two faces of the same coin.

An inclusive welfare state and its welfare-oriented approach to punishment thus necessarily rely on exclusions whereby the excluded become ‘deviant’ and therefore othered (Barker, 2012,

2017, 2018; Smith and Ugelvik, 2017: 513). When wielded over non-citizens, penal intervention shifts further from the ordinary aims of Nordic penal culture – ‘long term rehabilitation’ and ‘reintegration’ into society – towards outright territorial exclusion (Aas, 2014; Franko, 2020; Shamma, 2016; Ugelvik, 2013). The decoupling of punishment and welfare (Barker and Smith, 2021) in the case of non-citizens is decidedly at variance with the welfare-oriented approaches to punishment characteristic of the Nordic region. While the punishment and exclusion of non-citizens, as shown so far, has been historically part and parcel of the nation-state, it also marks a departure from current procedural and substantive standards of punishment, as well from the purpose of punishment in the Nordic region (Aas, 2014; Barker and Smith, 2021; Ugelvik, 2013). This recent differentiation along citizenship lines in the criminal justice system has been referred to as ‘bordered penalty’ (Aas, 2014: 525). This study endeavours to produce an empirical, context-specific analysis of the possible configurations of border penalty in the Nordic welfare state.

3.2 Bordered penalty

This dissertation then relies on theoretical perspectives developed by border criminologists and, in particular, the concept of bordered penalty formulated by Franko (Aas, 2014; Franko, 2020). The field of border criminologies developed from scholarly concern with the ‘constitutive relationship between borders, migration control, and criminal justice’, and how it resulted in the reorientation of the criminal justice system around ‘matters of citizenship’ (Aas, 2014; Aliverti, 2013; Bosworth, 2017a: 373, 376; Kaufman, 2015; Stumpf, 2006). Scholars observed that the tactical character of the law was routinely employed to manage ‘unwanted’ migrants (Barker, 2018; Behdad, 1998; Bosworth, 2017a; Bosworth et al., 2018; De Genova, 2002: 425; Franko, 2020; Guia, 2013; Stumpf, 2006). The Nordic region saw similar developments that were continuations of previous dynamics of inequality, with migrants coming to be defined in terms of their potential as ‘threats’ to the security and safety of the state and the ‘integrity’ of national identity, and as ‘unreasonable burdens’ on welfare systems (Aas, 2013; Andersen, 2019; Barker, 2018; Barker and Smith, 2021; Franko, 2020; Hervik, 2011; Koefoed, 2015; Shamma, 2016; Todd-Kvam, 2019; Ugelvik, 2017).

Before discussing the concept of bordered penalty and contributions from border criminologists, the concept of ‘crimmigration’ that informs it needs to be described. Drawing on membership

theory and the expressive function of punishment, the legal scholar Juliet Stumpf (2006: 378, 2013, 2015) suggests that, in the US, criminal law and immigration law are mobilised in tandem, in a process she describes as crimmigration law, in order to define and reinforce the boundaries of national membership by expelling the ‘criminally alien’. According to Stumpf (2006: 377, 278), membership drives the convergence of migration and criminal law: it governs access to privileges, marks societal boundaries and manifests in the state’s ‘power to punish and the power to express moral condemnation’. Immigration law and criminal law, both exclusionary in nature, act as ‘gatekeepers of membership’ (Stumpf, 2006: 396). These two previously distinct branches of the law thus operate under ‘conditions of interchangeability and mutual reinforcement’ (Aas, 2014: 525), merging to form a new legal order, that differs from its components (Guia et al., 2013; Stumpf, 2006, 2015; Vazquez, 2017). Elsewhere, crimmigration scholars identify a convergence resulting from the ‘criminalisation’ of immigration law and the ‘immigrationisation’ of criminal law (Miller, 2003; van der Woude and van Berlo, 2015). Some have also noted the increasing differentiation of the procedures and enforcement of the law within this system (Aas, 2014; Moffette, 2020; van der Woude, 2019). These accounts of a ‘crimmigration turn’ suggest that an ‘ad-hoc instrumentalism’ is being employed by criminal justice actors, depending on the specificities of the case (Brandariz, 2021: 3; Sklansky, 2012: 161).

Border criminologies broadens the scope of inquiry in several ways: scholars working in this field have sought to expand traditional understandings of penal power and explicate the changing nature and purpose of punishment in the context of global mobility and migration controls.¹⁷ The expansion of penal power to include border control and develop a global dimension, it is argued, requires scholarly attention (Aas, 2007; Aas and Bosworth, 2013). As described by Mary Bosworth (2017a: 385): ‘the impact of imprisonment stretches far beyond institutional walls, not only seeping into the community in which it is based (Beckett and Murakama, 2012), but reaching across the world (Sudbury, 2005). In doing so, the prison joins with other, putatively non-penal institutions and practices like immigration detention and deportation in the service of border control and the regulation of foreigners on national soil (Bosworth, 2008: ; Bosworth and Guild, 2008; Fekete and Webber, 2010).’

¹⁷ Crimmigration scholarship and border criminologies scholarship have informed each other in meaningful ways, with significant overlap.

Drawing on Stumpf's (2006, 2013) crimmigration thesis, border criminologists argue that penal power, historically enlisted in nation-state building processes,¹⁸ is yet again employed to mark belonging and membership in the 'nation-state' (Kaufman, 2015; Stumpf, 2006; Ugelvik, 2013). Historically, prisons have been constitutive of sovereign power, sorting places where the state categorises and differentiates (Foucault, 1973; Simon, 1998). Emma Kaufman (2015) suggests that the differentiation between citizens and non-citizens in penal institutions in England and Wales promotes a contingent conception of citizenship. Contemporary prisons, she contends, distinguish non-citizens from citizens, emphasising their non-belonging and thus rendering them deportable rather than reformable. The project of penalty is understood here as being 'to identify and reinforce the nation-state, not only by reforming its deviant members but by determining its edges as well' (Kaufman, 2015: 140). Prisons, she argues, make citizens.

Similarly, looking at the nexus of membership, welfare, and punishment in the Nordic region, the sociologist Barker (2018), describes the (Swedish) welfare state as an inherently nationalist project, driven by a logic of exclusion, where some are seen as full members with access to rights and resources, some are just partial members, and some are not seen as members at all. In response to global mobility, an assemblage of coercive tools (expulsion, eviction, criminalisation, and penalisation) are employed by the state in order to preserve welfare for Swedish nationals and reaffirm Swedish national identity; this is described as 'penal nationalism' (Barker, 2018). Barker and Smith (2021: 1451) also argue that the detention and deportation of non-citizens in Denmark helps preserve a nationalist version of egalitarian 'Danish values'. The enviable dimensions of Nordic welfare states, they suggest, 'drive their protectionism and exclusionary approach towards outsiders' (idem). The exclusion of non-citizens in Norway, Franko (2020: 5) suggests, relies on moral work where 'immigrant criminality' plays an important role. Penal power is once again called upon to reinforce the limits of the Nordic welfare state (Aas, 2014; Barker, 2018; Ugelvik, 2016).

Concern with membership, belonging, and identity, then, is to be found in all parts of the criminal justice system. Non-citizens may now be arrested and incarcerated for violations of immigration law; those incarcerated following violations of criminal law may also face

¹⁸ Within the sociological canon, in 'Politics as a Vocation', Max Weber (1918) defines the state as a 'human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory.' Penal power is, then, essential to state-building.

deportation upon completing their sentence (Aliverti, 2015; Bosworth, 2017a; Weber, 2013). Having examined immigration detention in England and Wales, Bosworth (2019) suggests that immigration law ought to receive further attention from punishment scholars, as it is significantly affecting the criminal justice system, the basic tenets of which are being called into question (e.g. due process, fairness and equality of treatment and outcome). Scholars elsewhere have also pointed to shifts in the criminal justice system. Various jurisdictions have seen major changes in the way non-citizens are treated and in the criminal justice system as a whole (Aas, 2014; Aas and Bosworth, 2013; Barker and Smith, 2021; Brandariz, 2021; di Molfetta and Brouwer, 2019; Franko, 2020; Parmar, 2020a).

Franko, whose work has been foundational for border criminologies, has identified many of these developments in the Nordic region. She argues that here, too, border controls have transformed penal power (Aas, 2013, 2014; Franko, 2020). The entanglement of immigration and criminal law, their interchangeability and mutual reinforcement, work to destabilise the ordinary framing of justice, punishment, and membership. Moreover, Franko argues, developments in the Nordic region, do not simply or necessarily reflect the merger of the two spheres of law, ‘but also the differentiation that is being produced as a consequence’ (Aas, 2014: 525). Drawing on the concept of ‘abnormal justice’ (Fraser, 2008a, 2008b), she suggests that we are witnessing the ‘gradual development of two, essentially different, types of justice’ (Aas, 2014: 521). In the Nordic region, the ordinary type of justice, designed for citizens, continues to uphold the aims of the welfare state, while the abnormal type, in contrast, is ‘bordered, deeply globalised, and geared towards exclusion from the national social body’ (idem). This ‘abnormal’ form of penalty has been described as bordered penalty (ibidem: 525).

In her work on bordered penalty, Franko (Aas, 2014; Franko, 2020) brings our attention back to the ‘who’, the ‘what’, and the ‘why’ of punishment as questions that are critical to understanding contemporary punishment. The lack of formal citizenship is crucial to differentiation within the criminal justice system, which now follows the inherent logic of immigration law, therefore affecting the procedural and substantive standards of justice afforded to non-citizens (Aas, 2014). When used against non-citizens, penal power is transformed, becoming more openly exclusionary: it leads to closed detention centres, penal institutions exclusively for non-citizens, and a regime of deportation (Aas, 2014; Franko, 2020). As the crimmigration thesis suggests,

‘criminal law is applied not only to punish, but also to deport, while deportation is used not only for immigration purposes, but also because an individual is seen as a law and order problem (without necessarily needing to prove so with criminal law procedural means)’ (Aas, 2014: 525). Border penalty helps reinforce national identity and membership in the Nordic welfare state (Aas, 2014; Barker, 2018; Barker and Smith, 2021; Franko, 2020) Ultimately, it is about ‘the right to be here’ (Aas, 2014: 533), and reflects the state’s ‘power to punish and the power to banish’ (Franko, 2020: 54).

As shown thus far, bordered penalty is informed by older modes of governance in the Nordic region as elsewhere (Barker, 2018; Bosworth, 2017; Feeley and Simon, 1992; Franko, 2020; Keskinen et al., 2009). Scholars have therefore sought to broaden their analyses to recognise the racialisation of border control and the racially disproportionate impact of penal law and practice (Bhui, 2016; Bosworth et al., 2018; Bowling, 2013; Chacón, 2012; Kaufman, 2015; Mehta, 2016; Parmar, 2018, 2020a; Vázquez, 2018), as well as their classed (De Giorgi, 2010; Melossi, 2003, 2015; Vecchio, 2012), and gendered dimensions (Golash-Boza and Hondagneu-Sotelo, 2013; Kaufman, 2014; Matos, 2016). To achieve a fuller understanding of bordered penalty, it is therefore necessary to also consider intersectional inequalities.

3.3 Citizenship and racialised, classed, and gendered inequalities

Intersectionality is one of the most influential theoretical approaches in the social sciences. Such approaches, initially concerned with the role of the law in interaction with inequality, were foundational for several areas of legal studies, such as critical legal studies, critical race theory, and feminist jurisprudence¹⁹ (Carbado et al., 2013; Cho, 2013; Collins and Bilge, 2020). The critical race theorist Kimberlé Crenshaw (1989, 1991) coined the term to demonstrate the juridical erasure of women of colour within the US justice system: she used the sphere of immigration law to illustrate the intersection of race, gender, and legal oppressions and provided invaluable insights into the dangerous situations produced by the intersection of race, gender, and

¹⁹ The ways in which legal structures interact with complex inequalities predicated on race, class and gender initially received significant attention from critical legal scholars and critical race scholars, then crossing discipline lines to be used as a theoretical and analytical perspective, methodological orientation, or in political activism. See inter alia Carbado et al. (2013), Cho (2013), Cho et al. (2013), Collins and Bilge (2020), Crenshaw (1989, 1991), Crenshaw et al. (1996), Davis (2008), Delgado (1995), Delgado and Stefancic (2013), Hancock (2016), Herrera Vivar et al., (2011), Romero (2008, 2017), Walby et al.(2012), Yuval-Davis (2015).

non-citizenship. Immigration law left non-citizen women of colour vulnerable to domestic violence, without legal protection and unable to access services designed to safeguard women at risk from violence.

Since they moved into fields beyond legal studies, however, intersectional approaches have largely ignored citizenship in analyses of inequality. In their popular introduction to intersectionality, Patricia Hill Collins and Sirma Bilge (2020: 19) refer to citizenship status, along with race, class, gender and age, as categories that ‘position people differently in the world’, but, despite the book’s explicit focus on global inequality, citizenship does not receive any further attention. According to Bosworth and colleagues (2018: 3), intersectional approaches have a tendency to privilege the analysis of race, while studies of migration control, citizenship, and criminal justice have rarely taken the opportunity to incorporate an intersectional perspective.

In recent years, border criminologists have begun exploring the ways in which non-citizenship, intimately connected with criminalisation and the use of state penal power, functions as a global mechanism for the distribution of rights and privileges (Aliverti, 2013; Barker, 2018; Franko, 2020; Stumpf, 2013). Bosworth and colleagues (Bosworth, 2019: 82; Bosworth et al., 2018), point out that ‘the majority of those subject to the intrusive state interventions carried out in the name of border control are not white’ and that ‘nearly all those detained and deported are men.’ Scholars have also emphasised the importance of class and global wealth inequality in intersection with non-citizenship and the punitive policies that stem from it (Melossi, 2003, 2015). In what follows, I will consider these inequalities in relation to migration control and punishment, and to the Nordic region, whenever literature is available.

Kaufman (2018) notes that the management of migrants follows and reproduces a racialised order. A sizable body of work²⁰ thus deals with the criminalisation, detention, incarceration, and deportation of non-citizens in the context of European – usually British – (post)colonialism and

²⁰ See inter alia Ballesteros-Pena (2020), Bhui (2016), Bosworth et al., (2018), Canning (2018), De Giorgi (2010) Erel et al. (2016), Franko (2020), García (2017), Golash-Boza and Hondagneu-Sotelo (2013), Kaufman (2014, 2015), Longazel et al. (2016) Matos (2016), Melossi (2003), Parmar (2017, 2020a, 2020b), Stumpf (2013), Vázquez, (2018), Vecchio (2015), Yuval-Davis et al. (2017).

North American settler colonialism, considering racialised, classed, and gendered inequalities.²¹ Nordic scholars have argued that the hegemony of Nordic whiteness, which is a result of the colonial history described above, encourages the belief in Nordic exceptionalism and that Nordic societies are nonetheless anti-racist and gender-equal, thereby silencing and excluding ethnicised and racialised people (Andreassen and Ahmed-Andresen, 2014; Keskinen et al., 2009; Loftsdóttir and Jensen, 2012, 2012; Lundström and Teitelbaum, 2017). Nordic whiteness, although in many ways fluid, has endured. As Catrin Lundström and Benjamin Teitelbaum (2017: 151) put it, ‘to be white is to be Nordic; to be Nordic is to be white.’ Barker (2018) argues that the Swedish conception of citizenship fostered by penal nationalism is ethno-cultural, that is, white Lutheran, and all ‘others’ have historically faced either assimilation or exclusion. Migration control and penal power, scholars claim, are employed to protect the ‘borders of whiteness’ (Bebout, 2016; Jones, 2021).

Xeno-racism (Fekete, 2001) has also been developing in the Nordic region. The expansion of the EU in 2004 and 2007, and the new-found mobility of people from Baltic, Central and Eastern Europe brought attention to the division between affluent Western states – ‘Old Europe’ – and the ‘New Europeans’ from Central, Eastern, and Baltic states. This writing of European history and the origins of the EU, both West-centric, have framed ‘Eastern Europeans’ as subaltern (Fekete, 2001; Mälksoo, 2009; Wolff, 1994). The mobility of Baltic, Central and Eastern Europeans and their possible demands for work and welfare renewed Western anxieties, to such an extent that the European Union established a legal framework covering the European Economic Area, which limits the mobility of EU citizens who may constitute an ‘unreasonable burden’ on the social system of the host state (part of which is the Citizenship Directive 2004/38/EC). As Jean-Michel Lafleur and Elsa Mescoli (2018) observe, Baltic, Central and Eastern Europeans have been defined as ‘Euro-villains’ in discourse relating to European citizenship, welfare, and criminality (see also Franko, 2020). In both Norway and Denmark, policing strategies were specifically developed to target men from Baltic, Central and Eastern Europe for ‘mobile property crimes’ and ‘pickpocketing’. As a result, the majority of non-citizens incarcerated in the two countries are men who have committed these offences

²¹ The racialization of non-citizens has also led to an increased targeting of any and all persons of colour within the territory of Western European states as possible ‘foreign criminals’ (Bhui, 2004, 2016; Van Der Leun and Van Der Woude, 2011).

(Kriminalforsorgen, 2021; Kriminalomsorgen, 2021).²² In the Nordic region, Eastern Europeans have become ‘the usual suspects’ (Franko: 2020; Sausdal, 2018).

Class inequality, as scholars have shown, is involved in the production of migrant criminalisation. Dario Melossi (2015: 85), who looks at labour when considering how migration is experienced, argues that the exploitation of migrants ‘as cheap “illegal” labour’ is ‘made possible by their very *legal* marginalisation’. The punitive governance of mobility is reflective of a vicious circle of ‘work marginalisation, racialisation, and criminalisation’ with the aim to (re)produce an exploitable and disposable workforce (idem: 60). Similarly, Alessandro De Giorgi (2010: 153) argues that the illegalisation and hyper-criminalisation of immigrants ‘work symbiotically’ to reproduce ‘vulnerable’ labour, ‘suitable for the most exploitative sectors of the post-Fordist economy’, increasing their socio-economic and political marginalisation. What seemed to be external ‘de-bordering’ processes, he says, have in fact resulted in the simultaneous ‘re-bordering’ of late-capitalist economies, which renders migrant livelihoods precarious. Scholars have also highlighted the multiple mechanisms employed to exclude precarious migrants from the territory of the state, the privileges enjoyed by citizens, and labour rights – through the securitisation and criminalisation of migration (see inter alia Parreñas et al., 2021).

The criminalisation of the socio-economically disadvantaged people is particularly pronounced when they are racialised. A striking example of this is the treatment of Roma²³ from Central and Eastern Europe: The racialisation of poor Roma people has been extensively addressed²⁴ and is seen as intertwined with their ‘migrant’ status in Western Europe (Yıldız and De Genova, 2018; Yuval-Davis et al., 2017). Despite their legal status as citizens of the EU/EEA, racialised, ethnicised, or socio-economically disadvantaged groups like the Roma find their membership status to be precarious and are subject to intrusive state intervention and criminalisation. (Karlsen, 2021; Mezzadra and Neilson, 2012; Yuval-Davis et al., 2018). In Norway and Denmark, for instance, many of the survival strategies of Roma have been described by

²² Scholarship in North America and the UK confirms that deportation is a ‘gendered racial removal program’, the majority of deportees being racialised men (Bosworth, 2019; Golash-Boza and Hondagneu-Sotelo, 2013).

²³ The term ‘Roma’ represents heterogeneous populations across Europe (and the world), including many nationalities, languages, customs, and levels of prosperity. In this dissertation, I use the term ‘Roma’ to refer to participants who identified as ‘Roma’, ‘gipsies’, and ‘Romanian Roma’.

²⁴ See inter alia Ceneda (2002), De Genova, (2016) Kóczé (2018), Parker and Catalan (2014), Sigona and Trehan, (2009), van Baar (2017, 2018) Yıldız and De Genova (2018).

politicians and the police as ‘organised crime’ and some of them have been criminalised (e.g. panhandling and rough sleeping) (Djuve et al., 2015; Friberg, 2020). Barker (2017) suggests that the treatment of Roma migrants in Sweden reflects the duality of the welfare state – its inclusionary and exclusionary dimensions – that she terms ‘benevolent violence’. This occurs when ‘coercive means are used to uphold the state’s ameliorative goals and when the state’s ameliorative practices have violent effects’ (idem: 120). Socio-economically disadvantaged migrants from Baltic, Central and Eastern Europe also face significant obstacles to accessing welfare services in Norway and Denmark, despite their EU citizenship (Karlsen, 2021) and experience ‘structural disempowerment’ and are considered ‘docile’ labour, and are vulnerable to exploitation by employers in the Nordic region (Rye and Andrzejewska, 2010). Scholars have therefore argued that socio-economically disadvantaged migrants in the Nordic region are being increasingly governed through precarisation strategies (Karlsen, 2021; Misje, 2021).

This proliferation of internal borders has been described by other scholars as productive of ‘liminal’, ‘differentiated’, or ‘precarious’ inclusions of socio-economically disadvantaged migrants (Balibar, 2004; Karlsen, 2021; Khosravi, 2010; Misje, 2021; Serpa, 2021; Tervonen et al., 2018; Yuval-Davis et al., 2017, 2018) that, according to Sandro Mezzadra and Brett Neilson (2012: 126), may be ‘no less violent or discriminating’ than traditional bordering processes. Non-citizens are ‘kept alive but in a state of injury’ (Mbembe, 2003: 21) through the precarious delivery of welfare, or its denial, a situation otherwise unacceptable for citizens (Serpa, 2021). In the Nordic region, scholars argue that together with sanctions, limitations on welfare services are increasingly used as means to manage migration, as they are elsewhere. For socio-economically disadvantaged migrants, the fulfilment of basic human needs, in an otherwise wealthy welfare state, becomes ‘subordinate, arbitrary, and unstable’ (Karlsen, 2021; Khosravi, 2010; Misje, 2021; Serpa, 2021). Citizenship is thus employed as a ‘legitimate sorting device’ for the distribution of both criminal sanctions and welfare services (Karlsen, 2021; Kaufman, 2015; Turnbull and Hasselberg, 2017: 136).

Scholars in the field of border criminologies have therefore employed the ‘lens of race’ to examine the ways in which ‘criminal justice and migration enmesh in order to exclude, stop, and excise racialized citizens and non-citizens from societies across the world within, beyond, and along borders’ (Bosworth et al., 2018; Parmar, 2018a, 2018b, 2020), and to some extent have

also engaged with class, but the intersectional oppressions experienced by women have received less attention (Canning, 2020) This is perhaps unsurprising, given that anti-immigration rhetoric and criminalisation in affluent Western states focus predominantly on (racialised) men (Bosworth, 2017; Bosworth et al., 2018; Golash-Boza and Hondagneu-Sotelo, 2013). This has led Victoria Canning (2020) to call for criminologists to give more attention to gender at the border.

This gap needs to be addressed, especially since scholars have shown that the criminalisation, detention or deportation of women produces specific gendered vulnerabilities (Abji, 2016; Canning, 2017; Schrover et al., 2008). Research with women refugees and asylum seekers, for instance, makes clear the existence of gendered harms (Canning, 2017a, 2017b; Crawley, 2001; McKinnon, 2016; Pickering, 2010). This literature highlights ‘the gendered differences in trajectories of violence and abuse that women and girls disproportionately face, specifically sexual and domestic violence’ (Canning, 2020: 260). Canning (2017a: 46) thus shows how, in the UK, Denmark and Sweden, ‘the use of detention, internalised controls, reductions in in-country rights and procedural safeguards, have a hugely damaging impact on the lives and wellbeing of women survivors of torture, sexual and domestic violence’.

Beyond institutional settings, scholarship in the fields of anthropology, political science, and migration, particularly in the Americas, has also shown how the conditions of ‘illegality’ and deportability are particularly harmful to women (Abji, 2016, 2020; García, 2017). For instance, abusers (partners or employers) often make use of the threat of deportation to control women and prevent them from leaving or reporting abuse (Carastathis et al., 2018; Crenshaw, 1991; Stasiulis et al., 2020). Salina Abji (2020: 67) argues that non-citizen women’s strategies to survive gendered violence are ‘re-cast as grounds for their detention and removal’, which thus constitutes ‘a criminalization of survivorship’. Strategies used by women’s rights groups to support non-citizen women in abusive situations or survivors of abusive situations are often frustrated by seemingly gender-neutral and race-neutral criminal and immigration policies that disproportionately disadvantage women of colour. It is also more difficult for them to access citizenship (Ramírez, 2018). Non-citizen women thus face a double threat in the deportation regime: a structural one arising from various state actions and processes, such as police

suspicion, detention, punishment and loss of welfare and social rights, and an inter-personal one, arising from people close to them.

An analysis of non-citizen women's experiences could provide important insights into the administration and purpose of penal power in the region, and enable an evaluation of the state's commitment to gender equality and women's rights in the Nordic region. Literature in the field of border criminologies has shown that citizenship status intersects with other inequalities to produce liminality, marginalisation, and exclusion, and has shone a light on the emergence of a differentiated criminal justice system determined by citizenship status. Informed by this body of work, this dissertation examines bordered penalty and precarisation through the lens of gender to better understand women's perspectives and experiences.

3.4 Non-citizens' prisons

The most visible expression of the intersection of bordered penalty and welfare restrictions in the Nordic region is the non-citizens' prison. The focus on non-citizens convicted of crime as the 'new social problem' led to the adoption of this type of prison as a political solution (Todd-Kvam, 2019; Ugelvik, 2017; Ugelvik and Damsa, 2018). In Norway and Denmark such prisons have been designed specifically for non-citizens who have received a final expulsion order from the immigration services (Ugelvik, 2013, 2017). They are supposed to facilitate the transfer of foreign nationals to prisons in their home countries, and so are part of the 'deportation machine' (Fekete, 2005). In Norway, between 2012 and 2021, Kongsvinger prison held non-citizens only (Ugelvik and Damsa, 2018) and, from 2015 to 2018, Norgerhaven, a Norwegian prison in the Netherlands, though a mixed nationality facility, de facto held a majority of non-citizens (Liebling et al., 2021). In Denmark, Ringe was designated as a non-citizens' prison in 2018, while prisons elsewhere in the country had separate wings for non-citizens (Kriminalforsorgen, 2021). At the end of 2021, the Danish government also signed a declaration of intent to rent 300 cells in a Kosovar prison to hold non-citizens prisoners due to be deported (AFP, 2021).

Ugelvik (2017) refers to these institutions as 'cimmigration' prisons, meaning ones where immigration control purposes are either added to, or replace, punishment, deterrence, and rehabilitation as the aims of incarceration. This differentiation on the basis of citizenship meant,

for at least a decade in Norway, and in Denmark continues to mean, that there is a dualisation of confinement institutions and penal practices (Aas, 2014; Barker and Smith, 2021; Franko, 2020; Shammas, 2016; Ugelvik, 2013, 2017). Research on prisons holding non-citizens elsewhere in Europe highlights how these facilities are key to the practice of ‘boundary-drawing’: they are sites where citizenship is contested and constructed (Kaufman, 2015: 6) and welfare is nationalised (Barker, 2018; Barker and Smith, 2021; Franko, 2020). These institutions symbolically communicate and materially enact the world order of bordered penalty and walled welfare, though in practical terms the majority of incarcerated non-citizen will never be held there.

The welfare-oriented approach to punishment traditionally associated with Norwegian and Danish welfare states has been fundamentally altered so that, rather than the reintegration of non-citizens, their exclusion becomes the end goal (Ugelvik, 2017). As argued by Ugelvik (2017: 196), non-citizens in Norway have become ‘illegitimate welfare subjects, and are therefore transferred to the parallel alternative system’ in view of expulsion. Research also shows that while some of the non-citizen men incarcerated in Norway welcomed the possibility of a swift transfer to their countries of origin and therefore requested to be transferred to Kongsvinger, they soon grew disappointed and frustrated with the slowness of the process (Ugelvik, 2017; Ugelvik and Damsa, 2018). A similar and intentionally harsher penal regime can be observed in Denmark, where non-citizens have also been rendered illegitimate welfare subjects who have limited access to welfare services while incarcerated (Justitsministeriet, 2016). An uneven penal landscape has thus developed in which ‘when deprived of their freedom, foreign national prisoners are increasingly placed in separate institutions, or institutional arrangements, and afforded different procedural treatment and standard of rights than citizens’ (Aas, 2014: 525–526; Barker and Smith, 2021; Shammas, 2016; Ugelvik, 2017).

The two penal institutions located outside the borders of Norway and Denmark raise further questions regarding the nature and purpose of punishment in the Nordic welfare state, since they demonstrate that a primary function of the criminal justice system has been or may be outsourced. For instance, the Norwegian Parliamentary Ombudsman, Aage Thor Falkanger, raised concerns regarding the legal vacuum that existed in Norgerhaven prison, as persons convicted under Norwegian law were serving their sentence in a third state, and the division of

responsibility between that state and Norway was unclear. Following a visit in 2016, the Ombudsman concluded that prisoners were not guaranteed adequate protection against torture and inhuman or degrading treatment: the Norwegian authorities had waived their right to investigate, prosecute and punish violations; the authorities of another state were permitted to use coercive measures, including weapons, against persons sentenced under Norwegian law, there was no review of patients' rights and no access to a health care complaints procedure; transfer to another country represented a massive intrusion into the prisoners' lives, and reintegration into society was not facilitated (Norwegian Parliamentary Ombud, 2016). In terms of the lived experience of imprisonment, however, research conducted by Alison Liebling and colleagues (2021) suggests that Norgerhaven was among the best-liked Norwegian prisons at the time, especially among non-citizens.

Bordered penalty and its symbolic and material expression, the non-citizens' prison – or indeed, extra-territorial punishment – call into question the construction of the Nordic welfare states as 'good punishers' (Lohne, 2022; Pratt, 2008; Ugelvik, 2017). Several scholars note that in Denmark and Norway, prisons are now part of the border control apparatus and bring into sharp relief the disadvantages of non-citizenship, bringing to light the repressive and exclusionary elements in Nordic societies (Franko, 2020; Barker and Smith, 2021), and how the force of the law is deployed to protect the privileges of citizenship. The incarceration, detention, and expulsion of those not deemed to belong in the nation-state is not new (Franko, 2020; Kaufman, 2019; Weber and Bowling, 2008), and it is perhaps unsurprising to find that these practices are resurfacing in the context of global mobility and challenges to white hegemony (Keskinen et al., 2009). What is novel is the emergence of an 'abnormal' way of administering justice (Aas, 2014; Fraser, 2008) that may be at odds not only with contemporary principles and standards of punishment in Norway and Denmark, but also with the principles of Western democracies (Bosworth, 2021).

3.5 The pains of imprisonment

What kind of experiences do non-citizen women have in penal institutions? Not much has been written on this question, but the existing literature on the experiences of women and non-citizen men fruitfully informs this discussion. For the most part, penal subjectivities have been studied through more recent iterations of Gresham Sykes's (1958) analytical framework of 'the pains of

imprisonment', especially as conceptualised by Ben Crewe and his colleagues.²⁵ Scholars suggest that the contemporary pains of imprisonment broadly relate to the inherent features of imprisonment, specific policies and institutional practices, resulting from abuses or the unprofessionalism of prison staff, or in connection with the prisoners' identities (Crewe, 2011, 2015; Crewe et al., 2014; Hayes, 2016; Sexton, 2015). Prison researchers have also described new pains that are specifically associated with citizenship status (Brouwer 2020; Liebling et al. 2021; Turnbull and Hasselberg 2017; Ugelvik and Damsa 2018; Warr 2016) and at the intersection of citizenship status and gender (Ballesteros-Pena, 2020; Matos, 2016).

Non-citizen women

Literature dealing specifically with the experiences of incarcerated non-citizen women is rather sparse. Raquel Matos (2016: 350) compellingly argues that 'prison should be rethought from a lens of gender and citizenship'. Looking at the migratory paths of non-citizen women to imprisonment in Portugal, she suggests that they are shaped by the 'circumstances of gender and citizenship'. She found that, in prison, citizenship served to organise social relationships, by producing localised, nationalist, and racialised hierarchies, enacted by both prisoners and officers. Citizenship also affected access to the outside world and explanations for deportation. Applying the pains of imprisonment lens in a similar way, Ana Ballesteros-Pena (2020) suggests that the trajectories of incarcerated non-citizen women are impacted by citizenship status, gender, race and class in the context of responsabilisation programmes in Spanish prisons. She identifies pains produced by 'discrimination', 'global poverty', and of 'self-government for the racialized other'. She also points out that reintegration, one of the purposes of imprisonment in the (Spanish) welfare states, is significantly altered by citizenship status.

More broadly, research shows that women in prison continue to experience gendered, classed, and racialised inequalities (Carlton and Segrave, 2013; George et al., 2020; Hector, 2020; Monchalin, 2016; Owen et al., 2017; Scraton and Moore, 2014). These inequalities are reinforced and (re)created 'in novel, contextually dependent, configurations' through current citizenship regimes (Basaran and Guild, 2017; Yuval-Davis and Werbner, 1999). Research shows

²⁵ Ben Crewe and colleagues (Crewe, 2011, 2015; Crewe et al. 2014) drew work by Downes (1988), King and McDermot (1995), Sparks et al. (1996), and Kruttschnitt and Gartner (2004). For a comprehensive and critical review of literature on pains of imprisonment see Haggerty and Bucerius (2020).

that, in certain ways, women suffer more severe pains of imprisonment than men, especially in relation to motherhood, health, safety, and privacy (Carlen and Tombs, 2006; Crewe et al., 2017; Lempert, 2016; Owen et al., 2017). The heteronormativity of the carceral system has been shown to cause an appreciable loss of safety in the face of gendered and sexualised violence for women in mixed prisons and for members of the LGBTQIA+ community (especially transgender people) in prisons segregated according to gender (Mathiassen, 2017; Sexton et al., 2010; Sumner and Sexton, 2016). In Denmark, Charlotte Mathiassen (2017: 388) argues, the mixed-gender prison regime violates the principle of gender equality since ‘interventions to protect vulnerable women risk making them ‘non-existent’ and impede their possibilities of living viable lives’. She suggests that, in certain circumstances, contrary to the state’s intention, mixed-gender prisons may help to maintain the status quo and the power of the institution, rather than supporting the equality and welfare of women, which is a tenet of the Nordic welfare state. Scholarship has also highlighted the ways in which women interact with restrictive prison policies and how they seek to negotiate and resist institutional controls, often ‘simply by trying to maintain an image of control over their own lives’ (Bosworth, 1999).

Some scholars have also pointed out that due to traditional gender roles that often work to delegitimize women’s choices and agency, women in carceral spaces may be constructed as ‘victims’ or potential ‘victims’, not only through political discourse, but also in literature (Schrover et al. 2008; Fili 2013; Bosworth et al. 2018). Andriani Fili (2013: 6) warns against dichotomous rendering of women’s experiences and identities in prison (as either victims or resisters) and advocates ‘for an appreciation of a more complex account of subjectivities that allows space for multiplicity.’ Drawing on research in Greek prisons, she argues that incarcerated women are in constant dialogue with the penal institution and, in dialogue, they negotiate and define their situation. This interplay ‘may create the potential for resistance or conformity and thus help us to understand the dynamic between them inside the women’s prison’ (Fili, 2013: 18).

Non-citizen men

Non-citizen men’s experiences are addressed here because of their analytical usefulness. The existing literature suggests that bordered penal regimes are described by non-citizens men as ‘painful’ in their own particular ways (Bhui, 2007; Bosworth and Kaufman, 2011; Brouwer,

2020; Liebling et al., 2021; Turnbull and Hasselberg, 2017; Ugelvik and Damsa, 2018; Warr, 2016). In England and Wales, for instance, expanding on Hindpal Singh Bhui's work, Jason Warr (2016) identified a new range of pains and frustrations faced uniquely by non-citizen prisoners, including the deprivation of legitimacy, certitude, and hope.²⁶ Similar experiences of bordered penalty were found in the Netherlands by Jelmer Brouwer (2020). There have been significant Norwegian contributions to this area of study.

Empirical research in Norway, which concentrates on men, addresses the pains of imprisonment at Kongsvinger and Norgerhaven, examining the complex identities of incarcerated people in relation to policies directed at non-citizens. Thomas Ugelvik and I (Ugelvik and Damsa, 2018) observed pains arising from the symbolic status of those two prisons as being from prisoners' lack of formal citizenship: the pains of deportability, of discrimination, and of long-distance relationships. For some men, uncertainty about their transfer or deportation was the main issue, overshadowing all other aspects of imprisonment. Many were worried about the prospect of having to leave behind their life in Norway and be sent back to countries they had left years earlier, where they had no ties and no access to any resources. For some, being unwanted by the Norwegian government was in itself felt to be an attack on their identity. In addition, the fact that immigration decisions were taken elsewhere by the Directorate for Immigration created an experience of procedural illegitimacy. The men often described Kongsvinger as a racist institution based on a logic of discrimination. Everyday problems on the wings, such as poor communication with officers due to language issues, misunderstanding of prison rules and regulations or disagreement with them, or frustration at the slowness of prison bureaucracy, were very likely to be interpreted as discrimination. Once immigration control measures became part of the criminal justice and correctional system, the way the system was experienced changed. While the actual prison regime in Norway did not change much as regards its material standards and welfare services, there was a considerable change at the symbolic level.

A similar situation at Norgerhaven was described by Alison Liebling and colleagues (2021) in their research with non-citizens. Norgerhaven was not meant to hold only non-citizens, but this is

²⁶ Other studies have also shown the isolating nature of the sentence for non-citizens, who face increased difficulties in staying connected to their families, understanding their situation due to language barriers, or obtaining information concerning their immigration status (Bhui, 2007; Bouwer, 2020; Kaufman, 2015; Ugelvik and Damsa, 2018).

what happened in practice (thus, out of 224 prisoners, 178 were non-citizens at the time of their research). Non-citizens felt they were being punished twice: first by incarceration and then by deportation. This was perceived as illegitimate punishment, particularly for some of the men convicted of migration offences – Norgerhaven was seen as a ‘kind of waiting box on foreign soil’ before deportation (idem: 54). Some, however, who wished to be returned to their home country as soon as possible, were frustrated by the lack of progression. Many described the institution and the Dutch prison officers as less racist than the Norwegian and, in general, the prison was one of the highest rated Norwegian prisons at the time (Liebling et al., 2021).

On the whole, non-citizens incarcerated in specially designated penal institutions perceive them as lacking proper legitimacy, since deportation is added to their sentences (di Molfetta and Brouwer, 2019; Ugelvik and Damsa, 2018). As observed by Lucia Zedner (2016: 7), ‘the borders between penal and non-penal measures cannot be set by references to purpose alone; so the claim that a measure is primarily preventive does not necessarily take it outside the realm of punishment’. Human experience takes on meaning in specific contexts and therefore, to understand the experiences of imprisoned non-citizens, attention must be paid to the symbolic meaning-making quality of these contexts (Ugelvik and Damsa, 2018). It is perhaps necessary to consider other conceptual frameworks than the pains of imprisonment to understand the attitudes and experiences of incarcerated non-citizens as part of broader legal and political arrangements.

3.6 The politics of pain and alternatives

Some of the pains experienced by non-citizens in penal institutions arise directly from their non-citizenship status and the new legal configurations of bordered penalty rather than the regime, conditions, or relationships specific to penal institutions. Looking at experiences in immigration detention, Bosworth (2021: 2) suggests that the conceptual framework of the pains of imprisonment ‘maintains scholarly focus on the interiority of sites of confinement and on the specific individual stories, rather than on their relationship to and position within a wider network of social relations, politics, and the law.’ Understanding pain in political terms would open more ‘radical’ lines of inquiry and action (Bosworth, 2021; see also Barker, 2007). The pain experience in immigration detention is not solely the product of the deprivation of liberty nor can it be assuaged within the institution. Rather than approaching the pains of imprisonment as ‘sociological statements of suffering, caused by the loss of liberty’ Bosworth (2021: 1)

suggests the experiences of people in detention are best understood as ‘political statements which, in turn, demand a political response’. The political nature of immigration detention, she says (2021: 7) is ‘a site where the limits of liberalism and democracy are made concrete’. This conceptual framework is an appropriate way to describe the subjectivities of incarcerated non-citizens, especially in dedicated ‘crimmigration’ prisons, sites of bordered penalty that may lack legitimacy, situated with specific relations of inequality.

Suffering as a political statement fits well within a perspective of everyday life as political. The analysis of ‘everyday life’ and the ‘production of space’ originated as a (Marxist) political project (inter alia Lefebvre, 1947, 1961, 1974, 1981), and has subsequently been carried out in a multitude of fields. Lefebvrian critique has also influenced feminism – transnational feminism in particular (Herman, 1992; Kelly, 1988; Smith, 2000; Yuval-Davis, 2006). Feminist scholars argue that the definition of both who we are and our location in the world is constructed by discourses of particular political projects of belonging and is affected by the specific agents taking part in everyday social dynamics (Pink, 2021). The everyday is ‘at the centre of human existence, the essence of who we are and our location in the world’ (Pink, 2012: 143).

When applying this thinking to illegalised or incarcerated non-citizens, who occupy disadvantaged positions in legal, political, and socio-economic terms, it might be tempting to consider Giorgio Agamben’s (1998) perspective, which suggests that everyone can potentially become the *homo sacer*, a naked, exposed form of life, that is depoliticised and without rights, and vulnerable to the power of the sovereign. In some respects Agamben’s (1998) perspective reflects contemporary processes of governance that have made legal membership rather unstable, but it is reductive of migrants’ lives (Walters, 2008). Michel de Certeau (1984), for instance, suggests that in the ‘practice of everyday life’, individuals employ a variety of ‘tactics’ to reclaim autonomy in response to the ‘strategies’ of power (politics, consumption etc). In the case of ‘irregular migrants’, Dimitris Skleparis (2016: 1) shows how ‘resistance’ is performed through ‘the mundane production of information, tricks for survival, mutual care, social relations, services exchange, solidarity, and sociability, which challenge security policies and controls and establish an alternative form of life’. In Norway, Synnøve Bendixsen (2018: 234) argues that, while the decisions and practices of migrants are interlinked with sovereign power, the reach of the sovereign does have its limitations. Legal status is not the only factor shaping the trajectories

of migrants – ‘a complex dynamic of affective, economic and social transnational connections’ also plays an important role (*idem*).

Total control, therefore, is an illusory notion²⁷ (Bigo, 2007: 12). As observed by Reece Jones (2012: 687) when looking at border crossings between India and Bangladesh, ‘the state’s claim to define subjects and activities’ often fails, as people develop ‘a multitude of strategies that acquiesce to, co-opt, transgress, and ignore’ sovereign power at the border. These acts and practices may not amount to overt political resistance, yet they still challenge the logic of the sovereign. People’s social worlds may not always align with the sovereign’s ontology. ‘Illegality’ is not simply a legal condition, but decidedly affects migrants’ ‘ways of being in the world’, and may often be incongruent with people’s everyday lives and social worlds (Willen, 2007). Sandra Walkate’s (2011: 187) observation on the importance of ‘the ordinary, everyday experiences of women (in particular), and what they chose to do and not do about them’ is relevant here. In trying to also ‘think otherwise’ (Walkate 2011) and contribute to alternative ontologies that focus on ‘alternative everyday forms of existence and alternative forms of life’ (Papadopoulos and Tsianos 2013, 191), this dissertation also seeks to identify other ways of existing in the social world, beyond the logic of the sovereign (Jones 2012), emphasising women’s positions beyond those of ‘victimhood’ or ‘resistance’. This endeavour then also takes this study beyond the walls of penal institutions as the in different sites where illegalised non-citizen women find themselves under the gaze of penal power.

3.7 A confinement continuum

Within border criminologies (and the field of criminology more generally), analyses of bordered penalty have almost exclusively focused on institutions (prisons, immigration detention centres, or asylum reception centres), but reverberations are felt far beyond the prison wall. If institutions of confinement are understood as ‘sites where social power is a central dynamic and where practices of power and knowledge, discipline and resistance, control and care are key features’ (Butler, 2004; Casella, 2007; Dikötter and Brown, 2007; Foucault, 1977; Jefferson, 2014: 45), it then follows they do not necessarily need to be surrounded by walls. Engagement with Michel Foucault’s work (1977) and his description of the modern penal system as being the mechanisms, technologies, knowledge, systems, and networks of a ‘carceral archipelago’, has long inspired a

²⁷ As shown by Gresham Sykes (1958) and prison scholarship thereafter this is also the case in penal institutions.

wider understanding of confinement. Zygmunt Bauman (2000) suggests that the logic of confinement present in carceral contexts is not limited to institutions alone, but may be observed more broadly through the ‘paradigm of exclusion’. Loïc Wacquant (2000, 2001) notes the ‘striking similarities and intriguing parallels’ between the prison and the ‘ghetto’, noting their ‘deadly symbiosis’, and pointing out the structural processes that have bound the prison and the ghetto into a ‘carceral continuum’. The extension of carcerality into poor, criminalised neighbourhoods far beyond the prison walls is also seen to produce ‘unwitting subjects’ (da Cunha, 2008; Halsey, 2007).

Elisabeth Brown (2014: 386) suggests that ‘a geographically expansive understanding of the carceral opens up incarceration as a multi-institutional, fluid, indeterminate practice’ that ‘must consider how the multiplicity of carceral spaces ultimately work together to create the carceral society that is so common to modern day descriptions’. Thus ‘the law actively shapes the landscapes of confinement; it helps produce carceral lawscapes’ (Villanueva, 2018: 967). At the global level, mobility is regulated through carceral linkages on varying scales and in different places (Lloyd et al., 2012). Border criminologists have described the ways in which penal power crosses borders (Franko, 2020). Confinement is actively constituted by actors, institutions, and practices, at different levels, through material and discursive practices, and with exclusionary intent (Villanueva, 2018). Since law and space are mutually constituted (Delaney, 2015, 2016, 2017) illegalised non-citizens find themselves living in a confinement continuum.

These ‘continuities of confinement’ (Villanueva, 2018), however, are not created by criminal and/or immigration law alone. The bordering of welfare in the Nordic region, described above, is also part of it. Anthropologists have shown how highly restrictive the condition of poverty is. Ethnographies of life in camps or townships show that socio-economically marginalised people remain ‘still there’ literally, spatially, temporally and relationally’ (Jefferson, 2010, 2014; Jefferson et al., 2019: 2, 10). Simon Turner (2016) suggests that, outside institutional settings, confinement is more often temporal than spatial, with the future being at stake. Freedom-limiting settings, anthropologists suggest, are designed to capture ‘problematic bodies’ (Jefferson, 2014: 57). Confinement is then experienced as incapacitation, inescapability, or the storage of ‘ambiguously defined non-citizens’, non-citizenship here being socio-economic. Andrew Jefferson (2014) suggests that a wider definition of confinement should include states of mind in

freedom-limiting contexts, whether institutional or non-institutional, whereby people are animated by ‘a radical desire to escape’. What emerges is the similarity between different sites (prisons, camps, townships), in terms of their confining dimensions, especially on a subjective level. This is useful for understanding the experiences of illegalised and incarcerated non-citizens in the Nordic welfare state, as they move through these spaces and time and are of relevance to this dissertation. Nonetheless, a measure of caution is exercised here. Nils Christie (1978) advised against the tendency to see the prison everywhere, arguing that it would hollow the concept of the prison and brush over its specificities and pains. Any scholarly endeavour, then, should consider the specific and particular dynamics of institutional and non-institutional settings, processes, and practices of confinement that may not be interchangeable.

3.8 Contribution to literature

The body of literature discussed so far has made this study possible. In engaging with this literature, the dissertation makes several contributions to knowledge in the field of border criminologies that were briefly spelled out in the Introduction and will be detailed here. First and foremost, the study explores empirically women’s experiences of bordered penalty and precarisation in the Nordic region, thereby addressing an existing knowledge gap. The existing literature shows that, in penal institutions, women’s pains are heightened, as are those of non-citizens, but experiences at the intersection of gender and citizenship status, have remained unexamined in Norway and Denmark. The study bridges these strands of literature. In doing so, it contributes to border criminologies scholarship that is concerned with the increasing use of penal power to govern migration and (re)establish the borders of membership, by presenting empirical evidence from the Nordic region. Taking a criminological view, the study further contributes to the body of work across several disciplines that is concerned with the bordering of welfare in Nordic states and the increasing use of precarisation to govern non-citizens. The study thus aims to contribute to scholarship concerned with changes in governance in the Nordic region in the context of global mobility.

Drawing on the empirical material, the study aims to make a contribution to theories on punishment in the Nordic region, where penal institutions are traditionally seen as an integral part of an inclusionary welfare state. However, when directed at non-citizens, penal power becomes more openly exclusionary. The study aims to provide a more nuanced view, by looking

at the logics of bordered penalty and how they are expressed in Denmark and Norway. The study also seeks to contribute to the development of concepts relating to the experience of punishment, by approaching non-citizen women's pains as political statements reflective of social disadvantage. It also argues for a wider notion of confinement along a continuum of experiences produced by the conditions of 'illegality' and deportability.

Finally, the study aims to contribute to feminist scholarship, particularly in the field of border criminologies, by providing knowledge about women's experiences of existing conditions of inequality. This study contributes important empirical knowledge on how bordered penalty is gendered and how current citizenship and deportation regimes in Denmark and Norway, states that otherwise champion women's rights and gender equality, produce gendered vulnerabilities. The study also aims to provide a more nuanced view of the position of women, one that goes beyond the binary of victimhood and resistance by viewing their experiences through the analytical lens of resilience. The study also makes a significant theoretical contribution to intersectionality, by highlighting the importance of citizenship (and the 'illegality' and deportability deriving from lack of it) as a structural condition of inequality, which shapes other inequalities, such as gender, class, and racialization.

3.9 A note on terminology

As shown so far, the dissertation is informed primarily by border criminologies. Within the field, there have been considerable efforts to move away from state-centric definitions and categories, and I have followed this path in this dissertation.²⁸ There has also been a necessary scrutiny in social sciences and research of a past and present that continue to be dominated by colonialism, white hegemony, and the patriarchy.²⁹ Some scholars argue that the discipline of criminology and its analytical approaches have been bound to the concept of 'crime' and therefore to 'state centric discourses and definitions' (Basaran and Guild, 2017; Canning, 2018; Hillyard, 2003). Despite the socially constructed nature of 'borders' and 'crime', the two are often associated in public debates and in political discourse (Canning, 2018), with the law used to create 'border crimes' (Franko, 2020).

²⁸ Early Norwegian criminology at the University of Oslo has consistently questioned state power and categories and, in relation to prisons, taken an abolitionist stance.

²⁹ Patriarchal, heteronormative whiteness is connected to a 'system of prestige, status, and class that has emerged from a colonial and imperial presence' (Daswani, 2021).

In view of these conversations, as well as the empirical context in which the research was conducted, in this dissertation I opted for a feminist criminological lens, in view of criminology's power to speak to unequal power relations, discriminatory laws, and oppressive institutions that actively shape people's material and affective lives, as well as the position of criminologists in this area. Taking 'crime' or 'criminology' out of border studies does not, however, necessarily decentre the state or contribute to the decolonisation of the discipline beyond the discursive level; rather it obscures the power of criminal law to manage and discipline global mobility and maintain white patriarchal hegemony.

I have sought to understand non-citizen women's experiences within specific power relations, especially in their legal and institutional expression. This is one of the reasons I use terms such as 'non-citizen', 'criminalised', 'illegalised', or 'deportable' to describe the conditions produced by the law. I use 'non-citizen' and 'non-citizenship', when non-citizenship is seen as a membership category in an active, positive relationship with the state, and is shaped at the intersection of different belongings and exclusions (Tonkiss and Bloom, 2015). As pointed out by Basarand and Guild (2017: 273), the term migrant is 'reserved for those associated with particular origins and geographies'. Most of the participants did not identify with the term 'migrant'. It delegitimises their affective, economic, or temporal connections to Denmark or Norway. I avoided words such as 'migrant', 'undocumented' or 'irregular', which are currently used in criminology and migration literature, as they do not reflect the realities of the participants' lives, and obscure the law's active part in producing these conditions. Participants in this research rejected these state-centric categories. I have sought therefore to remain faithful to the participants' perspectives and tried to address the complexities of the field.

4. Methodology

This section offers a detailed account of the methodological approach taken in the research: the interpretative perspective, the design, the sites and participants, data collection methods and analysis, matters related to access, positionality, and the ethical considerations regarding research involving populations that are systemically disadvantaged. I first set out the argument for a feminist qualitative approach and research design (Disch and Hawkesworth, 2016; Hesse-Biber, 2012), as best able to capture non-citizen women's diverse perspectives and experiences in the penal and humanitarian context of Denmark and Norway. I then describe the qualitative ethnographic methods (Disch and Hawkesworth, 2016; Soyini Madison, 2012; Thomas, 1993) used in this study, which I consider crucial to producing contextually rich and nuanced understandings of non-citizen women's experiences in relation to the often uneven, fragmented, and partial logics of state governance. I make the case for a multi-sited ethnographic research design (Coleman and Hellermann, 2011; Falzon, 2009; Marcus, 1995), based on a rationale that is both theoretical and pragmatic, as bordered penalty and welfare limitations are common to non-citizen women's experiences at specific sites. I describe the strategies and methods employed to collect qualitative data and the analytical procedures drawn from qualitative thematic analysis (Braun and Clarke, 2006; Leavy, 2014). I reflect on my own position in relation to other non-citizen women and within the power relations at play in the field (Dean, 2017; England, 1994, 2016). Finally, I describe the ethical considerations that have guided this study (Iphofen and Tolich, 2018; Leavy, 2014), particularly as regards research involving systemically disadvantaged and politicised populations.

4.1 Interpretative perspective

In the Nordic region, there is a dearth of knowledge about non-citizen women's lives in relation to bordered penalty, despite ubiquitous discourses on gender equality, women's rights, and gender welfarism. This dissertation addresses this gap and has at its centre women's perspectives, experiences, and everyday lives, which means it is best served by a feminist theoretical and methodological orientation (Disch and Hawkesworth, 2016; Hesse-Biber, 2012; Letherby, 2003). While feminist research does not occupy a single standpoint, it does have a political commitment to producing knowledge about women's lives and advocates for women's rights and gender equality in an effort to generate societal change (McHugh, 2014). Feminist

scholarship directly informed this research, particularly the continuities emerging from intersectional, post-colonial, and transnational feminist projects at the end of the 20th century and beginning of the 21st (Disch and Hawkesworth, 2016). This research was galvanised by feminist calls for the investigation of borders (or the ‘transnational’, more broadly) as sites of gendered violence carried out in the name of the ‘nation-state’ and of ‘capital’; for scrutiny of gendered laws, policies, and institutions connected with citizenship status; and for consideration of the analytical importance of the practices of everyday life (Canning, 2018; Disch and Hawkesworth, 2016; Hesse-Biber, 2012; Smith, 1987). Even though I assume some diffidence in the dissertation’s transformative potential, I nonetheless strive to contribute to knowledge about non-citizen women’s perspectives, experiences, and everyday lives, viewed in relation to bordered penalty and welfare in the Nordic region.

Feminist research prioritises women’s knowledge as situated within subjectivity and the lived experience, within specific and dynamic local and transnational power relations (Haraway, 1991; Hesse-Biber, 2012; Madge, 1993). Similarly, the main concern in this study was to consider non-citizen women’s everyday lives in relation to penal and humanitarian governance across several sites in Denmark and Norway. The study therefore took a meso-level approach, considering dynamic interaction (penal and humanitarian governance) between individuals (non-citizen women) and systemic units (the Danish and Norwegian states) in specific sites (prisons, clinics, public space). The aim of this exploratory design was to gain insights into the women’s perspectives and experiences and observe whether and how multiplicity might coalesce around consensus. Contemporary discourse on borders, punishment, and citizenship in the Nordic region reflect ontological and axiological crises, with multiple actors implicated in their (re)construction – state institutions and agents, humanitarian and civil society organisations, researchers, journalists, and non-citizens. Non-citizen women, too, are active in these (re)constructions, through overt political action, everyday subversions, or refusals. This dissertation brings to light some of their knowledge and practice.

A feminist approach, like other interpretative paradigms, regards knowledge as co-constructed by the researcher and the participant within the specific power relation at play in the field. Therefore it requires researchers to be constantly reflexive. The researcher is implicated in this co-construction, and must be aware of their own positioning in the process and of how their own

personal, cultural, and historical experiences affect the interpretations they make (Dean, 2017; England, 1994, 2016; Hesse-Biber, 2012; Nowicka and Ryan, 2015). Going in the field, I had specific questions to ask and therefore I played a crucial role in the production and presentation of knowledge, not least through this text. However, I worked with participants to develop questions and data collection methods whenever the situation permitted. I also sought to immerse myself in the social worlds of non-citizen women as much as the conditions in each site permitted. I did not expect to be able to genuinely see the world through the women's eyes. However, I aspired to understand how they made sense of their positions according to the concept of *verstehen* in (interpretative) anthropology, which guides the ethnographer's attempts to relate to others, convey their experiences and explicate the relation between empirical and theoretical insights (Geertz, 1973, 1974,; Moore, 2004). As discussed by Michael Jackson (1998: 3, 4), the notion of intersubjectivity allows inter-experience, inter-action, and inter-location to be explored, without assuming the experience is completely shared.

4.1.2 Research design

An ethnographic approach is ideally suited to this study, since it reflects the feminist research tradition that values context, allows for change, values relationships and reciprocity with the participants, and requires constant reflexivity (Hesse-Biber, 2012; Soyini Madison, 2012). Specifically, a multi-sited ethnography is by far the most suitable research design for engaging with non-citizen women's perspectives, experiences, and everyday practices in relation to the dynamics, processes, and practices of bordered penalty and welfare. As in traditional ethnography, this study privileged thick, contextually rich explorations, through immersion in the women's social worlds (Coleman and Hellermann, 2011; Falzon, 2009; Geertz, 1973). Inspired by George E Marcus's (1995) contribution to the Annual Review of Anthropology, and the renewal of the ethnographic research tradition, I conducted a multi-sited ethnography that follows people, connections, and relationships across spaces. These associations may be 'substantially continuous but spatially non-contiguous' (Falzon, 2009: 2), they are often hidden, and finding them is 'the main problem of ethnographic analysis' (Marcus and Fischer, 1999: 7). The ethnographer, then, contextualises 'the relationship between sites of activities that are disjunctive in space or time and perhaps also in terms of social category' (Coleman and

Hellermann, 2011: 3). In this research, I focused on bordered penalty and welfare as connectors of experiences and sites across Denmark and Norway.

Together with the analytical approach, the choice of design was determined by the complexity of the processes examined and the need for in-depth investigation of these processes. The study does not attempt to produce generalisations, but to shed light on the diversity of experience at the intersection of various inequalities and open a path for the further examination of non-citizen women's experiences in the Nordic region.

4.1.1 Analytical framework

Intersectionality, an analytical framework originally employed in feminist research and now widely used in various fields, may help clarify the complex relationships between categories of social disadvantage (Davis, 2008; Lutz, 2015). Feminist scholars have suggested multiple levels of analysis: those of experience, of intersubjective praxis, of institutional regimes, and of the symbolic and discursive (Anthias, 1998; Davis, 2014). This dissertation focuses on the individual experience and, as suggested by Helma Lutz (2015: 39), employs intersectionality as 'a method that is particularly helpful in detecting the overlapping and co-construction of visible and, at first sight, invisible strands of inequality'. One way to apply this method, Lutz (2015) suggests, is to use Mary Matsuda's (1991: 1189) famous 'other question':

The way I try to understand the interconnection of all forms of subordination is through a method I call 'the other question'. When I see something that looks racist, I ask "Where is the patriarchy in this?" When I see something sexist, I ask 'Where is the heterosexism in this?' When I see something that looks homophobic, I ask 'Where are the class interests in this?'

In their assessment of intersectionality scholarship, Walby et al. (2012: 228) point out a tension between the notion of the mutual constitution of inequalities (Hancock, 2007) and the demand for the component inequalities to be made visible (Crenshaw, 1989, 1991). This dilemma may ultimately be irresolvable, but it certainly has been present in this study. Disentanglement is fraught with difficulty and intersectional approaches can only be particularised and, therefore, incomplete. Following Matsuda's approach, this study sought to cross-questioning the categories that come to the fore at first sight. Therefore, it looked for gender in unequal citizenship regimes,

more specifically, how gendered inequalities interact with the lack of formal citizenship in Denmark and Norway. The importance of context, complexity, and fluidity, is not overlooked (Hancock, 2007). The dilemma, as Walby et al. (2012: 228) suggest, is how ‘to balance the stability and fluidity of inequalities so they are sufficiently stable as to be available for empirical analysis, while recognizing that they change’.

While citizenship (and the condition of ‘illegality’ it produces) may be seemingly stable categories, they are rendered fluid and contextually dependent by the state actions, which are shaped by perceptions of race, gender, or class (De Genova and Peutz, 2002; Di Giorgi, 2010; Guild, 2009; Squire, 2011). It is important, therefore, to explore empirically how these social disadvantages interact and shape one another. In this study, an intersectional analysis considers non-citizen women’s experiences of intersecting inequalities in the context of punishment and welfare in Denmark and Norway; it thus connects the participants’ emphasis on certain identities to specific experiences, circumstances, and contexts, while also taking into account the researcher’s own positionality and the differences it highlights (Hesse-Biber, 2012; Lutz, 2015)

4.2 Sites and participants

In this multi-sited ethnography, my role was to bring together the perspectives and experiences of non-citizen women (the participants) in particular places (sites) as regards state governance (bordered penalty and limitations on welfare). The sites are the setting for ‘a variety of social, political, and economic activities and relations that operate at and through multiple scales’, providing ‘a material space for the enactment and constitution of power relations’ and how they are selected is crucial to the research (Elwood and Martin, 2000: 650). Selecting participants from a highly diverse population is another important step in the research design, and is one that can influence data collection, and even the outcomes of the research (Creswell, 2013). In what follows, I will detail the choices made regarding sites and participants, both prior to and during fieldwork, and then turn to challenges encountered in the field.

4.2.1 Sites

The selection of the sites for this study had both a theoretical rationale and, as the research evolved, a pragmatic element, determined by the empirical conditions. Theoretical perspectives on the governance of migrants in Europe suggest that, beyond the territorial borders of the state,

a simulacrum of ‘the border’ is (re)produced across many sites, – in prisons, detention and asylum centres, humanitarian organisations, churches, and public places, or wherever controls and checks are present (Aas and Bosworth, 2013; Bendixsen and Wyller, 2019; Rajaram and Grundy-Warr, 2007; Yuval-Davis et al., 2018; Zedner, 2010). These are sites where, when formal citizenship is lacking, the rationale of bordered governance, in the form of bordered penalty and welfare limitations, comes into play. Governance strategies aimed at non-citizens are stricter in these sites. I sought to capture how different aspects of governance, such as punishment and limitations on welfare, affect non-citizen women and their subjectivities. Bordered penalty and welfare limitations connected the sites, the participants, and their experiences.

I therefore selected prisons, clinics, shelters, churches, cafes, and public places in Oslo, Copenhagen, and Kongsvinger as primary sites for research. Although diverse, the sites were connected by similar rationales, processes, and practices in the governance of non-citizens. Initially not part of the design, several INGOs and NGOs, and women’s private homes became secondary sites for the study, as relationships developed, and enabled additional perspectives and experiences to emerge. Certain NGOs in Copenhagen and voluntary collectives in Oslo, however, turned out to be inaccessible. Site administrators said there was fear and mistrust in Denmark, with the approach of the national elections, as an anti-immigration rhetoric dominated public debate. In Norway, the issue was research fatigue. There was also a pragmatic component in the choice of sites. The non-citizen women in this research were in one way or another ‘stuck’ in certain places (Jefferson et al., 2019; Turner, 2007), held either physically in penal institutions, or in a legal limbo waiting for a decision on their immigration status, or not having the legal right to stay in Denmark or Norway. I will now give details on the sites, since what is observed and said about a site ‘is not an afterthought, but one of the primary purposes of the research’ and reveals specific socio-spatial power dynamics (Elwood and Martin, 2000: 656).

The primary sites in this study were: Kongsvinger prison (Norway) and Vestre prison, in Copenhagen (Denmark); the Norwegian Red Cross, the Oslo Red Cross and City Mission Clinic for Undocumented Migrants and its sister clinic, the Copenhagen Red Cross Clinic for Undocumented Migrants; and the City Mission Emergency Shelter. Sites that turned out to be inaccessible were: People in Limbo in Oslo; and the City Mission, the Sociolance, and the Church of St Mary in Copenhagen, Denmark. Secondary sites that were accessed through

relationships established in the field were Reden Copenhagen, Bydelsmødre Copenhagen, public places and women's homes in Denmark, and the Norwegian Red Cross service organising volunteers at Trandum immigration detention centre in Norway.

The first sites accessed were the two prisons, Kongsvinger and Vestre, which both had wings holding non-citizen women awaiting deportation. At Kongsvinger this was by design, as at the time the prison held foreign nationals only, while at Vestre it was by circumstance. By Norwegian standards, Kongsvinger is a medium-size prison, with a capacity of 89 prisoners. It has a low security wing at Vardåsen, a former military base outside the town, with a capacity of 69 prisoners, and a high security wing, the 'G wing', with a capacity of 20, located in the centre of the town. The prison was repurposed in 2012 to hold non-citizen men awaiting deportation after release or transfer to their home countries. Between 2017 and 2021, while the study was being conducted, G wing also held non-citizen women. This was the primary setting for this research, while the wing at Varåsen was a secondary location, as it held only men. Vestre prison, centrally located in Copenhagen, is Denmark's largest remand prison. It is a high security prison, with 506 cells. Vestfløyen, the wing that was supposed to be for women, had a capacity of 33 prisoners, but, at the time of the research, it was overcrowded, holding about 45 prisoners, women and men, Danish citizens and non-citizens. Both prisons were built at the end of the 1800s and their architecture and design reflect the era's approach to penalty. Vestre has a cross formation, each wing built around two-storey atriums. Kongsvinger prison looks unremarkable from the outside, with one small two-storey wing, with other spaces connected to the wing by underground corridors and windowless hallways. As in other nineteenth century prisons, space was compressed (Hancock and Jewkes, 2011), so much so that even the yard was caged in. Prisoners felt compressed, and participants often spoke in terms of 'cages' when describing these sites. The nature of the socio-spatial power relations manifested at these sites and the subjectivities they produce were relevant to this study and unexpectedly, so was the experience of space, architecture, and design.

The next sites I accessed were the Oslo Red Cross and City Mission Clinic for Undocumented Migrants and the Copenhagen Red Cross Clinic for Undocumented Migrants. Both clinics follow the guidelines of the International Red Cross and abide by international human rights conventions on the right to health. They provide medical care for non-citizens who, not having

social security numbers or European health cards, do not have access to the national healthcare systems of Denmark or Norway. The clinic in Norway opened in 2009, and operates for four hours, two days a week. The clinic in Copenhagen opened in 2011 and operates for three hours, three times a week. They provide emergency healthcare, check-ups and prescriptions for existing conditions, prenatal care, dental care, mental health care, and laboratory tests and prescriptions. The doctors, nurses, and laboratory technicians work on a voluntary basis (honouring the Hippocratic Oath). All volunteers pledge confidentiality. There are unspoken agreements with the police that no immigration raids will be carried out in or around the clinics. All services and prescriptions are free. The Copenhagen clinic relies primarily on donations for funding, while the one in Norway gets some public funding. The space in the clinics is organised in a similar manner: each has consultation rooms, a space for laboratory technicians, an office for medical personnel and other volunteers, and waiting rooms. The waiting rooms are intended to be welcoming: patients are always offered tea and coffee, biscuits, or fruit. There are leaflets about other services (shelter, food, courses, and social activities) that are available to ‘undocumented’ migrants. These clinics are always extremely busy, with patients often having to stand and some not getting a chance to see a doctor. The atmosphere in them has been described as ‘suffocating’. While ‘hospital anxiety’ has been extensively documented (Pellosmaa and Desouky, 2013), there is yet more anxiety in the clinics, as options for treatment are often limited by non-citizenship.

Staff at the Copenhagen Clinic for Undocumented Migrants also facilitated entry to secondary sites. One of these is Reden Copenhagen (part of Reden International), an organisation providing support to non-citizen women doing sex work, or who have been smuggled or trafficked into Denmark, in the form of healthcare, counselling, educational activities, legal advice, and repatriation. The location of the centre is confidential. Another site was Bydelsmødre where local women’s groups work with women who are isolated because they are recent immigrants, or because of their ethnic and religious background, or inability to speak Danish. The group seeks to connect the women with the local community. Connections established at the clinic and Bydelsmødre enabled me to participate in the everyday lives of some of the women and join them in public spaces or in their homes. In Norway, a secondary site recommended by the Norwegian Red Cross was the Red Cross service, which organises volunteers at Trandum immigration detention centre. While the primary sites and participants provided knowledge on

non-citizen womens' views on and experiences of bordered penalty, secondary sites and participants added information about the context, and provided other perspectives on the subject.

4.2.2 Participants

The primary participants in this research were selected on account of their formal citizenship status (i.e., they were non-citizens), their status conditions (being in legal limbo, illegalised or incarcerated, and therefore also 'deportable'), and gender (they were mainly non-citizen women, but there were some non-citizen men), or because they were prison officers or humanitarian workers at various sites (e.g. prisons, clinics, public and private spaces). At each site, all non-citizen women were offered the opportunity to participate in the research. In the initial phase, therefore, sampling was theoretical and purposeful and sought maximum variation within this population, in order to match my original goals (Tracy, 2013). In total, there were 99 participants across the primary sites.

There were 65 non-citizen women participants: 18 women incarcerated at Kongsvinger, 15 at Vestre; 6 women from the Oslo Red Cross and City Mission Clinic for Undocumented Migrants; 18 from the Copenhagen Red Cross Clinic for Undocumented Migrants; 8 from the Oslo City Mission. In terms of formal citizenship, the women were from Afghanistan, Algeria, Albania, Bulgaria, Eritrea, Gambia, Iran, Lithuania, Mongolia, Morocco, Nepal, the Netherlands, Nigeria, Pakistan, the Philippines, Poland, Romania, Somalia, Spain, Sri Lanka, Sweden, Turkey, and Zambia. Some of the women were then from Nordic/Scandinavian states (Sweden), EU states (Bulgaria, Lithuania, the Netherlands, Poland, Romania, Sweden), and 'third states' with no agreements with Norway and Denmark on legal residence rights. Some women identified with groups other than the majority ethnic group in their country of origin. Most were women of colour. By Danish or Norwegian standards, many lived on or under the poverty line. Most had children and families they provided for. Four of the women were pregnant at the time of the study (one of them was incarcerated), several were homeless. Three women were in legal limbo, waiting for a decision from the immigration authorities. The women were of all ages, the youngest being 17 and the oldest 63. Roughly, half the women in this study were in prison for criminal or immigration offences under the law in Denmark and Norway. The majority of the women in prison also got deportation orders at time of the study. One woman was being held on remand. Seven women were rejected as asylum seekers and four of these were in prison.

The 11 men who participated in this research were interviewed while serving their sentence on the Vardåsen wing at Kongsvinger, and during the year following their release. Talking to men in similar circumstances to the women helped crystallise some of the gendered aspects of incarceration – especially as regards deportation. Nine prison officers from Vestre also took part in the study, providing valuable insights into changes in the governance of prison populations, particularly non-citizens, and the way they affected the prison regime. Informal interviews were also carried out with prison staff and staff at humanitarian organisations (project coordinators, social workers, medical personnel). I sought to engage with front line workers and administrators whenever possible, as they too provided useful additional perspectives. While these three sub-samples were not included in the initial design, it became clear in the field that they had much to offer.

In addition, a snowball sampling strategy was made use of in the field: as participants put me in touch with sub-groups within the populations, and front line workers and site administrators facilitated access to other sites. However, data obtained through this sampling method was not used for the purposes of this dissertation, as most of these contacts did not fit the criteria laid down for the study. For instance, some of them had obtained citizenship in Denmark or Norway, while others had a legal right to enter and stay in one or other of the countries. For the purposes of this dissertation, only illegalised and incarcerated (and therefore deportable) non-citizen women were included in the sample.

Conditions in some of the sites and challenges to access made it necessary for me to modify the sampling procedure. Institutional access and participant access were difficult to obtain in Denmark. Prison administrators were concerned about my security and overburdening the officers with the task of ensuring it. At the time of the study, in the run-up to the national elections, anti-immigration rhetoric permeated public discourse: NGO administrators were worried about the women's wellbeing, privacy, and anonymity. Eventually, access to Vestre was facilitated by a Danish senior researcher and the administrator of the Oslo clinic facilitated access to the Copenhagen clinic. Incarcerated non-citizen women were quite willing to participate in the study, but this was not the case for women at the clinic. Most were fearful and worried about their immigration status and did not wish to further jeopardise their position. In Norway, both prisoners and administrators were enthusiastic about the research, partly because

they knew me from previous research projects. Incarcerated women were also very interested, but women at the Oslo clinic were suffering from research fatigue, and the number of participants there was low. Access to sites and participants, therefore, required the mobilisation of social capital and impression management and was significantly influenced by the specificities of the context.

4.3 Data collection

This study made use of ethnographic data, self-reported data, and visual artefact data, which was collected through an iterative approach informed by theoretical insights from border criminologies and subsequent reflection in the field. Some of the data collection methods (i.e. ethnographic methods, semi-structured interviews) and instruments (i.e. the protocols for the semi-structured in-depth interviews), though planned before fieldwork began, had to be modified in the field. There was some variation in the collection methods (ethnographic fieldnotes, ethnographic interviews, semi-structured interviews, life story interviews, and artefact interviews) used, largely because of differences between the sites and the participants' circumstances, wishes, and affect. In addition to this ethnographic and self-reported data, content from governmental documents was also collected to help contextualise it. Below, I will describe the data collection strategies employed at the various sites and the types of data collected.

Kongsvinger prison

At Kongsvinger, I was given a more generous amount of time than at the other sites, and conducted fieldwork between August and October 2017, with another month for follow-up interviews in November 2017, and further follow-ups in December 2017 and January 2018. My presence on the wing became a normal part of everyday life. Women would joke that I lived there, and occasionally officers accidentally included me in the morning count and were puzzled to find they had an extra woman. The original plan for Kongsvinger included participant observation, ethnographic interviews, and semi-structured in-depth interviews focused on penal subjectivities. Thanks to the women's enthusiasm and willingness to participate and their contribution to the research design, I was able to employ a greater variety of methods to collect data than initially planned. The open prison regime also allowed for extensive interaction with the women, observation of various activities, and flexibility in terms of data collection methods.

To collect ethnographic data, I joined groups and individuals throughout the day, in the activities they engaged in throughout the week – time spent in their cells, lunches on the landing, the workshop, cooking classes, art classes, courses, sport, and other recreational activities. I also participated in group therapeutic sessions, but these are not described in the research, in order to protect the women's privacy. I jotted down notes on the spot and consolidated them in the office during lock-down and at the end of the day. The notes were descriptive and reflective and included verbatim quotes. At the weekend, the women were locked in for most of the day, but I participated in any organised activities there were (e.g. Sunday baking, sports, knitting). To collect self-reported data, in addition to the ethnographic interviews, I conducted in-depth semi-structured interviews focusing on penal subjectivities. Because of the time available and the women's interest in the research, I also suggested life story interviews and carried them out. Both types of interview were audio recorded.

Since boredom is a major aspect of serving time (Gashi et al., 2021), we worked together to find more creative methods for data collection, ones which were tailored to each woman. This resulted in interviews that made use of visual and audio artefacts – art or objects made in class or the workshops, cell decoration, poetry and songs, and 'draw my life' interviews. These helped to further contextualise the women's circumstances and prison experience, and to construct their life stories. I had also hoped to collect self-reported data through the use of journals, but this did not happen, as the women found more practical uses for the notebooks (e.g. writing song lyrics, keeping scores in card games, or making shopping lists).

Ethnographic interviews, in-depth semi-structured interviews, and interviews centred on artefacts were conducted with 18 women and life story interviews were conducted with five. The data was collected in the form of ethnographic field notes (descriptive, sensorial, and reflective notes, including verbatim quotes – see Emerson et al. (2011), Herrity et al. (2021)) and self-reported data. In addition, in-depth semi-structured interviews were also conducted with 11 men on the Varåsen wing of Kongsvinger, followed by several semi-structured interviews with five of them in the year following their release. Data was collected in the form of ethnographic field notes and self-reported data.

Vestre prison

At Vestre, I conducted fieldwork during the month of February 2018 and later in April 2018. My intention was to collect the same kind of data as at Kongsvinger and use the same methods. However, the situation at Vestre proved to be rather different and affected data collection in unexpected ways. There was less time for fieldwork due to increasing security concerns. Vestre is a high security prison, and its security regime had just become more stringent and with limited welfare services available to non-citizens. The prison was also severely overcrowded and at times understaffed. Women were locked in most of the time, only allowed in the yard for an hour a day, and for short visits in each other's cells (a maximum of three people at any given time). Some of the women took part in work and activities on the wing, such as cleaning, meal preparation, and sport. When collecting ethnographic data, I spent time with two women at a time (so as not to exceed the group of three that was allowed), one on one, or joined everyone on the wing (women and men) for the one hour in the yard. I jotted notes down and wrote them up throughout the day in the office. I collected descriptive, sensorial, and reflective notes, including verbatim quotes. To collect data relating to the women's penal subjectivities, I conducted in-depth semi-structured interviews. Unlike in Kongsvinger, however, I was not allowed to use an audio recorder, because of the prison's security regime. Instead, I took interview notes – writing as the women spoke, to capture their thoughts verbatim as much as possible. Ethnographic interviews and in-depth semi-structured interviews were conducted with 15 women. The data was in the form of field notes and self reported data.

While data collection at Vestre did not replicate that at Kongsvinger, new possibilities opened up. The administration suggested prison officers should take part in the research, as they wished to learn about working with non-citizens. Given the circumstances, it seemed fortuitous to involve other actors at the site and consider their views (something I would then continue to do in the next sites). I conducted ethnographic observations and interviews with nine officers during February 2018, semi-structured in-depth interviews with five officers in April 2018, and a follow-up interview with one officer in April 2020. The interviews with the officers were audio recorded. The data collected was in the form of ethnographic field notes and self-reported data.

Oslo Red Cross and City Mission Clinic for Undocumented Migrants

In February 2019, I did fieldwork at the Oslo Red Cross and City Mission Clinic for Undocumented Migrants. The clinic was a stressful environment, with anxieties about health coming up against the limited opportunities for treatment, because of the women's status. While some non-citizen women were willing to participate, they were reluctant to schedule interviews that were audio recorded, as this would take too much of their time and energy. Some had already spoken to journalists or other researchers in the past. Site administrators at the Red Cross and City Mission in Norway, who normally welcome research on non-citizen women, a small population, were suffering from research fatigue. Because of this, in the same way as I did at Vestre, I collected self-reported data through interview notes, including verbatim quotes, at the clinic. The interviews sought to capture the women's subjectivities in relation to their citizenship status, their experience of state and humanitarian actors, and their everyday lives. I also recorded ethnographic field notes and at the end of the day wrote reflections. Ethnographic interviews and in-depth semi-structured interviews were conducted with six women. The data was in the form of field notes and self-reported data.

Copenhagen Red Cross Clinic for Undocumented Migrants

At the Copenhagen Clinic for Undocumented Migrants, I conducted fieldwork in 2019, between April and June and in August. I encountered the same anxieties about health and legal status as those manifested at the clinic in Oslo, but they were mixed with a general feeling of fear and distrust given the political context. These feelings were also aroused by the research, so it took much longer to establish trust than in other sites in the research, including prisons, which are normally described as 'low-trust environments' (Liebling and Arnold, 2012). As before, I collected ethnographic fieldnotes and wrote reflections notes at the end of the day. I collected additional self-reported data through semi-structured in-depth interviews with 18 women. Only two women agreed to the interviews being audio-recorded; the others only felt comfortable with me taking interview notes, so that no identifying details would be recorded such as their voice). Translators were used for three interviews, when the women and I could not communicate adequately. Here, too, the interviews aimed to capture the women's subjectivities in relation to their citizenship status, their experience of state and humanitarian actors, and their everyday lives. The data was in the form of ethnographic field notes and self-reported interview data.

Secondary sites

Data was also collected in secondary sites, access to which was facilitated by participants. Ethnographic fieldnotes and self-reported interview data was collected from 10 of the non-citizen women in public and private spaces in Oslo and Copenhagen. As well as data provided by personnel at the primary sites, self-reported interview data was collected from staff at the Oslo City Mission, Norwegian and Oslo Red Cross, Reden Copenhagen, and Bydelsmødre Copenhagen. This data provided more insights and perspectives on the empirical context of bordered penalty and welfare and informed all the pieces that make up this dissertation.

Online archives

Primary document data was also collected from publicly available Danish and Norwegian governmental and parliamentary websites and online legal databases (regjeringen.no, regeringen.dk, stortinget.no, ft.dk, lovdata.no, danskelove.dk), prison offices (Kongsvinger and Vestre prisons), and the offices of humanitarian organisations (Oslo and Copenhagen Red Cross Clinics). Document data in the form of laws, policies, internal prison rules, and leaflets was used to contextualise the data collected at the various sites. The criteria for document selection were type (legal, policy, regulation) and subject (non-citizenship). Thereafter, the material was checked for its appropriateness and relevance to the research question and the sub-questions. The insights generated by the data were used across all the pieces included in this dissertation.

4.4 Data preparation and analysis

When selecting the analytical procedures, it is necessary to consider the nature of the phenomenon being studied, the research questions asked, the types of data gathered, and the advantages of applying the procedure. Data preparation and analysis may take place at different stages of the study. The qualitative data gathered in this study was prepared after fieldwork was completed, following principles developed by Erhard Mergenthaler and Charles Stinson (1992). The analysis went from an exploratory phase while in the field to an explanatory stage later. Qualitative thematic analysis, following Virginia Braun and Victoria Clarke's (2006) widely used six-step process, was the principal method used to identify, examine, and report recurring patterns in the data. This type of analysis was employed to shed light on experiences, thoughts, and behaviours across the data.

4.4.1 Preparation

The data collected in the research (fieldnotes and audio recordings), with the exception of artefacts (which were not used for the purpose of this dissertation), was made into textual data. It was transcribed in the languages in the fieldnotes and interviews (English, Norwegian, Romanian). The preparation of textual data from different sources requires attention in order to produce systematic transcripts. In developing my transcription rules, I followed closely Mergenthaler and Stinson's (1992:129-130) seven principles related to transcripts and the rules themselves:

1. *Preserve the morphologic naturalness of transcription.* Keep word forms, the form of commentaries, and the use of punctuation as close as possible to speech presentation and consistent with what is typically acceptable in written text.
2. *Preserve the naturalness of the transcript structure.* Keep text clearly structured by speech markers. [...]
3. *The transcript should be an exact reproduction.* Generate a verbatim account. Do not prematurely reduce text.
4. *The transcription rules should be universal.* Make transcripts suitable for both human/researcher and computer use.
5. *The transcription rules should be complete.* Transcribers should require only these rules to prepare transcripts. Everyday language competence rather than specific knowledge (e.g., linguistic theories) should be required.
6. *The transcription rules should be independent.* Transcription standards should be independent of transcribers as well as understandable and applicable by researchers or third parties.
7. *The transcription rules should be intellectually elegant.* Keep rules limited in number, simple, and easy to learn.

I created an additional transcription rule concerning sensitive data, in order to ensure anonymity and confidentiality. Therefore, directly identifiable information volunteered by participants was not transcribed. In some cases, certain information was not transcribed as directed by participants in the interviews (for instance, nationality) or specified in the fieldnotes.

4.4.2 Analysis

Analysis of the data began immediately, in the field, as ethnographic work permits the identification, clarification, and modification of initial impressions (LeCompte and Schensul, 2012). While in the field, I examined the data I had collected for its relevance to the research questions, made comparisons between observations and interviews, and formulated new questions, when necessary. The fourth sub-question (*sq4: Is there variation in bordered penalty between Norway and Denmark in terms of penal policies and regimes?*), for instance, was developed in the field, based on preliminary findings. In each site, I composed data memos, which helped to further structure data collection across sites and later informed the analysis.

Once fieldwork was completed, I conducted the qualitative thematic analysis, following Braun and Clarke's (2006) process: I (re)familiarised myself with the data, then began to generate codes and identify themes, then reviewed the codes and themes, and finally defined the themes and produced the analysis. This was a recursive process. This type of analytical approach also enables new themes to be created and interpreted. I conducted several independent qualitative data analyses in order to answer the research sub-questions. The data superset was organised into three independent data sets: data collected with non-citizen women; data collected with front line workers (prison officers); data collected with men. Data collected with non-citizen women was split into two further subsets, one for Denmark and one for Norway, so that some of the insights gained in the main analysis could be explored in depth.

The data was analysed using the software program nVIVO. Rather than simply summarising or categorising codes, the themes represented actively constructed patterns that answered the research question and sub-questions. An intersectional approach was taken, when appropriate, which took into consideration the overlapping categories of gender and citizenship status, as well as other social disadvantages. Both inductive and deductive analytical processes were therefore used to generate the themes (Braun and Clarke, 2006).

In order to answer the first sub-question (*sq1: How is the intersection of citizenship status and gender experienced by non-citizen women within and outside penal institutions?*), a first set of the data collected across all sites with non-citizen women was analysed. The main themes identified were: citizenship status, deportation, human rights, access to welfare, punishment,

pains of imprisonment, gendered violence, poverty, exploitation, suffering, degradation, fear, racism, discrimination, health problems, family separation, loss, resilience, solidarity. When themes were produced through codes, I also checked for relationships between the theme nodes, looking for impact. Non-citizenship status, for instance, was connected to most other themes. In this study, this type of analysis allowed for novel subjectivities of confinement to emerge, revealing perceptions and experiences at the intersection of various social disadvantages.

This data set was further split into two subsets in order to address the second sub-question (*sq2: How is incarceration experienced and conceptualised by non-citizen women?*) and the third sub-question (*sq3: What tactics do non-citizen women employ when interacting with the rationales, processes, and practices of bordered penalty and precarisation?*). The first subset contained data collected with women at Vestre prison. An analysis similar to the principle analysis was conducted, and additional codes derived from the concepts of ‘pains of imprisonment’ (Crewe, 2015), ‘penal consciousness’ (Sexton, 2015) and ‘politics of pain’ (Bosworth, 2021), ‘resilience’ (Walklate, 2011) and ‘refusal’ (Jones, 2012) were used. The additional themes (to those in the first analysis) were: loss of liberty, autonomy, and privacy, stringent security, solitary confinement, negative relationships with officers, gendered experience of incarceration, material conditions, double punishment (incarceration and deportation), access to welfare. A similar analysis was conducted with the second subset containing data collected at Kongsvinger prison. The additional themes (to those in the first analysis) were: loss of liberty, double punishment (incarceration and deportation), gendered experience of incarceration, material conditions, positive relationships with officers, agency, personal agenda, mobility, resilience, solidarity.

In order to answer the fourth sub-question (*sq4: Is there variation in bordered penalty between Norway and Denmark in terms of penal policies and regimes?*), the analyses used to answer the second and third sub-questions were considered comparatively. In addition, a second subset of data collected with prison officers at Vestre. The aim was to identify the officers’ views about and experiences of a stricter regime where prison security was tightened and welfare for non-citizens was limited. The codes were derived from the specificities of prison identified in prisons scholarship (see inter alia Arnold, 2016; Crawley, 2004; Liebling, 2011). The main themes identified were: policy change, increased punitiveness, change in approach to

punishment, changes in approach to security, harsh punishment, limited professional discretion, negative relationships, poor work conditions, discontent, professional identity crisis. Relationships were then identified between changes in the specificities of prison work and policy changes.

At this time, while grappling with my own position in the field, I had the opportunity to have an ongoing discussion with criminology professor Thomas Ugelvik, who had just done similar research at the same site – the Vardåsen wing at Kongsvinger prison. We sought to understand how our research personas and positions in the field, which in some ways were similar, and in others were very different, impacted data collection and our findings. We considered our data sets separately, paying particular attention to how we were positioned by various actors in the field and the way their understanding of us was reflected in our experience of being in the field and in the data. Towards this, I analysed the sub-set of data collected with the men at Kongsvinger to identify social advantages and disadvantages I had in the field based on the categories of race, gender, class, nationality, and language competence. This analysis allowed for methodological insights into the researcher's position in the field and the production of data.

This dissertation offers a second-order analysis that connects data collected from participants in different sites through ethnographic methods and analysed thematically to capture the participants' worlds. Nonetheless, as Kim England (2008) argues, researchers do not simply represent the lives of participants, but co-produce knowledge, and that is why considerations of positionality are essential. Therefore, in what follows, I present reflections on my own position in the field vis à vis the participants, and how this affected the research.

4.5 Position in the field

I discuss here what I learned during the research process, as regards current conversations within the ethnographic research traditions, across fields, and in feminist scholarship. This discussion should also be of interest to those working in the field of border criminologies. Feminist research and interpretative perspectives, more generally, have informed discussion of reflexivity and positionality in research (Disch and Hawkesworth, 2016; Hesse-Biber, 2012; Mauthner and Doucet, 2003). Everyone, including researchers, has a different position within hierarchies of power and privilege, at the intersection of gender, class, race, ethnicity, (dis)ability, and other

social identities, and thus experiences and interprets the world differently from these vantage points (England, 1994, 2016; Lazar, 2007; Mohanty, 1988, 2003). Researchers' positions may therefore influence their research in certain ways, mediating relationships with participants and aiding or hindering insight into their lives. Research encounters are therefore relational: the researchers and the researched together structure the encounter and construct the 'data' (England, 1994, 2016; Lazar, 2007; Mohanty, 1988, 2003).

I have not occupied the researcher's position for very long. For more than half my life, I have been a non-citizen woman from 'Eastern Europe', a space 'peripheral' to 'civilised' Europe (Wolff, 1994; Zielonka, 2006), an acutely uncomfortable position within Europe's differentiated citizenship regime. Even so, my migration experience was mitigated by whiteness and class. This experience, and my awareness that non-citizen women's experiences in Europe and their migration and penal trajectories are vastly different, motivated my research in Northern Europe. The 'multiplicity of work, welfare and citizenship regimes that often structure the move of individuals through European national and supra-national borders, and the histories of migratory trends and routes to and within various European states' as well as the 'intricate connections between various local conditions across the globe through the processes and histories of colonisation, migration and globalisation' are the reason for this difference (Fedyuk and Zentai, 2018). I have sought to remain aware of how these complex relationships of power, privilege and disadvantage would play out in the context of this research. My initial assumption was that, in the field, my positionality (my lack of formal citizenship in Norway or Denmark, gender, shared languages) would in some respects facilitate rapport and enable understanding, while at the same time might create blindspots (my whiteness, class), but these intersected in unexpected ways, 'in different places, times, and situations' (England, 2016: 2). How such differences play out in the field, however, needs to be investigated empirically, rather than simply including 'the embarrassed etc. clause', where researchers 'confess' their position, which is usually white, middle-class, and heterosexual (Butler, 1990: 143; Lutz, 2015).

While the participants and I had multi-layered identities (Nowicka and Ryan, 2015; Ryan, 2015), commonalities emerging at the intersection of non-citizenship and gender, helped establish rapport and maintain relationships, especially in carceral contexts, despite other differences. The similarities between us were often observed by participants in moments of mutual recognition

and understanding, for instance when they said: ‘You know what it’s like, you’re a woman,’ or ‘You’re foreign here too’. Non-citizen women incarcerated in Norway and Denmark frequently observed that my lack of formal citizenship and my gender left me vulnerable to deportation. One participant pointed out that I too could ‘make a mistake’, be ‘put in prison’ and deported, and thus ‘lose everything’ in Norway. While feminist migration researchers concerned with positionality (see for instance the special issue edited by Magdalena Nowicka and Louise Ryan, 2015) challenge that ‘common gendered origins produce common individuals’, common ethnicity, in carceral contexts, however, did lead participants to perceive the intersection of non-citizenship and womanhood to construct similar positionalities. A bordered and gendered regime was seen as a potential threat to all of us, despite our otherwise different positionalities. Penal institutions, although hierarchical and differentiated, also engender solidarity among prisoners (Wetherell et al., 2007). This was also the case in this research: our shared non-citizenship and gender increased solidarity and enabled me to establish relationships of trust with the participants that facilitated knowledge sharing.

It has been suggested that migrant identities are fluid and often reconstructed through migration (Laura Moroşanu, 2015; Leung, 2015; Nowicka and Ryan, 2015; Ryan, 2015; Williams, 2015), and that researchers should therefore ‘give up the idea of any assumed, a priori commonality with their research participants and instead set out to conduct research from a position of uncertainty’, moving away from categorical ‘insider’ or ‘outsider’ identities (Nowicka and Ryan, 2015: 2). This approach resembles the classical interpretative anthropological approach, where researchers are seen as ‘liminal entities’, ‘neither here nor there’, ‘betwixt and between the positions’ (Geertz, 1973, 1974; Turner, 1969: 95). In the field, I endeavoured to adopt this position of uncertainty, and also noted the approach of Mitchell Duneier (2000) in *Sidewalk*, his celebrated ethnographic account of poor black men making a living as street vendors in New York. Recognising that his research was entirely outside his own social sphere, Duneier sought to ‘maximise the advantages’ of that very difference in position. During the research, I too strove to log all the things my position enabled me to do – things which participants could not do. As I recorded the participants’ disadvantages, some disparities in power became obvious. The entanglements of nationhood, racialisation, ethnicisation, gender, and class often manifested in unexpected ways.

Gender, class, and racialisation, or ethnicisation, often operated in combination. For instance, because of anti-Roma racism in Norway and Denmark (Djuve, 2015; Falck, 2021; Friberg, 2020), homeless Roma women tried to find safety in numbers and preferred to meet me in public places otherwise inaccessible to them (e.g. fast-food restaurants). My whiteness and middle class 'presentability' (Zmroczek and Mahony, 1997) ensured a certain level of safety and comfort in public spaces and protection from harassment. Women working in the shadow economy in Oslo and Copenhagen mapped out the 'safe' neighbourhoods that had no police presence, and this restricted their mobility in the city. Presentability, they suggested, was essential for 'passing' in public spaces. The women thus intentionally employed what Sara Ahmed (1999: 101) describes as 'techniques of the self' – the ways certain images can be embodied in order to pass. Because of the white hegemony of Nordic societies (Andreassen and Ahmed-Andresen, 2014; Andreassen and Myong, 2017; Lundström and Teitelbaum, 2017), racialised and ethnicised 'others' endeavour to become 'whiter, more Western' (Lapina, 2018: 58) by means of class presentability. For men, especially men of colour, safety was found in mobility. Men of colour also described moving in and out of Oslo or Copenhagen to avoid police attention. The relationship between space and illegalised non-citizen women and men is structured by the law which produces 'continuities of confinement' (Villanueva, 2018) that are gendered and racialised. In the field, the privileges afforded by whiteness, class, and citizenship regimes inevitably became glaringly obvious.

This gave me ample opportunity to consider how my performance was gendered, classed, and racialised. However, at times, participants positioned me differently. Participants observe, judge, and position the researcher in ways beyond the researcher's control (Jewkes et al., 2014; Lisiak, 2015) – this was most evident in the case of my Romanian co-nationals. Sharing their language and ethnicity or nationality made it easy for me to approach them and be readily accepted by them. They saw me as a Romanian who had followed a migration pattern (first to Southern then to Northern Europe), which is typical for the working class, and who spoke Romanian with an identifiable regional (rural) accent, which meant I was assumed to be of the same class as them. Romanian participants often asked whether I managed okay for money, or for housing in Norway, and assumed I had the same socio-economic difficulties as them. Roma Romanians, however, usually assumed I was rather well-off, a white Romanian working in Norway.

In several instances, Romanian men participating in the research sought to assert themselves in gendered and ethnicised ways. For instance, one man regaled me with gratuitous stories of gendered violence he had committed, another constantly tried to belittle me by calling me by the wrong name, referring to me as a research assistant, or reminding me that I too was *just* a Romanian; another repeatedly reminded me I ‘needed’ him for the research. In the field, researchers go through ‘processes of bonding and bridging, of taking and abandoning positions, of constructing and deconstructing commonalities that involve a strategic play with group categories and fixed concepts of ethnicity, nationality, and gender’ (Nowicka and Ryan, 2015: 2). Similarly, the ways in which participants positioned me was indicative of their own positions and imageries of the world, and observing this brought important analytical insights. Identities in the field, including the researcher’s, are not fixed and are subject to negotiation. The interactions described above also show that participants are well aware of their position in the research, and therefore their power should not be minimised.

Research thus represents a social encounter that involves conversations guided by their own ‘rules and dynamics’ and both the researcher’s and the participant’s ‘intentions, assumptions and positions’ (Nowicka and Ryan, 2015: 2). In such a setting, power relationships are fluid. Scholars engaging with disadvantaged populations suggest a move beyond the dichotomy of the ‘powerful researcher’ vis-à-vis the ‘powerless informant’ (Fujii, 2012; Schultz; Thapar-Björkert and Henry, 2004). Often, researchers experience limitations in terms of influence and control (Fujii, 2018). As pointed out by Philipp Schulz (2021: 552) ‘identities during research processes are intersectional and that often – of course highly dependent on context, timing and circumstances – researchers can (momentarily) constitute the less influential party in this power dyad’. Participants determine whether they wish to participate in the research, to what extent, and under which terms, and may use the research interaction to offer set narratives. They may see researchers as witnesses or possible advocates and therefore, choose to tell them particular stories (Jacobsson and Åkerström, 2013; Sandberg, 2010). Stories are important devices for legally and socio-economically disadvantaged people (Evans and Baca, 2000; Presser and Sandberg, 2019), which often make the interlocutor less important. This was the case in one site (at Kongsvinger) where Thomas Ugelvik, the Norwegian researcher mentioned above, had conducted a similar research project not long before I did. Despite our different field personas and differences in citizenship status, gender, or language capabilities, non-citizen men in both

projects wished to paint a similar picture of Kongsvinger as a racist and punishing place. The experience then shows that researchers ought to interrogate and explore their position in the field. In this study, I sought to be ‘the least important person’ (Crewe, 2014), I engaged and presented my position here in a way that prioritised substantial issues. Reflecting on how I was placed in interactions with the participants increased my understanding of the field and informed my analysis.

4.6 Research ethics

Michel de Certeau (1986: 199) referred to ethics as ‘a space where we have something to do’. Accordingly, in this research, I seek to align myself with feminist scholars who shed light on or reinterpret inequalities at the intersection of gendered, racialised, and classed inequalities within current citizenship regimes. While employing ethnographic methods, I believe the research question should be ‘provocative and ethically responsible’ (Soyini Madison, 2012: 97). It should have ‘the potential to unsettle the taken-for-granted, to open critical awareness, and to remember what was forgotten’, therefore often leading the ethnographer to ‘the interrogation of and judgements about institutions and regimes of power’ (idem). The researcher, when witnessing injustice, is then responsible for that awareness (Durland, 1998: 65). As suggested by Kelly Oliver (2001: 18, 19), as researchers, ‘we have an obligation not only to respond but also to respond in a way that opens up rather than closes off the possibility of responding by others.’ My commitment in this research was to social justice, epistemological honesty, and methodological rigour (Hesse-Biber, 2012; Soyini Madison, 2012; Risjord, 2014: 14), in an attempt to contribute to ‘good [social] science’ and encourage more scholarship and political action on equality and justice for non-citizen women illegalised, incarcerated at risk to be deported from Denmark and Norway.

In conducting this research, I faced a variety of ethical pressures and relied on epistemological honesty and methodological rigour to respond to the challenge. I will now first describe the research ethics considered before going into the field, then discuss some of the dilemmas encountered there, and end by looking at the challenges that arose after the fieldwork was completed and when the findings were published. All researchers in Norway must meet ethical (and in some cases legal) standards in order to be approved. This is particularly true of sensitive research involving populations disadvantaged by the system. This project was designed,

approved, and carried out in accordance with the ethical and legal standards required for data collection and management by the Norwegian Centre for Research Data (NSD) and the codes of ethics in the field established by the Norwegian National Committee for Research Ethics in the Social Sciences and the Humanities (NESH).³⁰

I was at all times frank and open about the research, making it clear that the main purpose was to tell the stories of non-citizen women. The safety, privacy, and dignity of the participants always came before the goal of obtaining knowledge. All participants were given information about the research and consented to participate, either verbally or in writing. No directly identifying details were purposefully collected, stored, or published. The participants' nationalities were recorded for the purposes of publication, only when the participants consented to this. The published works give a composite picture of people and relations encountered in the field, rather than describing individual cases. Contact details were collected and stored separately from other data. Off-the-record information was not collected as data. These facts were of paramount importance to the participants, who required explicit assurance that data would be anonymised and confidential. Non-citizen women and men were both anxious about their immigration status, and afraid that information might reach the immigration authorities, police, or prison staff in identifiable ways. The Danish prison officers who took part in the research were also worried about anonymity, because of the already tense atmosphere at Vestre and disagreements among them as regards prison work.

In practical terms, this meant that, in many cases, I did not request written consent, engaging instead in a continuous process of obtaining it, in the belief that the quality of consent is more important than its form. I conducted interviews in settings, at times, and under circumstances of the participants' choosing, and did not always use recording devices during semi-structured interviews, if this was what participants wanted. I was constantly on the lookout for signs of discomfort, since I knew many of the participants had suffered trauma. I never broached sensitive topics or asked probing questions that went beyond what the participants decided to share themselves. All the participants had concerns about the storage of the raw data, so this was anonymised and encrypted and stored on a hard drive accessible only to me (when shared with co-authors, the data was in the form of second order interpretations, such as memos. The

³⁰ The guidelines of the American Anthropological Association (AAA) were also consulted.

avoidance of harm to participants was therefore an important consideration throughout, both in the field, as has been described, and afterwards.

The development of knowledge can produce positive or negative change for participants, on a personal or structural level. Researchers have an ethical duty to consider the personal, social, and political implications for participants, weigh the importance of the data against possible harm, minimise sensationalism and maximise contextual comprehension (Soyini Madison, 2012; Watkins, 2000). This research entailed, in the words of Nicholas De Genova (2002: 422), ‘certain ethical quandaries and strategic risks at the levels of both research practice and representation.’ I avoided all possible direct harm to participants by respecting their privacy and ensuring their anonymity, given that they are under intense state surveillance, and contextualised their experiences within structural inequalities reinforced by current citizenship regimes. This dissertation grapples with oppressive structures and power differentials, and the material and affective harms these produce for non-citizen women in Denmark and Norway. I also avoided reproducing state hierarchies and discourses of ‘illegality’, and terms associated with them (such as ‘illegal’, ‘undocumented’, or ‘irregular’ migrants, unless these were used by participants themselves). As pointed out by De Genova (*idem*), it is important to distinguish between ‘studying undocumented people, on the one hand, and studying “illegality” and deportability, on the other’ so as not to become complicit with the state in ‘a kind of surveillance’ of migrants.

These commitments, while shared by most scholars in the social sciences, may take different forms. While writing one of the pieces in this dissertation, my position was challenged by an editor who was concerned about the political harm to participants that might result from the publication of the piece. In the editor’s view, findings that some non-citizen women use legal mechanisms to escape conditions of poverty and gendered violence would be interpreted by anti-immigration parties in Norway and Denmark as evidence that migrants abuse the current asylum process. I, however, do not take this view. Calling attention to certain oppressions (such as social or economic ones) does not negate the existence of others (such as political or legal ones). It is important to recognize that these oppressions are interlinked. Legal scholars have also warned against the divide between ‘migrants’ and ‘refugees’ as ineffective in advancing refugee rights particularly in the context of forced migration (Atak and Crépeau, 2021).

Emancipatory research should push the agenda, rather than support the *status quo* harmful to many. For instance, together with the UN (1979) Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) the more recent CoE (2011) Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS 210), represent a step forward for women's rights and their protection from gendered violence in all its forms, regardless of their status or residence. As a feminist researcher I have an ethical duty to report on gendered harm suffered by women in specific local contexts and in transnational contexts, regardless of legal categories, and to work towards justice for all. I also have an ethical duty to report the findings (a main aim of sound research). As stated above, participants in the research gave their informed consent and wished for their stories to be told.

Apart from avoiding doing harm, I also sought to repay the participants' involvement by providing assistance that would better their everyday lives and environment (Watkins, 2000). I did this most often by translating non-citizen women's questions and requests to prison officers, medical professionals, and social workers. I translated prison rules into Romanian and helped prison officers communicate with Romanian and Romanian Roma women. I translated immigration decisions and helped non-citizen women prepare for deportation (e.g., by helping them communicate with their immediate support networks). I translated consultations at the clinics and facilitated access to hospitals or pharmacies. I also helped as a translator in conversations with social workers and gave non-citizen women information about humanitarian services available to them in Copenhagen and Oslo. In doing so, I only considered requests that were both ethical and legal.

I have sought to be transparent throughout, starting with the research design and continuing with the data collection and analysis – making my interpretative approach and positionality in the field explicit, and maintaining the appropriate ethical standards for research with disadvantaged populations (Creswell, 2013; Howe and Eisenhart, 1990). I have striven to create a sound and ethical research design and have employed social science quality controls, such as persistent observation, multiple data sources, clarification of research bias, and submission of research to academic peer review (Creswell, 2013). This dissertation tells the non-citizen women's stories with their full support and informed consent, and their recognition that the most I could do was make their stories more widely known. Throughout the research, my position was one of

curiosity and a desire to learn – to understand non-citizen women’s perceptions and experiences. In this dissertation I have sought to present the worlds of the participants, rather than the status quo which is harmful to all those who were not winners in the ‘birthright lottery’ (Carens, 1987; Shachar, 2009).

5. Summary of the articles

This section provides a summary of the articles and the chapter included in this dissertation. For the dissertation, the study's findings have been organised in four academic journal articles and one book chapter that address perspectives, experiences, and reflections related to the rationale, processes, and practices of bordered penalty in the Nordic region. The first and the second article and the chapter are broadly concerned with perspectives and experiences at the intersection of non-citizenship, gender, and other inequalities, and answer the first sub-question (*sq1*) and what this says about contemporary penal culture in the Nordic region, also answering the fourth sub-question (*sq4*). The condition of deportability is integral to these experiences and touched upon in all three. The first article, published in *Sociology*, corresponds to the first sub-question, and employs an intersectional approach to shed light on how social disadvantages, particularly citizenship status (and the 'illegality' derived from it) and gender, intimately connected with the use of penal power, combine to create novel forms of precarity and exclusion. The second article, under review at *The Howard Journal of Crime and Justice*, responds to the second sub-question (*sq2*), and examines experiences of incarceration and the condition of deportability in a Danish prison to highlight the particular penal subjectivities produced there. Addressing the third sub-question (*sq3*), a chapter in an anthology published by Routledge, examines the tactics the women use in response to the governance strategies of the Norwegian state, and underlines the fragmented, uneven, and partial nature of bordered penalty. In answer to the fourth sub-question (*sq4*), the third article, published in *Punishment and Society*, reflects on the broader changes produced by bordered penalty and welfare, which challenge the Danish welfare-oriented approach to punishment. It does this by considering the attitudes of officers on a prison wing holding non-citizen women. The fourth article, published in *The International Journal of Qualitative Methods*, offers empirical and methodological insights about research with non-citizens, delving into some of the challenges and opportunities arising from the researchers' own position in the field. It represents an examination of the connections between the methodological reflections in this dissertation and the empirical field. Although the five pieces can be read separately as independent contributions to the field of border criminologies, they are interconnected. Together, the five pieces present a comprehensive view of bordered penalty as experienced by non-citizen women, as viewed by other actors in the field, and as reflected on by the author. A brief description of these findings is offered as follows:

Article 1: Damsa D & Franko K (2022). ‘Without papers I can’t do anything’ – The neglected role of citizenship status and ‘illegality’ in intersectional analysis. *Sociology*. 1-17. doi.org/10.1177/00380385221096043

The first article in this dissertation sheds light on how citizenship status (and the conditions of ‘illegality’ and deportability deriving from it) serves to reinforce and deepen existing inequalities and (re)create them in novel, contextually dependent, configurations. Contemporary citizenship and mobility regimes are carriers of post-colonial legacies (Basaran and Guild, 2017; Yuval-Davis and Werbner, 1999) and through them, gendered, racialised, ethnicised, and classed inequalities are solidified in and through an individual’s citizenship and legal status. Drawing on fieldwork across all the sites studied and employing an intersectional analytical approach, the article shows how non-citizenship affects everyday life, inside and outside institutional settings, and leads to social marginality, vulnerability to exploitation, and the possibility of harm and violence.

For the non-citizen women in this study, the condition of ‘illegality’, the loss of the right to stay in Denmark or Norway, or a legal limbo produced specific gendered vulnerabilities. The combined force of criminal law and immigration law creates conditions for gendered vulnerabilities and makes the state complicit in the exploitation, harm, and violence inflicted upon the women. They were under various threats from the state: police suspicion, detention, punishment, which could ultimately lead to deportation, and loss of welfare and social rights. Their constant fear and awareness of their deportability radically worsened their quality of life. Their ‘illegality’ and deportability made them vulnerable in interpersonal relationships to exploitation, abuse, or violence. They described situations where they were overworked and underpaid but had no other options available as they could not access social rights. They depended on their networks, or people with legal rights, not only to find work, but also to send money home, and for basic needs such as shelter and healthcare. This dependency was often exploited and made for unequal, abusive and, in some cases, violent relationships. Some of the women also feared gendered harm or violence if they were deported to their country of origin.

The paper also shows that, although they are seemingly stable legal categories, citizenship status and ‘illegality’ are rendered fluid and contextually dependent by state authorities’ actions, which are shaped by perceptions of gender, race, ethnicity, religion and class. Rather than seeing

‘illegality’ as a category that can be clearly distinguished from others, it may be more productive to examine how categories shape each other. Racialised and colonial hierarchies, for example, are built into citizenship categorisations by immigration authorities’ use of colour schemes to sort border-crossers into white, grey and blacklisted countries (Guild, 2009). Class is an important factor in this: illegalisation is particularly pronounced when socio-economically disadvantaged people are racialised (De Giorgi, 2010, Melossi, 2015). In the Nordic region and elsewhere in Europe, citizenship and residence regimes are also productive of racialised and ethnicised hierarchies. In the case of Central and East-European citizens, this applies particularly to Roma. Their otherness is reinforced and institutionalised by various processes of illegalisation. This paper shows how the lack of formal membership affects life in and outside institutional settings, and creates fear, social marginality, and vulnerability to exploitation.

Article 2: Damsa D (under review). Punished and banished – Non-citizen women’s experiences in a Danish prison. *The Howard Journal of Crime and Justice*, 1-17.

As shown in the first article, citizenship works as a global mechanism for the distribution of privilege and is intimately connected with criminalisation and the use of state penal power (Aliverti, 2013; Aas and Bosworth, 2013; Barker, 2018; Franko, 2020). Under the gaze of penal power, non-citizenship becomes an ‘adverse condition’ (Bosniak, 2006: 317) and a more openly exclusionary bordered penalty is employed to protect formal citizenship and its rights and privileges (Aas 2014: 520). This second article focuses on how non-citizen women at Vestre, a penal institution in Denmark, experience the rationales, processes and practices of bordered penalty. These experiences arise from punitive penal policies pursued by Danish politicians across the political spectrum to enforce control and produce punitive treatment for specific populations, including through a harsher security regime, limitations on the welfare services available to incarcerated non-citizens, and the use of deportation. The article shows how the women’s penal subjectivities are mediated by gender and non-citizenship, and the intersection of the two.

The women described painful gendered experiences arising from the harsh security regime, limited physical freedom and autonomy, and many disciplinary sanctions, as well as from the way security was produced on the wing, and through poorer relationships with officers, which conveyed a judgement of their moral status. The article shows that in seeking to punish violent

masculinities, the Danish authorities are producing a harsh regime for incarcerated women, a minority group in the predominantly male criminal justice system. These experiences produced by penal institutions are conceptualised in the literature as ‘pains of imprisonment’ (Crewe, 2011, 2015). The article then shows that the intersection of citizenship status and gender shapes non-citizen women’s experiences in particular ways. Deportation, especially, was described by the women as producing ‘double punishment’. Some of the women stood to lose the lives they had built in Denmark, others feared the gendered repercussions of deportation to their country of origin, while others faced both prospects. The Danish state is deporting non-citizen women to countries where they may be put in danger or likely to experience multiple dimensions of violence (from state actors, political groups, or individuals). The article shows how some of the non-citizen women’s penal experiences are shaped by both the broader Danish legal and political context and the global inequality and hierarchy (re)produced by the current citizenship regime, rather than the penal institution. These may be conceptualised as ‘political statements’ (Bosworth, 2011). They reflect how a differentiated governance of non-citizens is being developed in Denmark: through precarisation and bordered punishment, as penal intervention shifts from ‘reintegration back into society towards deportation and territorial exclusion’ (Aas, 2014: 520; Karlsen, 2021), a development that speaks to the contemporary politics of belonging and membership in the Nordic welfare state.

Chapter 1: Damsa, D (2019). Migrants’ resilience in a Norwegian welfare prison, in Bendixsen, S. & Wyller, T. (eds) *Contested Hospitalities in a Time of Migration: Religious and Secular Counterspaces in the Nordic Region*. Abingdon: Routledge. Pp. 162-175. ISBN [9781000710014](#)

While the first two articles shed light on the frequently harmful experiences produced at the intersection of non-citizenship, penal power, and gender (as well as other social disadvantages), the chapter draws attention to the tactics employed by non-citizen women in the face of the punitive and exclusionary governance strategies of the Nordic welfare state. Drawing on research at Kongsvinger prison, in Norway, the chapter shows how non-citizen women create personal and social spaces through the practices of everyday life. While they do not necessarily always overtly resist the state’s strategies or refuse to comply with them, they nonetheless engage with governance on their own terms and set their own agendas. Rather than seeing them as victimised

or resisting state power, the chapter describes the women as resilient: they constantly negotiate their position and life course in relation to the strategies of the state. By employing the lens of resilience, the chapter does not seek to deny the violence of the citizenship regime or to depoliticise non-citizen women, but to present the possibility of alternative politics, of other ways of being and belonging, which do not follow the violent logic of state power.

The chapter considers the experiences of non-citizen women at Kongsvinger prison in Norway and throughout the course of their lives, to shed light on the resilience involved in mobility, solidarity, and making spaces for oneself. Throughout their lives, the women have seen mobility as a means to change their circumstances and, despite imprisonment, deportation, and entry bans, they say they will continue to do so. They also build social networks within and outside the prison and build solidarity by sharing knowledge, mutual care, sociability, goods and services. They also create physical, emotional, and mental spaces for themselves, beyond the reach of sovereign power. The chapter argues that state power is never all-encompassing: it is uneven, fragmented, and ambiguous. The women employ a variety of tactics to ignore, subvert, or transgress it.

This chapter also draws attention to a change in the rationale of punishment in Norway. As in Denmark, the welfare-oriented inclusive approach to punishment applied to citizens is becoming more exclusionary for non-citizens. Rather than returning non-citizen women to Norwegian society, the state seeks to return them to their place of origin, through deportation. Citizenship, therefore, becomes a salient criterion employed to protect the welfare state. In Norway, too, penal power is increasingly used to maintain the citizenship regime and draw the boundaries of belonging and membership (Franko, 2020; Franko and Mohn, 2016; Ugelvik, 2013). As Ugelvik argues (2013: 185), ‘the Norwegian welfare state (and its prisons) seems to be wearing bifocals, making a kind of double vision with two different points of focus simultaneously possible.’

Article 3: Damsa D (2021). ‘This is not what I signed up for’ – Danish prison officers’ attitudes towards more punitive penal policies. *Punishment & Society*. 1-19. doi.org/10.1177/14624745211068870

The third article explores the implications of the rationales of bordered penalty for penal practice at Vestre prison in Denmark. The article describes officers’ attitudes towards the shift

from welfare-oriented approaches to punishment to a security-oriented one and a more exclusionary for non-citizens. Prison work is already conflictive, and the stricter regime at Vestre was perceived by officers to undermine core goals of the service such as the ‘development’ or ‘rehabilitation’ of prisoners and ‘dynamic security’ (Programme of Principles, 1993). While this shift from welfare-oriented penalty to ‘cultures of control’ has been extensively documented in such jurisdictions as the United Kingdom and United States (Garland 2001), Scandinavian penalty has been seen as fundamentally different, because based on principles consonant with the meta-ideology of the Nordic welfare state. The article suggests that a ‘return to law and order’ (Balvig 2005) and the impact of neoliberalism, NPM strategies on the organisation of welfare (Andersen 2019), and differentiation based on citizenship status in the penal system are increasingly affecting the nature and purpose of punishment in Denmark.

Prison practice at Vestre appears to be changing particularly with regard to non-citizens, because of the limitations on welfare services and the end of the Service’s duty to prepare release plans. When working with non-citizens, officers felt they had become what they most dreaded – ‘turnkeys’ – and that the prison was just ‘storing’ these prisoners. Non-citizens’ limited access to welfare and lack of release plans help support Barker and Smith’s (2021:1543) view that there is perhaps no longer any ‘straightforward relationship between strong welfare states and humane or mild penal regimes’. A bordered form of penalty (Aas, 2014) is emerging in Denmark, as formal citizenship status plays a crucial role in the way justice and punishment are delivered.

Article 4: Damsa D & Ugelvik T (2017). A difference that makes a difference? Reflexivity and researcher effects in an all-foreign prison. *International Journal of Qualitative Methods*. 16(1), 1-10. doi.org/10.1177/1609406917713132

The fourth article in this dissertation discusses reflexivity in social science research, drawing on the experiences of two researchers (the author and Thomas Ugelvik) in the same setting, the men’s wing at Kongsvinger, the only prison in Norway designed to hold non-citizens exclusively. The resulting data provided an opportunity to discuss the role of positionality and subjectivity in the field in a deeper and more meaningful way than is possible in most single-researcher projects. The two authors were markedly different from the prisoners they met and interacted with, but also from each other. We conducted two different research projects at different times and conducted the data production processes, in different ways. Instead of the usual relationship

between researcher and researched, our situation created a more complex triangular set of differences, which made a more wide-reaching discussion possible. Nevertheless, while we experienced the field differently, because of our different positions, when we compared our data, the degree of similarity was striking. In these studies at least, different researchers ended up producing very similar findings.

In terms of the experience of non-citizens at Kongsvinger prison, the data sets are very similar, so the differences between the researchers' positions at the intersection of citizenship status, gender, and age had little effect on the findings. There might be other consequential differences: differences in race or ethnicity and social class might have a bigger impact than those we have discussed here. This remains speculative, until tested empirically. As far as the two studies discussed in this article are concerned, non-citizens in Kongsvinger prison wished to share complex experiences of marginality, exclusion, and 'otherness'. Their need to criticise and resist the prison regime did not seem to be significantly impacted by the differences between the two researchers they spoke to. The article argues, therefore, that in social science research, positionality should be investigated empirically and in relation to the research process, but otherwise the researcher should be the least important person in the field.

6. Conclusions, contributions, and implications of the study

‘Now what’s going to happen to us without barbarians?’ asks Konstantinos Kavaphes (1898) in his poem,³¹ after the state apparatus had mobilised in expectation of a barbarian invasion that never materialised – ‘Those people were a kind of solution.’ The Palestinian poet Mahmoud Darwish responded nearly a century later: ‘Other barbarians will come along.’³² These poems spoke of differentiation and the ontological anxiety of colonial regimes and remain relevant in the world of nation-states that succeeded them. As was observed by Stephen Castles (2005: 689), perhaps for the first time in history, the majority of political units are organised as ‘nation-states’ and most people are defined as ‘citizens’ (somewhere). Historically, citizenship has been a differentiated condition, but currently it also denotes one’s ‘specific position within an unequal and hierarchical order of nation-states’ (Castles, 2005: 689; Carens, 1987; Shachar, 2009). Debate on who deserves the privileges of citizenship has therefore only been intensified by global mobility. In affluent Nordic welfare states, legal, policy, and institutional arrangements are being increasingly mobilised to govern non-citizens.

In the context of global mobility, border criminologists have begun to critically address citizenship as another structural category of disadvantage to be considered when studying borders and punishment. Bordered penalty is reshaping the contours of punishment: the standards of justice are changing; the administration, nature, and purpose of punishment are being affected, and new penal arrangements have emerged. This study’s findings show that citizenship status (and the attendant conditions of ‘illegality’ and deportability) significantly affects the purpose and experience of punishment, especially in intersection with other social disadvantages. The Nordic welfare-oriented approach to punishment has been affected to a varying degree in Denmark and Norway as precarisation in penal institutions and deportation are designed as punishments and are experienced as such. These developments are part of an increasingly fragmented, inconsistent, and uneven penal landscape in the Nordic region.

This dissertation suggests that accounts of punishment in the region ought to consider these contradictions and perhaps abandon notions of Nordic penal exceptionalism (Pratt, 2008a; Pratt

³¹ Konstantinos Kavaphes (1898) ‘Waiting for the Barbarians’ in ‘Collected Poems’, translation by Edmund Keeley and Philip Sherrard (1975), New Haven: Princeton University Press.

³² Mahmoud Darwish (2013) ‘Other Barbarians Will Come Along’ in ‘Unfortunately, It Was Paradise’, translation by Munir Akash, Carolyn Forché, Sinan Antoon and Amira El-Zein, Berkeley: Berkeley University Press.

and Eriksson, 2013). The development of the exceptionalism thesis and the subsequent interrogation of it have primarily focused on penal institutions in Norway (Crewe et al., 2022; Liebling et al., 2020; Lundeberg et al., 2018; Pratt, 2008; Pratt and Erikson, 2013)³³ and do not represent a systematic analysis of the wider region, which is becoming increasingly diverse. Bordered penalty, penal institutions exclusively holding non-citizens, deportation and precarisation regimes all challenge notions of Nordic penal exceptionalism. There are, however, differences between jurisdictions, with Denmark leading the race to the bottom when it comes to the rights of non-citizens and the standards of punishment. This being the case, and considering how incarceration is experienced, the notion of Nordic penal exceptionalism does not accurately capture the diversity of the region and the nuances of lived experience. This dissertation therefore argues that accounts of punishment in the Nordic region would be greatly improved by contextualised, particularised, and intersectional analyses.

This dissertation's contribution to the study of punishment consists mainly in the view it gives of the lived experience of incarceration, deportability, and precarisation at the intersection of various social disadvantages. Attempts at disentangling complex intersectional inequalities are fraught with difficulty, and all intersectional analyses are incomplete. While this study acknowledges that various structural inequalities are at play in non-citizen women's lives, its particular focus was on citizenship status and gender. Guided by the overarching question (*Q*) regarding non-citizen women's experiences, the dissertation shows that differentiation due to citizenship status is being (re)produced and (re)enforced through penal power and strategies of precarisation, which often result in gendered harm. The rationales of bordered penalty (not just punishment, but also expulsion and precarisation) are contested by non-citizen women in this study as going against the fundamental principles of equality and women's right to protection in the Nordic welfare state. Bordered penalty and precarisation produce liminality, marginality, and exclusion and may lead to gendered exploitation, abuse, or violence. When faced with the dilemma of protecting the privileges of citizenship or women's rights – Nordic countries often appear to choose the former.

The dissertation thus also makes a contribution to feminist scholarship and intersectionality in particular. Intersectional analyses of structural inequality have conspicuously ignored citizenship

³³ Pakes (2020) also considered Nordic penal exceptionalism in Iceland.

status and the condition of ‘illegality’ it produces, despite the fact that intersectionality first came to attention in the field of legal studies. This dissertation emphasizes the importance of citizenship status as a mechanism for awarding global privilege that ought to be taken into account in intersectional analyses of racialised, gendered, and classed inequalities. It also shows that citizenship status is intimately connected with criminalisation and the use of penal power, with gendered consequences. The dissertation also contributes to feminist intersectional scholarship in the field of border criminologies by highlighting the intersection between citizenship status and gender and the myriad ways in which global inequality is gendered; it suggests that the inequalities and discrimination (re)produced through the citizenship regime call more than ever for the attention of intersectional scholarship.

This perspective locates the experiences of illegalised and incarcerated non-citizen women both in penal institutions and outside their walls (*sq1*). This also makes a significant empirical contribution to the study of bordered penalty in particular, and of punishment in general. In combination, the processes, practices, and institutions of bordered penalty are shown to fundamentally alter the women’s lives and produce gendered harms (Canning, 2019). Outside penal institutions, the condition of deportability, traditionally one of the main distinctions between citizens and non-citizens (Gibney, 2013), produces a state of constant fear and distrust and radically reduces women’s ability to access social rights, thus substantially affecting their quality of life. It also renders women vulnerable to abuse or exploitation in the labour market or in unequal interpersonal relationships. The conditions of ‘illegality’ and deportability are experienced as extremely limiting (in legal, socio-economic, and physical terms) and produce a confinement continuum. Some of the women in this study also experience gendered violence, being unable to access legal protection or services designed to safeguard women at risk, due to their non-citizen status and the fear of deportation. Deportation to their country of origin would put some women in danger, making it likely they would experience multiple types of gendered exploitation, abuse or violence (from state actors, other political groups, or in interpersonal relationships).

While this study was primarily concerned with the intersection of legal status and gender, it became evident that illegalisation, incarceration, and deportation were greater threats when non-citizen women were also racialised and socio-economically disadvantaged. Their non-citizen

status essentially institutionalised inequality and discrimination. It is imperative, therefore, that issues of race, ethnicity, and class that have not been specifically dealt with in this dissertation, should be considered by researchers examining borders and punishment in the Nordic region. This is all the more necessary, given prevailing political notions in the region and the romanticisation by outsiders who see the Nordics as anti-racist, gender-egalitarian, and classless – a view that often serves to silence the voices of those being oppressed. The hegemony of whiteness in the Nordic region requires further scrutiny as regards its historical whitely scripts, performances that equate whiteness with goodness (Frey, 1983), and how they sustain privilege and inform the contemporary configuration of immigration and penal law (Bosworth et al., 2018). The findings of this dissertation make it clear that border criminologists in the Nordic region ought to engage with the racialisation processes that inform and are informed by bordering processes.

To do so, scholars in the Nordic region ought to also pay greater attention to issues of white hegemony and racism in academia and how this influences the programme for research (Phillips et al., 2020). There has also been a necessary scrutiny, in (social) science and elsewhere, of both a past and a present that continue to be dominated by colonialism and whiteness, where whiteness refers to a ‘system of prestige, status, and class that has emerged from a colonial and imperial presence’ within academia (Daswani, 2021; Phillips et al., 2020). For instance, criminologists in the UK point to the ‘weakness, neglect and marginalisation in theorising race and racism [... that] render the discipline “institutionally white”’ (Phillips et al., 2020: 427). Sara Ahmed (2014, 2021) notes that institutional decolonisation discourses have assimilative powers and may act as performance rather than acting to change structures. Importantly, Eve Tuck and K. Wayne Yang (2012: 1) argue that simply adopting a discourse of decolonisation in scholarship (to be seen, for instance, in calls to decolonise our thinking or decolonise our methods), ‘turns decolonisation into a metaphor’. This then decentres settler perspectives and allows there to be ‘innocence’. The question that then arises in criminology, and the social sciences more generally, is whether criminology can truly decolonise itself (Daswani, 2021). For instance, researchers in Norway and Denmark have pointed to ‘the analytic absence of race both in academia and in the public debate’ while people of colour experience structural and everyday racism in academia (Dankertsen, 2019; Dankertsen and Kristiansen, 2021: 7; Sen, 2020). There needs to be better engagement with whiteness as a system of privilege and prestige in criminology departments and

how this shapes the research environment (hiring practices, giving grants, and recognising ways of doing research and publishing that are not Euro-centric) and our understanding of racialization in the Nordic region. As Tuck and Yang (2021) put it, decolonisation must be material, otherwise it is just aesthetic.

Non-citizen women's experience of incarceration (*sq2*) in prisons or wings exclusively holding non-citizens show that such penal institutions produce particular harms as regards gender, citizenship status, and their intersection. While this study confirms findings in existing literature on the gendered pains of imprisonment, it also argues that, in intersection with citizenship status, harms emerge that are not directly related to the penal institution. Suffering within these novel penal arrangements and institutions, therefore, should be understood as a 'political statement' (Bosworth, 2021). Some of the symbolic, material, and affective pain suffered by non-citizen women in these places is not inherent to the institution, how it functions, or the relationships existing there, in the way normally described by prison scholars, rather it is produced by a hierarchical citizenship regime and the rationale, processes, and practices of bordered penalty. The symbolic and, in some cases, material differentiation in these institutions produces novel penal subjectivities whereby perceptions of discrimination structure everyday life in prison. Non-citizen women in penal institutions see deportation, the most openly exclusionary aspect of bordered penalty, as illegitimate, in that it effectively 'doubles' their punishment.

In relation to women's protection, the deportation regime represents a reversal of the movement towards gender equality and women's rights regimes initiated in the late 20th century and a rather remarkable development in the Nordic region. This study's findings point to tensions between the deportation regime and both Denmark's and Norway's legal and political commitment to women's rights and protection. Many of the women in the study had experienced forms of gendered violence addressed in CETS 210 and feared they would experience it again, if deported to their countries of origin. Article 61 of the CETS 210 establishes that states have an obligation to protect women from gendered violence, and invokes the principle of non-refoulement to ensure that women, regardless of their status or residence, 'shall not be returned under any circumstances to any country where their life would be at risk or where they might be subjected to torture or inhuman or degrading treatment or punishment.' With

consideration to the human rights regime, it is then imperative that the governments of Norway and Denmark reconsider the practice of deportation.

This dissertation then also suggests there should be a conceptual expansion in prison studies, as concepts developed in other sub-fields of criminal justice research, such as the ‘politics of pain’ or the notion of suffering as a ‘political statement’ (Barker, 2007; Bosworth, 2021), would be the best way to understand non-citizens’ experiences in penal institutions. The suffering in these places cannot be lessened by penal policy or other types of intervention; since it is political in nature, if it is to be solved, it can only be solved politically, through putting an end to non-citizens’ only prisons and non-citizens’ deportation following their incarceration.

When examining women’s experiences of bordered penalty, perhaps unsurprisingly, this study also found variations (*sq4*). Prison scholars in the Nordic region have already cautioned against assuming there is homogeneity and argued that penal institutions in different jurisdictions may produce very different regimes (Ugelvik, 2013). While non-citizens’ prisons or wings invariably work to reinforce the symbolic value of membership through penal exclusion, how this logic was expressed varied, depending on the policies of the two countries. In the Norwegian prison studied, there was the same welfare-oriented approach to punishment for non-citizen women as for Norwegian citizens: while there, all women were embraced, if only temporarily, by the welfare state. Non-citizen women had access to all the services available, some could go on town visits, staff were involved in supporting them during their sentence and after it (e.g., with release plans). Nonetheless, punishment had expulsion rather than reintegration as its ultimate aim. The institution has been aptly described by Ugelvik (2013) as a prison with a ‘double vision’. The women held there were mainly concerned with the consequences of expulsion following their sentence.

In the Danish prison studied, women described structural and interpersonal experiences of discrimination on account of their non-citizenship, while everyday life was described as harsh. The security-oriented approach to punishment, together with an array of New Public Management (NPM) measures, poor material conditions and budgetary cuts, overcrowding, and staff dissatisfaction produced an environment seen by both prisoners and officers as extremely (and unnecessarily) punitive. This regime increased gendered harms, while the limitations on welfare services for non-citizens were experienced as discriminatory. Here, too, expulsion

brought a threat of gendered harm. The very different regimes, conditions, and experiences at these two prisons show that, even within similar societies that have a common history, bordered penalty has different local expressions that produce different experiences. When Franko first formulated the concept of bordered penalty, she also made clear that it needed to be examined locally (Aas, 2014; Franko, 2020). This dissertation shows that, while there is a similar logic of bordered penalty in Denmark and Norway, the way it has been put into practice differs with significant consequences for incarcerated non-citizens – particularly women.

While the citizenship regime and its logic of differentiation, expressed through punishment and precarisation, structures non-citizen women's perceptions and experiences, its power remains uneven, incomplete, and partial. Examining the women's attitudes and tactics in interaction with the rationales, processes, and practices of bordered penalty and precarisation (*sq3*) shows clearly that they refuse to be defined in terms of the law of the state. Women continue to prioritise their own perspectives and purposes and consequently often simply ignore or transgress sovereign power. They show resilience in their disregard for labels and sanctions, through mobility plans, and in solidarity with other women, both inside and outside the prison. Most of the women in this study said they would disregard entry bans to Denmark or Norway and attempt to come back, to be reunited with their families and (once again) seek to avoid harm in the country of origin. Border enforcement strategies, including the recent mobilisation of penal power, did not make them change their minds. Rather than being a deterrent, borders only produced precarity or influenced mobility patterns – for instance, some of the women about to be deported said they would attempt to travel to Sweden and then, if possible, return to Norway or Denmark. Their understanding of membership and belonging was a social one, rather than the legal one informing the formal citizenship regime. Belonging, membership, and ultimately citizenship, have always been disputed, open to question, and ultimately susceptible to change (Castles, 2005; Isin and Nielsen 2008). 'Potential alternatives' and emancipatory politics may then emerge, 'even if at the present moment they are not being actualized' (Jones 2013: 698; Papadopoulos and Tsianos 2013).

The women did not see themselves as either resisters or victims of state power. As far as possible, they sought to circumvent the limits imposed by the citizenship regime by using the resources available to them. The practices of everyday life can be understood as an attempt 'to

create a new situation that allows those who have no part – to enter and change the conditions of social existence altogether’ (Papadopoulos and Tsianos, 2013: 18). It is necessary, then, to think otherwise and move from seeing non-citizen women as subjects of governance, to seeing them as actors in their own right (Isin and Nielsen 2008; Papadopoulos and Tsianos, 2013). The dissertation therefore calls for taking a wider view – by analysing women’s experiences in interaction with bordered penalty, beyond the dichotomy of victimhood and resistance. It contributes to feminist scholarship by highlighting the political importance of the everyday, which is rooted in different bodies and material conditions, social positions, and contexts.

Drawing on non-citizen women’s experiences in penal institutions and on the attitudes and experiences of prison officers, this dissertation examines the consequence of these shifts in the nature and purpose of penal power. Considering how penal power is being exercised in the Nordic welfare state, the logic of bordered penalty makes clear the exclusionary features of these societies (Barker and Smith, 2021; Franko, 2020). The structures of colonial power and the attendant logics of capitalism, white hegemony, and patriarchy shaped the Nordic welfare state and continue to do so (Keskinen et al., 2009). The law has been deployed as a tactic to govern racialised, gendered, and classed others and to protect the privileges of citizens – a category historically built on differentiation – through the expulsion of those deemed undesirable. Seen in this light, current developments do not necessarily represent a radical departure from the past use of penal power in the region. What is perhaps novel is how these legal, policy, and institutional arrangements are configured. The current resort to incarceration, precarisation, and deportation to govern non-citizens resembles old practices such as banishment, ostracism, and the transportation of convicts, or the use of institutions such as the workhouse and prisons to delineate the boundaries of membership (Gray 2011; Walters 2002). The emergence of bordered penalty, which often employs punishment and banishment *in tandem*, however, represents a departure from past practices, and is an ‘abnormal’ way to administer justice (Aas, 2014; Rutger and Rainer, 2020).

There is growing concern among border criminologists about the deterioration of standards of justice and non-citizens’ rights in affluent Western states, with the focus primarily on immigration detention (inter alia Bosworth, 2019; 2021; Canning, 2018; Turnbull, 2016), scholars warning against conflating incarceration and immigration detention due to their

differing legal and penal logics (Bosworth 2019; Bosworth and Turnbull, 2015). In support of justice for detained immigrants, some scholars suggest that ‘the reproduction of a focus on “crime” in studying borders’ may make the criminological lens inadequate to grapple with the issue (Canning 2018). Similarly, criminologists have not expressly engaged with the study of precarisation. Drawing on this study’s findings, such an approach may be somewhat counterproductive. The differentiation may inadvertently support the existing hierarchy of global mobility and the citizenship regime whereby some are seen to be more deserving of mobility, rights, freedom, or socio-economic opportunities than others (Atak, and Crépeau, 2021; Costello et al., 2021). Idil Atak and François Crépeau (2021: 150) argue that ‘the voluntary (economic) versus forced (political) binary that underlies many of the concerns about conceptualising refugees as migrants is not an effective approach to advance refugee rights, especially in the current context of forced migration’. Today’s system for dealing with refugees and asylum-seekers (often those in immigration detention), established and governed by affluent Western states, is growing increasingly hostile to those in need of protection.³⁴ Deterrence strategies make migrants, including refugees and asylum seekers, vulnerable to exploitation. The precarious conditions that some non-citizens find themselves in because they have no right to work or access to other social rights, often force them to engage in survival activities, which are being criminalised. Meanwhile, illegalised and incarcerated non-citizens are also being deprived of social rights, which makes life inside and outside prison more precarious. Divorcing criminalisation and bordering processes obscures the realities of people’s lives. People do not have stable identities or occupy distinct categories – they may move in and out of ‘illegality’, they may be ‘victims’ or ‘survivors’ often rebranded as ‘perpetrators’, ‘migrants’ and ‘refugees’. They may also be detained or incarcerated – both detention centres and prisons producing experiences that are political in nature. The use of penal power to (re)produce the borders of citizenship and its privileges in the Nordic region needs to be empirically examined. Instead of turning away, criminologists need to examine and challenge the proliferation of ‘borders’ and the production of ‘border crimes’.

Like attempts to remedy racialized, classed and gendered inequality, addressing social inequalities (re)produced by the citizenship regime challenges power relations in contemporary

³⁴ Denmark, for example, has set a goal of ‘zero asylum seekers,’ withdrawn protection for Syrian refugees, and, like the UK, it is currently negotiating with a third country to process asylum applications.

societies. Citizenship, and the privileges deriving from it, are intimately connected with state sovereignty, and it is one of the most closely guarded social distinctions in the global order (Sassen, 1996). This dissertation points to tensions between practices in Denmark and Norway and the two countries' legal and political commitment to women's rights and protection, and was written in the hope that recognizing how social disadvantage intersects with legal categories may pave the way to more research and action towards the destabilisation of socio-legal regimes that, presently, seem immune to change.

7. References

- Aas KF (2007) Analysing a World in Motion: Global Flows Meet ‘Criminology of the Other’. *Theoretical Criminology* 11(2): 283–303.
- Aas KF (2013) The Ordered and the Bordered Society: Migration Control, Citizenship, and the Northern Penal State. In: Aas KF and Bosworth M (eds) *Borders of Punishment: Migration, Citizenship, and Social Exclusion*. Oxford: Oxford University Press, pp. 21–39.
- Aas KF (2014) Bordered Penalty: Precarious Membership and Abnormal Justice. *Punishment & Society* 16(5): 520–541.
- Aas KF and Bosworth M (eds) (2013) *The Borders of Punishment: Migration, Citizenship, and Social Exclusion*. Oxford: University Press.
- Abji S (2016) ‘Because Deportation is Violence against Women’: On the Politics of State Responsibility and Women’s Human Rights. *Social Politics: International Studies in Gender, State & Society* 23(4): 483–507.
- Abji S (2020) Punishing Survivors and Criminalizing Survivorship: A Feminist Intersectional Approach to Migrant Justice in the Crimmigration System. *Studies in Social Justice* 1(14). 14: 67–89.
- AFP (2021) Denmark plans to rent 300 prison cells in Kosovo to ease overcrowding, *Euronews*. Available from <https://www.euronews.com/2021/12/16/denmark-plans-to-rent-300-prison-cells-in-kosovo-to-ease-overcrowding> (accessed 1 March 2022).
- Agamben G (1998) *Homo Sacer: Sovereign Power and Bare Life*. Stanford: Stanford University Press.
- Ahmed S (1999) She’ll Wake Up One of These Days and Find She’s Turned into a Nigger’: Passing through Hybridity. *Theory, Culture & Society* 16(2): 87–106.
- Ahmed S (2014) *The Cultural Politics of Emotion*. Edinburgh: Edinburgh University Press.
- Ahmed S (ed.) (2021) *Complaint!* Durham: Duke University Press.
- Akal AB (2021) Denmark Leading the Race to the Bottom: Hostility as a Form of Migration Control. Available at <https://blogs.prio.org/2021/10/denmark-leading-the-race-to-the-bottom-hostility-as-a-form-of-migration-control/> (accessed 13 April 2022).
- Alexander MJ and Mohanty CT (1997) *Feminist Genealogies, Colonial Legacies, Democratic Futures*. New York: Routledge.

- Aliens Act (2019) LBK No 239 of 2019 (Denmark). Available at <https://www.retsinformation.dk/eli/lta/2019/239> (accessed 19 May 2020).
- Aliverti A (2013) *Crimes of Mobility: Criminal Law and the Regulation of Immigration*. London: Routledge.
- Aliverti A (2015) Enlisting the Public in the Policing of Immigration. *British Journal of Criminology* 55(2): 215–230.
- Alonso S and da Fonseca SC (2012) Immigration, Left and Right. *Party Politics* 18(6): 865–884.
- Andersen JG (2019) The Welfare State as a Victim of Neoliberal Economic Failure? In: Stefán Ólafsson, Mary Daly, Olli Kangas, et al. (eds) *Welfare and the Great Recession: A Comparative Study*. Oxford: Oxford University Press, pp. 192–209.
- Andreassen R and Ahmed-Andresen U (2014) I Can Never Be Normal: A Conversation about Race, Daily Life Practices, Food and Power. *The European Journal of Women's Studies* 21(1): 25–42.
- Andreassen R and Myong L (2017) Race, Gender, and Researcher Positionality Analysed Through Memory Work. *Nordic Journal of Migration Research* 7(2): 97–104.
- Anthias F (1998) Rethinking Social Divisions: Some Notes Towards a Theoretical Framework. *The Sociological Review* 46(3): 505–535.
- Arnold H (2016) The prison officer. In: Jewkes Y, J. Bennett, and Crewe B (eds) *Handbook on Prisons*. Routledge, pp. 265–283.
- Atak and Crépeau (2021) Refugees and Migrants in Costello C, Foster M, & McAdam J, *The Oxford Handbook of International Refugee Law*. Oxford: Oxford University Press. Pp 134-152.
- Audardottir AM and Magnúsdóttir BR (2021) Even in Iceland? Exploring Mothers' Narratives on Neighbourhood Choice in a Perceived Classless and Feminist Utopia. *Children's Geographies* 19(4): 462–474.
- Balibar É (2004) *We, the People of Europe? Reflections on Transnational Citizenship*. Princeton, NJ: Princeton University Press.
- Balibar E and Williams EM (2002) World Borders, Political Borders. *PMLA* 117(1): 71–78.
- Ballesteros-Pena A (2020) The Prison Trajectories of Foreign National Women in Spain: Intersections of Citizenship, Gender, Race, and Social Class. *Critical Criminology* 28(2): 243–258.
- Barker V (2017a) Nordic Vagabonds: The Roma and the Logic of Benevolent Violence in the Swedish Welfare State. *European Journal of Criminology* 14(1): 120–139.

- Barker V (2017b) Penal Power at the Border: Realigning State and Nation. *Theoretical Criminology* 21(4): 441–457.
- Barker V (2018) *Nordic Nationalism and Penal Order: Walling the Welfare State*. London: Routledge.
- Barker V and Smith PS (2021) This is Denmark: Prison Islands and the Detention of Immigrants. *The British Journal of Criminology* 61(6): 1540–1556.
- Basaran T and Guild E (2017) Mobilities, Ruptures, Transitions. In: Basaran T, Bigo D, Guittet EP, and Walker RBJ (eds) *International Political Sociology: Transversal Lines*. Abingdon: Routledge, pp. 272–286.
- Bauman Z (2000) Social Uses of Law and Order. In: Sparks R and Garland D (eds) *Criminology and Social Theory*. Oxford: University Press.
- Bauman Z (2001) *The Individualised Society*. Cambridge: Polity Press.
- Bebout L (2016) *Whiteness on the Border: Mapping the US Racial Imagination in Brown and White*. New York: New York University Press.
- Behdad A (1998) Ins and Outs: Producing Delinquency at the Border. *Aztlan* 23(1): 103–113.
- Bendixsen S (2018) The Politicised Biology of Irregular Migrants: Micropractices of Control, Tactics of Everyday Life and Access to Healthcare. *Nordic Journal of Migration Research* 8(3): 167–174.
- Bendixsen SKN and Wyller T (eds) (2019) *Contested Hospitalities in a Time of Migration: Religious and Secular Counterspaces in the Nordic Region*. Abingdon: Routledge.
- Bhui HS (2004) The Resettlement Needs of Foreign National Offenders. *Criminal Justice Matters* 56(1): 36–44.
- Bhui HS (2007) Alien Experience: Foreign National Prisoners after the Deportation Crisis. *Probation Journal* 54(4): 368–382.
- Bhui HS (2016) The Place of ‘Race’ in Understanding Immigration Control and the Detention of Foreign Nationals. *Criminology and Criminal Justice* 16(3): 267–285.
- Bigo D (2007) Detention of Foreigners, States of Exception, and the Social Practices of Control of the Banopticon. In: Rajaram PK and Grundy-Warr C (eds) *Borderscapes : Hidden Geographies and Politics at Territory’s Edge*. Minneapolis: University of Minnesota Press, pp. 3–35.
- Bosniak L (2006) *The Citizen and the Alien: Dilemmas of Contemporary Membership*. Princeton, NJ: Princeton University Press.
- Bosworth M (1999) *Engendering Resistance: Agency and Power in Women’s Prisons*. London:

- Routledge.
- Bosworth M (2017a) Border Criminology and the Changing Nature of Penal Power. In: Liebling A, Maruna S, and McAra L (eds) *Oxford Handbook of Criminology*. Oxford: Oxford University Press, pp. 373–390.
- Bosworth M (2017b) Penal Humanitarianism? Sovereign Power in an Era of Mass Migration. *New Criminal Law Review* 20(1): 39–65.
- Bosworth M (2019) Immigration Detention, Punishment and the Transformation of Justice. *Social & Legal Studies* 28(1): 81–99.
- Bosworth M (2021) The Politics of Pain in Immigration Detention. *Punishment & Society*.
- Bosworth M and Kaufman E (2011) Foreigners in a Carceral Age: Immigration and Imprisonment in the United States. *Stanford Law & Policy Review* 22(2): 429.
- Bosworth M, Parmar A and Vázquez Y (2018) *Race, Criminal Justice, and Migration Control: Enforcing the Boundaries of Belonging*. Oxford: Oxford University Press.
- Bourdieu P (1998) *Acts of Resistance: Against the New Myths of Our Time*. Cambridge: Polity Press.
- Bourdieu P (2014) *On the State: Lectures at the Collège de France, 1989-1992*. Cambridge: Polity Press.
- Bowling B (2013) Epilogue: The Borders of Punishment Towards a Criminology of Mobility. In: Aas KF and Bosworth M (eds) *The Borders of Punishment: Migration, Citizenship, and Social Exclusion*. Oxford: Oxford University Press.
- Boyle T and Carden J (2021) Nordic Colonialism and Indigenous Peoples. In: Ness I and Cope Z (eds) *The Palgrave Encyclopaedia of Imperialism and Anti-Imperialism*. Cham: Springer International Publishing, pp. 2101–2107.
- Brandariz JA (2021) Criminalization or Instrumentalism? New Trends in the Field of Border Criminology. *Theoretical Criminology*: 1–19.
doi-org.ezproxy.uio.no/10.1177/13624806211009158
- Braun V and Clarke V (2006) Using Thematic Analysis in Psychology. *Qualitative Research in Psychology* 3(2): 77–101.
- Briggs L (2016) Transnational. In: Disch L and Hawkesworth M (eds) *The Oxford Handbook of Feminist Theory*. Oxford: Oxford University Press, pp. 992–1014.
- Brimnes N, Ipsen P and Simonsen G (eds) (2009) Scandinavian Colonialism. *Itinerario: International Journal on the History of European Expansion and Global Interaction* 33(2).

- Brouwer J (2020) Bordered Penalty in the Netherlands: The Experiences of Foreign National Prisoners and Prison Officers in a Crimmigration Prison. *Punishment & Society* 22(5): 703–722.
- Brown E (2014) Expanding Carceral Geographies: Challenging Mass Incarceration and Creating a ‘Community Orientation’ towards Juvenile Delinquency. *Geographica Helvetica* 69(5): 377–388.
- Browning CB (2007) Branding Nordicity: Models, Identity and the Decline of Exceptionalism. *Cooperation and Conflict* 42(1): 27–51.
- Bruhn A, Nylander PÅ and Johnsen B (2017) From Prison Guards to... What? Occupational Development of Prison Officers in Sweden and Norway. *Journal of Scandinavian Studies in Criminology and Crime Prevention* 18(1): 68–83.
- Brydon D, Forsgren P and Gunlög F (eds) (2017) *Concurrent Imaginaries, Postcolonial Worlds: Toward Revised Histories*. Leiden: Brill.
- Butler J (1990) *Gender Trouble: Feminism and the Subversion of Identity*. New York: Routledge.
- Butler J (2004) *Precarious Life: The Powers of Mourning and Violence*. London: Verso.
- Canning V (2017a) Degradation by Design: Women and Asylum in Northern Europe. *Race & Class* 61(1): 46–63.
- Canning V (2017b) *Gendered Harm and Structural Violence in the British Asylum System*. London: Routledge.
- Canning V (2018) Zemiology at the Border. In: Boukli A and Kotzé J (eds) *Zemiology: Reconnecting Crime and Social Harm*. Critical Criminological Perspectives. Cham: Springer International Publishing, pp. 183–201.
- Canning V (2020) Corrosive Control: State-Corporate and Gendered Harm in Bordered Britain. *Critical Criminology* 28(2): 259–275.
- Carastathis A, Kouri-Towe N, Mahrouse G, et al. (2018) Intersectional Feminist Interventions in the ‘Refugee Crisis’: Introduction. *Refuge* 34(1): 3-15.
- Carbado DW, Crenshaw KW, Mays VM, et al. (2013) Intersectionality: Mapping the Movements of a Theory. *Du Bois Review* 10(2): 303–312.
- Carens JH (1987) Aliens and Citizens: The Case for Open Borders. *The Review of Politics* 49(2): 251–273.
- Carlen P and Tombs J (2006) Reconfigurations of Penalty: The Ongoing Case of the Women's Imprisonment and Reintegration Industries. *Theoretical Criminology* 10(3): 337–360.
- Carlton B and Segrave M (2013) *Women Exiting Prison: Critical Essays on Gender,*

- Post-Release Support and Survival*. New York: Routledge.
- Casella EC (2007) *The Archeology of Institutional Confinement*. Tallahassee: University Press of Florida.
- Castles S (2005) Hierarchical Citizenship in a World of Unequal Nation-States. *PS: Political Science and Politics* 38(4): 689–692.
- Ceneda S (2002) *Romani Women from Central and Eastern Europe: A 'Fourth World', or Experience of Multiple Discrimination*. London: Asylum Aid.
- Chacón JM (2012) Overcriminalizing Immigration. *The Journal of Criminal Law & Criminology* 102(3): 613–652.
- Cho S (2013) Post-Intersectionality: The Curious Reception of Intersectionality in Legal Scholarship. *Du Bois Review* 10(2): 385–404.
- Cho S, Crenshaw KW and McCall L (2013) Toward a Field of Intersectionality Studies: Theory, Applications, and Praxis. *Signs: Journal of Women in Culture and Society* 38(4): 785–810.
- Choo HY and Ferree MM (2010) Practising Intersectionality in Sociological Research: A Critical Analysis of Inclusions, Interactions, and Institutions in the Study of Inequalities. *Sociological Theory* 28(2): 129–149.
- Chowdhury EH (2009) Locating Global Feminisms Elsewhere: Braiding US Women of Colour and Transnational Feminisms. *Cultural Dynamics* 21(1): 51–78.
- Christiansen NF and Petersen K (2001) The Dynamics of Social Solidarity: The Danish Welfare State, 1900-2000. *Scandinavian Journal of History* 26(3): 177–196.
- Christie N (1978) Prisons in Society, or Society as a Prison: A Conceptual Analysis. In: Freeman J (ed.) *Prisons: Past and Future*. London: Heinemann.
- Cliquennois G, Snacken S and Van Zyl Smit D (2021) Can European Human Rights Instruments Limit the Power of the National State to Punish? A Tale of Two Europes. *European Journal of Criminology* 18(1): 11–32.
- CNN (2020) Nordic Prime Ministers: We Are Committed to Protecting Women's Rights. Available at <https://edition.cnn.com/2020/03/06/opinions/international-womens-day-solberg-jakobsdttir-frederiksen-marin-lfven> (accessed 12 March 2021).
- Coleman S and Hellermann PV (eds) (2011) *Multi-Sited Ethnography: Problems and Possibilities in the Translocation of Research Methods*. New York: Routledge.
- Collins PH and Bilge S (2020) *Intersectionality*. Cambridge: Polity Press.

- Costello C, Foster M, & McAdam J (2021) *The Oxford Handbook of International Refugee Law*. Oxford: Oxford University Press.
- Council of Europe (2014), *The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* (in effect 1 August 2014), ISBN 978-92-871-7990-6.
- Crawley E (2004) *Doing Prison Work : The Public and Private Lives of Prison Officers*. Devon: Willan Publishing.
- Crawley H (2001) *Refugees and Gender: Law and Process*. Bristol: Jordan Publishing Limited.
- Crenshaw K (1991) Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color. *Stanford Law Review* 43(6): 1241–1299.
- Crenshaw K, Gotanda N, Peller G, et al. (eds) (1996) *Critical Race Theory: The Key Writings That Formed the Movement*. New York: New Press.
- Crenshaw KW (1989) Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine. *University of Chicago Legal Forum*: 139–168.
- Creswell JW (2013) *Qualitative Inquiry & Research Design : Choosing among Five Approaches*. Los Angeles: Sage.
- Crewe B (2011) Depth, Weight, Tightness: Revisiting the Pains of Imprisonment. *Punishment & Society* 13(5): 509–529.
- Crewe B (2014) Not Looking Hard Enough: Masculinity, Emotion, and Prison Research. *Qualitative Inquiry* 20(4): 392–403.
- Crewe B (2015) Inside the Belly of the Penal Beast: Understanding the Experience of Imprisonment. *International Journal for Crime, Justice and Social Democracy* 4(1): 50–65.
- Crewe B, Liebling A and Hulley S (2014) Heavy–Light, Absent–Present: Rethinking the ‘Weight’ of Imprisonment. *British Journal of Sociology* 65(3): 387–410.
- Crewe B, Hulley S and Wright S (2017) The Gendered Pains of Life Imprisonment. *The British Journal of Criminology* 57(6): 1359–1378.
- da Cunha MIP (2008) Closed Circuits: Kinship, Neighbourhood and Incarceration in Urban Portugal. *Ethnography* 9(3): 325–350.
- Dahl AS (2006) Sweden: Once a Moral Superpower, Always a Moral Superpower? *International Journal: Canada’s Journal of Global Policy Analysis* 61(4): 895–908.
- Dankertsen A (2019) I Felt So White: Sámi Racialization, Indigeneity, and Shades of Whiteness. *Native American and Indigenous Studies* (6)2: 110-137.

- Dankertsen A and Kristiansen TGS (2021) 'Whiteness Isn't about Skin Colour.' Challenges to Analysing Racial Practices in a Norwegian Context. *Societies* (11)46: 1-18.
- Danmarks Statistik (2022) *Flytninger og Ind- og Udvandring*. Available at <https://www.dst.dk/da/Statistik/emner/borgere/flytninger> accessed 13 April 2022).
- Darwish M (2013) *Unfortunately, It Was Paradise* (trans.Munir Akash, Carolyn Forché, Sinan Antoon and Amira El-Zein). Berkeley: Berkeley University Press.
- Daswani G (2021) *The (Im)Possibility of Decolonizing Anthropology*. Available at: <https://everydayorientalism.wordpress.com/2021/11/18/the-impossibility-of-decolonizing-anthropology/> (accessed 17 January 2022).
- Davis AY (1981) *Women, Race & Class*. New York: Random House.
- Davis K (2008) Intersectionality as Buzzword: A Sociology of Science Perspective on What Makes a Feminist Theory Successful. *Feminist Theory* 9(1): 67–85.
- de Bengy Puyvallée A and Bjørkdahl K (eds) (2021) *Do-Gooders at the End of Aid: Scandinavian Humanitarianism in the Twenty-First Century*. Cambridge: Cambridge University Press.
- de Certeau M (1984) *The Practice of Everyday Life*. Berkeley: University of California Press.
- de Certeau M (1986) *Heterologies. Discourse on the Other* (tran. B Massumi). Minneapolis: University of Minnesota Press.
- De Genova N (2016) The European Question: Migration, Race, and Postcoloniality in Europe. *Social Text* 34(3). Duke University Press: 75–102.
- De Genova NP (2002) Migrant "Illegality" and Deportability in Everyday Life. *Annual Review of Anthropology* 31(1): 419–447.
- De Giorgi A (2010) Immigration Control, Post-Fordism, and Less Eligibility: A Materialist Critique of the Criminalization of Immigration across Europe. *Punishment & Society* 12(2): 147–167.
- Dean J (2017) *Doing Reflexivity: An Introduction*. Bristol: Policy Press.
- Dekeyser E and Freedman M (2021) Elections, Party Rhetoric, and Public Attitudes Toward Immigration in Europe. *Political Behaviour*, 1–13, doi.10.1007/s11109-021-09695-w.
- Delaney D (2015) Legal geography I: Constitutivities, Complexities, and Contingencies. *Progress in Human Geography* 39(1): 96–102.
- Delaney D (2016) Legal Geography II: Discerning Injustice. *Progress in Human Geography* 40(2): 267–274.
- Delaney D (2017) Legal Geography III: New Worlds, New Convergences. *Progress in Human*

- Geography* 41(5): 667–675.
- Delgado R (1995) *Critical Race Theory: The Cutting Edge*. Philadelphia: Temple University Press.
- Delgado R and Stefancic J (2013) *Critical Race Theory: The Cutting Edge*. Philadelphia: Temple University Press.
- Dennison J and Geddes A (2019) A Rising Tide? The Salience of Immigration and the Rise of Anti-Immigration Political Parties in Western Europe. *The Political Quarterly* 90(1): 107–116.
- Denzin NK and Lincoln YS (2011) *The Sage Handbook of Qualitative Research*. Thousand Oaks, California: Sage Publishing.
- Desai M (2007) Transnational and Global Feminisms. In: *The Blackwell Encyclopaedia of Sociology*. John Wiley & Sons, Ltd. Available at: <http://onlinelibrary.wiley.com/doi/abs/10.1002/9781405165518.wbeost045> (accessed 21 February 2022).
- di Molfetta E and Brouwer J (2019) Unravelling the ‘Crimmigration Knot’: Penal Subjectivities, Punishment and the Censure Machine. *Criminology & Criminal Justice* 20(3): 302–318.
- Dikötter F and Brown I (2007) *Cultures of Confinement: A History of the Prison in Africa, Asia and Latin America*. London: Hurst.
- Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68.
- Disch L and Hawkesworth M (eds) (2016) *The Oxford Handbook of Feminist Theory*. Oxford: Oxford University Press.
- Djuve AB (2015) *When Poverty Meets Affluence: Migrants from Romania on the Streets of the Scandinavian Capitals*. Oslo, Copenhagen: FAFO.
- Dølvik JE and Oldervoll J (2019) Norway: Averting Crisis through Coordination and Keynesian Welfare Policies. In: Ólafsson O, Daly M, Kangas O, et al. (eds) *Welfare and the Great Recession: A Comparative Study*. Oxford: Oxford University Press.
- Downes DM (1988) *Contrasts in Tolerance: Post-War Penal Policy in the Netherlands and England and Wales*. Clarendon Press.
- Duneier M (2000) *Sidewalk*. New York: Farrar, Straus and Giroux.
- Durland S (1998) Witnessing: The Guerilla Theatre of Greenpeace. In Cohen-Cruz J (ed.) *Radical Street Performance*. New York: Routledge.

- Elwood SA and Martin DG (2000) “Placing” Interviews: Location and Scales of Power in Qualitative Research. *The Professional Geographer* 52(4): 649–657.
- Emerson RM, Fretz RI and Shaw LL (2011) *Writing Ethnographic Fieldnotes*. Chicago: University of Chicago Press.
- England K (1994) Getting Personal: Reflexivity, Positionality, and Feminist Research. *The Professional Geographer* 46(1): 80–89.
- England K (2016) Positionality. *The International Encyclopaedia of Geography: People, the Earth, Environment, and Technology* Marston RA, Castree N, Liu W, et al. (eds). Oxford: John Wiley & Sons.
- Enloe CH (2004) *The Curious Feminist: Searching for Women in a New Age of Empire*. Berkeley: University of California Press.
- Erel U, Murji K and Nahaboo Z (2016) Understanding the Contemporary Race-Migration Nexus. *Ethnic and Racial Studies* 39(8): 1339–1360.
- Esping-Andersen G (1990) *The Three Worlds of Welfare Capitalism*. Cambridge: Polity Press.
- European Commission (2021) *Sending Applicants for International Protection Outside the European Union is a Bad Idea*. Available at: https://ec.europa.eu/commission/commissioners/2019-2024/johansson/blog/timetodelivermigrationeu-sending-applicants-international-protection-outside-european-union-bad-idea_en (accessed 13 April 2022).
- Evans B and Reid J (2014) *Resilient Life: The Art of Living Dangerously*. Cambridge, UK: Polity.
- Evans J and Baca JS (2000) *Undoing Time: American Prisoners in Their Own Words*. Boston: Northeastern University Press.
- Falck R (2021) Discrimination against Roma: Evidence from Two Survey Experiments in Norway. *Migration Studies* 9(3): 360–382.
- Falcón SM and Nash JC (2015) Shifting Analytics and Linking Theories: A Conversation about the ‘Meaning-Making’ of Intersectionality and Transnational Feminism. *Women’s Studies International Forum* 50(1): 1–10.
- Falzon M-A (2009) *Multi-Sited Ethnography: Theory, Praxis and Locality in Contemporary Research*. Farnham: Ashgate.
- Fassin D (2012) *Humanitarian Reason: A Moral History of the Present*. Berkeley, CA: University of California Press.
- Fedyuk O and Zentai V (2018) The Interview in Migration Studies: A Step towards a Dialogue

- and Knowledge Co-production? In: Zapata-Barrero R and Yalaz E (eds) *Qualitative Research in European Migration Studies*. Cham: Springer International Publishing, pp. 171–188.
- Feeley MM and Simon J (1992) The New Penology: Notes on the Emerging Strategy of Corrections and its Implications. *Criminology* 30(4): 449–474.
- Fekete L (2001) The Emergence of Xeno-Racism. *Race & Class* 43(2): 23–40.
- Fekete L (2005) The Deportation Machine: Europe, Asylum and Human Rights. *Race & Class* 47(1): 64–78.
- Fili, A. (2013) Women in Prison: Victims or Resisters? Representations of Agency in Women's Prisons in Greece. *Signs: Journal of Women in Culture and Society*, 39(1), 1–26.
- Foucault M (1973) *Discipline and Punish: The Birth of the Prison* (trans. Alan Sheridan). London: Allen Lane.
- Franko K (2020) *The Crimmigrant Other: Migration and Penal Power*. Milton: Routledge.
- Franko K and Mohn BS (2016) Utvisning som Straff? Om Grensen mellom Strafferett og Utlendingskontroll. *Tidsskrift for Strafferett* 15(02): 154–177.
- Fraser N (2008a) Abnormal Justice. *Critical Inquiry* 34(3): 393–422.
- Fraser N (2008b) *Scales of Justice: Reimagining Political Space in a Globalising World*. Cambridge: Polity.
- Friberg JH (2020) Poverty, Networks, Resistance: The Economic Sociology of Roma Migration for Begging. *Migration Studies* 8(2): 228–249.
- Frye M (1983) *The Politics of Reality: Essays in Feminist Theory*, Trumansburg, NY: Crossing Press.
- Fujii LA (2018) *Interviewing in Social Science Research: A Relational Approach*. London: Routledge.
- García SJ (2017) Racializing “Illegality”: An Intersectional Approach to Understanding How Mexican-origin Women Navigate an Anti-immigrant Climate. *Sociology of Race and Ethnicity* 3(4): 474–490.
- García Agustín O and Bak Jørgensen M (2019) Danes First, Welfare Last. *Jacobin*. Available at <https://www.jacobinmag.com/2019/01/denmark-social-democrats-immigration-welfare> (accessed 13 April 2022).
- Gashi L, Pedersen W and Ugelvik T (2021) The Pains of Detainment: Experience of Time and Coping Strategies at Immigration Detention Centres. *Theoretical Criminology* 25(1):

88–106.

- Geertz C (1973) Thick Description: Toward an Interpretive Theory of Culture. In: *The Interpretation of Cultures: Selected Essays*. New York: Basic Books, pp. 3–30.
- Geertz C (1974) 'From the Native's Point of View: On the Nature of Anthropological Understanding. *Bulletin of the American Academy of Arts and Sciences* 28(1): 26–45.
- George L, Norris AN, Deckert A, et al. (2020a) Introduction. In: George L, Norris AN, Deckert A, et al. (eds) *Neo-Colonial Injustice and the Mass Imprisonment of Indigenous Women*. Palgrave Studies in Race, Ethnicity, Indigeneity and Criminal Justice. Cham: Springer International Publishing, pp. 1–11.
- George L, Norris AN, Deckert A, et al. (eds) (2020b) *Neo-Colonial Injustice and the Mass Imprisonment of Indigenous Women*. London: Palgrave Macmillan.
- Gerard A and Pickering S (2014) Gender, Securitization and Transit: Refugee Women and the Journey to the EU. *Journal of Refugee Studies* 27(3): 338–359.
- Global Detention Project (2022) Denmark – Country Overview. Available at <https://www.globaldetentionproject.org/countries/europe/denmark> (accessed 13 April 2022).
- Golash-Boza T and Hondagneu-Sotelo P (2013) Latino Immigrant Men and the Deportation Crisis: A Gendered Racial Removal Program. *Latino Studies* 11(3): 271–292.
- Grande E, Schwarzbözl T and Fatke M (2019) Politicising Immigration in Western Europe. *Journal of European Public Policy* 26(10): 1444–1463.
- Gray B (2011) From Exile of Citizens to Deportation of Non-Citizens: Ancient Greece as a Mirror to Illuminate a Modern Transition. *Citizenship Studies* 15(5): 565–582.
- Grewal I and Kaplan C (eds) (1994) *Scattered Hegemonies Postmodernity and Transnational Feminist Practices*. Minneapolis, Minn: University of Minnesota Press.
- Guba E and Lincoln Y (2005) Paradigmatic Controversies, Contradictions, and Emerging Confluences. In: Denzin N and Lincoln Y (eds) *The Sage Book of Qualitative Research*. Thousand Oaks: SAGE Publishing.
- Guia MJ (2013) Crimmigration, Securitisation and the Criminal Law of the Crimmigrant. In: Guia MJ, Woude M van der, and Leun J van der (eds) *Social Control and Justice: Crimmigration in the Age of Fear*. The Hague: Eleven International Publishing.
- Guia MJ, Woude M van der and Leun J van der (2013) *Social Control and Justice: Crimmigration in the Age of Fear*. The Hague: Eleven International Publishing.
- Haggerty KD and Bucerius SM (2020) The Proliferating Pains of Imprisonment. *Incarceration*

- 1(1): 1–16.
- Halsey M (2007) On Confinement – Resident and Inmate Perspectives of Secure Care and Imprisonment. *Probation Journal* 54(4): 338–367.
- Hancock A-M (2016) *Intersectionality: An Intellectual History*. Oxford: Oxford University Press.
- Hancock P and Jewkes Y (2011) Architectures of Incarceration: The Spatial Pains of Imprisonment. *Punishment and Society* 13(5): 611–629.
- Haraway D (1991) *Simians, Cyborgs, and Women The Reinvention of Nature*. New York: Routledge.
- Hayes DJ (2016) Penal Impact: Towards a More Intersubjective Measurement of Penal Severity. *Oxford Journal of Legal Studies* 36(4): 724–750.
- Hector J (2020) *Women and Prison*. Cham: Springer International Publishing.
- Hermann MB (2022) International Gender Champions. Available at: <https://genderchampions.com/champions/martin-bille-hermann> (accessed 28 December 2021).
- Herr RS (2014) Reclaiming Third World Feminism: or Why Transnational Feminism Needs Third World Feminism. *Meridians* 12(1): 1–30.
- Herrera Vivar MT, Lutz H and Supik L (2011) *Framing Intersectionality: Debates on a Multi-Faceted Concept in Gender Studies*. Farnham: Ashgate.
- Herrity K, Schmidt BE and Warr J (2021) *Sensory Penalties: Exploring the Senses in Spaces of Punishment and Social Control*. Bingley: Emerald Publishing.
- Hervik P (2011) *The Annoying Difference : The Emergence of Danish Neonationalism, Neoracism, and Populism in the Post-1989 World*. New York: Berghahn Books.
- Hesse-Biber S (ed.) (2012) *Handbook of Feminist Research: Theory and Praxis*. Thousand Oaks: Sage Publishing.
- Hillyard P (2003) Zemiology Revisited: Fifteen Years On. In Gilmore J, Moore, JM and Scott, D (eds) *Critique and Dissent*. Ottawa: Red Quill Books, pp. 219–237.
- Hoglund J and Burnett LA (2019) Introduction: Nordic Colonialisms and Scandinavian Studies. *Scandinavian Studies* 91(1–2): 1–12.
- Howe K and Eisenhart M (1990) Standards for Qualitative (and Quantitative) Research: A Prolegomenon. *Educational Researcher* 19(4): 2–9.
- Iphofen R and Tolich M (2018) *The Sage Handbook of Qualitative Research Ethics*. London: Sage Publishing.

- Isaksen JV (2020) The framing of immigration and integration in Sweden and Norway – A comparative study of official government reports. *Nordic Journal of Migration Research* 10(1): 106–124.
- Jackson M (1998) *Minima Ethnographica: Intersubjectivity and the Anthropological Project*. Chicago: University of Chicago Press.
- Jacobsson K and Åkerström M (2013) Interviewees with an Agenda: Learning from a ‘Failed’ Interview. *Qualitative Research* 13(6): 717–734.
- Jefferson A, Turner S and Jensen S (2019) Introduction: On Stuckness and Sites of Confinement. *Ethnos* 84(1): 1–13.
- Jefferson AM (2010) Traversing Sites of Confinement: Post-Prison Survival in Sierra Leone. *Theoretical Criminology* 14(4): 387–406.
- Jefferson AM (2014) Conceptualising Confinement: Prisons and Poverty in Sierra Leone. *Criminology & Criminal Justice* 14(1): 44–60.
- Jensen L (2008) Denmark and its Colonies – Introduction. In: Poddar P, Patke R, and Jensen L (eds) *A Historical Companion to Postcolonial Literatures*. Edinburgh: Edinburgh University Press, pp. 59–62.
- Jewkes Y, Newbold G, Ian Ross J, et al. (2014) Prison Research From the Inside. *Qualitative Inquiry* 20(4): 439–448.
- Jones R (2012) Spaces of Refusal: Rethinking Sovereign Power and Resistance at the Border. *Annals of the Association of American Geographers* 102(3): 685–699.
- Jones R (2021) *White Borders: The History of Race and Immigration in the United States from Chinese Exclusion to the Border Wall*. Boston: Beacon Press.
- Justitsministeriet (2016) Regeringen Vil Begrænse Udvisningsdømtes Tilbud i Fængslerne [press release]. Available at: <https://www.regeringen.dk/nyheder/2016/regeringen-vil-begraense-udvisningsdoemtes-tilbud-i-faengslerne/> (accessed 23 June 2021).
- Karlsen M-A (2021) *Migration Control and Access to Welfare: The Precarious Inclusion of Irregular Migrants in Norway*. London: Routledge.
- Kaufman E (2014) Gender at the Border: Nationalism and the New Logic of Punishment. *Punishment & Society* 16(2): 135–151.
- Kaufman E (2015) *Punish and Expel: Border Control, Nationalism, and the New Purpose of the Prison*. Oxford: Oxford University Press.
- Kavaphes K (1898) *Collected Poems* (trans. Edmund Keeley and Philip Sherrard (1975)). New

- Haven: Princeton University Press.
- Keskinen S, Tuori S, Irni S, et al. (eds) (2009) *Complying With Colonialism: Gender, Race and Ethnicity in the Nordic Region*. London: Routledge.
- Khosravi S (2010) An Ethnography of Migrant ‘Illegality’ in Sweden: Included Yet Excepted? *Journal of International Political Theory* 6(1): 95–116.
- King RD and McDermott K (1995) *The State of Our Prisons*. Oxford: Oxford University Press.
- Kirkebø TL, Langford M, Byrkjeflot H (2017) Creating Gender Exceptionalism: The Role of Global Indexes In Larsen E, Moss SM and Skjelsbæk I (eds) *Gender Equality and Nation Branding in the Nordic Region*. Abingdon: Routledge. pp 191-207.
- Knutsen O (2017) *The Nordic Models in Political Science: Challenged, but Still Viable?* Bergen: Fagbokforlag.
- Kóczé A (2018) Race, Migration and Neoliberalism: Distorted Notions of Romani Migration in European Public Discourses. *Social Identities* 24(4): 459–473.
- Koefoed LM (2015) Majority and Minority Nationalism in the Danish Post-Welfare State. *Geografiska Annaler. Series B. Human Geography* 97(3): 223–232.
- Kriminalforsorgen (2019) *Tal og Fakta*. Available at:
<https://www.kriminalforsorgen.dk/om-os/tal-og-fakta/> (accessed 28 September 2021).
- Kriminalforsorgen (2021) *Om Kriminalforsorgen*. Available at:
<https://www.kriminalforsorgen.dk/om-os/> (accessed 28 September 2021).
- Kriminalomsorgen (2019) *Statistikk og Publikasjoner*. Available at:
<https://www.kriminalomsorgen.no/statistikk-og-publikasjoner.518716.no.html> (accessed 28 September 2021).
- Kriminalomsorgen (2021) *Om Kriminalomsorgen*. Available at:
<https://www.kriminalomsorgen.no/> (accessed 28 September 2021).
- Kruttschnitt C and Gartner R (2004) *Marking Time In The Golden State: Women’s Imprisonment in California*. Cambridge: Cambridge University Press.
- Lafleur J-M and Mescoli E (2018) Creating Undocumented EU Migrants through Welfare: A Conceptualization of Undeserving and Precarious Citizenship. *Sociology* 52(3): 480–496.
- Lange E (2022) *The Development of the Norwegian Welfare State, 1945-1970*. Available at:
<https://nordics.info/show/artikel/security-and-increased-welfare-developing-the-norwegian-welfare-state-1945-1970/> (accessed 15 March 2022).
- Lapina L (2018) Recruited into Danishness? Affective Autoethnography of Passing as Danish. *The European Journal of Women’s Studies* 25(1): 56–70.

- Larsen E, Moss SM and Skjelsbæk I (eds) (2021) *Gender Equality and Nation Branding in the Nordic Region*. Abingdon: Routledge.
- Lawler P (1997) Scandinavian Exceptionalism and European Union. *Journal of Common Market Studies* 35(4): 565–594.
- Lazar MM (2007) Feminist Critical Discourse Analysis: Articulating a Feminist Discourse Praxis. *Critical Discourse Studies* 4(2): 141–164.
- Leavy P (2014) *The Oxford Handbook of Qualitative Research*. Oxford Library of Psychology. Oxford: Oxford University Press.
- LeCompte MD and Schensul JJ (2012) *Analysis and Interpretation of Ethnographic Data: A Mixed Methods Approach*. Lanham: Alta Mira Press.
- Lefebvre H (1947) *Critique de La Vie Quotidienne I*. Paris: L'Arche.
- Lefebvre H (1961) *Critique de La Vie Quotidienne II, Fondements d'une Sociologie de La Quotidienneté*. Paris: L'Arche.
- Lefebvre H (1974) *La Production de l'espace*. Paris: Anthropos.
- Lefebvre H (1981) *Critique de La Vie Quotidienne III, De La Modernité Au Modernisme (Pour Une Métaphilosophie Du Quotidien)*. Paris: L'Arche.
- Lempert L (2016) *Women Doing Life: Gender, Punishment and the Struggle for Identity*. New York: NYU Press.
- Letherby G (2003) *Feminist Research in Theory and Practice*. Buckingham: Open University Press.
- Leung M (2015) 'Talk to Her, She is also Chinese': A Reflection on the Spatial-Temporal Reach of Co-Ethnicity in Migration Research. *Forum: Qualitative Social Research* 16(2): 1–20.
- Liebling A (2011) Distinctions and Distinctiveness in the Work of Prison Officers: Legitimacy and Authority Revisited. *European Journal of Criminology* 8(6): 484–499.
- Liebling A and Arnold H (2012) Social Relationships between Prisoners in a Maximum Security Prison: Violence, Faith, and the Declining Nature of Trust. *Journal of Criminal Justice* 40(5): 413–424.
- Liebling A, Johnsen B, Schmidt BE, et al. (2021) Where Two 'Exceptional' Prison Cultures Meet: Negotiating Order in a Transnational Prison. *British Journal of Criminology* 61(1): 41–60.
- Lindberg A (2020) The Production of Precarity in Denmark's Asylum Regime. *Zeitschrift für Sozialreform* 66(4): 413–439.
- Lisiak A (2015) Fieldwork and Fashion: Gendered and Classed Performances in Research Sites.

- Forum: Qualitative Social Research* 16(2): 1-19
- Loftsdóttir K and Jensen L (eds) (2012) *Whiteness and Postcolonialism in the Nordic Region: Exceptionalism, Migrant Others and National Identities*. London: Routledge.
- Lohne K (2019) *Advocates of Humanity: Human Rights NGOs in International Criminal Justice*. Oxford: University Press.
- Lohne K (2020) Penal Humanitarianism Beyond the Nation State: An Analysis of International Criminal Justice. *Theoretical Criminology* 24(2): 145–162.
- Lohne K (2022) Nordic Penal Humanitarianism: Status-building, Brand Alignment, and Penal Power. In Christensen M, Lohne K, and Hornqvist M (eds) *Nordic Criminal Justice in a Global Context*. London: Routledge.
- Longazel J, Berman J and Fleury-Steiner B (2016) The Pains of Immigrant Imprisonment. *Sociology Compass* 10(11): 989–998.
- Loyd J, Mitchelson M and Burrige A (2012) *Beyond Walls and Cages: Prisons, Borders, and Global Crisis*. Athens, GA: University of Georgia Press.
- Lundström C and Teitelbaum BR (2017) Nordic Whiteness: An Introduction. *Scandinavian Studies* 89(2): 151–158.
- Lutz H (2015) Intersectionality as Method. *DiGeSt Journal of Diversity and Gender Studies* 2(1–2): 39–44.
- Madge C (1993) Boundary Disputes: Comments on Sidaway (1992). *Area* 25(3): 294–299.
- Mälksoo M (2009) The Memory Politics of Becoming European: The East European Subalterns and the Collective Memory of Europe. *European Journal of International Relations* 15(4): 653–680.
- Marcus G (1995) Ethnography in/of the World System: The Emergence of Multi-Sited Ethnography. *Annual Review of Anthropology* 24: 95–117.
- Marcus GE and Fischer MMJ (1999) *Anthropology as Cultural Critique: An Experimental Moment in the Human Sciences*. Chicago: University of Chicago Press.
- Mathiassen C (2017) Being a Woman in Mixed-Gender Prisons. In: Scharff Smith P and Ugelvik T (eds) *Scandinavian Penal History, Culture and Prison Practice: Embraced By the Welfare State?* London: Palgrave Macmillan, pp. 377–403.
- Matila T, Hyttinen M and Ylimaunu T (2021) Privileged or Dispossessed? Intersectional Marginality in a Forgotten Working-Class Neighbourhood in Finland. *World Archaeology* 53(3): 502–516.
- Matos R (2016) Trajectories and Identities of Foreign National Women: Rethinking Prison

- through the Lens of Gender and Citizenship. *Criminology & Criminal Justice* 16(3): 350–365.
- Matsuda MJ (1991) Beside My Sister, Facing the Enemy: Legal Theory out of Coalition. *Stanford Law Review* 43(6): 1183–1192.
- Mauthner NS and Doucet A (2003) Reflexive Accounts and Accounts of Reflexivity in Qualitative Data Analysis. *Sociology* 37(3): 413–431.
- Mbembe A (2003) Necropolitics. *Public Culture* 15(1): 11–40.
- McCall L (2005) The Complexity of Intersectionality. *Signs: Journal of Women in Culture and Society* 30(3): 1771–1800.
- McHugh MC (2014) Feminist Qualitative Research: Toward Transformation of Science and Society. *The Oxford Handbook of Qualitative Research* In Leavy P (ed). Oxford: Oxford University Press.
- McKinnon SL (2016) *Gendered Asylum*. Champaign: University of Illinois Press.
- Mehta R (2016) Borders: A View from ‘Nowhere’. *Criminology & Criminal Justice* 16(3): 286–300.
- Melossi D (2003) In a Peaceful Life: Migration and the Crime of Modernity in Europe/Italy. *Punishment & Society* 5(4): 371–97.
- Melossi D (2015) *Crime, Punishment and Migration*. Los Angeles: Sage Publishing.
- Mergenthaler E and Stinson CH (1992) Psychotherapy Transcription Standards. *Psychotherapy Research* 2(2): 125–42.
- Mezzadra S and Neilson B (2012) Between Inclusion and Exclusion: On the Topology of Global Space and Borders. *Theory, Culture & Society* 29(4–5): 58–75.
- Miller TA (2003) Citizenship & Severity: Recent Immigration Reforms and the New Penology. *Georgetown Immigration Law Journal* 17(4): 611–667.
- Misje T (2021) The Precarious Inclusion of Homeless EU migrants in Norwegian Public Social Welfare: Moral Bordering and Social Workers’ Dilemmas. *Critical Social Policy*: 1–21. doi.org/10.1177/02610183211036580.
- Moffette D (2020) The Jurisdictional Games of Immigration Policing: Barcelona’s Fight against Unauthorised Street Vending. *Theoretical Criminology* 24(2): 258–275.
- Mohanty CT (1988) Under Western Eyes: Feminist Scholarship and Colonial Discourses. *Feminist Review* 30(1): 61–88.
- Mohanty CT (2003) *Feminism without Borders: Decolonizing Theory, Practicing Solidarity*. Durham: Duke University Press.

- Monchalin L (2016) *The Colonial Problem: An Indigenous Perspective on Crime and Injustice in Canada*. Toronto: University of Toronto Press.
- Moore JD (2004) *Visions of Culture: An Introduction to Anthropological Theories and Theorists*. Lanham: Rowman.
- Moroşanu L (2015) Researching Coethnic Migrants: Privileges and Puzzles of 'Insiderness'. *Forum, Qualitative Social Research* 16(2): 1–18.
- Naum M and Nordin J (eds) (2013) *Scandinavian Colonialism and the Rise of Modernity: Small Time Agents in a Global Arena*. New York: Springer.
- Nilsson, R (2012) The Most Progressive, Effective Correctional System in the World: The Swedish Prison System in the 1960s and 1970s. In Ugelvik T and Dullum J (eds) *Penal Exceptionalism? Nordic Prison Policy and Practice*. Abingdon: Routledge. pp 79-100.
- Normann S (2021) Green Colonialism in the Nordic Context: Exploring Southern Saami Representations of Wind Energy Development. *Journal of Community Psychology* 49(1): 77–94.
- Norwegian Parliamentary Ombud (2016) *Visit Report, Norgerhaven Prison, 16 -22 September 2016*. Oslo: The Parliamentary Ombud for Scrutiny of the Public Administration.
Available at:
<https://www.sivilombudet.no/wp-content/uploads/2017/05/2016-Norgerhaven-prison-Visit-report-EN.pdf>.
- Nowicka M and Ryan L (2015) Beyond Insiders and Outsiders in Migration Research: Rejecting a Priori Commonalities. *Forum: Qualitative Social Research* 16(2): 1–15.
- Oliver K (2001) *Witnessing: Beyond Recognition*. Minneapolis: University of Minnesota Press.
- Owen B, Wells J and Pollock J (2017) *In Search of Safety: Confronting Inequality in Women's Imprisonment*. Berkley: University of California Press.
- Parker O and Catalan OL (2014) Free Movement for Whom, Where, When? Roma EU Citizens in France and Spain. *International Political Sociology* 8(4): 379–395.
- Parmar A (2017) Intersectionality, British Criminology and Race: Are We There Yet? *Theoretical Criminology* 21(1): 35–45.
- Parmar A (2018) Policing Belonging: Race and Nation in the UK. In: Bosworth M, Parmar A, and Vázquez Y (eds) *Race, Criminal Justice, and Migration Control: Enforcing the Boundaries of Belonging*. Oxford: Oxford University Press, pp. 108–124.
- Parmar A (2020a) Arresting (Non)Citizenship: The Policing Migration Nexus of Nationality, Race and Criminalization. *Theoretical Criminology* 24(1): 28–49.

- Parmar A (2020b) Borders as Mirrors: Racial Hierarchies and Policing Migration. *Critical Criminology* 28(2): 175–192.
- Parreñas R, Landolt P, Goldring L, et al. (2021) Mechanisms of Migrant Exclusion: Temporary Labour, Precarious Noncitizenship, and Technologies of Detention. *Population Space and Place* 27(5): 1–6.
- Pedersen AW (2016) *New legislation to reduce the inflow of asylum seekers in Norway* (ESPN Flash Report 2016/38). Brussels: European Commission.
- Pedersen AW and Kuhnle S (2017) The Nordic Welfare State Model. In: Knutsen O (ed.) *The Nordic Models in Political Science. Challenged, but Still Viable?* Bergen: Fagbokforlaget.
- Pellosmaa HB and Desouky TF (2013) Hospital Anxiety. In: Gellman MD and Turner JR (eds) *Encyclopedia of Behavioral Medicine*. New York, NY: Springer, pp. 985–988.
- Petersen MV (ed.) (2017) *Danmark Og Kolonierne*. Copenhagen: GAD Forlag.
- Phillips C, Earl E, Parmar A and Smith D (2020) Dear British Criminology: Where Has all the Race and Racism Gone? *Theoretical Criminology*, 24(3): 427–446.
- Pickering S (2010) *Women, Borders and Violence: Current Issues in Asylum, Forced Migration, and Trafficking*. New York: Springer.
- Pickering S and Ham J (2015) *The Routledge Handbook on Crime and International Migration*. Oxon: Routledge.
- Pickering S, Bosworth M and Segrave M (2014) Guest Editor Introduction for Special Issue on Borders, Gender and Punishment. *Punishment & Society* 16(2): 131–134.
- Pink S (2012) *Situating Everyday Life: Practices and Places*. London: Sage Publishing.
- Pratt J (2008) Scandinavian Exceptionalism in an Era of Penal Excess: Part I: The Nature and Roots of Scandinavian Exceptionalism. *The British Journal of Criminology* 48(2): 119–137.
- Pratt J and Eriksson A (2013) *Contrasts in Punishment: An Explanation of Anglophone Excess and Nordic Exceptionalism*. London: Routledge.
- Presser L and Sandberg S (2019) Narrative Criminology as Critical Criminology. *Critical Criminology* 27(1): 131–143.
- Rajaram PK and Grundy-Warr C (2007) *Borderscapes: Hidden Geographies and Politics at Territory's Edge*. Minneapolis: University of Minnesota Press.
- Ramírez MA (2018) The Making of Mexican Illegality: Immigration Exclusions Based on Race, Class Status, and Gender. *New Political Science* 40(2): 317–335.

- Risjord MW (2014) *Philosophy of Social Science: A Contemporary Introduction*. New York: Routledge.
- Roberts J (2006) *Philosophising the Everyday: Revolutionary Praxis and the Fate of Cultural Theory*. Ann Arbor, MI: Pluto Press.
- Romero M (2008) The Inclusion of Citizenship Status in Intersectionality: What Immigration Raids Tells Us about Mixed-Status Families, The State and Assimilation. *International Journal of Sociology of the Family* 34(2): 131–152.
- Romero M (2017) *Introducing Intersectionality*. New York: John Wiley & Sons.
- Ryan L (2015) ‘Inside’ and ‘Outside’ of What or Where? Researching Migration Through Multi-Positionalities. *Qualitative Social Research* 16(2): 1–17.
- Rye JF and Andrzejewska J (2010) The Structural Disempowerment of Eastern European Migrant Farm Workers in Norwegian Agriculture. *Journal of Rural Studies* 26(1): 41–51.
- Rutger B and Rainer B (2020) Introduction: Expulsion and Citizenship in the 21st Century. *Citizenship Studies* 24(3): 265–276.
- Sandberg S (2010) What Can ‘Lies’ Tell Us About Life? Notes Towards a Framework of Narrative Criminology. *Journal of Criminal Justice Education* 21(4): 447–465.
- Sassen S (1996) *Losing Control: Sovereignty in an Age of Globalisation*. New York: Columbia University Press.
- Sausdal D (2018) Pleasures of Policing: An Additional Analysis of Xenophobia. *Theoretical Criminology*, 22(2): 226-242.
- Schrover M, van der Leun J, Lucassen L, et al. (eds) (2008) *Illegal Migration and Gender in a Global and Historical Perspective*. Amsterdam: Amsterdam University Press.
- Schulz P (2021) Recognizing Research Participants’ Fluid Positionalities in (Post-)Conflict Zones. *Qualitative Research* 21(4): 550–567.
- Scruton P and Moore L (2014) *The Incarceration of Women: Punishing Bodies, Breaking Spirits*. London: Palgrave Macmillan.
- Sen S (2020) *Race, Racism and Academia: A View from Denmark*. Available at <https://forskning.ruc.dk/en/publications/race-racism-and-academia-a-view-from-denmark> (accessed 13 April 2021).
- Serpa RC (2021) The Exceptional Becomes Everyday: Border Control, Attrition and Exclusion from Within. *Social Sciences* 10(9): 329–341.
- Sexton L (2015) Penal Subjectivities: Developing a Theoretical Framework for Penal Consciousness. *Punishment & Society* 17(1): 114–136.

- Sexton L, Jenness V and Sumner JM (2010) Where the Margins Meet: A Demographic Assessment of Transgender Inmates in Men's Prisons. *Justice Quarterly* 27(6): 835–866.
- Shachar A (2009) *The Birthright Lottery: Citizenship and Global Inequality*. Cambridge, MA: Harvard University Press.
- Shammas VL (2014) The pains of freedom: Assessing the ambiguity of Scandinavian penal exceptionalism on Norway's Prison Island. *Punishment and Society*. 16(1): 104-123.
- Shammas VL (2016) The Rise of a More Punitive State: On the Attenuation of Norwegian Penal Exceptionalism in an Era of Welfare State Transformation. *Critical Criminology* 24(1): 57–74.
- Shkedi A and Harel M (2004) Second-Order Theoretical Analysis of Observations: Data Analysis Through the Study of Dilemmas. *Evaluation & Research in Education* 18(3): 158–178.
- Sigona N and Trehan N (2009) *Romani Politics in Contemporary Europe: Poverty, Ethnic Mobilisation, and the Neoliberal Order*. London: Palgrave Macmillan.
- Simon J (1998) Refugees in a Carceral Age: The Rebirth of Immigration Prisons in the United States. *Public Culture*, 10(3): 577–607.
- Sklansky DA (2012) Crime, Immigration, and Ad hoc Instrumentalism. *New Criminal Law Review* 15(2): 157–223.
- Skleparis D (2016) The Politics of Migrant Resistance amid the Greek Economic Crisis. 11(2): 13–129.
- Smith DE (1987) *The Everyday World as Problematic: A Feminist Sociology*. Boston: Northeastern University Press.
- Smith PS (2021) Dynamic Security or Corruption of Authority? Normalisation and Prisoner-Staff Relations in Danish Prisons. In: Crewe B, Goldsmith A, and Halsey M (eds) *Power and Pain in the Modern Prison: Revisiting the Society of Captives*. Oxford: Oxford University Press, Clarendon.
- Smith SP and Ugelvik T (eds) (2017) *Scandinavian Penal History, Culture and Prison Practice: Embraced By the Welfare State?* London: Palgrave Macmillan.
- Soyini Madison DS (2012) *Critical Ethnography: Method, Ethics, and Performance*. Los Angeles: Sage.
- Sparks R, Bottoms A and Hay W (1996) *Prisons and the Problem of Order*. Oxford: Oxford University Press.
- Spivak C (1988) Can the Subaltern Speak? In: Cary Nelson C and Grossberg L (eds) *Marxism*

- and Interpretation of Culture*. Urbana: University of Illinois, pp. 271–313.
- Stasiulis D, Jinnah Z and Rutherford B (2020) Migration, Intersectionality and Social Justice. *Studies in Social Justice* 2020(14): 1–21.
- Stumpf J (2006) The Crimmigration Crisis: Immigrants, crime, and Sovereign Power. *American University Law Review* 56(2): 367–419.
- Stumpf J (2013) The Process is the Punishment in Crimmigration Law. In Aas KF and Bosworth M (eds) *Borders of Punishment: Migration, Citizenship, and Social Exclusion*. Oxford: Oxford University Press, pp 58-75.
- Stumpf JP (2015) Crimmigration: Encountering the Leviathan. In Ham J and Pickering S (eds) *The Routledge Handbook on Crime and International Migration*. London, New York: Routledge, pp. 237–250.
- Sumner J and Sexton L (2016) Same Difference: The ‘Dilemma of Difference’ and the Incarceration of Transgender Prisoners. *Law & Social Inquiry* 41(3): 616–642.
- Sykes GM (1958) *The Society of Captives: A Study of Maximum Security Prison*. Princeton, N.J: Princeton University Press.
- Tervonen M, Pellander S and Yuval-Davis N (2018) Everyday Bordering in the Nordic Countries. *Nordic Journal of Migration Research* 8(3): 139–142.
- Thapar-Björkert S and Henry M (2004) Reassessing the Research Relationship: Location, Position and Power in Fieldwork Account. *International Journal of Social Research Methodology* 7(5): 363–381.
- Thomas J (1993) *Doing critical ethnography*. Thousand Oaks, CA: Sage.
- Todd-Kvam J (2019) Bordered Penal Populism: When Populism and Scandinavian Exceptionalism Meet. *Punishment & Society* 21(3): 295–314.
- Tonkiss K and Bloom T (2015) Theorising Non-citizenship: Concepts, Debates and Challenges. *Citizenship Studies* 19(8): 837–852.
- Tracy SJ (2013) *Qualitative Research Methods – Collecting Evidence, Crafting Analysis, Communicating Impact*. West Sussex: Willey-Blackwell.
- Tuck E and Young KW (2012) Decolonization is Not a Metaphor. *Decolonization: Indigeneity, Education & Society* 1(1): 1–40.
- Turnbull S (2016) Stuck in the Middle: Waiting and Uncertainty in Immigration Detention. *Time & Society*, 25(1):61–79.
- Turnbull S and Hasselberg I (2017) From Prison to Detention: The Carceral Trajectories of Foreign-National Prisoners in the United Kingdom. *Punishment & Society* 19(2):

- 135–154.
- Turner BS (2007) The Enclave Society: Towards a Sociology of Immobility. *European Journal of Social Theory* 10(2): 287–304.
- Turner J (2016) *The Prison Boundary: Between Society and Carceral Space*. London: Palgrave Macmillan.
- Turner V (1969) *The Ritual Process: Structure and Anti-Structure*. London: Routledge.
- TV2 Nyheder (2021) Mette Frederiksen: Målet Er Nul Asylansøgere til Danmark. Available at <https://nyheder.tv2.dk/politik/2021-01-22-mette-frederiksen-malet-er-nul-asylansogere-til-danmark> (accessed 15 May 2021).
- Ugelvik T (2011) The Dark Side of a Culture of Equality: Reimagining Communities in a Norwegian Remand Prison. In Ugelvik T and Dullum J (eds) *Penal Exceptionalism? Nordic Prison Policy and Practice*. Abingdon: Routledge, pp. 121–138.
- Ugelvik T (2013) Seeing like a Welfare State: Immigration Control, Statecraft, and a Prison with Double Vision. In Aas KF and Bosworth M (eds) *The Borders of Punishment: Migration, Citizenship, and Social Exclusion*. Oxford: Oxford University Press, pp. 183–198.
- Ugelvik T (2017) The Limits of the Welfare State? Foreign National Prisoners in the Norwegian Crimmigration Prison. In: Peter Scharff Smith and Thomas Ugelvik (eds) *Scandinavian Penal History, Culture and Prison Practice: Embraced By the Welfare State?* London: Palgrave Macmillan., pp. 405–423.
- Ugelvik T and Damsa D (2018) The Pains of Crimmigration Imprisonment: Perspectives From a Norwegian All-foreign Prison. *The British Journal of Criminology* 58(5): 1025–1043.
- Ugelvik T and Dullum J (eds) (2012) *Penal Exceptionalism? Nordic Prison Policy and Practice*. Abingdon: Routledge.
- Ulvund F (2012) ‘A Deterrent to Vagabonds, Lazy Persons and Promiscuous Individuals’ : Control and Discretion in the Norwegian Workhouse System, 1845-1907. *Crime, History & Societies* 16(2): 29–54.
- UN (1981) *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) (in effect 3 September 1981). ISBN 978921055030.
- UNHCR (2021) *Comment by UN High Commissioner for Refugees Filippo Grandi on Denmark’s new law on the transfer of asylum-seekers to third countries*. Available at: <https://www.unhcr.org/news/press/2021/6/60b93af64/news-comment-un-high-commissioner-refugees-filippo-grand-denmarks-new.html> (accessed 13 April 2022).
- van Baar H (2017) Boundary Practices of Citizenship : Europe’s Roma at the Nexus of

- Securitization and Citizenship. In: Gonzales RG and Sigona N (eds) *Within and Beyond Citizenship: Borders, Membership and Belonging*. London: Routledge, pp. 143–158.
- van Baar H (2018) Contained Mobility and the Racialization of Poverty in Europe: the Roma at the Development–Security Nexus. *Social Identities* 24(4): 442–458.
- van der Leun JP and van ver Woude MAH (2011) Ethnic Profiling in the Netherlands? A Reflection on Expanding Preventive Powers, Ethnic Profiling and a Changing Social and Political. *Policing and Society* 21(4): 444–455.
- van der Woude M (2019) A Patchwork of Intra-Schengen Policing: Border Games over National Identity and National Sovereignty. *Theoretical Criminology* 24(1): 110–131.
- van der Woude MAH and van Berlo P (2015) Crimmigration at the Internal Borders of Europe? Examining the Schengen Governance Package. *Utrecht Law Review* 11(1): 61–79.
- van Spanje J (2010) Contagious Parties: Anti-Immigration Parties and Their Impact on Other Parties' Immigration Stances in Contemporary Western Europe. *Party Politics* 16(5): 563–586.
- Vazquez Y (2017) Crimmigration: the Missing Piece of Criminal Justice Reform. *University of Richmond law review* 51(4): 1093-1147.
- Vázquez Y (2018) Enforcing the Politics of Race and Identity in Migration and Crime Control Policies. In: Bosworth M, Parmar A, and Vazquez Y (eds) *Race, Criminal Justice, and Migration Control: Enforcing the Boundaries of Belonging*. Oxford University Press, pp. 142–158.
- Vecchio F (2012) *(Un)wanted People in Hong Kong: How Global Cities Force Migrants to Cope with Illegality*. Ph.D. Monash University.
- Vecchio F (2015) *Asylum Seeking and the Global City*. New York: Routledge.
- Vervoort R (2019) (In)visibility and the Danish Body in *Sultekunstnerinde* (2004) – A Novel on Postcolonial Greenland. *Scandinavian Studies* 91(12): 205–221.
- Villanueva J (2018) Pathways of Confinement: The Legal Constitution of Carceral Spaces in France's Social Housing Estates. *Social & Cultural Geography* 19(8): 963–983.
- Wacquant LJD (2009) *Punishing the Poor: The Neoliberal Government of Social Insecurity*. Durham, NC: Duke University Press.
- Wahl A (2007) Labour and Development: What Can Be Learned from the Nordic Model? *Labour, Capital and Society* 40(1/2): 80–105.
- Walby S, Armstrong J and Strid S (2012) Intersectionality: Multiple Inequalities in Social Theory. *Sociology* 46(2): 224–240.

- Walklate S (2011) Reframing Criminal Victimization: Finding a Place for Vulnerability and Resilience. *Theoretical Criminology* 15(2): 179–194.
- Walters W (2002) Deportation, Expulsion, and the International Police of Aliens. *Citizenship Studies* 6(3): 265–292.
- Walters W (2008) Acts of Demonstration: Mapping the Territory of (Non-)Citizenship. In: Isin EF and Nielsen GM (eds) *Acts of Citizenship*. London: Zed Books.
- Warr J (2016) The Deprivation of Certitude, Legitimacy and Hope: Foreign National Prisoners and the Pains of Imprisonment. *Criminology & Criminal Justice* 16(3): 301–318.
- Watkins J (2000) *Briefing Paper on Consideration of the Potentially Negative Impact of the Publication of Factual Data about a Study Population on Such Population Prepared for the American Anthropological Association*. Available at: <https://www.americananthro.org/ParticipateAndAdvocate/Content.aspx?ItemNumber=13143&RDtoken=57837&userID=> (accessed 26 February 2022).
- Weber L (2013) *Policing Non-Citizens*. London: Routledge.
- Westerheim KG and Eide HMK (2019) *Kunnskapsbasert Straffegjennomføring i Kriminalomsorgen i Norge*. Bergen: Fagbokforlaget.
- Wetherell M, Laflèche M and Berkeley R (2007) Ethnicity, Identity and Community Cohesion in Prison. In: *Identity, Ethnic Diversity and Community Cohesion*. London: Sage Publishing.
- Weber M (1918) Politics as Vocation (Speech at Munich University) In HH Gerth and C. Wright Mills (1946) (Translated and edited), *From Max Weber: Essays in Sociology*, New York: Oxford University Press.
- Willen SS (2007) Toward a Critical Phenomenology of “Illegality”: State Power, Criminalization, and Abjectivity among Undocumented Migrant Workers in Tel Aviv, Israel. *International Migration* 45(3): 8–38.
- Williams KK (2015) Life Narratives, Common Language and Diverse Ways of Belonging. *Forum: Qualitative Social Research* 16(2).
- Witoszek N (2011) *The Origins of the ‘Regime of Goodness’ Remapping the Cultural History of Norway*. Oslo: Universitetsforlaget.
- Witoszek N and Midttun A (eds) (2018) *Sustainable Modernity: The Nordic Model and beyond Sustainable Modernity*. London, New York: Routledge.
- Wolff L (1994) *Inventing Eastern Europe: The Map of Civilization on the Mind of the Enlightenment*. Stanford, CA: Stanford University Press.
- Yıldız C and De Genova N (2018) Un/Free mobility: Roma Migrants in the European Union.

- Social Identities* 24(4): 425–441.
- Ystanes V and Ugelvik T (2020) ‘They Tell Me I’m Dangerous’: Incarcerated Mothers, Scandinavian Prisons and the Ambidextrous Penal–Welfare State. *The British Journal of Criminology* 60(4): 892–910.
- Yuval-Davis N (2015) Situated Intersectionality and Social Inequality. *Raisons politiques : Etudes de pensée politique* 58(2): 91–100.
- Yuval-Davis N, Wemyss G and Cassidy K (2017) Introduction to the Special Issue: Racialized Bordering Discourses on European Roma. *Ethnic and Racial Studies* 40(7): 1047–1057.
- Yuval-Davis N, Wemyss G and Cassidy K (2018) Everyday Bordering, Belonging and the Reorientation of British Immigration Legislation. *Sociology* 52(2): 228–244.
- Zedner L (2010) Security, the State, and the Citizen: The Changing Architecture of Crime Control. *New Criminal Law Review* 13(2): 379–403.
- Zedner L (2016) Penal subversions: When is a Punishment not Punishment, Who Decides and On What Grounds? *Theoretical Criminology* 20(1): 3–20.
- Zielonka J (2006) *Europe as Empire: The Nature of the Enlarged European Union*. Oxford: Oxford University Press.
- Zmroczek C and Mahony P (1997) *Class Matters: ‘Working-Class’ Women’s Perspectives on Social Class*. London: Taylor & Francis.

PART TWO

‘Without Papers I Can’t Do Anything’: The Neglected Role of Citizenship Status and ‘Illegality’ in Intersectional Analysis

Sociology

1–17

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Abstract

Intersectionality scholarship has yet to systematically recognize the importance of citizenship status for the mutual shaping of inequalities. In this article, we bring attention to the combined structuring force of criminal law and citizenship status (and the related concepts of ‘illegal’ or ‘irregular’ status) in intersecting with other categories of social disadvantage, such as gender, class, racialization and ethnicity. Drawing on ethnographic fieldwork and interviews with women in prisons for ‘foreign nationals’ and health clinics for ‘undocumented’ migrants in Norway and Denmark, this article shows how citizenship status has a central role in the co-constitution of gendered, classed and racialized social disadvantages.

Keywords

citizenship, deportability, gender, illegalization, intersectionality, racialization

Introduction

‘There’s a beautiful world, but I can’t see it,’ the man sitting next to me in the waiting room says, ‘it’s like being blind.’ [. . .] He is from Ghana, but has ‘Italian papers’. He has been living in Denmark for years, but he says he comes and goes every three months to not exceed his stay. I ask if he feels like he belongs here now. ‘I don’t have what it takes to belong here. I’m not in the system. I don’t have the card.’ (Fieldnotes, Copenhagen Red Cross Clinic for Undocumented Migrants, Denmark, 2019)

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The card in question is the CPR number, the Danish personal identification number all legal residents of the country are required to have. Besides keeping count of legal residents, it also allows access to welfare services such as health care and education, to paid work, economic benefits, banking services, borrowing books from the library or getting a mobile phone contract. There is very little that can be done legally in Denmark without a CPR number. This article sets out to explore the role of citizenship and residence status in the creation of conditions of social inequality and exclusion, particularly as these relate to other forms of social disadvantage and power relations. The empirical data were collected in two clinics for ‘undocumented’ migrants and two prisons – social spaces defined by social marginality, or more precisely, spaces where marginalities meet and intersect (e.g. Kilroy et al. in Carlton and Segrave (2013: 63).

Addressing intersections of complex inequalities has become one of the most influential theoretical approaches in social sciences, and results in considerable cross-disciplinary fertilization. Yet, despite the productivity and the richness of the field, we still lack a systematic analysis of the importance of citizenship status for the mutual shaping of inequalities. In the European context particularly, legal status is of central importance in understanding the nature of social marginality and exclusion (Barker, 2018; Franko, 2020; Gonzales and Sigona, 2017). The answers to the frequently asked questions ‘Do you have papers?’ or ‘What kind of passport do you have?’ not only determine access to rights and welfare benefits, but also intersect with a number of social cleavages related to racialization, ethnicity, gender and class (Bosworth et al., 2018).

Contemporary citizenship and mobility regimes are carriers of deeply ingrained post-colonial legacies (Basaran and Guild, 2017; Yuval-Davis and Werbner, 1999). In that respect, racialized, ethnicized and classed inequalities are solidified in and through an individual’s citizenship and legal status. However, we will also show how citizenship status (and the ‘illegality’ deriving from it) serves to reinforce and deepen existing inequalities and (re)create them in novel, contextually dependent, configurations. We argue that the role of citizenship status and ‘illegality’ needs to be systematically incorporated into the analytical tools drawing on intersectionality, as well as into the intellectual and political projects inspired by it. In the conclusion, we also suggest that such an incorporation carries with it a distinct set of challenges in terms of political action and anti-discrimination policies. Inequality stemming from citizenship status is produced and shaped by the existing legal system and calls into question the seeming neutrality of the law. This task was at the heart of early intersectional scholarship but now demands novel (and more radical) approaches to our concepts of discrimination.

Intersectionality, Citizenship Status and Criminal Justice

Intersectional approaches have always been concerned with the role of the law in relation to inequality and have inspired several movements within legal studies, such as critical legal studies, critical race theory and feminist jurisprudence (Carbado et al., 2013; Collins and Bilge, 2020). In her pioneering work, Crenshaw (1989, 1991) coined and conceptualized the term to demonstrate the juridical erasure of the subjectivities of women of colour within the justice system. Drawing on this, other legal scholars explored the ways in which various complex identities interacted with legal structures, particularly with regards

to racialization and gendering (see inter alia Cho (2013) for an overview). Consequently, intersectionality – as a theory, an analytical tool and a tool for political activism and practical intervention – crossed the borders of legal scholarship and became widely used across different disciplines (Carbado et al., 2013; Cho et al., 2013; Hancock, 2016).

It is beyond the scope of this article to provide a comprehensive overview of this diverse scholarship. For the purposes of our discussion, we will concentrate on the understanding of citizenship status within intersectionality studies. In their popular introduction to the field, Collins and Bilge (2020: 19), for example, mention citizenship status, along with ‘race’, class, gender and age, as categories that ‘position people differently in the world’. Although the book has an explicit focus on global inequality and issues relevant to the global South, citizenship does not receive further attention. According to Bosworth et al. (2018: 3), intersectional perspectives have a tendency to privilege the analysis of ‘race’, while studies of migration control, citizenship and criminal justice have often neglected the chance to incorporate intersectional perspectives. It is worth noting, though, that Crenshaw (1991) used immigration law as an example in one of her influential articles, and this thread was later taken up by some legal scholars (Romero, 2008). Also Yuval-Davis (2007) provides a forceful argument for why citizenship should matter for intersectionality. However, her analysis focuses on citizenship not primarily as the relation between an individual and the nation state, but as a multi-layered concept relating to belonging that can be attached to multiple political communities. This approach is in line with other contributions within citizenship studies that have contested the ‘conception of citizenship as merely a status held under the authority of a state’ and sought to broaden it to include various political and social struggles of recognition and redistribution (Isin and Turner, 2002: 2). Although it opens extremely productive avenues of analysis, this burgeoning interest in citizenship has mainly focused on ‘lived citizenship’ and has left the narrow concept of citizenship as a *legal status* in the shadows. In this article, we propose to return to it.

By contrast, citizenship status, and the exclusionary practices directed at those legally deemed non-citizens and ‘aliens’, have received considerable attention within criminology, sociology and socio-legal studies, particularly in the field often labelled crimmigration scholarship and border criminologies (see inter alia Aas and Bosworth, 2013; Barker, 2018; Bosworth et al., 2018; Franko, 2020; Stumpf, 2006). This body of work has provided ample documentation not only of the punitive and exclusionary policies stemming from the nature of contemporary citizenship regimes, but also of how they intersect with racialization (García, 2017; Parmar, 2018), ethnicity (Franko, 2020), gender (Canning, 2019; Golash-Boza and Hondagneu-Sotelo, 2013) and class (Melossi, 2003).

Scholarship on borders and criminal justice has not nurtured an explicit theoretical and analytical focus on intersectionality. In their edited collection on the subject, Bosworth et al. (2018: 3) observe that, despite notable exceptions, ‘for the most part, the ways that the intersection between migration, border control, and criminal justice create a dynamic system of racial and ethnic disparities remains under-explored theoretically and empirically’. As Vázquez (2018) points out, the enactment and implementation of migration and crime laws and policies in the United States have shaped and been shaped by race and racism. In recent years, the omission has been remedied by several contributions that have brought racialization and racism to the forefront of current scholarly

attention (see inter alia Bosworth et al., 2018; Parmar, 2018). Issues of citizenship and the illegalization of migration create a complexity, which in important ways challenges the capability of intersectionality's model (Sanchez, 2017: 52). Thus, far less is 'known about how "illegality" complicates racialized experiences, and even less is known about how gender and class further complicate this process' (García, 2017: 474). Several observers have called for a critical re-reading of intersectionality scholarship, one developing a better understanding of how the post-colonial condition demands a transcendence of the traditional 'race'–class–gender nexus and an acknowledgement of global divergences between social groups (Henne and Troshynski, 2013: 463). Such an endeavour means taking on board how citizenship functions as a global mechanism for distribution of privilege, and how it is intimately connected with criminalization and the use of state penal power (Aas and Bosworth, 2013; Aliverti, 2013; Barker, 2018; Franko, 2020).

There is a large and growing body of scholarship and political activism focusing on how social inequality shapes policing practices, definitions of crime and institutional responses to it, and 'how the justice system embodies, perpetuates, and transforms existing social inequalities such as race, class, and gender' (De Coster and Heimer, 2017; Paik, 2017: 4). Critical perspectives on the perceived neutrality of the law have always been a feature of intersectionality scholarship (Delgado and Stefancic, 2013; Robinson, 2013). An intersectional approach can undoubtedly provide the most productive framework for analysing the complex realities through which law creates and supports social marginalization. We, therefore, suggest that citizenship status (and the 'illegality' deriving from it) is a *structural condition* that should be acknowledged as one component inequality. In the following sections, we give empirical examples of how this inequality intersects with and shapes other categories such as 'race', ethnicity, gender and class. Our findings reveal how these facets are essentially connected though, in empirical terms, often impossible to disentangle. As we will show, racializing processes are shaping contemporary hierarchies of citizenship as well as reconfiguring the nature of poverty and social exclusion in a global society. In their assessment of intersectionality scholarship, Walby et al. (2012: 228) point out a tension between the notion of the mutual constitution of inequalities (Hancock, 2007) and the demand for the component inequalities to be made visible (Crenshaw, 1989, 1991). This dilemma may ultimately be irresolvable, but it is certainly present in this article.

While mindful that any attempt at disentanglement is fraught with difficulty, we also acknowledge that all intersectional approaches are necessarily particularized and, therefore, incomplete. Crenshaw's (1989) original intervention, for example, was limited to specific power structures surrounding Black women and did not interrogate Black men's intersectional marginalization vis-a-vis the criminal justice system. As Carbado et al. (2013: 304) point out, for this reason a particularized intersectional analysis or formation is always a work-in-progress, functioning as a condition of possibility for agents to move intersectionality to other social contexts and group formations. We therefore set out to make visible a single hitherto under-theorized structure of power: citizenship status.

Methods

The theoretical arguments presented in this article draw on collaborative work based on data sharing, lengthy dialogue and exchanges across several research projects¹ and sites

of inquiry in Scandinavia during the last 10 years. The empirical examples are selected from data collected by Dorina over several months, between 2017 and 2019, at sites in Denmark and Norway. Observations and ethnographic, semi-structured and life-story interviews were conducted at two prisons holding ‘foreign nationals’, two health clinics for ‘undocumented’ migrants and in several public settings, in Denmark and Norway. Fifty-seven women of 23 nationalities participated in the research. They were at different stages in their lives and of different ages. The majority were women of colour and socio-economically disadvantaged.

Gaining access to institutional sites and participants posed some challenges, in terms of formal and informal access. In Denmark, prison officials were apprehensive regarding the security environment and administrators at the clinics sought to prioritize the women’s well-being. Initially, the women also had concerns about anonymity, owing to their immigration status. In Norway, institutional access did not pose challenges, but access to participants in the health clinics was challenging, as they showed signs of research fatigue. The interviews were conducted by Dorina in English, Norwegian and Romanian, except for three cases when translators were used.

The sample included women whose legal status had changed following state intervention (i.e. through illegalization). We have chosen to use the term ‘illegalized’ to describe the women’s position and situation, as it describes an experience empirically closer to the women’s own orientation and experience. The term refers not only to their ‘irregular’ or ‘undocumented’ status in terms of legal residence, but also to a number of policing practices to which they were subjected.² As citizenship status and ‘illegality’ were key concerns as regards sampling, none of the interviewees held Danish or Norwegian citizenship. Some of the women did not have the legal right to enter Denmark or Norway. Others, including EU citizens, had entered legally but had exceeded their right to stay beyond a specific timeframe. Some had had their right to stay revoked owing to a criminal conviction (and were serving a prison sentence), while others had their asylum applications denied. A few women were waiting for a review of their application to stay, and could not access a number of other rights. In a research setting, women who are illegalized, incarcerated or otherwise disadvantaged by the system are considered ‘vulnerable’ and therefore the research design, data management and publication of the findings require specific ethical consideration that, in our case, was submitted to and approved by the Norwegian Centre for Research Data.

Our initial interest in the subject was sparked by our own positionalities. We are both non-citizen women living in Norway, though we enjoy the benefit of legal mobility and the privileges conferred by being middle class and white. It has been suggested that, in the field, common positions do not necessarily make ‘common individuals’ and that therefore researchers should ‘give up the idea of any assumed, a priori commonality with their research participants and instead set out to conduct research from a position of uncertainty’ (Nowicka and Ryan, 2015: 2). This position was adopted in the study. Although building rapport was made easier by our gender and non-citizenship and, in some cases, native language, differences in position related to racialization and class led to active interrogation of power disparities in the field (for instance reflected in the make-up of the sample or Dorina’s ability to leave the prison at any time and to access public spaces without fear of being stopped by the police). These disparities, therefore, informed the data and fieldwork, and eventually the analysis (Davis, 2014).³

Citizenship Status, 'Illegality' and Global Privilege

Citizenship is a formal demarcation of membership of a national community and therefore a social privilege. The privileges of citizenship are particularly evident when a national community belongs to a country in the global North, which has strong welfare provisions (Barker, 2018). The term citizenship refers both to a formal status and to substantive aspects pertaining to recognition and equality. When examined within a national frame of understanding, the universal aspects of citizenship are often seen as 'a public declaration of equality' (Western, 2014: 302). However, within a global frame, citizenship functions as a social stratification mechanism and its formal aspects come to the fore. As Bosniak (2017: 315) points out: 'at some moments and in some settings, universalist norms of citizenship are understood to extend only to those persons who possess status citizenship in the state in question. From this perspective, substantive citizenship is for status citizens only.'

The lack of formal citizenship thus means exclusion from the discourse and practices of equality and hence denotes an adverse condition (Bosniak, 2017). While recent political debate has focused on equality of racial, gender, sexual and other identities in terms of substantive citizenship (Isin and Nielsen, 2008), in most northern societies formal citizenship has also had greater political salience. In our study, we found that, even in prison, arguably among the most marginalized members of society, non-citizens are more marginalized than citizens. For example, in Vestfløyen prison, the foreign women's legal status put them into a separate category from Danish prisoners with whom they shared the wing. While Danish prisoners have access to traditional welfare rights, such as education, work and sport, non-citizens have a limited access to such benefits, following amendments to the Act on the Execution of Sentences (2018).

Most notably, the importance of formal citizenship has resulted in greater restrictions on terms of residence and increased exclusion of non-citizens who have been exposed to processes of illegalization (Aliverti, 2013). Solidified in the concept of 'illegal migration', these exclusionary practices of sovereign nation states are part of global regimes for the control of movement, and global hierarchies through which the mobility of some social groups and nationalities is encouraged and welcomed, while that of others incurs criminal sanctions (Franko, 2020). 'The accident of being born in the global South', as Dauvergne (2008: 17) puts it, thus becomes a legal handicap for citizens of these countries and carries with it a web of penal measures and criminal justice interventions. Dauvergne (2008: 8) observes that '[m]ore than any other phenomenon, illegal migration points up the immense and arbitrary privilege of birth in a prosperous state'.

These global hierarchies of citizenship and mobility create distinctions between what Bauman (1996) famously termed 'tourists' and 'vagabonds', shaping everyday language and state bureaucratic practices. These distinctions are situated within racialized, classed and post-colonial contexts. Accordingly, several observers have pointed out that 'migrant' is a racially coded label (De Genova and Peutz, 2010; Parmar, 2018), which is, as Basaran and Guild (2017: 273) suggest, reserved for those associated with particular origins and geographies, embedded in colonial politics and sustained in post-colonial imaginaries.

It can be argued that – like racialization – a person's legal status is imprinted on them, and that the condition of migrant 'illegality' is thus not only a juridical condition but, as

Willen (2007) shows, also an ontological one. In the case of the women in our study, this ontological reality of ‘illegality’ was viscerally felt because of their severely constrained life choices and inability to access social rights. Thus Awa, who had migrated from Gambia to Denmark, said:

I live in fear, because I don’t have documents. I don’t really go anywhere, I just go to work [cleaning] with my friends, and back home to sleep. I worry about this situation a lot of the time. Last night I spent all night crying and worrying and wondering how I can bring my children here from Gambia.

In another case, Amina, who migrated from Eritrea, experienced the constraints on her life choices to be so severe that she compared living in Norway with imprisonment: ‘If I had papers, I would be settled, I would have rights. But I don’t have rights. I cannot move. It is like a prison, a peace prison.’

An important factor in these statements is the fear of deportation. Although in recent years some liberal states, such as the UK, have expanded their powers of denationalization and thereby increased the deportability of their own citizens, normally, one of the main distinctions between citizens and non-citizens is that the latter are deportable (Gibney, 2013). Non-citizens are thus under the threat of various state actions and processes, such as police suspicion, detention, punishment and loss of welfare and social rights, which may ultimately lead to deportation (De Genova and Peutz, 2010; Franko, 2020). The constant fear and awareness of deportability not only radically reduced the quality of life of the women in our study, but also reduced their ability to access social rights. Fatima, who had travelled from Eritrea to Sudan and Libya and then, unsuccessfully, claimed asylum in Denmark, described her situation thus:

Since then it’s been difficult to be without papers, not to work, not to go to school. I’d like to go to school, but without papers, I can’t do anything. This is what I want the most, papers. I just work here and there; I rely on friends.

As we will show below, illegalization creates vulnerability and is intrinsically connected to social marginality, economic and sexual exploitability, and, potentially, violence. One is highly dependent on others to access life opportunities and has very little chance of having one’s voice heard. Spivak’s (1988) famous question – ‘can the subaltern speak?’ – has inspired productive debate about the structural implications of colonialism and racism, but we should also take note of the silencing that results from the structural conditions of fear of deportation within northern societies. In our study, we discovered that the women in prison seemed less reluctant to speak about their situation than those visiting health clinics for undocumented migrants. For most prisoners, deportation seemed a fait accompli, but those residing irregularly found themselves in a liminal position, where they still enjoyed territorial presence in the country, yet felt intensely vulnerable to police action.

So then, although in juridical terms the absence of formal citizenship and residence rights denotes a binary position, in terms of experience this is not simply a matter of status. Rather than being a static condition, as De Genova and Peutz (2010) point out, ‘illegality’ can be better described as a process of illegalization. An individual ‘can flit in

and out of [‘illegality’] depending on the relation between his and her movements and activities and the movements and activities of national, international and/or transnational agencies’ (Squire, 2011: 7). A person may thus enjoy probationary membership and a certain level of rights in a society, but these may be cancelled because of various state policies (Franko, 2020). Esen, for example, following a conviction, feared deportation to her country of origin, Afghanistan (which she had left as a child following religious persecution), rather than to Iran, where her extended family had refugee status. The possibility of being taken away from her husband and the life she had built in Norway caused her unbearable stress. She had attempted suicide, and struggled with depression. For Esen, the loss of membership, and the subsequent deportation to Afghanistan, carried particularly severe consequences since she was a woman with a prison conviction and a member of a religious minority.

Esen’s example shows the need to ‘examine the complexity, fluidity, and lived experiences that vary by social, political, and historical contexts’ and are conducive to illegalization (García, 2017: 477; Schrover et al., 2008). Although those who have been illegalized may represent a relatively small proportion of the population, the condition of potential deportability affects most of those who have the formal status of non-citizens. The social realities of non-citizenship and ‘illegality’ are shaped, nevertheless, by an intricate interplay of legal status and socio-political conditions, which we will now proceed to explore.

Legal Status, Poverty and Racialization

In our study, deportability and the processes of illegalization also overshadowed the lives of socio-economically disadvantaged European citizens who, in principle, should enjoy a number of legal protections from expulsion. Despite their legal status as citizens of the European Union/European Economic Area (EU/EEA) states, certain ethnic and racialized groups found their membership status to be unstable and under constant threat. This situation was the result of several policy developments. Following its expansion into Central and Eastern Europe, the EU established a legal framework, extending to the EEA, which limits the mobility of EU citizens who may constitute an ‘unreasonable burden’ on the social system of the host state (part of the framework being the Citizenship Directive 2004/38/EC). As Lafleur and Mescoli (2018) observe, poor Central and Eastern Europeans have been defined as ‘Euro-villains’ in discourse relating to European citizenship and welfare.

In our study, many of the users of services provided for ‘undocumented migrants’, such as the Oslo Red Cross Clinic, language cafes and various church activities, were racialized and ethnicized EU citizens. Although lacking in citizenship, they were in principle entitled to a number of welfare services, for example, the European Health Insurance Card, yet in practice, they often experienced obstacles when accessing these services (see also Balibar, 2004; Lafleur and Mescoli, 2018). Class was an important factor in this. However, the illegalization of the European poor is particularly pronounced when socio-economically disadvantaged people are racialized. The position of Roma⁴ in Europe, as racialized, criminalized and minoritized people, has been much discussed (see inter alia De Genova, 2016; Sigona and Trehan, 2009; Yıldız and De Genova, 2018).

However, as pointed out by Yuval-Davis et al. (2017), the intersection of racialization and class alone does not entirely explain their situation. Following the mobility allowed by 'EU-ropean citizenship', the re-racialization of the Roma has been entwined with their 'migrant' status (Yıldız and Genova, 2018; Yuval-Davis et al., 2017). The condition of deportability has thus also been a central factor in their abjection (Hepworth, 2012).

Like several other European states, Scandinavian countries have also criminalized, through national or local policies, survival strategies employed by the Roma, such as begging and rough sleeping (Friberg, 2020). The Roma women in this study were prey to constant fear and the threat of illegalization. A ban on begging and rough sleeping in Copenhagen and in Oslo, for instance, left Roma women feeling 'hounded by the police'. Unpaid fines following these offences, and the prospect of arrest, incarceration and ultimately deportation caused them constant stress, anxiety and fear. Lavinia, a Roma woman, and her husband survived on the small sums she got for returning bottles and cans to supermarkets. They sent part of the money back home to Lavinia's mother who was taking care of their child. The stricter policing of Roma in Copenhagen made her worried:

Lavinia: I think I got the bedbugs from that place where we slept last night.

Dorina: What kind of place is it?

Lavinia: We slept there before, lots of people sleep there, on mattresses on the floor. It's not good, it's not clean. Seventy-five crowns a night. [. . .] It's pretty hard to be on the street now. The police are stricter. A lot stricter. In the last two years, they've got so much stricter. They pick up people sleeping on the street, and then give them 21 days in prison and deportation. [. . .] I'm exhausted.

The ban on sleeping rough, naturally, mainly affects the most socio-economically disadvantaged populations. And although it is in principle a universal prohibition, addressing citizens and non-citizens alike, the repercussions of its breach are most acutely felt by the latter (i.e. fines and prison sentences resulting in deportation). It thus shows the intersection of legal structures with class, citizenship status and, as we shall see below, racialization.

Several of our interviewees also reported experiences of racial discrimination. At Vestre prison, Roma women were a relatively large group and believed that the officers 'really have it in' for them and 'are so much nicer to the Danish, to those who speaks Danish'. In one instance, as Dorina was sitting at the lunch table in the office, one officer commented that 'new people' would be 'coming in' that day. Another officer, sighed, feigning exasperation: 'Ugh, I'm sure it's . . .', then stopped and turned to Dorina, smiling, and said: 'You don't mind if I say . . . Romanians?' At Vestre prison, Roma and Romanian are categories collapsed together to refer to socio-economically disadvantaged and racialized prisoners. Irena, a Lithuanian woman awaiting deportation, commented:

I always thought Denmark was a good country, where everyone is equal. Then I got to prison and realized Denmark is a racist country. If you are foreign, they just want to kick you out of

the country, like you never existed in this country. And I came in here and realized the officers are racist. They always call me the 'Lithuanian', in a belittling way, but I have lived here for seven years, my family is here, my whole life is here. But it's worse for the Romanians, I mean the Roma women. I've heard the officers called them racist things. You know the old Roma lady, on the other side, like how she was a 'dirty gypsy, with no teeth'.

Reflecting on their situation, the women were keenly aware of their citizenship status and their position in the global hierarchy. They described the economic inequality between their countries of origin and Scandinavian countries and saw themselves as paying the price. They put their situation down to the fact that they were 'born in the wrong place', had a 'different skin colour' or were just 'trying to make ends meet'. They saw the Scandinavian system as being 'rigged against foreigners'. All the women emphasized the importance of having the legal rights of citizens and urged Dorina to acquire a Norwegian passport: 'You never know what might happen. Look at me? You don't want to end up in my situation', concluded Adela, who was in Kongsvinger prison, awaiting deportation to Bulgaria. 'Norwegian passport, no problems.' This inherent possibility of 'illegality' and deportation was deeply constraining in terms of their everyday life experiences, which, combined with racialization, created an entrenched sense that Scandinavian quality of life was unjustly for citizens only.

'They Say Women Have Rights Here': 'Illegality' and Gendered Vulnerabilities

In intersection with gender, 'illegality' produces specific vulnerabilities (Canning, 2019; Schrover et al., 2008), which may lead to gendered exploitation, abuse and violence. Although we do not set out to construct our interviewees simply as passive women or 'victims',⁵ our findings support other studies demonstrating that illegalized migrants find themselves exploited in the shadow economy, unable to challenge their employers, and are reliant mostly on their social networks (Bloch, 2013).

Most of the women in our study were the main or sole providers for their extended families and had found work through their networks, most often in child and elderly care and cleaning. They described situations where they were overworked and underpaid but had no other options available. They depended on their networks, or people with legal rights, not only to find work, but also to send money home, and for basic needs such as shelter and healthcare. This dependency was often exploited. Daya described the process of finding work and accommodation after her application for asylum was rejected. The process was facilitated by a man holding rights in Norway who required her to pay for his help with her labour and body:

So, I went for the interview [for asylum], and on the way back I took a taxi. The driver was from [redacted] so he asked me what I was doing here, right? So, I explained this and that, and he said that if I needed help, I just needed to call him. He gave me his phone number. I called him afterwards, and I asked him . . . I said, 'I need a place to stay, I need a job, could you help me?' So, he came and picked me up and drove me to his friend's place. And I stayed with him, because I had . . . I didn't know anyone else. I had . . . I had no money for rent either. The

cheapest thing was to be with him, to stay with him . . . Yes, so, uhm [clears throat], then I started looking for a job.

In Daya's case, gendered power inequalities were compounded by her lack of resources and a lack of settled residence status. In one of her relationships, a man threatened to report her to the authorities if she left the relationship.

Alya described being entirely dependent economically on her partner, who had legal rights in Norway. She did not have a social network and, like most other women in this study, she did not speak Norwegian and knew little about the services available to women. Her reliance on her partner made for an unequal and abusive relationship, where he controlled every aspect of her life, including her reproductive choices:

I had to do what he wanted. It was like [pause], it was him who decided everything. I couldn't keep myself going, with food, and [pause] it was like I was totally dependent on him. So, it was like that until I got pregnant. And I got pregnant immediately, because he refused to get me contraceptives, that's the kind of person he was. [. . .] I didn't know anything about child support. I didn't know how I would pay for electricity, how I would pay for rent. Everything, you know, everything [pause]. I couldn't speak the language. I didn't know anything [pause]. I was 19 years old.

As previous studies have shown, for illegalized women, their legal status is an additional and often insurmountable barrier to escaping abusive situations or accessing services, and they therefore tend to stay longer in abusive relationships (see inter alia Ammar et al., 2012; Moynihan et al., 2008).

Farah described a life permeated by violence at the hands of her partner. She recounted years of psychological, physical and sexual abuse that caused her to dissociate frequently and for prolonged periods, and that left a mark: 'It was really traumatizing. A lot of the time, I was just floating outside of my body.' Similarly to Alya, Farah's lack of language skills contributed to her social exclusion in terms of lived citizenship. However, illegalization compounded the women's vulnerability to gendered and sexual violence owing to a fear of deportation. Their examples also show that abusive partners can and do use the threat of deportation to prevent women from seeking help or leaving (see also Ammar et al., 2012).

For some of the women, the fear of deportation is exacerbated by fear of gendered repercussions in their country of origin. Adele, having received a deportation order following a criminal conviction, could not believe it. She had been a permanent resident, but not a citizen. She laughed at what she had thought: 'I was never told this permanent residence wasn't permanent at all.' But her laughter turned to tears, when she talked about deportation. She would be deported after 20 years in Norway – forced to leave her three children behind: 'The real punishment is losing my children.' She also feared the consequences of returning to a conservative, religious society, with strict gender roles:

They say women have rights here. Where are these rights? Where are these rights? How can they do this to a woman like me? Take me away from my children. Send me back to [country redacted]? After 20 years here, I grew up here, I was formed as an adult here. What awaits me in [country redacted]? Nothing. Should I prostitute myself? Sell my body? Because in [country

redacted] I am a whore. I was with Norwegian men, so I'm a whore. No [nationality redacted] man will marry me. I have tattoos. Tattoos alone will get me a knife in the back from my own family. My parents [pause], I don't want to speak ill of them, but they don't support me in any way, all I was good for was to send money. I have nothing in [country redacted]. They want to send me there after 20 years. It's a different culture. Where are these rights? Women's rights? How can they do this to a woman?

Although set in a broader context of stricter immigration and deportation policies in Norway (Franko, 2020), Adele's statement reveals that vulnerability is a multi-layered phenomenon where structural, community and individual factors come together to produce specific harms. The combined force of criminal law, immigration law and deportation regimes creates conditions for gendered vulnerabilities and in various ways makes the state complicit in the gendered and sexual violence inflicted upon the women (see also Abji, 2016; Canning, 2019). While vulnerability is specific and localized, and may manifest unevenly across women's bodies (Page, 2018), 'illegality' and the absence of rights, help produce the conditions for gendered harms, exploitation and abuse within specific communities and at an inter-personal level.

Conclusion

The women in this study found themselves in the care or custody of institutions designed exclusively for non-citizens. Such institutions, along with detention centres, camps, processing and identification sites and the like, have been multiplying across Europe (Majcher et al., 2020). Although the importance of citizenship is difficult to ignore in such settings, our data show how the lack of formal membership also affects everyday lives outside institutional settings, and creates fear, social marginality and vulnerability to exploitation.

Our methodological design did not enable us to compare groups with and without citizenship status. However, our findings show that illegalization plays a central role in the shaping of other categories of social disadvantage, especially those associated with class, racialization and gender. Nevertheless, rather than seeing 'illegality' as a category that can be clearly distinguished from others, it may be more productive to examine the processes through which various categories are shaped by others. Racial and colonial hierarchies are built into citizenship categorizations by immigration authorities' use of colour schemes to sort border-crossers into white, grey and blacklisted countries (Guild, 2009). In Europe, citizenship and residence regimes are also productive of racialized and ethnicized hierarchies, including in the case of East-European citizens, especially Roma. Their otherness is reinforced and institutionalized by various processes of illegalization.

We have also argued the importance of context, complexity and fluidity (Hancock, 2007). The dilemma, as Walby et al. (2012: 228) point out, is how 'to balance the stability and fluidity of inequalities so they are sufficiently stable as to be available for empirical analysis, while recognizing that they change'. Although they are seemingly stable legal categories, citizenship status and 'illegality' are rendered fluid and contextually dependent by state authorities' actions, which are shaped by perceptions of gender, 'race', ethnicity, religion and class.

Dembour (2015: 503) points out that differential treatment on the basis of nationality and citizenship can be seen as a ‘form of institutionalized racism or at least discrimination’. In scholarly literature, the knowledge about intersections of multiple inequalities has been linked to political intersectionality and projects focused on addressing discrimination, including legal redress (Collins and Bilge, 2020; Crenshaw, 1991; Walby et al., 2012). In that respect, social disadvantages related to citizenship and ‘illegality’ represent a challenge. How can legal redress be provided when the problem itself lies in the present legal order and the sovereign prerogative to differentiate between members and non-members? As Dauvergne (2008: 27) observes, ‘illegality and sovereignty have a reciprocal relationship’. Consequently, it has proved difficult to use the law to alleviate this legally produced condition: ‘The law is a necessary site for constructing illegality, but is much less apt for remedying it’ (Dauvergne, 2008: 27).

Although international human rights regimes might naturally be expected to provide such a remedy, juridical attempts at defining non-citizens as bearers of rights have been fraught with difficulty. As Dembour’s (2015) comprehensive study shows, even in the eyes of the European Court of Human Rights – the symbolic and institutional embodiment of European justice – migrants are still primarily defined by their alien status. This means that human rights take second place to the sovereignty principle (Dembour, 2015: 504). Like attempts to remedy racialized, classed and gendered inequality, addressing social inequalities stemming from citizenship and ‘illegality’ rocks the foundations of power relations in contemporary societies. Citizenship, and the privileges deriving from it, are intimately connected with state sovereignty, and are one of the most jealously guarded social distinctions in the present global order (Sassen, 1996). This article is written in the hope that recognizing how social disadvantage intersects with legal categories may pave the way to the destabilization of socio-legal regimes that, at present, seem largely immune to change.

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Notes

1. ‘NORDHOST: Nordic Hospitalities in a Context of Migration and Refugee Crisis’, ‘Crime Control in the Borderlands of Europe’.
2. For a detailed discussion and problematization of these categories and terms in migration research, see Franko (2020) and Schrover et al. (2008).
3. See also Damsa’s (forthcoming) doctoral dissertation for an in-depth discussion of positionality in this study.

4. 'Roma' represents heterogeneous populations across the world, including many nationalities, languages, customs and levels of prosperity. In presenting our findings, we use the term 'Roma' to refer to those who identified as 'Roma', 'gypsies' and 'Romanian Roma'.
5. Literature addressing 'illegality' from a gendered perspective has generally leaned towards depicting women's experiences of victimhood, partly owing to the predominant focus being on trafficking, prostitution and gendered and sexual violence (Schrover et al., 2008).

References

- Aas KF and Bosworth M (2013) *Borders of Punishment: Migration, Citizenship, and Social Exclusion*. Oxford: Oxford University Press.
- Abji S (2016) 'Because deportation is violence against women': On the politics of state responsibility and women's human rights. *Social Politics: International Studies in Gender, State & Society* 23(4): 483–507.
- Aliverti AJ (2013) *Crimes of Mobility: Criminal Law and the Regulation of Immigration*. London: Routledge.
- Ammar NH, Orloff LE, Dutton MA, et al. (2012) Battered immigrant women in the United States and protection orders: An exploratory research. *Criminal Justice Review* 37(3): 337–359.
- Balibar É (2004) *We, the People of Europe? Reflections on Transnational Citizenship*. Princeton: Princeton University Press.
- Barker V (2018) *Nordic Nationalism and Penal Order: Walling the Welfare State*. London: Routledge.
- Basaran T and Guild E (2017) Mobilities, ruptures, transitions. In: Basaran T, Bigo D, Guittet E-P, et al. (eds) *International Political Sociology Transversal Lines*. Abingdon: Routledge.
- Bauman Z (1996) *Tourists and Vagabonds: Heroes and Victims of Postmodernity*. Reihe Politikwissenschaft/Institut für Höhere Studien. Wien: Institut für Höhere Studien.
- Bloch A (2013) The labour market experiences and strategies of young undocumented migrants. *Work, Employment and Society* 27(2): 272–287.
- Bosniak L (2017) Status non-citizens. In: Shachar A, Baubock R and Bloemraad I (eds) *The Oxford Handbook of Citizenship*. Oxford: Oxford University Press, pp.314–336.
- Bosworth M, Parmar A and Vázquez Y (2018) *Race, Criminal Justice, and Migration Control: Enforcing the Boundaries of Belonging*. Oxford: Oxford University Press.
- Canning V (2019) *Gendered Harm and Structural Violence in the British Asylum System*. New York, NY: Taylor and Francis.
- Carbado DW, Crenshaw KW, Mays VM, et al. (2013) Intersectionality: Mapping the movements of a theory. *Du Bois Review* 10(2): 303–312.
- Carlton B and Segrave M (2013) *Women Exiting Prison: Critical Essays on Gender, Post-Release Support and Survival*. New York, NY: Routledge.
- Cho S (2013) Post-intersectionality: The curious reception of intersectionality in legal scholarship. *Du Bois Review* 10(2): 385–404.
- Cho S, Crenshaw KW and McCall L (2013) Toward a field of intersectionality studies: Theory, applications, and praxis. *Signs: Journal of Women in Culture and Society* 38(4): 785–810.
- Collins PH and Bilge S (2020) *Intersectionality: Key Concepts Series*. Cambridge/Malden: Polity Press.
- Crenshaw K (1991) Mapping the margins: Intersectionality, identity politics, and violence against women of color. *Stanford Law Review* 43(6): 1241–1299.
- Crenshaw KW (1989) Demarginalizing the intersection of race and sex: A Black feminist critique of antidiscrimination doctrine. *University of Chicago Legal Forum* 1989: 139–168.

- Damsa D (Forthcoming) *'My life will be over': Women and bordered penalty in the Nordic welfare state*. PhD Dissertation, University of Oslo, Oslo.
- Davis K (2014) Intersectionality as a critical methodology. In: Lykke N (ed.) *Writing Academic Texts Differently: Intersectional Feminist Methodologies and the Playful Art of Writing*. New York, NY: Routledge, pp.268–281.
- Dauvergne C (2008) *Making People Illegal: What Globalization Means for Migration and Law*. Cambridge: Cambridge University Press.
- De Coster S and Heimer K (2017) Choice within constraint: An explanation of crime at the intersections. *Theoretical Criminology* 21(1): 11–22.
- De Genova N (2016) The European question: Migration, race, and postcoloniality in Europe. *Social Text* 34(3): 75–102.
- De Genova N and Peutz NM (eds) (2010) *The Deportation Regime: Sovereignty, Space, and the Freedom of Movement*. Durham, NC: Duke University Press.
- Delgado R and Stefancic J (2013) *Critical Race Theory: The Cutting Edge*, 3rd edn. Philadelphia, PA: Temple University Press.
- Dembour M-B (2015) *When Humans Become Migrants: Study of the European Court of Human Rights with an Inter-American Counterpoint*. Oxford/New York, NY: Oxford University Press.
- Friberg JH (2020) Poverty, networks, resistance: The economic sociology of Roma migration for begging. *Migration Studies* 8(2): 228–249.
- Franko K (2020) *The Crimmigrant Other: Migration and Penal Power*. London: Routledge.
- García SJ (2017) Racializing 'illegality': An intersectional approach to understanding how Mexican-origin women navigate an anti-immigrant climate. *Sociology of Race and Ethnicity* 3(4): 474–490.
- Golash-Boza T and Hondagneu-Sotelo P (2013) Latino immigrant men and the deportation crisis: A gendered racial removal program. *Latino Studies* 11(3): 271–292.
- Gibney MJ (2013) Is deportation a form of forced migration? *Refugee Survey Quarterly*, 32(2):116–129.
- Gonzales RG and Sigona N (eds) (2017) *Within and Beyond Citizenship*. Abingdon: Routledge.
- Guild E (2009) *Security and Migration in the 21st Century*. Cambridge: Polity.
- Hancock A-M (2007) When multiplication doesn't equal quick addition: Examining intersectionality as a research paradigm. *Perspectives on Politics* 5(1): 63–79.
- Hancock A-M (2016) *Intersectionality: An Intellectual History*. Oxford: Oxford University Press.
- Henne K and Troshynski E (2013) Mapping the margins of intersectionality: Criminological possibilities in a transnational world. *Theoretical Criminology* 17(4): 455–473.
- Hepworth DK (2012) Abject citizens: Italian 'nomad emergencies' and the deportability of Romanian Roma. *Citizenship Studies* 16(3–4): 431–449.
- Isin EF and Nielsen GM (eds) (2008) *Acts of Citizenship*. London: Zed Books.
- Isin EF and Turner BS (2002) *Handbook of Citizenship Studies*. London: SAGE.
- Lafleur J-M and Mescoli E (2018) Creating undocumented EU migrants through welfare: A conceptualization of undeserving and precarious citizenship. *Sociology* 52(3): 480–496.
- Majcher I, Flynn M and Grange M (eds) (2020) *Immigration Detention in the European Union: In the Shadow of the 'Crisis'*. Cham, Switzerland: Springer International Publishing.
- Melossi D (2003) In a Peaceful Life: Migration and the Crime of Modernity in Europe/Italy. *Punishment & Society* 5(4): 371–97.
- Moynihan B, Gaboury MT and Onken KJ (2008) Undocumented and unprotected immigrant women and children in harm's way. *Journal of Forensic Nursing* 4(3): 123–129.
- Nowicka M and Ryan L (2015) Beyond insiders and outsiders in migration research: Rejecting a priori commonalities. Introduction to the FQS thematic section on 'Researcher, Migrant,

- Woman: Methodological Implications of Multiple Positionalities in Migration Studies'. *Forum: Qualitative Social Research* 16(2).
- Page T (2018) Sustaining life: Rethinking modes of agency in vulnerability. *Australian Feminist Studies* 33(97): 281–298.
- Paik L (2017) Critical perspectives on intersectionality and criminology: Introduction. *Theoretical Criminology* 21(1): 4–10.
- Parmar A (2018) Policing belonging: Race and nation in the UK. In: Bosworth M, Parmar A and Vázquez Y (eds) *Race, Criminal Justice, and Migration Control: Enforcing the Boundaries of Belonging*. Oxford: Oxford University Press, pp.108–124.
- Robinson T (2013) The properties of citizens: A Caribbean grammar of conjugal categories. *Du Bois Review* 10(2): 425–446.
- Romero M (2008) The inclusion of citizenship status in intersectionality: What immigration raids tells us about mixed-status families, the state and assimilation. *International Journal of Sociology of the Family* 34(2):131–152.
- Sanchez G (2017) Beyond the matrix of oppression: Reframing human smuggling through intersectionality-informed approaches. *Theoretical Criminology* 21(1): 46–56.
- Sassen S (1996) *Losing Control: Sovereignty in an Age of Globalization*. New York, NY: Columbia University Press.
- Schrover M, van der Leun J, Lucassen L, et al. (eds) (2008) *Illegal Migration and Gender in a Global and Historical Perspective*. Amsterdam, The Netherlands: Amsterdam University Press.
- Sigona N and Trehan N (2009) *Romani Politics in Contemporary Europe: Poverty, Ethnic Mobilization, and the Neoliberal Order*. London: Palgrave Macmillan.
- Spivak C (1988) Can the subaltern speak? In: Cary Nelson C and Grossberg L (eds) *Marxism and Interpretation of Culture*. Urbana, IL: University of Illinois, pp.271–313.
- Squire V (ed.) (2011) *The Contested Politics of Mobility: Borderzones and Irregularity*. New York, NY: Routledge.
- Stumpf J (2006) The crimmigration crisis: Immigrants, crime, and sovereign power. *American University Law Review* 56(2): 367–419.
- Vázquez Y (2018) Race, criminal justice, and migration control: Enforcing the boundaries of belonging. In: Bosworth M, Parmar A and Vázquez Y (eds) *Enforcing the Politics of Race and Identity in Migration and Crime Control Policies*. Oxford: Oxford University Press, pp.142–158.
- Walby S, Armstrong J and Strid S (2012) Intersectionality: Multiple inequalities in social theory. *Sociology* 46(2): 224–240.
- Western B (2014) Incarceration, inequality, and imagining alternatives. *The Annals of the American Academy of Political and Social Science* 651(1): 302–306.
- Willen SS (2007) Toward a critical phenomenology of ‘illegality’: State power, criminalization, and abjectivity among undocumented migrant workers in Tel Aviv, Israel. *International Migration* 45(3): 8–38.
- Yıldız C and Genova ND (2018) Un/free mobility: Roma migrants in the European Union. *Social Identities* 24(4): 425–441.
- Yuval-Davis N (2007) Intersectionality, citizenship and contemporary politics of belonging. *Critical Review of International Social and Political Philosophy* 10(4): 561–574.
- Yuval-Davis N, Wemyss G and Cassidy K (2017) Introduction to the special issue: Racialized bordering discourses on European Roma. *Ethnic and Racial Studies* 40(7): 1047–1057.
- Yuval-Davis PN and Werbner P (eds) (1999) *Women, Citizenship and Difference*. New York, NY: Zed Books.

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Punished and banished –
Non-citizen women's experiences in a Danish prison

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Abstract

Nordic states have employed discourses of gender equality and women's rights and a welfare-oriented approach to punishment as integral parts of their 'goodness'. Drawing on ethnographic fieldwork with non-citizen women at Vestre prison, in Denmark, this paper suggests that the will to punish and banish prevails over the state's commitment to women's rights and protection. Employing precarisation, incarceration, and deportation as means to govern unwanted non-citizens and (re)produce the borders of belonging and membership, the Danish state produces the conditions that render women vulnerable to gendered harm. Bordered penalty, this paper concludes, is gendered.

Keywords: bordered penalty, deportation, gender, non-citizens, pains of imprisonment, politics of pain

Introduction

The permanent representative of Denmark to the United Nations recently pledged that ‘Denmark will continue to fight for gender equality and equal rights’, as the country is ‘well known for its efforts to advance gender equality – not only in a national context but also through [...] development cooperation on the ground and in multilateral fora’ (Hermann 2022). Indeed, Denmark has consistently topped the Global Gender Equality Indexes, has ratified international human rights conventions protecting women’s rights, and has woven gender equality requirements into foreign policy initiatives. Danes (part of Norden) have built an international ‘best at being good’ brand, routinely employing gender equality and women’s rights towards this end (Larsen *et al.* 2021; Lawler 1997). Punishment, too, is part of these discourses, an integral part of the ‘inclusive and ambitious’ Nordic welfare state (Ugelvik 2016, p.389; Lohne forthcoming). Nevertheless, gender equality in Danish penal institutions has its limits (Mathiassen 2017) and the nature of penal power directed at non-citizens in Denmark is increasingly exclusionary (Barker and Smith 2021).

This paper seeks to explicate whether the Danish state is committed to women’s protection and a welfare-oriented approach to punishment or to an exclusionary penal power directed at non-citizens. I do so by empirically examining non-citizen women’s experiences of incarceration at Vestre prison in Copenhagen, as they relate to recent stringent penal policies in Danish prisons. First, enhanced security measures have resulted in a more stringent prison regime for the entire population and an increase in the use of solitary confinement. Second, non-citizens’ access to welfare services in prison has been curtailed and the Danish Prison and Probations Service’s (hereafter Service) responsibility to develop release plans has been terminated by amendments to the Act on the Execution of Sentences. In addition, amendments to the Danish Aliens Act allows for the deportation of non-citizens following prison sentences. Danish politicians mean this as a clear signal to non-citizens that they will be subjected to ‘real punishment’ and that they are ‘deportable’ from Denmark (Folketinget, 2016; Justitsministeriet 2016, 2018). These measures undermine core principles of Danish penality, that is, the normalisation and openness of prison life and the development of prisoners for reintegration into society (Damsa 2021; Engbo 2021; Minke 2021; Smith 2021) and challenge current legal and political commitments to women’s human rights and protection from gender-based violence and discrimination, e.g. ‘The Council of Europe

Convention on Preventing and Combating Violence against Women and Domestic Violence' (CETS 210). Considering this, my intention is to examine what these developments mean for incarcerated women, as mediated by gender, non-citizenship, and their intersection.

I begin by outlining scholarly perspectives on the imprisonment of women and of non-citizens, with a focus on the Nordic region. Scholarship challenges the presence of gender equality in carceral spaces. It also highlights the emergence of differentiation and an exclusionary penal power directed at non-citizens, described as 'bordered penalty' (Aas, 2014). The paper also presents studies on the experiences of incarcerated non-citizens women using the conceptual framework of 'pains of imprisonment' (Crewe, 2011). The paper turns to women's experiences at Vestre prison in light of the recent increase in punitiveness, the limitations on welfare services available to non-citizens, and the deportation of non-citizens convicted of crime. The paper suggests that some of the women's experience may be described as pains of imprisonment; other, in view of citizenship status, are best understood as 'political statements' (Bosworth, 2021). The paper draws attention to the emergence of differentiation by citizenship status in the Danish penal system and the implications of this for non-citizen women. The deportation regime in particular produces the possibility of gendered harm, causing tensions with Denmark's commitment to the rights and protection of women.

Women and penal power in the Nordic region

Nordic states have built an international reputation as 'good punishers' (Nilsson, 2012; Lohne forthcoming; Ugelvik 2016), whose approach to punishment is humane, if not exceptional (Pratt 2008). Nordic scholars, however, have been somewhat reluctant to embrace this exceptionalism thesis. Barker (2018) suggests that looking at how Nordic welfare states exercise rather than minimise penal power allows for a new way of understanding it. Scholars point to the paternalistic and intrusiveness of Nordic penal power, its harsh prison practises such as solitary confinement, and its exclusionary approach directed at non-citizens (Barker and Smith 2021; Smith and Ugelvik 2017; Ugelvik and Damsa 2018; Ugelvik and Dullum 2012). Prison research in the Nordic region has focused primarily on men, a notable exception being Mathiassen's (2017) work on women in Danish prisons (also Lindberg 2005 in Sweden and Ystanes and Ugelvik 2020 in Norway). She suggests that incarcerated women, a minority in Danish prisons, live a 'relatively invisible and

silent life both in practice and in research’ (p.79), much like in other jurisdictions (Hector 2020). This is even more so the case of non-citizen women.

In her research of Danish mixed-gender prisons, Mathiassen (2017) asks whether one can live ‘a viable life in prison as a woman’ (p.386). She suggests that the principle of normalisation (the expectation that life in prison should resemble life outside as much as possible), a core principle of the Service, is built on heteronormative assumptions of gender relations and ignores other ways of doing gender and sexuality. Moreover, women become a gendered minority in carceral settings, thus not reflecting life in Danish society. Women who require protection from gendered harm may not have their needs met and are often moved to remand facilities as a solution, making mixed-gender prisons more restrictive for them. Mathiassen (2017) argues that mixed-gender prisons violate the principle of gender equality since ‘interventions to protect vulnerable women risk making them “non-existent” and impede their possibilities of living viable lives’ (p.388). Therefore, in certain circumstances mixed-gender prisons may work to maintain the *status quo* and the institution’s power rather than the equality and welfare of women, in contradistinction to the tenets of the Nordic welfare state.

Non-citizens and penal power in the welfare state

What happens then when gender inequalities intersect with other inequalities in carceral spaces? Research in other jurisdictions shows that penal institutions are spaces where historical, structural, and life-long gendered disadvantages are compounded. In prison, women continue to experience gendered, classed, and racialized inequalities (Carlton and Segrave 2013; George *et al.* 2020; Hector 2020; Monchalin 2016; Owen *et al.* 2017; Scraton and Moore 2014). These inequalities are reinforced and (re)created in novel, contextually dependent configurations through the contemporary citizenship regime (Basaran and Guild, 2017; Bosniak, 2006). Scholars in the fields of criminology, sociology, and socio-legal studies have also noted the punitive and exclusionary practices directed at non-citizens in affluent Western states.

A growing body of scholarship, in the field of border criminologies, is concerned with the ‘constitutive relationship between borders, migration control, and criminal justice’, specifically the reorientation of the criminal justice system around ‘matters of citizenship’ (Bosworth 2017, pp.373–376; see also Aliverti 2013; Aas 2014; Barker 2018; Barker and Smith 2021; Franko 2020;

Kaufman 2015; Stumpf 2006). Building on crimmigration scholarship, Franko (2020; Aas 2014) argues that border controls have been transformative of penal power. The entanglement of immigration and criminal law and their interchangeability and mutual reinforcement work to destabilise the ordinary framing of justice, punishment, and membership. These two spheres, however, also produce differentiation within the criminal justice. Franko calls these novel penal configurations ‘bordered penalty’ (Aas 2014, p.525). Under the gaze of penal power, non-citizenship becomes an ‘adverse condition’ (Bosniak 2006, p.317) as a more ‘openly exclusionary’ bordered penalty is employed to guard the order of formal citizenship and its rights and privileges (Aas 2014, p.520).

Penal power is employed to delineate belonging and membership and reflects the limits of the welfare state (Aas, 2014; Barker 2018; Bosworth *et al.* 2016; Franko 2020; Kaufman 2015; Stumpf 2006; Ugelvik 2013). Kaufman (2015), for instance, argues that the differentiation between citizens and non-citizens in penal institutions promotes a contingent conception of citizenship. The project of penalty is understood ‘to identify and reinforce the nation-state, not only by reforming its deviant members but by determining its edges as well’ (Kaufman 2015, p.140). Barker (2018), too, argues that an assemblage of coercive tools (expulsion, eviction, criminalization, and penalization) is employed by the state in response to global mobility to preserve welfare benefits for citizens and reaffirm national identity. Looking at detention centres in Denmark, Barker and Smith (2021) argue that the detention and deportation of non-citizens works to preserve the enviable dimensions of Nordic welfare states, ‘driv[ing] their protectionism and exclusionary approach towards outsiders’ (p.1451).

[The pains and politics of penal institutions](#)

Within prison studies, penal subjectivities have been conceptualized based on Gresham Sykes’ framework of ‘pains of imprisonment’ (see Haggerty and Bucierius 2020 for a review). In its most recent iteration, this framework relates pain to the inherent features of imprisonment, specific policies, and institutional practises resulting from abuses and the unprofessionalism of prison staff, the prisoners’ identities, and their understanding and expectation of punishment (Crewe 2011; Crewe *et al.* 2014). Prison researchers have used this framework to describe the experiences of both incarcerated women (Carlen and Tombs 2006; Crewe *et al.* 2017) and incarcerated non-

citizen men (Brouwer 2020; Liebling *et al.* 2021; Turnbull and Hasselberg 2017; Ugelvik and Damsa 2018; Warr 2016). Gender and citizenship status, then, both appear to shape the experience of imprisonment.

Specific literature on the experiences of incarcerated non-citizen women is rather sparse. Nonetheless, Matos (2016) compellingly argues that prison should be rethought from a lens of gender and citizenship. Looking at non-citizen women's migratory paths up to their imprisonment, she suggests that they are shaped by the 'circumstances of gender and citizenship' (p.350). In the Portuguese prisons she studies, citizenship also serves to organise social relationships, producing localised, nationalist, and racialized hierarchies, enacted by both prisoners and officers. Moreover, citizenship also affects access to the outside world and the rationales of deportation. Similarly, Ballesteros-Pena (2020), identifying the imprisonment pains of 'discrimination', 'global poverty', and 'self-government for the racialized other' in the case of non-citizen women, argues that reintegration, one of the hoped-for outcomes of imprisonment in welfare states is significantly altered or no longer exists for non-citizens.

How gender and citizenship status intersect in confinement spaces has also emerged in research on the detention of non-citizen women (Canning 2014, 2017). While detention and prison differ in terms of legal and 'penal logics' (Bosworth and Turnbull 2015), the reach of penal power in prisons sheds light on the experiences of non-citizen women. Canning (2020), for instance, draws attention to women's experiences in relation to bordering processes and practises, including confinement, given 'the gendered differences in trajectories of violence and abuse disproportionately faced by girls and women, specifically sexual and domestic violence' (p.260). Having conducted extensive research in Denmark, Sweden, and the United Kingdom, Canning (2017) shows how 'the use of detention, internalised controls, reductions in in-country rights and procedural safeguards, have a damaging impact on the lives and wellbeing of women survivors of torture, sexual and domestic violence' (p.46). Confinement, therefore, further degrades women's lives and rights.

Incarceration is experienced as degrading irrespective of gender and so are its attendant deprivations – among them, the loss of freedom, autonomy, privacy, relationships, a sense of safety, and time. Both women and men find the material conditions of the prison taxing, especially

housing conditions and inadequate food, and suffer from uncaring and abusive staff (Hector 2020; Liebling and Maruna 2013; Owen *et al.* 2017; Sumner and Sexton 2016). Nonetheless, in some ways women experience heightened pains of imprisonment (Carlen and Worrall 2006; Crewe *et al.* 2017; Owen *et al.* 2017). The heteronormativity of the carceral system causes a pronounced loss of safety in relation to gendered and sexualized violence for women in mixed-gender prisons and LGBTQIA+ prisoners (especially transgender) in gender-segregated prisons (Mathiassen 2017; Sexton *et al.* 2010; Sumner and Sexton 2016). Healthcare is experienced as inadequate – women lack access to screening for breast and uterine cancers and experience inadequate pre- and post-natal care, and transgender women lack access to gender-affirming care (Owen *et al.* 2017; Sevelius and Jenness 2017). For mothers, being away from their children is the most painful aspect of imprisonment (Carlen and Worrall 2004; Enos 1997; Ystanes and Ugelvik 2020).

Some scholars, however, warn against dichotomous constructions of women in carceral spaces as either ‘victims’ or ‘resisters’, not only through political discourse, but also in literature (Fili 2013). Fili (2013) advocates ‘for an appreciation of a more complex account of subjectivities that allows space for multiplicity’ (p.6). Drawing on research in Greek prisons, she argues that incarcerated women are in constant dialogue with the institutions, negotiating their position. Damsa (2019) also suggests that non-citizen women incarcerated in Norway, while in precarious positions, do not see themselves along the binary of victimhood/resistance and, despite the state’s interference, they seek to create new situations in order to achieve their goals.

Literature on the experiences of incarcerated non-citizen men in other affluent Western states also shows that some of the pains experienced by non-citizens are dependent on their citizenship status and legal configurations of bordered penalty. Non-citizen men incarcerated in Norway and the Netherlands describe the double punishment of being incarcerated and then deported, speaking to the deficit of legitimacy of bordered punishment (Brouwer 2020; di Molfetta and Brouwer 2019; Liebling *et al.* 2021; Ugelvik and Damsa 2018). These reflections on legitimacy point to the politics of bordered penalty. Thus, Bosworth (2021) argues for approaching non-citizen’s pains in detention as ‘political statements which [...] demand a political response’ rather than ‘sociological statements of suffering, caused by the loss of liberty’ (p.1). Likewise, I argue that conceptualizing non-citizen women’s experiences as political is also fitting within the context of bordered penalty.

The paper explores gender, non-citizenship, and their intersection under the gaze of penal power in relation to the perspectives and experiences of non-citizen women. The aim is to determine what their experiences reveal about the Danish penal system and the nature and purpose penal power directed at women more broadly, and non-citizen women in particular. What prevails when the state's objectives of border enforcement and protection of the citizenship regime meet the concern with women's rights?

Methods

The findings in this article are based on research in the women's wing at Vestre prison in February 2018. Vestre is Denmark's largest (primarily remand) prison with 506 cells. The wing in which I conducted my research has thirty-three cells. However, at the time of the research it was over-capacity, holding roughly forty-five persons, women and men, of different citizenships and at different stages in their sentencing. My research included observation, ethnographic interviews, and semi-structured interviews with eighteen of the twenty women in the wing. Fifteen women were non-citizens and three were Danish citizens. Most were women of colour. The women varied in age, socio-economic status (most in a strained financial situation), and at different life stages. Some were mothers, and one woman was pregnant.

While there is a growing need to document the experiences of incarcerated non-citizen women, as their numbers have been slightly increasing in Danish prisons, there are several challenges associated with this type of research. For most women in Vestre, imprisonment is a culmination of lifelong harms, and research such as this entails legal and psychological risks, for example, re-traumatisation, the invasion of privacy, stigmatisation, or self-incrimination (Carlton and Segrave 2013; Kyriakakis *et al.* 2015). Ensuring a safe environment, anonymity, and confidentiality were paramount, particularly since the women were concerned with their immigration status in Denmark.

Due to the stringent security regime not allowing electronic devices, data were collected through a mix of standard ethnographic practises (extensive observation notes and interview notes, including verbatim quotations). Besides the content of the women's stories, their style, tone, intonation, and demeanour were noted, as were sensorial experiences. The ethnographic data and

self-reported data were analysed to identify themes related to the experience of incarceration as well as new themes (Braun and Clarke 2006).

While the size of the sample and the specificities of Vestre prison may represent limitation, the aim of this study is to capture parts of the whole and open avenues for further research on the gendered and bordered nature of contemporary penal power in Denmark.

Women's experiences in a Danish prison

First, the women described experiences related to the stringent security regime, limited physical freedom and autonomy, and the many disciplinary sanctions. They also spoke of the tenuous nature of security on the wing, especially because of deteriorating relationships with officers. These experiences produced by penal institutions are conceptualised in literature as pains of imprisonment (Crewe, 2011). Next, the women described experiences in light of their non-citizenship and at the intersection of non-citizenship and gender. Seen within the broader Danish legal and political context and a global context of inequality and hierarchy (re)produced by the current citizenship regime, non-citizen women's experiences are, indeed, best understood as political statements (Bosworth, 2021). They reflect the emergence of a differentiated governance of non-citizens: through bordered penalty and precarisation, as penal intervention shifts from 'reintegration back into society to deportation and territorial exclusion' (Aas 2014, p.520). In the following, these experiences will be presented in more detail.

A stringent security regime

Women incarcerated in Vestre experienced the layered loss of personal freedom, autonomy, and privacy produced by incarceration. Their experiences, however, were exacerbated by the recent, more punitive policies designed to create a stringent prison regime. The list of offences in the national guidelines punishable with disciplinary solitary confinement has increased to include abusive language, the possession of a phone, and smoking indoors. Body and cell searches have also become more invasive. In certain circumstances, prison officers are *required* to punish prisoners with disciplinary solitary confinement following national guidelines (Damsa 2021; Engbo 2021; Minke 2019, 2021; Smith 2021). The recent focus on security, order, and control has

produced a prison regime where solitary confinement has become routine, with severe consequences for the women's mental and physical health and wellbeing.

The various forms of disciplinary solitary confinement (locked in one's cell or the isolation cell) were described by the women in this study as additional punishments and the most difficult feature of prison life. Prolonged periods of isolation, in particular, were experienced as deeply distressing and harmful. Aasha, for instance, claimed her physical and psychological wellbeing was significantly impacted. She described five months spent in isolation as inhuman: 'Isolation [solitary confinement] was awful, it kills everything, all creativity. When I went outside, I was supervised by three officers, like I was dangerous. I was restrained. I was just shocked. I cried and cried. We might be criminals, but we're still human. Iso is not human'.

Laila also experienced prolonged periods of solitary confinement while on remand, which led her to attempt suicide: 'I was always locked in, my room was checked every day, I was watched all the time. I became really depressed, I tried to kill myself. I took 21 pills. I couldn't bear it anymore. Locked in, locked down. And they realised that, yeah, maybe too much lockdown is not good. Like, it takes killing yourself for them to realise it?' The women's stories parallel research on the harms of solitary confinement, including depression, anxiety, cognitive disturbances, paranoia, PTSD, and suicidal ideation (Grassian 2006; Hellebust *et al.* 2021) and its pervasive use in Danish prisons (Reiter *et al.* 2018; Rua and Smith 2019).

The extensive use of disciplinary sanctions, particularly solitary confinement, was interpreted by most women as a deliberate strategy. Some of the women described the system as designed to break them, resulting in a 'maddening' situation. Alina captured the sentiment on wing: 'This psychological terror. You always get locked in. If you speak out of turn, if you get upset, if someone else makes a mistake, if guards are missing. You can never win. Whatever's wrong, you get locked in. They [officers] act like they're tired of us, just wave you in, like it's such a drag.'

These experiences reflect the 'heavy' or onerous aspect of incarceration (Crewe 2011; Crewe *et al.* 2014). The officers' approach also contributes to this 'weight'. While some officers sought to apply discretion in the administration of punishment, others followed the regulations to the letter, causing confusion and a feeling of injustice among the women. Favouring a security-oriented approach not only produced a 'heavier' experience but also delegitimized those officers'

legitimacy (see Arnold 2016; Liebling 2011). Some of the women, such as Sofia, did not understand why ‘some rules are sometimes applied and sometimes not’ and ‘sometimes applied to some people, but not to others’. To her, the officers who applied the rules to the letter were, in fact, the ‘rule-breakers’ (see also Mathiesen 2013): ‘Maybe it all depends on the officers, how good they are. Some are good. Some leave the cell doors open at seven. Others don’t. They don’t respect the rules. The good ones will open the doors, leave them open, so every day you wait and hope it will be a good day’.

Some women, like Aasha, feel extremely limited by the stringent regime, to the point that they could not be themselves: ‘My parents are Somalian, we speak louder than the Danish. I am a more social person, I always get warned. We have to be quiet on the landing; we can’t talk to each other, not in the hallway, not in the toilet. You can’t even talk in this prison.’

The frequent and strict cell and body searches also contributed to the women’s dread and were experienced as deeply invasive. Irena described the atmosphere of fear, anxiety, and stress: ‘I live in fear of controls [cell searches] and punishments [disciplinary sanctions]. I freeze when I hear the key, or when there is someone at the door. What have I done?’ Meant to discipline men involved in organised crime and with a history of violence, the stringent security regime affected the entire prison population. Moreover, seeking to punish violent masculinities, Danish authorities simultaneously produce a brutal regime for incarcerated women, a minority group in a predominantly male penal system.

The strain of the prison regime was further exacerbated by the presence of men in the wing, both officers and prisoners. Cell searches, for instance, were particularly invasive when performed by male guards. In addition, some women experienced significant discomfort or anxiety sharing the wing and facilities with men as they would meet men in sensitive spaces (e.g., showers, toilets), despite officers’ best efforts. The lack of autonomy and the invasion of privacy were extremely distressing and produced gendered experiences of indignity (See Crewe *et al.* 2017). Alina talked about the shame of being in prison: ‘There is no privacy, they [the officers] could open the door anytime, without knocking, without asking, to check on you. It’s so humiliating. I’m so ashamed, ashamed to just be’. These violations of the women’s dignity were ascribed to the mixed-gender regime associated with a loss of humanity.

The findings in this study contribute to literature on the pains of imprisonment, showing that the inherent aspects of imprisonment, the stringent security policies, and negative relationships with officers produce arduous carceral experiences that are heightened for women in mixed-gender prisons. The security-oriented regime, for instance, was experienced as particularly intrusive when implemented by men. Sharing spaces with men also heightened anxieties. These findings also point to an ongoing shift from welfare-oriented approaches to punishment that favour normalisation and dynamic security built on positive relationships to an approach focused on security (see Damsa 2021; Minke 2021), with negative consequences for prisoners, especially so for women. Moreover, as the following sections will show, the nature and purpose of penal power also changes when directed at non-citizens, as normalisation and reintegration are supplanted by restrictions on welfare and territorial expulsion, thereby harming non-citizen women.

Limitations on welfare

Following the amendments to the Act on the Execution of Sentences, welfare services (such as work placements, education and vocational courses, and treatment programs) have been limited for non-citizens and release plans are no longer prepared. These restrictions at Vestre prison encapsulate the broader governance of the incarcerated not wanted by the Danish welfare state, as penal power and precarisation converge to produce a differentiated prison regime. For instance, the one non-citizen woman in the research who had a placement in a sewing workshop described it as the only ‘good thing if you can say there are good things in prison’, as it made time pass quicker. Sharing the wing with Danish women who had access to welfare services only deepened the sense of inequality, discrimination, and injustice related to citizenship status. The differentiation was perceived as discriminatory, reflective of the broader material and symbolic dimensions of the incarceration of non-citizens (see Ballesteros-Pena 2020; Brouwer 2020; Ugelvik and Damsa 2018).

For women in precarious situations, especially those who were sole providers for their families, the lack of access to work in prison placed them in a difficult financial situation. Mothers incarcerated at Vestre saw motherhood as a priority in their lives and not being able to support their children caused deep anxieties and concern (see also Carlen and Worrall 2004; Enos 1997; Ystanes and Ugelvik 2020). Some women, like Cristina, relied on the kindness of other women to

meet necessities and communicate with family. Her money had been confiscated since non-citizens are expected to contribute to the costs of their deportation (Justitsministerie 2018): ‘I have no money. I had 6,000 kroners, but it got confiscated. So, I have no money in here. I didn’t get a place to work either. I have no money for a phone card, I can’t make any calls. I don’t have money for cigarettes. Some of the other women help me out with this and that.’ Women who are disadvantaged socioeconomically are overrepresented in the prison population and Carceral contexts then render the intersection of gender and class more visible (see also Carlton and Segrave 2013; Carlen and Worrall 2004; Owen *et al.* 2017). Citizenship status, as seen in this study, works to deepen inequalities and further marginalise women in already precarious situations.

The conditions at Vestre prison reflect the explicit legal and political drive to limit membership to the welfare state through penalization and precarisation (Folketinget 2016). Scholars looking at migration through the lens of labour have argued that multiple legal mechanisms are employed to exclude precarious migrants from the territory of the state, the privileges enjoyed by citizens, and labour rights through the securitisation and criminalisation of migration (De Giorgi 2010; Melossi 2015; Parreñas *et al.* 2021). These processes can be observed at Vestre prison as well where bordered penalty not only punishes but also excludes non-citizen women from welfare services and the territory of the state.

In addition to the legal barriers, non-citizen women at Vestre also encountered informal obstacles in accessing welfare services and activities. Legally, prison governors and officers are allowed a certain amount of discretion in exceptional circumstances to provide non-citizens with access to welfare services and activities, and the officers at Vestre took advantage of this whenever possible. In choosing who got a spot, they factored in women’s behaviour, rule abidance, and language capabilities, as well as group composition. In other words, the limitations on welfare services combined with the officers’ moral judgements further marginalised some of the women. Model prisoners gained access to services, while others who ‘behaved badly’, did not ‘integrate with the group’, or were unable to communicate in English or Danish were excluded. Language often left Roma Romanian women excluded. They reported they experienced racial discrimination and felt disparaged in their interactions with officers.

The limitations on welfare services stand in stark contrast to two of the core principles of the Service: normalisation of prison life and reintegration into society, reintegration has been abandoned to a much greater extent for non-citizens. Non-citizen women at Vestre were concerned about the lack of release plans and therefore the absence of options and some were terrified by the prospect of deportation. Amendments to the Alien's Act sees that in certain circumstances non-citizens will also be expelled following their sentence. Fundamental to welfare-oriented approaches to punishment, the principles of the Danish penal regime are being increasingly tested when non-citizens are being punished. Bordered penalty finds its fullest expression at Vestre. When wielded against non-citizens, penal power becomes openly exclusionary and leads to differentiated penal institutions and a deportation regime (Aas, 2014; Franko 2020).

The condition of deportability

The women I interviewed had received deportation orders (and the woman on remand expected to receive them). Deportations, the cumulative application of criminal and immigration law (Aas 2014; Guia *et al.* 2013; Stumpf 2006), were described by the women as 'double punishment'. The deportation regime is perhaps the most openly exclusionary aspect of bordered punishment (Aas, 2014), and produces specific gendered harms (Abji 2016; Canning 2020; Douglas 2021). The women at Vestre found deportation especially punishing. Some stood to lose the lives they had built in Denmark, others feared the gendered repercussions of deportation to their country of origin, while others faced both prospects. Samara, who had left Pakistan to escape gendered violence, feared returning there and felt her life in Denmark would be lost. She tried to make sense of the exclusionary aspects of bordered penalty directed at her:

There's too much punishment. 'You should leave your husband, you should leave this country.' They want to send me alone to Pakistan. To do what? To die? I don't have a home there, I don't have a job there. Shouldn't they think about me like I'm a human being? They have the right to punish me, OK, but not to take my husband, my home. I have nothing there. How can I go back now? I am divorced, I married a Christian in Europe. They would kill me. How can I live alone? Without a husband, a brother, you don't get anything, you don't get anywhere. If they send me back, they will destroy my life. I'm banned for six years. This is too much punishment. Denmark will destroy my life.

Samara's fears call into question Denmark's legal and discursive commitments to women's rights. Through its deportation regime, the Danish state renders non-citizen women vulnerable to exploitation, abuse, and gendered violence and the state's interest in protecting the citizenship regime prevails over women's protection from gendered violence.

Other inequalities (e.g., ethnicity, class, religion) further increase vulnerability when women are deported from Denmark. Noor, a member of the Muslim Moor minority in Sri Lanka, feared returning to a region of Sri Lanka where Moors had historically suffered from violence and dispossession. Her immediate family had received protection elsewhere, so she had 'no one' and 'nothing' to return to: 'I don't belong there anymore, I could never live there again. It would be hard for me there as a woman. It would be difficult to find work, it would be difficult to make a family. There's no provisions for this, there is no welfare'. Noor also feared discrimination and the possible resurgence of violence against Moors in the region. Indeed, in 2018 when Noor voiced her fears, anti-Muslim violence was registered in Sri Lanka and a year later deadly anti-Muslim riots broke out (Gettleman and Bastians 2019). The Danish state is deporting non-citizen women to countries where they may be put in danger or likely to experience multiple dimensions of violence (from state actors, political groups, or individuals) and, like in Noor's case, possible threat to their lives.

In cases such as these, international human rights bodies have urged states to apply the principle of non-refoulement in order to protect women from gendered violence (Hooper 2019). This study's findings point to tensions between the deportation regime in Denmark and the state's political and legal commitment to women's rights and protection as laid out in CET 210. Denmark has also designated countries as safe, despite them being found otherwise by international human rights bodies (McKernan 2021).

While the practices of bordered penalty are immediately and concretely painful for non-citizens in penal institutions, this paper argues that they must also be understood as political. These experiences are not produced by the inherent features of incarceration, the prison regime, or relationships with prison offices; they are the intended consequences of broad exclusionary forms of governance directed at non-citizens. These pains, as suggested by Mary Bosworth (2021) are

‘political statements’. They speak to the contemporary politics of belonging and membership and the limits of the Danish welfare state.

Conclusion

The non-citizen women in this study told they came to Denmark because it was ‘a good country’ and especially a ‘good country for women’. However, their punishment and impending deportation threatened that belief. While scholars in the Nordic region have argued that harsh and exclusionary penal practices are part and parcel of the Danish welfare state (Barker and Smith 2021; Smith and Ugelvik 2017), this paper has shown that the recent more punitive penal policies, particularly the stringent security regime and the use of disciplinary solitary confinement, have heightened the pains of imprisonment and confirmed the gendered pains produced by mixed-gender prisons (Mathiassen 2017). Contributing to this literature, this paper also shows when the force of the law is mobilised to punish and expel, women often face harsher prospects than before.

Scholars suggest that the project of bordered penalty works to (re)produce the current citizenship regime and protect citizens’ rights and privileges (Aas 2014; Franko 2020). As argued by Barker and Smith (2021, pp.1540, 1541), the ‘enviable’ dimensions of the Danish welfare state are being increasingly nationalised, penal power playing an important role in this process. Moreover, not only are unwanted non-citizens excluded from the territory of the state to protect welfare, but also increasingly governed through penal power and precarisation while they are in Denmark (Barker and Smith 2021; Lindberg 2020). While resulting in immediate deprivations at Vestre, the precarisation of non-citizen women points to the emergence of a hierarchical system in the Danish penal system. In this context, the experiences of non-citizen women at Vestre are best seen as political statements (Bosworth 2021), rather than pains of imprisonment, and reflect the limits of the Danish welfare state and equality regimes.

Bordered penalty is gendered as deportation from Denmark may place women in dangerous situations in their countries of origin. Employing precarisation, incarceration, and deportation as means to govern unwanted ‘others’ and (re)produce the borders of belonging and membership, the Danish state also produces the conditions that render women vulnerable to gender-based discrimination or violence. This study’s findings then point to tensions between the deportation

regime in Denmark and Norway and the two countries' legal commitment to women's rights and protection, regardless of their status or residence.

These developments are also significant for the Danish penal system more broadly. Bordered penalty is challenging the core principles of Danish penal culture as they are being applied differentially or no longer apply to all. Scholars have argued that a welfare-oriented approach to punishment is being destabilised by security-oriented approaches and punitive penal policies (Damsa 2021; Minke 2021; Smith 2021). This paper suggests that bordered penalty further contributes to the weakening of a welfare-oriented approach. Differentiation in the Danish penal system is only increasing. After the completion of this study, at the end of 2018, Ringe was designated as a closed prison for non-citizens due to be deported (Kriminalforsorgen 2022). At the end of 2021, the Danish government also signed a declaration of intent to rent 300 cells in a Kosovar prison to hold non-citizens prisoners due to be deported (AFP 2021). These developments show how the Danish state's will to banish non-citizens in order to protect the nation-state may paradoxically result in the extra-territorialisation of punishment, one of its fundamental functions. This raises important questions regarding the rule of law, the proper administration of justice, and prisoners' rights.

References

- Aas, K.F. (2014) 'Bordered penalty: Precarious membership and abnormal justice', *Punishment & Society*, 16, 520–541.
- Abji, S. (2016) "'Because deportation is violence against women": On the politics of state responsibility and women's human rights', *Social Politics: International Studies in Gender, State & Society*, 23, 483–507.
- AFP (2021, December 16) 'Denmark plans to rent 300 prison cells in Kosovo to ease overcrowding', *Euronews*. Available from <https://www.euronews.com/2021/12/16/denmark-plans-to-rent-300-prison-cells-in-kosovo-to-ease-overcrowding>.
- Aliverti, A. (2013) *Crimes of Mobility: Criminal Law and the Regulation of Immigration*, London: Routledge.
- Arnold, H. (2016) 'The prison officer', in: Y. Jewkes, J. Bennett, and B. Crewe (Eds.), *Handbook on Prisons*, London: Routledge.
- Ballesteros-Pena, A. (2020) 'The prison trajectories of foreign national women in Spain: Intersections of citizenship, gender, race, and social class', *Critical Criminology*, 28, 243–258.
- Barker, V. (2018) *Nordic Nationalism and Penal Order: Walling the Welfare State*, London: Routledge.
- Barker, V. and Smith, P.S. (2021) 'This is Denmark: Prison islands and the detention of immigrants', *British Journal of Criminology*, 61, 1540–1556.
- Basaran, T. and Guild, E. (2017) 'Mobilities, ruptures, transitions', in: T. Basaran, D. Bigo, E.-P. Guittet, and R.B.J. Walker (Eds.), *International Political Sociology: Transversal Lines*, London: Routledge.
- Bosniak, L. (2006) *The Citizen and the Alien: Dilemmas of Contemporary Membership*, Princeton, NJ: Princeton University Press.
- Bosworth, M. (2017) 'Border criminology and the changing nature of penal power', in: A. Lieblich, S. Maruna, and L. McAra (Eds.), *Oxford Handbook of Criminology*, Oxford: Oxford University Press.
- Bosworth, M. (2021) 'The politics of pain in immigration detention', *Punishment & Society*. 1-17.

- Bosworth, M., Hasselberg, I., and Turnbull, S. (2016) 'Punishment, citizenship and identity: An Introduction', *Criminology and Criminal Justice*, 16, 257–266.
- Bosworth, M., Fili, A., and Pickering, S. (2018) 'Women and border policing at the edges of Europe', *Journal of Ethnic and Migration Studies*, 44, 2182–2196.
- Bosworth, M. and Turnbull, S. (2015) 'Immigration detention, punishment and the criminalization of migration', in: S. Pickering and J. Ham (Eds.), *The Routledge Handbook on Crime and International Migration*, London: Routledge.
- Braun, V. and Clarke, V. (2006) 'Using thematic analysis in psychology', *Qualitative Research in Psychology*, 3, 77–101.
- Brouwer, J. (2020) 'Bordered penalty in the Netherlands: The experiences of foreign national prisoners and prison officers in a crimmigration prison', *Punishment & Society*, 22, 703–722.
- Canning, V. (2014) 'Women, asylum and the harms of detention', *Criminal Justice Matters*, 98, 10–11.
- Canning, V. (2017) 'Degradation by design: Women and asylum in northern Europe', *Race & Class*, 61, 46–63.
- Canning, V. (2020) *From Social Harm to Zemiology: A Critical Introduction*, London: Routledge.
- Carlen, P. and Worrall, A. (2004) *Analysing Women's Imprisonment*, Cullompton: Willan Publishing.
- Carlton, B. and Segrave, M. (2013) *Women Exiting Prison: Critical Essays on Gender, Post-Release Support and Survival*, London: Routledge.
- Crewe, B. (2011) 'Depth, weight, tightness: Revisiting the pains of imprisonment', *Punishment & Society*, 13, 509–529.
- Crewe, B., Hulley, S., and Wright, S. (2017) 'The gendered pains of life imprisonment', *British Journal of Criminology*, 57, 1359–1378.
- Crewe, B., Liebling, A., and Hulley, S. (2014) 'Heavy–light, absent–present: Rethinking the “weight” of imprisonment', *British Journal of Sociology*, 65, 387–410.
- Damsa, D. (2019) 'Between belonging and exclusion: Migrants' resilience in a Norwegian welfare prison', in: S. Bendixsen and T. Wyller (Eds.), *Contested Hospitalities in a Time*

- of Migration: Religious and Secular Counterspaces in the Nordic Region*, London: Routledge.
- Damsa, D. (2021) “‘This is not what I signed up for’ – Danish prison officers’ attitudes towards more punitive penal policies’, *Punishment & Society*. 1-17.
- De Giorgi, A. (2010) ‘Immigration control, post-Fordism, and less eligibility: A materialist critique of the criminalization of immigration across Europe’, *Punishment & Society*, 12, 147–167.
- di Molfetta, E. and Brouwer, J. (2019) ‘Unraveling the “cimmigration knot”: Penal subjectivities, punishment and the censure machine’, *Criminology & Criminal Justice*, 20, 302–318.
- Douglas, H. (2021) *Women, Intimate Partner Violence, and the Law*. Oxford: Oxford University Press.
- Engbo, H.J. (2021) ‘Disciplinærretlig skyld og straf i danske fængsler’, *Nordisk Tidsskrift for Kriminalvidenskab*, 108, 136–156.
- Enos, S. (1997) ‘Managing motherhood in prison: The impact of race and ethnicity on child placements’, *Women & Therapy*, 20, 57–73.
- Fili, A. (2013) ‘Women in prison: Victims or resisters? Representations of agency in women’s prisons in Greece’, *Signs: Journal of Women in Culture and Society*, 39, 1–26.
- Folketinget (2016) ‘L 43 Forslag til lov om ændring af lov om røgfri miljøer og lov om fuldbyrdelse af straf m.v.’, Available at https://www.ft.dk/samling/20161/lovforslag/L43/som_fremsat.htm.
- Franco, K. (2020) *The Crimmigrant Other: Migration and Penal Power*, London: Routledge.
- George, L., Norris, A.N., Deckert, A., and Tauri, J. (2020) *Neo-Colonial Injustice and the Mass Imprisonment of Indigenous Women*. Cham: Palgrave Macmillan.
- Gettleman, J. and Bastians, D. (2019, April 24) ‘Sri Lanka’s Muslims face an angry backlash after Easter Sunday attacks’, *New York Times*. Available at <https://www.nytimes.com/2019/04/24/world/asia/sri-lankas-muslims.html>.
- Grassian, S. (2006) ‘Psychiatric effects of solitary confinement’, *Washington University Journal of Law and Policy*, 22, 325–383.
- Guia, M.J., van der Woude, M., and van der Leun, J. (2013) *Social Control and Justice: Crimmigration in the Age of Fear*, The Hague: Eleven International Publishing.

- Hector, J. (2020) *Women and Prison*, Springer International Publishing.
- Hellebust, M., Smith, P.S., Lundeberg, I., and Skilbrei, M.-L. (2021) *Lengst inne i fengselet – Kvinnelige innsatte med behov for helsehjelp*, 182. Oslo: Institutt for kriminologi og retts sosiologi, Universitetet i Oslo.
- Hermann, M.B. (2022) ‘International gender champions’, *International Gender Champions*. Available at <https://genderchampions.com>.
- Hooper, L. (2019) *A collection of papers on the Council of Europe Convention on preventing and combating violence against women and domestic violence*, Strasbourg: Council of Europe.
- Justitsministeriet (2016) ‘Regeringen vil begrænse udvisningsdømtes tilbud i fængslerne’. Available at <https://www.regeringen.dk/nyheder/2016/regeringen-vil-begraense-udvisningsdoemtes-tilbud-i-faengslerne>.
- Justitsministerie (2018) ‘Aftale om kriminalforsorgens økonomi 2018-2021: En moderne og stærk kriminalforsorg – et trygt og sikkert samfund’. Available at https://www.justitsministeriet.dk/sites/default/files/media/Arbejdsomraader/Ministeriet/af_tale_om_kriminalforsorgens_oekonomi_2018-2021.pdf.
- Karlsen, M.A. (2021) *Migration Control and Access to Welfare: The Precarious Inclusion of Irregular Migrants in Norway*, London: Routledge.
- Kaufman, E. (2015) *Punish and Expel: Border Control, Nationalism, and the New Purpose of the Prison*, Oxford: Oxford University Press.
- Kriminalforsorgen (2020) ‘Tal og fakta’. Available at <https://www.kriminalforsorgen.dk/om-os/tal-og-fakta>.
- Kriminalforsorgen (2022) ‘Ringe Fængsel er nu officielt udvisningsfængsel’. Available at <https://www.kriminalforsorgen.dk/om-os/nyt-og-presse/nyheder/ringe-faengsel-er-nu-officielt-udvisningsfaengsel>.
- Kyriakakis, S., Waller, B., Kagotho, N., and Edmond, T. (2015) ‘Conducting safe research with at-risk populations: Design strategies from a study with unauthorized immigrant women experiencing intimate abuse’, *Qualitative Social Work*, 14, 259–274.
- Larsen, E., Moss, S.M., and Skjelsbæk, I. (2021) *Gender Equality and Nation Branding in the Nordic Region*, London: Routledge.

- Lawler, P. (1997) 'Scandinavian exceptionalism and European union', *Journal of Common Market Studies*, 35, 565–594.
- Liebling, A. (2011) 'Distinctions and distinctiveness in the work of prison officers: Legitimacy and authority revisited', *European Journal of Criminology*, 8, 484–499.
- Liebling, A., Johnsen, B., Schmidt, B.E., Rokkan, T., Beyens, K., Boone, M., Kox, M., and Vanhouche, A.-S. (2021) 'Where two "exceptional" prison cultures meet: Negotiating order in a transnational prison', *British Journal of Criminology*, 61, 41–60.
- Liebling, A. and Maruna, S. (2013) *The Effects of Imprisonment*, London: Routledge.
- Lindberg, A. (2020) 'The production of precarity in Denmark's asylum regime', *Zeitschrift für Sozialreform*, 66, 413–439.
- Lindberg, O. (2005) 'Prison cultures and social representations: The case of Hinseberg, a women's prison in Sweden', *International Journal of Prisoner Health*, 1, 143–161.
- Lohne, K. (forthcoming) 'Nordic penal humanitarianism: Status-building, brand alignment, and penal power', in: M. Christensen, K. Lohne, and M. Hornqvist (Eds.), *Nordic Criminal Justice in a Global Context*, London: Routledge.
- Mathiassen, C. (2017) 'Being a woman in mixed-gender prisons', in: P.S. Smith and T. Ugelvik (Eds.), *Scandinavian Penal History, Culture and Prison Practice: Embraced by the Welfare State?* Cham: Palgrave Macmillan.
- Mathiesen, T. (2013) *Defences of the Weak: A Sociological Study of a Norwegian Correctional Institution*, London: Routledge.
- Matos, R. (2016) 'Trajectories and identities of foreign national women: Rethinking prison through the lens of gender and citizenship', *Criminology & Criminal Justice*, 16, 350–365.
- McKernan, B. (14 April 2021) 'Denmark strips Syrian refugees of residency permits and says it is safe to go home', *The Guardian*. Available at <https://www.theguardian.com/world/2021/apr/14/denmark-revokes-syrian-refugee-permits-under-new-policy>.
- Melossi, D. (2015) *Crime, Punishment and Migration*, Thousand Oaks, CA: Sage.
- Minke, L.K. (2019) *Evaluering af lov nr. 641 af 8. juni 2016: Styrket indsats mod mobiltelefoner i fængsler m.v.*, Copenhagen: Kriminalforsorgen.

- Minke, L.K. (2021) 'Hjørnesteinene i den danske kriminalforsorg: Normalisering og åbenhed', *Nordisk Tidsskrift for Kriminalvidenskab*, 108, 99–117.
- Monchalin, L. (2016) *The Colonial Problem: An Indigenous Perspective on Crime and Injustice in Canada*, Toronto, ON: University of Toronto Press.
- Nilsson, R. (2012) The Most Progressive, Effective Correctional System in the World: The Swedish Prison System in the 1960s and 1970s, in: Ugelvik, T. and Dullum, J. (Eds) *Penal Exceptionalism? Nordic Prison Policy and Practice*. Abingdon: Routledge. pp 79–100.
- Owen, B., Wells, J., and Pollock, J. (2017) *In Search of Safety: Confronting Inequality in Women's Imprisonment*, Berkeley: University of California Press.
- Parreñas, R., Landolt, P., Goldring, L., Golash-Boza, T., and Silvey, R. (2021) 'Mechanisms of migrant exclusion: Temporary labor, precarious noncitizenship, and technologies of detention', *Population Space and Place*, 27, 1–6.
- Pratt, J. (2008) 'Scandinavian exceptionalism in an era of penal excess: Part I: The nature and roots of Scandinavian exceptionalism', *British Journal of Criminology*, 48, 119–137.
- Reiter, K., Sexton, L., and Sumner, J. (2018) 'Theoretical and empirical limits of Scandinavian exceptionalism: Isolation and normalization in Danish prisons', *Punishment & Society*, 20, 92–112.
- Rua, M. and Smith P.S. (2109) *Isolasjon: Et Fengsel i fengselet*, Oslo: Cappelen Damm Akademisk.
- Scruton, P. and Moore, L. (2014) *The Incarceration of Women: Punishing Bodies, Breaking Spirits*, Cham: Palgrave Macmillan.
- Sevelius, J. and Jenness, V. (2017) 'Challenges and opportunities for gender-affirming healthcare for transgender women in prison', *International Journal of Prisoner Health*, 13, 32–40.
- Sexton, L. (2015) 'Penal subjectivities: Developing a theoretical framework for penal consciousness', *Punishment & Society*, 17, 114–136.
- Sexton, L., Jenness, V., and Sumner, J.M. (2010) 'Where the margins meet: A demographic assessment of transgender inmates in men's prisons', *Justice Quarterly*, 27, 835–866.
- Smith, P.S. (2021) 'Dynamic security or corruption of authority? Normalization and prisoner-staff relations in Danish prisons', in: B. Crewe, A. Goldsmith, and M. Halsey (Eds.),

- Power and Pain in the Modern Prison: Revisiting the Society of Captives*. Oxford: Oxford University Press.
- Smith, P.S. and Ugelvik, T. (Eds.) (2017) *Scandinavian Penal History, Culture and Prison Practice: Embraced by the Welfare State?* Cham: Palgrave Macmillan.
- Stumpf, J. (2006) 'The crimmigration crisis: Immigrants, crime, and sovereign power', *American University Law Review*, 56, 367–419.
- Sumner, J. and Sexton, L. (2016) 'Same difference: The "dilemma of difference" and the incarceration of transgender prisoners', *Law & Social Inquiry*, 41, 616–642.
- Turnbull, S. and Hasselberg, I. (2017) 'From Prison to Detention: The Carceral Trajectories of Foreign-National Prisoners in the United Kingdom', *Punishment & Society* 19, 135–154.
- Ugelvik, T. (2013) 'Seeing like a welfare state: Immigration control, statecraft, and a prison with double vision', in: K.F. Aas and M. Bosworth (Eds.), *The Borders of Punishment: Migration, Citizenship, and Social Exclusion*, Oxford: Oxford University Press.
- Ugelvik, T. (2016) 'Prisons as welfare institutions? Punishment and the Nordic model', in: Y. Jewkes, B. Crewe, and J. Bennett (Eds.), *Handbook on Prisons*, London: Routledge.
- Ugelvik, T. and Damsa, D. (2018) 'The pains of crimmigration imprisonment: Perspectives from a Norwegian all-foreign prison', *British Journal of Criminology*, 58, 1025–1043.
- Ugelvik, T. and Dullum, J. (2012) *Penal Exceptionalism? Nordic Prison Policy and Practice*, London: Routledge.
- Ystanes, V. and Ugelvik, T. (2020) "'They tell me I'm dangerous": Incarcerated mothers, Scandinavian prisons and the ambidextrous penal-welfare state', *British Journal of Criminology*, 60, 892–910.
- Warr, J. (2016) 'The Deprivation of Certitude, Legitimacy and Hope: Foreign National Prisoners and the Pains of Imprisonment', *Criminology & Criminal Justice* 16, 301–318.

'This is not what I signed up for' – Danish prison officers' attitudes towards more punitive penal policies

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Abstract

A humane approach to punishment has been integral to the work of the Danish Prisons and Probation Service. However, Danish penal policy has recently taken a punitive turn. What happens when punitive policies are adopted by a penal regime built on a humane approach to punishment? To address this question, this article focuses on prison officers at Vestre prison and how they adapt to punitive political decisions and prison policies. The increased focus on security in Danish prisons is considered, together with limitations set on welfare services available to non-citizen prisoners. Examination of officers' subjectivities at Vestre prison shows that punitive penal policies have produced an environment fraught with tensions that affect prison work, institutional culture, and the officers' professional identity. These findings also raise questions about the shifting nature of Danish penal power.

Keywords

Denmark, prison officers, prison work, professional identity, punishment

Introduction

According to Bo Yde Sørensen, head of the Danish Prison Federation, the Danish Prisons and Probation Service 'is in the middle of a historic crisis' (Danish Prison Federation, 2019)¹. This crisis, he says, follows a turn in 'the wrong direction', away from the

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original ‘humane objectives’ of the service and the ‘vision of making a difference in society’. Danish prison officers are not meant to ‘simply lock and unlock doors’ (Sørensen, 2019). What is at stake, Sørensen (2019) believes, is the purpose of the prison. Should it be a place to ‘store offenders’ or one that ‘benefits society’? Danish prisons are at a crossroads, as punitive penal policies steadily increase. Security measures designed to maintain ‘control’ and enforce ‘law and order’ have been recently implemented (Engbo, 2021; Minke, 2021; Smith, 2021)² and welfare services for non-citizens have been limited to produce ‘real punishment’³ for them (Justitsministeriet, 2016; L 130, 2017)⁴. While Scandinavian welfare states have generally been described as inclusive, with ‘longstanding characteristics of moderation, restraint, and forbearance’, even exceptional in terms of their humane approach to punishment, they seem to have undergone a ‘punitive turn - Nordic style’ (Balvig, 2005; Lappi-Seppälä, 2016: 25; Pratt, 2008a; Pratt and Eriksson, 2013: 90, 94; Smith, 2011, 2021).⁵ What happens when populist and punitive penal policies take root in a humane, welfare-oriented prison regime?

As noted by Bo Yde Sørensen, the conflictive aspects of punishment are intensifying in the Danish Prisons and Probation Service. One way of approaching this conflict is by examining the subjectivities of prison officers who - as ‘prison wing bureaucrats’ - negotiate, mediate, and reproduce different notions of legitimacy and authority in the name of the state (Fuglerud, 2004; Lipsky, 2010; Shannon and Page, 2014). Drawing on ethnographic observation and interviews conducted on a wing of Copenhagen’s Vestre prison, this article examines how these officers adapt to the current punitive shift and its effects on prison practice. Officers’ attitudes to two kinds of policies designed to produce a more stringent prison regime are considered. The first of these are security measures: stricter body and cell searches, the penalization of phone possession, and the prohibition of abusive language for the entire prison population; the second are cuts to welfare services available to non-citizens.

In the following, the context of these changes is outlined. First, the principles of the Danish penal system are described, together with the recent punitive penal policies on prisons. Literature on Scandinavian welfare-oriented approaches to punishment relevant to the work of Danish officers, the challenges they face, their institutional cultures and professional identities is discussed. A description of the methods used in this research is then provided. The findings highlighting the increasing tensions and dilemmas that have arisen as prison officers at Vestre attempt to navigate the changing penal landscape are presented. The implications for prison practice, the institutional culture, and officers’ professional identities at Vestre prison are further discussed. Lastly, the possible implications of the findings for the Danish Prisons and Probation Service and Danish penalty are considered.

Danish penal principles and recent developments

Discursively, the Danish Prisons and Probation Service describes principles, working goals, and an organizational culture based on a humane, welfare-oriented approach to punishment (Smith, 2011, 2021). The foundational legal sources and the basis for the policies of the service are found in the Sentence Enforcement Act,⁶ the Programme of

Principles,⁷ and the Financial Agreement⁸ between the service and the government drawn up every four years (the last one in 2018).

The main purpose of the Danish Prisons and Probation Service, according to the Programme of Principles (1993), is to ‘contribute to reducing criminality’. This requires officers to ‘recognize human worth’ and the prisoners’ human rights, not place more restrictions on them than legally required, respect the underlying considerations of punishment when implementing it, and take account of the general sense of justice in society as indicated by the courts. To achieve this purpose, the service has two equally important tasks: to ensure ‘control and security’ in prison and to ‘support and motivate the offender to live a crime-free life by assisting personal, social, vocational and educational development’. These tasks are guided by the following principles: normalization (prison conditions should resemble those in the community as much as possible), openness (maintaining contact with the community)⁹, responsibility for one’s life and choices, security (which has passive and dynamic aspects, the latter being dependent on officers’ ‘close’ relationships to prisoners), minimum intervention (maximum power is not always most effective), and the optimum use of resources (Programme of Principles, 1993). This adds up to a humane, welfare-oriented approach to punishment, where the ‘normalization’ of prison life, the ‘development’ of prisoners, and dynamic security, all relying on ‘close’ interpersonal relationships, represent explicit policy goals (Smith, 2021).

Officers learn about these laws and principles and prison practice during a three-year programme of theory courses and work experience in different prisons. According to the programme’s mission statement, graduating officers will be responsible, ‘on the one hand, for maintaining control and security, on the other hand for supporting and motivating prisoners to live a crime-free life’. The statement describes the officers’ work as ‘about people’, since they will work both with prisoners and ‘colleagues, both in uniform and civilian’ (Kriminalforsorgen, 2018, 2021). This approach reflects the welfare-oriented professionalism favoured during the ‘golden age’ of Scandinavian social-democracy (Bruhn et al., 2017; Petersen and Christiansen, 2001).

Lately, however, as outlined by Bo Yde Sørensen, there have been ever more conflicting pressures, due to the proliferation of punitive penal policies and the impact of neoliberal restructuring of the Danish welfare state (Andersen, 2019; Engbo, 2021; Minke, 2021; Smith, 2021). Neoliberal economics and New Public Management (NPM) reforms have been taking hold throughout the Danish public sector, including in prisons. Prisoners are referred to as ‘clients’, efficiency and cost-cutting are priorities, along with more detailed rules, routines, and reporting. Non-citizens, for instance, are expected to contribute to the cost of their own deportation if possible (Andersen, 2019; Aftale om kriminalforsorgens økonomi, 2018). Politicians of all parties have espoused a punitive penal agenda, driven by discontent with the criminal justice system and the wish to get ‘tough on crime’, protect law-abiding citizens, and punish offenders more harshly (Smith, 2011, 2021).

The political demand for increased security, order, and control in prisons has resulted in a more stringent regime (Minke, 2021; Smith, 2021). The list of prohibitions has lengthened, some offences being punishable by disciplinary solitary confinement, such as phone possession, abusive language, and smoking indoors.¹⁰ Cell and body searches

have also become stricter. In certain circumstances, officers are *required* to place prisoners in solitary confinement, following the national guidelines (Engbo, 2021; Minke, 2019, 2021; Smith, 2021; Straffuldbyrdelsesloven, §36, 67, 68, 70, 2021). Prior to the changes in the law, officers had ample room to assess a situation and decide the punishment (Kolind, 2015). The new punitiveness is most visible in the quadrupling of the use of disciplinary solitary confinement, despite a decrease in the number of court mandated cases – 1289 cases were recorded in 2001, 4422 in 2019. There has also been a rise in extended periods of disciplinary solitary confinement: in 2015 there were seven instances of disciplinary solitary confinement for more than 15 days, against 705 in 2019 (DIGNITY, 2020; Kriminalforsorgen, 2020). The various, often lengthy, forms of disciplinary solitary confinement employed in Danish prisons and their harmful effects have been extensively documented and have been condemned both nationally and by international human rights treaty bodies (Reiter et al., 2018; Rua and Smith, 2019). The legality of the use of disciplinary solitary confinement for some of the new offences (e.g. abusive language) has also been questioned (Engbo, 2021).

Politicians have also expressed the desire to ‘make imprisonment harsher’ for non-citizens, who make up 30% of the prison population (Kriminalforsorgen, 2020; L 130, 2017). They are portrayed in political discourse as less deserving, and their access to welfare services is now limited, except in special circumstances (e.g. long sentences). Amendments to the Sentence Enforcement Act limit access to educational activities, work, and treatment programmes, and end the service’s obligation to prepare release plans for non-citizens (Justitsministeriet, 2016; L 130, 2017). Søren Pape Poulsen, then Conservative Minister of Justice, wished to ‘send a signal to foreign criminals’ that imprisonment in a Danish prison would be ‘real punishment’ and, since they were ‘deportable’, nothing would be spent on their reintegration. This, the minister argued, ‘will strengthen a sense of justice’ in Denmark (L 130, 2017; Justitsministeriet, 2016).

So then, Danish prison officers, moulded by a welfare-oriented approach to punishment, now face changing policy priorities, organizational pressures, and managerial styles. While the most significant aspects of policy are shaped by political and policy elites, structured by administrators, and influenced by occupational norms, literature suggests that officers as ‘prison wing bureaucrats’ have a measure of discretion in how they apply policy, depending on organizational goals, rules, resources, and their own values (Lipsky, 2010; Shannon and Page, 2014). The following section addresses existing research on the work of Danish prison officers and the challenges they face regarding welfare-oriented approaches to punishment. The findings of this research are then presented, detailing the increasing tensions and dilemmas resulting from the new more stringent policies and Vestre officers’ attitudes to them.

The Danish prison officer

Existing research on prison work has shown its necessarily conflictive nature: officers constantly balance the demands of care and control. Interpersonal relationships are seen as essential ‘instruments of power’, with officers having to negotiate their authority on the prison floor on a daily basis. Relying on both personal and institutional power, they

use a repertoire of accommodating and coercive practices. As noted by Liebling (2011: 485), ‘what is distinctive about the work of prison officers is, first, the centrality of often enduring relationships to their work and, second, the harmonizing of welfare and discipline, or care and power.’ Officers maintain the prison’s everyday social world - they lock and unlock prisoners, conduct searches, allot punishments and privileges, and deal with requests. Discretion is central to their work: they must constantly decide whether to go ‘by the book’ or use their ‘common sense’. Their attitudes towards punishment and prisoners may then also be crucial to prison work (Bennett et al., 2008; Jewkes et al., 2016; Liebling, 2000, 2011; Liebling et al., 2011).

Danish prison officers are expected to implement the interconnected principles of a welfare-oriented approach to punishment: the maintenance of security and provision of welfare, requiring close relationships with prisoners. As scholars have pointed out, however, tensions already exist in the principles of the Danish Prisons and Probation Service. Normalization and openness, for instance, are inevitably limited, especially in closed prisons (Minke, 2021; Volla, 2016). A greater punitiveness - fewer furloughs, longer sentences, increased use of disciplinary solitary confinement, and more prisoners in closed prisons - has further reduced the possibility for normalization and openness (Minke, 2021). The ‘rehabilitative’ requirement to ‘motivate’ prisoners to lead a ‘crime free life’ and contribute to their ‘development’ reflects the rather interventionist, intrusive, and paternalistic aspects of welfarist penal power, incompatible with rights-based principles (e.g. normalization, openness, non-intrusiveness). Although supposedly humane, welfarist penal power has been described as invasive, and sometimes, less than humane (Smith and Ugelvik, 2017; Ugelvik and Dullum, 2011). How, then, has this approach to punishment translated into prison practice?

Like their counterparts elsewhere, Danish prison officers must constantly juggle the competing goals of incarceration (Reiter et al., 2017, 2018), balancing welfare-oriented work with surveillance, security, and discipline. Research shows that Danish prison officers are generally committed to the other welfare-oriented aspects of their work, especially supporting the ‘development’ of prisoners (or ‘rehabilitation’ towards ‘reintegration’ in society). They ‘strongly believe in the “good” of their work and want to make a difference’ (Lemmergaard and Muhr, 2012: 192). This is particularly true of officers involved in cognitive-behavioural and treatment programmes, or working closely with social workers: they seem to adopt a ‘softer’ approach to punishment and emphasize the importance of the ‘treatment ethos’ in their daily work. Such officers seem motivated to ‘do something more’ with prisoners (Laursen, 2016; Kolind et al., 2015). An officer in a small in-depth study explained ‘prisoners are no longer only the object of control and surveillance - they are to be rehabilitated’ (Lemmergaard and Muhr, 2012: 189). Such efforts are often challenged or thwarted, however, by the tensions arising from the disciplinary aspects of prison work (Kolind et al., 2010; Lemmergaard and Muhr, 2012). Institutions, professional roles, and the officers’ own attitudes also affect this welfarist orientation.¹¹

How do Danish prison officers attempt to balance the conflicting requirements of their job? Studies show that it seems to be largely by attempting to create ‘close’ interpersonal relationships (Andersen, 2017; Programme of Principles, 1993; Smith, 2021).¹² Officers

conceptualize prison work as about ‘meeting the person in front of them’, thereby achieving security in daily life and reducing negative emotions (Andersen, 2017). Reciprocity is necessary to good relationships and helps officers exercise personal authority (Smith, 2021). Establishing personal authority, rather than just relying on institutional power, is seen as essential, and officers rely on it to off-set the intrusive aspects of penal power. (Kolind, 2015; Smith, 2021). They may accept or punish certain offences, as needed, to maintain ‘adequate levels of peace and order’ on the prison floor. Discretion is central to making these choices (Kolind, 2015).

Danish prison officers therefore see creating positive relationships with prisoners as an important aspect of their work, but recently this has been affected by the increasing use of intrusive controls and sanctions in prison, as shown by several reports (Minke, 2019; Smith, 2021). In a report for the Ministry of Justice, Minke (2019: 19) shows that constant body and cell searches affect relationships with the prisoners. One officer said, ‘the relationship with the prisoners has deteriorated [...]. When we do so many strip searches, we do not have sufficient resources to go into the units and wings [...], to get out and talk to them.’ A Danish Prison Federation survey of 1231 of its members¹³ found 99% of those surveyed believe that ‘relationship work’ is an important aspect of their work, necessary to dynamic security; 40% said they would resign if their work just became passive security, as desired by Søren Pape Poulsen, then Minister of Justice (Danish Prison Federation, 2017). Some Danish prison officers do, however, favour passive security rather than dynamic security (Smith and Jakobsen, 2017).

Especially in closed prisons, welfare-oriented principles may have detrimental effects on the wellbeing and professional identity of Danish prison officers. The conflicting goals of welfare and control often produce emotional dilemmas (Lemmergaard and Muhr, 2012; Andersen, 2016, 2017). Role conflict and the ‘dirty’ aspects of prison work cause officers to employ disidentification strategies and construct ‘a space of indifference’ (Lemmergaard and Muhr, 2012). They engage in demanding emotional labour to address the emotional dilemmas arising from their work, and establish relationships that are neither too close nor too distant, neither too flexible nor too rigid. Officers must manage not only the prisoners’ impressions, but also their colleagues’.¹⁴ They may feel powerless because of their limited ability to relieve prisoners ‘pain or suffering’ (Andersen, 2017). Similar professional challenges were found in a large-scale health study of staff burnout in Danish prisons (Andersen et al., 2017).

Most prison officers then appear to support the humane approach of the ‘golden days’ of the Scandinavian welfare state (Bruhn et al., 2017) - especially those involved in cognitive-behavioural and treatment programmes, or working with social workers, whom they see as colleagues.¹⁵ Positive relationships are central to their work, and necessary to maintain security and achieve the welfare-oriented goals of punishment. However, the disciplinary goals of incarceration already make implementing welfare-oriented policies difficult, while the recent focus on security makes it harder still. Prisons and wings may have their own cultures, with some officers favouring rules and discipline, and setting ‘limits’: this results in an uneven landscape of care and control (Reiter et al., 2017, 2018).¹⁶ Denmark seems to be diverging from its Scandinavian neighbours in its approach to punishment and prison practice,¹⁷ growing more punitive towards the prison population (Engbo, 2021; Minke, 2021; Smith, 2021). This article examines

how Danish prison officers at Vestre adapt to the greater punitiveness prescribed by political decisions and policies.

Methods

The findings reported in this article result from research carried out during February and April 2018 on a wing of Denmark's largest remand prison, Vestre, in Copenhagen. Vestre is a closed prison, with 506 cells. It is a four-wing panopticon structure, with the school, library, church and administrative offices at its centre. Besides prisoners on remand, Vestre also holds sentenced prisoners, of all genders,¹⁸ Danish citizens and non-citizens. My research was conducted on a wing with a capacity of 33 cells, but housing about 45 people: women and men, Danish citizens and non-citizens.

I carried out observation, ethnographic interviews and semi-structured interviews. I shadowed nine of the 13 officers regularly working on the wing and, during February 2018, observed their work and interviewed them informally.¹⁹ I alternated morning shifts and evening shifts, to shadow different officers and to familiarize myself with all aspects of prison work and prison life. During April 2018, I conducted five in-depth semi-structured interviews, and in April 2020, I conducted a sixth follow-up interview, through the phone. This enabled me to gather rich empirical material regarding the participants' work lives and professional identities. The ethnographic data and self-reported data were analysed thematically to identify patterns of change arising from the new more punitive penal policies perceived by the officers (Braun and Clarke, 2006).

Fieldwork was affected by stressors and tensions within the Danish Prison and Probation Service, to do with prison security and the officers' excessive workloads. I was subject to the same restrictions as the prisoners, initially carried a panic button, and was escorted by an officer at all times. When my presence was normalized and I had established rapport with the officers, I could move about independently. However, after a month, the prison management suggested the security situation was deteriorating, and that I should return at a later date for the follow-up interviews, as described above.

This research therefore captures a specific moment in a specific institution. As research across the Nordic region shows, penal institutions have their own ethos and may develop quite different regimes.²⁰ The sample size, compared to the number of uniformed officers in the Danish Prison and Probation Service (roughly 3000) is a limitation of the research, but I aimed for depth and to faithfully capture the nature of prison work on a wing at Vestre at a particular moment in time. Small ethnographic studies such as this can be seen as a 'slice of the whole', indicating avenues for further research (Coleman and Hellermann, 2011). While the findings may not be generalizable to the whole Danish Prison and Probation Service, they do call for more systematic empirical exploration of the changing landscape of Danish penalty.

'This is not what I signed up for'

Recent law and order measures designed to exert greater control over prisoners have reoriented prison practice at Vestre. Officers felt the new security regime was displacing a

welfare-oriented approach to punishment. When asked to describe his work, Matteus, who had been at Vestre for a decade, said ‘security, security, security - definitely not the job he had ‘signed up for’. Freia, another officer, thought Denmark was ‘ten years away from [becoming] the US’. More stringent cell and body searches, more offences punishable by disciplinary solitary confinement, and being required to use disciplinary solitary confinement in set circumstances have tilted the balance towards surveillance, control, and discipline. The officers observed that the measures created an increasingly punitive environment, including for remand prisoners:

Matteus: We have many regulations. The bosses [the government] want things to be harder and harder, they want to punish the inmates more than they already are, and that makes my job harder, because some of the ‘open door’ has been, you know, taken away from them.

Vigo: Most of my colleagues and I, we know we cannot change the world, but we can maybe make it easier to be in here. And it’s like somebody at the top says ‘no, it must not be easy to be in here’. But why not? We are not the government, we are not the judge, we are not going to give them a sentence. And when they have been sentenced, yes, we have some things we have to work on inside, some rules. But if the rules are OK, then why make it harder?

Officers at Vestre saw the strict security and marked rise in the use of sanctions, especially disciplinary solitary confinement, as a product of a punitive political agenda, rather than a practical necessity on the prison floor. Having to punish accumulations of minor, non-violent misbehaviour was seen as unwarranted and detrimental not only to the prisoners’ wellbeing but also to prison work:

Author: I’ve read about disciplinary solitary confinement going up ...

Vigo: Yeah, but it is, you know, the government’s fault, because of all the restrictions they have made. With smoking there’s a restriction [sigh], if someone talks through the window there’s a restriction [sigh], a punishment of this, a punishment of that, and so on... They have made it harder for us to work here, and for the inmates, too.

The officers saw increased punitiveness and the set requirements and sanctions as limiting their professional discretion. They frequently had to impose sanctions, including disciplinary solitary confinement, without room to assess the situation and decide the best course of action. Previously, while still having to balance soft and hard policies, officers felt they had more room to manoeuvre and choose the best course of action rather than use maximum power.

The focus on security, control, and discipline and the limitation of professional discretion was seen to damage the ‘relationship work’ that was central to their job, and to the production of dynamic security. Good relationships meant security for both prisoners and officers. Therefore, officers argued that the measures designed to increase security in fact reduced it:

Vigo: And you talk to them [prisoners], and you know about them, and you have a relationship with them [...]. But, of course, we have dynamic security, and this suffers because we have to implement the punishments, like for smoking, all the time. So, if we have conflicts in one area, we have more conflict all the time. It hasn't been this bad, ever. It's a small department. It's the way to go in the prison. If you know the prisoners, there's no penalties, there's no reports, there's no yelling. You don't get sick, you don't get threatened, you don't get hit, if they know you as [name redacted], rather than some guy who's here, but *knows you*. [...] If I'm ever in trouble, all the prisoners would help me, if you know what I mean.

The officers perceived the shift from dynamic security towards passive security to be absurd, futile, and counterproductive to prison work. Whatever their political views, officers felt increased punitiveness prevented them from making a 'positive change to the prisoners' lives' and that the room for dialogue with prisoners, a core element of a welfare-oriented approach to punishment, had diminished, reducing opportunities for normalization and rehabilitation:

Elise: This is not what I signed up for, when I came here. It was nice, you had a dialogue. You came in here and could talk, you know, to the inmates, do a lot of things with them, but, you know, the space is less and less and less and less. That is not what I signed up for, you know.

To some extent, the officers at Vestre saw themselves as welfare workers, and this meant the shift from a welfare-oriented approach to punishment led to professional identity crises. They felt they had become what they most feared - turnkeys. Matteus, for instance, said he 'didn't sign up to be the bad cop, to be the guard who is, you know, going over to the big house, where you lock the door.'²¹ Emil said his motivation to become a prison officer was a desire to work with people, especially young people 'failed by the system'. He recalled being told during training that he 'could go out and save someone, change their whole life'. After some time on the job, he now realised 'this is not always possible', so he mostly tried to 'make people feel it's not so bad in here'. The welfare-oriented approach to punishment, reflected in penal law and the interconnected policy goals of the service, and central to the officers' training, appears to be challenged by the realities of prison work, and further threatened by the new punitiveness (Kriminalforsorgen, 2018; Danish Prison Federation, 2019; Programme of Principles, 1993).

Some professional challenges manifested most acutely when officers were working with non-citizens. The limitations on welfare services available to non-citizens (such as education, work, and treatment programmes) and the termination of the duty to prepare release plans have significantly reduced the scope for welfare work (L 130, 2017; Justitsministeriet, 2016). Officers observed that the limited opportunities available seriously affected non-citizens' wellbeing. Officers no longer did 'relationship work' or 'development' and 'rehabilitation work' with them. Since 'reciprocity' was absent, officers just provided 'basic needs':

Elise: You can't do much for them, you can see that they get food, and go to the toilet. Basic needs. But that's it. [...] We put them in a room, close the door, and wait for them to go [that is be deported] So, you think, that's not the point of your job. I like to have a relationship or try to have a relationship with the prisoners and maybe give them some guidance. But why should they [non-citizens] talk to you? You cannot help them with anything. You cannot help them stay in the country. You cannot help them come back to the country. You cannot help them get a job in their home country. You cannot help them in any way. So why should they talk to you? Why should they care?

Budget cuts and reduced time available for activities made prison work more difficult, in general, and with non-citizens in particular. The officers attempted to remedy the situation by arranging placements in the sewing workshop and involving non-citizens in sports or cookery classes. Nonetheless, welfare work, despite officers' commitment, was especially difficult to implement in relation to non-citizens.

Some officers then sought to resist the more punitive climate and exercise a measure of discretion when allocating punishments and privileges. Others, however, felt bound to follow the rules to the letter, even if they did not agree with them. The rift was acknowledged by officers and significantly affected the atmosphere and relationships between colleagues. Vigo described his approach, based on 'relationship work' and dialogue with prisoners, and spoke of disagreements among officers:

Author: Do you have differences with your colleagues? Regarding how the job should be done?

Vigo: Yes, big [differences]. We should talk to the inmates, we should talk about problems. We're all humans, nobody has been sentenced yet, they are innocent, if you know what I mean. It's easy to yell and be a bully [imitates anger]: 'Do what I say! What did I tell you last time?!' [in a calm voice]: 'Listen, what is it that you want?' You get nowhere by yelling. This is the way to get respect, not yelling. You have to show who you are, then everybody comes to you. There's a line.

Initially, differences in attitudes to the new measures were routinely discussed in staff meetings, resulting in 'many arguments', but 'no one really changed their mind'. Differences were immediately obvious on the wing. When officers favouring 'discipline' came in, the atmosphere would change on the wing, and troubled prisoners and other officers. This meant officers tried to work with colleagues who were on the 'same side of the parameters' of care and control.

Even officers who favoured discipline felt the new security rules negatively affected their daily work, since they were not informed by the reality of prison work or based on input from officers or research. They, too, supported humane punishment and condemned the political decisions impacting welfare-oriented prison practice. Officers felt that ignorant and impractical political elites lacked their professional experience and accumulated knowledge:

Matteus: It's like they don't have a connection to Earth, you know. I think it's because the people they have upstairs [that is the government] maybe don't have the same training as us, and they have not been down here [...]. They don't know what work in prison is like, how to work in prison. And when you make a change, that change will always make a wave. You can make a good wave, because you have everything prepared, and have thought about it. Sometimes, it's like they just thought, 'Oh, I have an idea, we'll do this, yes, let's do this'. But they haven't thought about what kind of wave [this generates].

The officers also resented NPM measures. They felt increased paperwork and all the reporting protocols took time away from prisoners - the 'real' prison work. The situation was described as 'more and more tasks' in 'less and less time' with 'less and less money'. The requirement to report all their actions was seen as 'pointless', 'useless', and making them 'inefficient'. Frustrated, *Matteus* asked, 'What the fuck is the point? To give someone in an office something to read?' Officers had less time to 'talk to prisoners', and less time to discuss issues amongst themselves in the way they used to.

Some of the tensions on the wing, resulting from increased punitiveness, NPM strategies, and the disconnect between politics and policy elites and prison realities, were clearly shown by the ramifications of the smoking ban. Although a health measure, the ban, coupled with stringent cell and body searches and the required allocation of sanctions, means that smoking indoors is eventually punished by disciplinary solitary confinement (after a prisoner has been fined three times for it). Officers described this as a 'half measure' resulting in more work without achieving anything positive:

Emil: The smoking ban has changed my work. We have a lot more to do, we have a lot more searches. [...] Actually there's a guy in here who figured out how many hours we spend on a search where we find *one* cigarette. That's because searching takes time. Then you need to write a report. That takes time, too. Then you need the chief, the one who gives the penalties, to spend time on it too. Then we all spend time on it after, if they get solitary. So, that's a lot of work for one cigarette that doesn't make *any* difference in here anyway.

Officers spoke of the difficulty of maintaining a positive sense of self and of their profession, given the increasingly challenging work environment. They felt they could not do their job properly, that their core work was affected by the recent stringent measures, and their values were misaligned with those of political and policy elites. In light of this, most officers were considering other professional opportunities, some were actively searching at the time of the research, while others had left Vestre prison by 2020.

Discussion

The officers interviewed in this study described how their work has changed in the last few years. It is now more security-oriented, with stricter cell and body searches, and an extended list of offences, and increased use of sanctions, particularly disciplinary solitary confinement. Prison work is already conflictive, and the stricter regime is perceived by the officers in this study to undermine core goals of the service such as the

‘development’ or ‘rehabilitation’ of prisoners and ‘dynamic security’ (Programme of Principles, 1993). The traditional welfare-oriented approach to punishment appears to be under challenge. While this shift from a welfare-oriented penalty to ‘cultures of control’ has been extensively documented in such jurisdictions as the United Kingdom and United States (inter alia Garland, 2001; Pratt et al., 2005; Simon, 2007), Scandinavian penalty has been seen as fundamentally different, based on principles consonant with the ‘meta-ideology’ of the welfare state (Cavadino and Dignan, 2006; Bruhn et al., 2017; Pratt, 2008a). Nonetheless, Scandinavian welfare states, and Denmark in particular, have long relied on penal power as ‘a tool in a larger project for constructing a better society’, which employs both mild and harsh penal practices (Nilsson, 2017:53; Smith, 2011; Barker, 2013). Vanessa Barker and Smith (2021: 1540), for instance, seek to unpack ‘the logic of punishment’ in Denmark, specifically ‘the welfare nexus and Nordic exceptionalism’. As maintained by Garland (2019: 273), it is not that ‘economic structures determine penal outcomes but rather that penal outcomes are consciously negotiated within the limits that economic, political and ideological structures impose.’ Thus a ‘return to law and order’ (Balvig, 2005) and the impact of neoliberalism and NPM strategies on the organization of welfare (Andersen, 2019) are increasingly affecting the nature and use of punishment in Denmark.

Prison practice at Vestre also appears to be changing with regard to non-citizens, following the limitations on welfare services. When working with non-citizens, officers felt they had become what they most dreaded - turnkeys, and the prison, as feared by Bo Yde Sørensen, head of the Danish Prisons Federation, was just ‘storing’ these prisoners. Non-citizens’ limited access to welfare and lack of release plans, supports Barker and Smith’s (2021:1543) perspective on perhaps there no longer being a ‘straightforward relationship between strong welfare states and humane or mild penal regimes’. A ‘bordered’ form of penalty and welfare, like elsewhere in Scandinavia, may be developing in Denmark, as formal citizenship status plays a crucial role in the way justice and punishment are delivered (Aas, 2014; Barker, 2018; Damsa and Franko, forthcoming; Shammass, 2016; Todd-Kvam, 2019).

This study’s findings also substantiate current divisions over punishment in Denmark, as described by prison officers, who have a central role in mediating, negotiating, and delivering penal policy (Liebling et al., 2011; Shannon and Page, 2014). The distance between the officers and political elites and policy makers seemed to be growing ever greater. Politicians were perceived by the officers in this study as ignorant of the realities of prison practice. Tasked with implementing policies they might not agree with, some officers still felt compelled to comply fully. Others sought to resist them and carry on as before. Garland (2019) argues that discursive transformations in the sphere of penalty are driven by actors with specific motivations, and ‘penal forms’ result from struggles over penalty and conjunctural politics. The head of the Danish Prisons Federation has voiced officers’ concerns in public forums, but it remains to be seen whether prison officers and the Federation can influence approaches to punishment in Denmark.

Officers in this study also expressed concern about their professional identities. Carrying out everyday prison work requires professionalism, expertise, and personal skills (Smith, 2021), and officers felt these were declining. This is perhaps unsurprising, given the laws, principles, and policies that have guided Danish penal practice hitherto, and the historical

dominance of welfare as a ‘meta-ideology’ in the organization of state services (Bruhn et al., 2017; Petersen and Christiansen, 2001; Westrheim and Eide, 2019). The security-oriented approach was felt to undermine the ‘relationship work’ and the ‘dialogue’ with prisoners central to Danish prison practice, and to destabilize the officers’ identities as ‘welfare workers’. It is not unexpected that there should be different approaches to policy delivery among prison officers (Kelly, 2014; Sim, 2007). However, it is somewhat surprising in the case of Danish prison officers, who so far have shown a rather homogenous professional identity (Minke, 2012). Evidently, the tensions inherent to prison practice and professional identity are increasing, relationships between officers are under pressure, and the distance between officers and policy and political elites is growing. This fragmenting therefore requires further systematic empirical investigation in the Danish penal landscape.

Conclusion

Punitive policies are increasingly shaping the prison regime at Vestre. They have created tensions and left officers caught between conflicting priorities. Officers perceive these policies as damaging to prison work, and contrary to the humane, welfare-oriented approach to punishment traditionally taken by the Danish Prisons and Probation Service. Most remain committed to treating prisoners humanely, building relationships, and producing dynamic security, but, despite their commitment to it, the welfare-oriented approach of the service may be weakening. The new security regime seems to erode the ways in which a welfare-oriented approach to punishment can be operationalized. While punitive practices such as solitary confinement have always been part of the penal repertoire of the Danish welfare state, alongside its more commonly discussed humane qualities, current trends may accentuate such punitiveness. Therefore, conditions for prisoners are becoming ever harsher (Engbo, 2021; Minke, 2021; Smith, 2021). Some officers seek to resist this punitiveness as much as possible in their daily work. The new stricter regime, however, is more acceptable to officers who find it necessary to fully comply. More generally, Danish prison officers unhappy with their working conditions and remuneration are leaving the service (Danish Prison Federation, 2019). And possibly, those willing to follow a more punitive approach to punishment are more likely to remain or to enrol in the service. A question then arises in relation to these developments - will Danish prison officers continue the humane tradition of punishment, or will they embrace a more punitive form of penal power?

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Notes

1. The Danish Prison Federation represents workers in the Prison and Probation Service in Denmark, Greenland and the Faroe Islands.
2. These measures, although directed at prisoners connected to organized crime networks - roughly ten percent of the prison population - affect the entire prison population (Minke, 2021).
3. The limitations on welfare services target non-citizens only (L 130, 2017).
4. L 130 Forslag til lov om ændring af lov om fuldbyrdelse af straf m.v. Af Justitsminister Søren Pape Poulsen, Det Konservative Folkeparti, Folketinget (entered in effect 1.07.2017).
5. Harsher sentences have been introduced for violent, sexual, and drug-related offences. The average sentence has increased, and more prisoners are being placed in closed prisons. There has been a decline in releases on parole and furloughs. However, alternative punishment is considered for short sentences. Zero-tolerance regimes have been instituted to address interpersonal violence and drug use in prison (Balvig, 2005; Minke, 2019, 2021; Rentzmann, 2008). A bill has been passed whereby prisoners sentenced to life serve the first ten years in a closed prison, in which time they have no possibility of furlough, their relationships and correspondence are limited to those established before the trial, and any public statements require approval (Berlingske, 2021).
6. Straffuldbyrdsloven: Lov om fuldbyrdelse af straf m.v.
7. A Programme of Principles for Prison and Probation Work in Denmark.
8. Aftale om kriminalforsorgens økonomi 2018-2021: En moderne og stærk kriminalforsorg, et trygt og sikkert samfund.
9. The principles of normalization and openness apply to open prisons.
10. The smoking ban is a health measure, part of the broader ban on smoking in public buildings. Prisoners at Vestre can smoke in the prison yard, but cannot take cigarettes or lighters inside. They are locked in a box at the entrance.
11. Research from Sweden, shows that the adoption of welfare-oriented approaches focusing on 'rehabilitation' often depends on professional role, specific prison and wing, and gender – women seemingly more inclined to such an approach (Bruhn, 2013; Bruhn et al. 2017; Holm et al. 2014).
12. Norwegian scholars suggest welfare-oriented prison work relies on the officers' critical engagement with their own position between the 'power apparatus they represent' and 'the person in front of them'. 'Relationships are everything' in prison work, not only relationships between officers and prisoners, but also between other professionals, and 'conversation' is central to this welfare-oriented approach to punishment (Westrheim and Eide, 2019).
13. The survey included 1,231 staff, of whom 70% were officers, the rest being foremen, administrative staff, and other staff working in prison. The total workforce numbers 4,700.
14. A Swedish study also shows that prison officers 'perform complex forms of emotional work'. In light of existing professional subcultures and informal norms, officers choose different strategies, and these strategies produce different types of strain (Nylander et al. 2011).
15. Research on the three-year education and training programme of the Norwegian Correctional Service shows that the trainees see their work as 'social work' ('miljøarbeid') and found the space 'in between' prison routines, regulations, and security to be meaningful to their work, the space where they 'meet' prisoners (Fransson and Grønvold, 2019).

16. Research in Norway and Sweden shows that external factors, such as prison size or the division of labour between security and treatment staff, may also affect relationships between officers and prisoners (Bruhn et al. 2017; Johnsen et al. 2011; Lundeberg et al. 2018).
17. Norway remains closest to a welfare-oriented approach (Westrheim and Eide, 2019), while Sweden is pursuing role-specialization, which results in highly skilled sub-groups, but a general deskilling of the majority of officers (Bruhn et al. 2017).
18. At the time of this research, mixed gender penal institutions were common in Denmark and non-citizens were held in the same institutions as Danish citizens. In the meantime, Jyderup became a women's only prison, and Ringe a non-citizens only prison.
19. All names have been changed to ensure anonymity.
20. For different Scandinavian prison regimes, see inter alia Damsa (2019), Jewkes (forthcoming), Lundeberg et al. (2018), Pakes (2020), Shammass (2014), Smith and Ugelvik (2017), Ugelvik and Damsa (2018), Ugelvik and Dullum (2011).
21. More experienced officers at Vestre suggested that it was usually inexperienced officers that relied on passive security measures.

References

- Aas KF (2014) Bordered penalty: Precarious membership and abnormal justice. *Punishment & Society* 16(5): 520–541.
- Aftale om kriminalforsorgens økonomi (2018–2021): En moderne og stærk kriminalforsorg – et trygt og sikkert samfund. Justitsministeriet. Available at: https://www.justitsministeriet.dk/sites/default/files/media/Arbejdsomraader/Ministeriet/aftale_om_kriminalforsorgens_oekonomi_2018-2021.pdf (accessed 5 March 2021)
- Andersen DR (2016) 'Du skal virkelig have styr på dig selv' – en analyse af fængselsbetjentes følelsesarbejde. *Dansk Sociologi* 27(3/4): 85–105.
- Andersen DR (2017) 'Det kan æde dig op'. *Tidsskrift for Arbejdsliv*. 19(2):7–23.
- Andersen DR, Andersen LP, Gadegaard CA et al. (2017) Burnout among danish prison personnel: A question of quantitative and emotional demands. *Scandinavian Journal of Public Health* 45(8): 824–830.
- Andersen JG (2019) The welfare state as a victim of neoliberal economic failure? In: Ólafsson S, Daly M and Kangas O (eds) *Welfare and the Great Recession: A Comparative Study*. Oxford: Oxford University Press, 192–209.
- Barker V (2013) Nordic exceptionalism revisited: Explaining a Janus-faced penal regime, *Theoretical Criminology* 1(17): 5–25.
- Barker V (2018) *Nordic Nationalism and Penal Order: Walling the Welfare State*. London: Routledge.
- Barker V and Smith SP (2021) This is Denmark: Prison islands and the detention of immigrants, *The British Journal of Criminology* 61(6): 1540–1556.
- Balvig F (2005) When Law and order returned to Denmark. *Journal of Scandinavian Studies In Criminology And Crime Prevention* 5(2): 167–187.
- Bennett J, Crewe B and Wahl Andersen M (2008) *Understanding Prison Staff*. Devon: Willan Publishing.
- Berlingske (2021) *Regeringen vil stoppe livstidsfangers muligheder for dating*. <https://www.berlingske.dk/politik/regeringen-vil-stoppe-livstidsfangers-muligheder-for-dating> (accessed 14 September 2021).
- Braun V and Clarke V (2006) Using thematic analysis in psychology. *Qualitative Research in Psychology* 3(2): 77–101.

- Bruhn A (2013) Gender relations and division of labour among prison officers in Swedish male prisons. *Journal of Scandinavian Studies in Criminology and Crime Prevention* 14(2): 115–132.
- Bruhn A, Nylander PÅ and Johnsen B (2017) From prison guards to... what? Occupational development of prison officers in Sweden and Norway. *Journal of Scandinavian Studies in Criminology and Crime Prevention* 18(1): 68–83.
- Cavadino M and Dignan J (2006) *Penal Systems: A Comparative Approach*. London: Sage.
- Coleman S and Hellermann PV (eds) (2011) *Multi-Sited Ethnography: Problems and Possibilities in the Translocation of Research Methods*. New York: Routledge.
- Damsa D (2019) Between belonging and exclusion: Migrants' resilience in a Norwegian welfare prison. In: Bendixsen S and Wyller T (eds) *Contested Hospitalities in a Time of Migration: Religious and Secular Counterspaces in the Nordic Region*. London: Routledge, 162–175.
- Damsa D and Franko K (forthcoming) 'Without papers I can't do anything': The neglected role of citizenship status and 'illegality' in intersectional analysis, London.
- Danish Prison Federation (2017) *99 ud af 100: Kontakt med indsatte styrker sikkerheden*. Available at <https://faengselsforbundet.dk/fagbladet-net/99-ud-af-100-faengselsbetjente-taet-kontakt-med-de-indsatte-styrker-sikkerheden/> (accessed 26 May 2021).
- Danish Prison Federation (2019) *Bo Yde Sørensen ny formand for Fængselsforbundet*. Available at: <https://faengselsforbundet.dk/bo-yde-soerensen-ny-formand-for-faengselsforbundet2/> (accessed 26 May 2021).
- DIGNITY (2020) *Strafcelle*. Available at: <https://www.dignity.dk/strafcelle/> (accessed 9 September 2021).
- Engbo HJ (2021) Disciplinærretlig skyld og straf i danske fængsler. *Nordisk Tidsskrift for Kriminalvidenskab*, 108(1): 136–156.
- Fransson E and Grønvold M (2019). Møter i mellomrommet. *Uniped* 42(2): 180–193.
- Fuglerud O (2004) Constructing exclusion: The micro-sociology of an immigration department. *Social Anthropology* 12(1): 25–40.
- Garland D (2001) *The Culture of Control: Crime and Social Order in Contemporary Society*. Chicago: University of Chicago Press.
- Garland D (2019) Punishment and welfare revisited. *Punishment and Society* 21(3):267–274.
- Holm C, Lindberg O, Jukic E, et al. (2014). Flera nyanser av blått. Kriminalvårdare på behandlingsavdelningar – deras beskrivningar av yrkesroller, drogbehandling och de intagna. *Nordisk Tidsskrift for Kriminalvidenskab* 101(2): 183–204.
- Jewkes Y (2021) 'An iron fist in a silk glove': The pains of halden prison. In: Crewe B, Goldsmith A, Halsey M (eds) *Power and Authority in the Modern Prison: Revisiting the Society of Captives*. Oxford: Clarendon Press.
- Jewkes Y, Crewe B and Bennett J (eds) (2016) *Handbook on Prisons*. London: Routledge.
- Johnsen B, Granheim PK and Helgesen J (2011) Exceptional prison conditions and the quality of prison life: Prison size and prison culture in Norwegian closed prisons. *European Journal of Criminology* 8(6): 515–529.
- Justitsministeriet (2016) *Regeringen vil begrænse udvisningsdømtes tilbud i fængslerne*. Available at: <https://www.justitsministeriet.dk/pressemeddelelse/regeringen-vil-begraense-udvisningsdoemtes-tilbud-i-faengslerne/> (accessed 5 March 2021)
- Kelly D (2014) Punish or reform? Predicting prison staff punitiveness. *The Howard Journal of Criminal Justice* 53(1): 49–68.
- Kolind T (2015) Drugs and discretionary power in prisons: The officer's perspective. *International Journal of Drug Policy* 26(9): 799–807.

- Kolind T, Frank VA and Dahl HV (2010) Prison drug treatment in Denmark: A historical outline and an analysis of the political debate. *Nordic Studies on Alcohol and Drugs* 29(6): 547–560.
- Kolind T, Frank VA, Lindberg O, et al. (2015) Officers and drug counsellors: New occupational identities in nordic prisons. *British Journal of Criminology*, 55(2): 303–320.
- Kriminalforsorgen (2018) *Bliv fængselsbetjent: Om jobbet*. Available at: <https://blivfaengselsbetjent.dk/faengselsbetjent/om-jobbet/> (accessed 8 October 2021).
- Kriminalforsorgen (2020) *Statistik*. Available at: <https://www.kriminalforsorgen.dk/om-os/tal-og-fakta/statistik/>. (accessed 5 April 2021).
- Kriminalforsorgen (2021) *Betjentuddannelsen*. Available at: <https://www.kriminalforsorgen.dk/karriere/betjentuddannelsen/> (accessed 8 October 2021).
- L 130 Forslag til lov om ændring af lov om fuldbyrdelse af straf m.v. Af Justitsminister Søren Pape Poulsen (KF). Folketinget (vedtaget 27.04.2017). Available at: https://www.ft.dk/samling/20161/lovforslag/L130/som_fremsat.htm#dok (accessed 5 March 2021).
- Lappi-Seppälä T (2016) Nordic sentencing. *Crime and Justice* 45(1): 17–82.
- Laursen J (2016) ‘We don’t want you to think criminal thoughts’: A sociological exploration of prison-based cognitive behavioural programmes in Denmark. PhD Thesis. Aalborg University.
- Lemmergaard J and Muhr SL (2012) Golfing with a murderer – professional indifference and identity work in a danish prison. *Scandinavian Journal of Management* 28(2): 185–195.
- Liebling A (2000) Prison officers, policing and the Use of discretion. *Theoretical Criminology* 4(3): 333–357.
- Liebling A (2011) Distinctions and distinctiveness in the work of prison officers: Legitimacy and authority revisited. *European Journal of Criminology* 8(6): 484–499.
- Liebling A, Price D and Schefer G (2011) *The Prison Officer*. Abingdon: Willan Publishing.
- Lipsky M (2010) *Street-Level Bureaucracy, 30th Anniversary Edition: Dilemmas of the Individual in Public Service*. New York: Russell Sage Foundation.
- Lundeberg IR, Mjåland K and Rye JF (2018) Eksepsjonelle fanger i det eksepsjonelle fængslet. In Rye JF and Lundeberg IR (eds) *Fengslende Sosiologi. Makt, Straff og Identitet I Trondheims Fængsler*. Oslo: Cappelen Damm Akademisk, 213–239.
- Minke LK (2012) *Fængslets Indre liv*. København: Djøf Forlag.
- Minke LK (2019) *Evaluering af lov nr. 641 af 8. Juni 2016: Styrket Indsats mod Mobiltelefoner I Fængsler m.v.*. Copenhagen: Kriminalforsorgen.
- Minke LK (2021) Hjørnestenene i den danske kriminalforsorg: Normalisering og åbenhed. *Nordisk Tidsskrift for Kriminalvidenskab*, 108(1): 99–117.
- Nilsson R (2017) ‘First We build the factory, then We Add the institution’. Prison, work, and welfare state in Sweden c. 1930–1970. In: Smith PS and Ugelvik T (eds) *Penal History, Culture and Prison Practice: Embraced by the Welfare State?* London: Palgrave 35–56.
- Nylander P, Lindberg O, Bruhn A, et al. (2011) Emotional labour and emotional strain among Swedish prison officers. *European Journal of Criminology* 8(6): 469–483.
- Pakes F (2020) Old-fashioned nordic penal exceptionalism: The case of Iceland’s open prisons. *Nordic Journal of Criminology* 21(2): 113–128.
- Petersen K and Christiansen NF (2001) The dynamics of social solidarity: The danish welfare state 1900–2000. *Scandinavian Journal of History* 26(3): 177–196.
- Pratt J (2008a) Scandinavian exceptionalism in the Era of penal excess part I: The nature and roots of scandinavian exceptionalism. *British Journal of Criminology* 48(2): 119–137.
- Pratt J, Brown D, Brown M, Hallsworth S and Morrison W (eds) (2005) *The New Punitiveness*. Cullompton: Willan Publishing.

- Pratt J and Eriksson A (2013) *Contrasts in Punishment: An Explanation of Anglophone Excess and Nordic Exceptionalism*. Routledge Frontiers of Criminal Justice. London: Routledge.
- Programme of Principles for Prison and Probation Work in Denmark (1993) Kriminalforsorgen. Available at: <http://krim.dk/undersider/straffuldbyrdelse/kommentarer-enkelte-bestemmelser/principprogram-kriminalforsorgen-1998.pdf> (accessed 5 April 2021).
- Reiter K, Sexton L and Sumner J (2017) *Negotiating Imperfect Humanity in the Danish Penal System*. London: Palgrave Macmillan.
- Reiter K, Sexton L and Sumner J (2018) Theoretical and empirical limits of scandinavian exceptionalism: Isolation and normalization in danish prisons. *Punishment & Society* 20(1): 92–112.
- Rentzmann W (2008) *Prison policy, prison regime and prisoners' rights in Denmark. Contribution to Prison Policy and Prisoners' Rights*. Proceedings of the Colloquium of the International Penal and Penitentiary Foundation (IPPF). Nijmegen: Wolf Legal Publishers.
- Rua M and Smith PS (2019) *Isolasjon: Et Fengsel I Fengselet*. Oslo: Cappelen Damm Akademisk.
- Shammas VL (2014) The pains of freedom: Assessing the ambiguity of scandinavian penal exceptionalism on Norway's prison island. *Punishment & Society* 16(1): 104–123.
- Shammas VL (2016) The rise of a more punitive state: On the attenuation of Norwegian penal exceptionalism in an Era of welfare state transformation. *Critical Criminology*, 24(1): 57–74.
- Shannon SKS and Page J (2014) Bureaucrats on the cell block: Prison Officers' perceptions of work environment and attitudes toward prisoners. *Social Service Review* 88(4): 630–657.
- Sim J (2007) 'An inconvenient criminological truth': Pain, punishment and prison officers. In: Bennett J, Crewe B and Wahidin A (eds). *Understanding Prison Staff*. London: Willan Publishing, 187–209.
- Simon J (2007) *Governing Through Crime : How the War on Crime Transformed American Democracy and Created a Culture of Fear*. Oxford: Oxford University Press.
- Smith PS (2011) A critical look at scandinavian exceptionalism: Welfare state theories, penal populism, and prison conditions in Denmark and scandinavia. In: Ugelvik T and Dullum J (eds) *Penal Exceptionalism? Nordic Prison Policy and Practice*. London: Routledge, 38–58.
- Smith PS (2021) 'Dynamic security or corruption of authority? Normalization and prisoner-staff relations in danish prisons' in Crewe B, Goldsmith A and Halsey M (eds) *Power and Pain in the Modern Prison: Revisiting the Society of Captives*. Oxford: OUP, Clarendon.
- Smith PS and Jakobsen J (2017) *Varetægtsfængsling. Danmarks Hårdeste Straf?* Copenhagen: Jurist- og Økonomforbundets forlag.
- Smith PS and Ugelvik T (2017) *Scandinavian Penal History, Culture and Prison Practice: Embraced by the Welfare State?* London: Palgrave Macmillan.
- Straffuldbyrdelsesloven (2021) Straffuldbyrdelsesloven - Lov om fuldbyrdelse af straf m.v. Available at: <https://danskelove.dk/straffuldbyrdelsesloven> (accessed 5 April 2021).
- Sørensen BY (2019) 'Man bliver ikke fængselsbetjent bare for at låse døre op og i.' *Fængselsforbundet*. Available at: <https://faengselsforbundet.dk/fagbladet-net/man-bliver-ikke-faengselsbetjent-for-at-laase-doere-op-og-i/> (accessed 27 May 2021).
- Todd-Kvam J (2019) Bordered penal populism: When populism and scandinavian exceptionalism meet. *Punishment and Society*, 21(3): 295–314.
- Ugelvik T and Damsa D (2018) The pains of crimmigration imprisonment: Perspectives from a Norwegian All-foreign prison. *The British Journal of Criminology* 58(5): 1025–1043.

- Ugelvik T and Dullum J (2011) *Penal Exceptionalism? Nordic Prison Policy and Practice*. London: Taylor and Francis.
- Vollan M (2016). 'Mot normalt'? Normalitetsprinsippet i norsk straffegjennomføring. *Tidsskrift for Strafferett* 16(4), 447–461.
- Westrheim KG and Eide HMK (2019) *Kunnskapsbasert Straffegjennomføring I Kriminalomsorgen I Norge*. Bergen: Fagbokforlaget.

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A Difference That Makes a Difference? Reflexivity and Researcher Effects in an All-Foreign Prison

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Abstract

Today, researchers are expected to spend considerable energy describing and discussing their own social positions and personas in the field for at least two reasons: First, researchers always observe the field from a specific point of view. Their perspective is structured by their own social position and biography and is thus unique. Second, the people in the field react differently to the presence of different researchers. The field persona of the researcher is expected to impact the data she or he is able to produce. For these reasons, critically discussing one's own field experiences is seen as an important part of the qualitative research process. This article will discuss the second part of this argument. Based on the experiences of two different researchers in the same field site, we ask whether it is true that different researchers necessarily produce different data. We conclude that in this case, at least, the differences between the two researchers did not seem to make much of a difference.

Keywords

reflexivity, researcher field persona, researcher effects, self-positioning, prison ethnography

What is already known?

Following the reflexive turn, the researcher herself or himself is seen as the single most important research instrument within a qualitative research paradigm. The researcher's performance of self is said to impact both the way she or he observes and understands the field and the ways in which the field reacts to the presence of the researcher. The construction of one's field persona is thus seen as a fundamental part of the data production process.

What this paper adds?

After reflecting on and discussing our separate findings from two different research projects conducted in the same field site, we are not all that certain that the substantial differences between our field personas mattered much at all in this case. Based on our different field experiences, we would like to start a discussion about the need for and the limits of a reflexive social science approach.

Introduction

The idea for this article emerged over a cup of coffee, on a terrace overlooking Oslo prison. We had just attended an

information meeting with a group of Romanian nationals serving time there. During the meeting, Dorina Damsa was consistently confused to be Thomas Ugelvik's secretary, translator, or student. Prisoners frequently made eye contact with Thomas, even though most of the conversation took place in Romanian, a language he does not understand. Thomas was assumed to hold some sort of power to help prisoners or at least influence their situation, while Dorina was relegated to a marginal supportive role. Reflecting on these observations, we became curious about each other's experiences in the field. We expected that they differed considerably, in light of our gender, age, nationality, or perceived expertise, for instance, and wondered how this might end up affecting our construction of the data. This article is based on this curiosity. We ask whether the differences between our field personas actually made a difference in the research process and use our own experiences to explore the

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need for and the limits of a reflexive social science approach. This, then, is not a traditional research article where we report substantial findings from a study. The point, rather, is to start a discussion about reflexivity and positionality based on our different experiences in the same field site.

Ethnographic research can be described as a process where a researcher—often one researcher working alone—goes out into the world (the “field”) and interacts with the people she or he meets there (traditionally called “informants”). The researcher then retreats from the field at some point and returns to her or his office to reflect on the field experiences (“analyzing” the “data”) and write the research up, preferably as a publishable text. In most cases, the researcher starts out as a stranger in the field, different in important ways from the people who are at home there. The many differences between the researcher and the researched are often seen as vital for data production (indeed, researchers are often warned against “going native”). These differences are not only the basis for numerous conversations in the field; they are seen as coconstitutive of the researcher’s field optics or gaze (meaning, simply, that differences are very easy to spot). According to Coffey (1999), fieldwork should be recast as a process where the self is central. Fieldwork negotiations of self may impact on how the researcher is viewed by the people in the field and therefore on how these people react to her or his presence. As maintained by Goffman (1959, p. 22), the presence of another (an “observer”) influences the social performance of self, as we take on “roles” according to “fronts” (for instance, settings, gestures, appearances, demeanor), along specific social scripts. The performance of self is said to impact both the way the researcher observes and understands the field, and how the field reacts to the presence of the researcher (Ezzy, 2010), and is thus seen as a fundamental part of the data production process.

For these reasons, researchers today are expected to describe their social position in the field and discuss the ways it may have impacted on the data. This discussion is seen as a reflexive social science virtue and a vital part of the validation of qualitative research (Kumsa et al., 2015). Readers need to get a certain level of insight into the research process and the researcher’s field experiences to assess the strength of her or his claims (Reinharz, 2011). A successful ethnographer therefore has to include self-observation and self-reflection in her or his skill set. Following the reflexive turn (Foley, 2002), every research article needs to address the researcher’s positionality and the way her or his identity and perspective played out in the field, in relation to others, and within existing culture and power structures (Bochner & Ellis, 2002; Madison, 2012).

There is a risk, however, that one might overdo it. Jewkes (2014) cautions researchers against crossing the line between honest disclosure and showy exposure. Constructive self-awareness and narcissistic self-absorption are related phenomena, but the latter should clearly be avoided. The important question, then, is how we might tell the difference. If we agree that in ethnographic research, the researcher, herself or himself, is the most important research instrument (Hammersley & Atkinson, 2007; Liebling, 1999; Van Maanen, 1988), but we still think that social research needs to prioritize substantial

findings over self-reflection, how do we in practice strike the right balance between not including enough tales of the field on the one hand and unnecessary navel-gazing on the other?

In this article, we want to discuss this dilemma based on our experiences as two different researchers in the same field site. Dorina—a young woman of Romanian origin—and Thomas—a slightly older Norwegian man—both conducted fieldwork in Kongsvinger prison, Norway’s only prison designed to hold foreign national prisoners exclusively. Because we are two different people, our fieldwork experiences in the same field site and the resulting data provide an opportunity to discuss the role of reflexivity and subjectivity in field research in a deeper and more meaningful way than what is possible in most single-researcher projects. We are both different in significant ways from the prisoners we met and interacted with, but we are also different from each other and have conducted our two different research projects at different times, meaning that we, presumably, impacted the field and the data production processes in different ways. Instead of the standard bipolar relationship between researcher and researched (A and B are different), this constellation creates a more complex triangular relationship of differences (A and B are both different from C, but they are also different from each other) making a more complex discussion possible. Perhaps controversially, we conclude that in our case the differences between researchers did not seem to have mattered much. While we did experience the field differently, when we later compared our data, the degree of similarity, not difference, is what struck us. At least in our case, different researchers ended up producing very similar substantial findings. We think this result is interesting because it went contrary to our expectations. We argue that our colleagues should not simply take researcher field effects in ethnographic studies for granted in future research.

Reflexive Social Science

At the end of the 19th century, the British Society for the Advancement of Science published their *Notes and Queries in Anthropology for the Use of Travelers and Residents in Uncivilized Lands* (1874). This pocket guide detailed themes and questions for data collection in the colonial context. The purpose was to collect “facts” about the primitive peoples being studied in an “objective” manner (Erickson, 2011). This paradigm, described variously as positivism or naturalism, would come to dominate the social sciences in the late 19th century and early 20th century, and would not really be challenged until the “interpretive turn” (Rabinow & Sullivan, 1987) of the mid- and late 20th century questioned the tenets of positivism.

Following the break with (the strong version of) positivism in most main streams of ethnography, postpositivist and post-modern approaches have held that experience is subjective, that ethnographic data may contain many different truths, and that social inquiry as a result inevitably is value laden and situated. While acknowledging the impossibility of objectivity, researchers were still motivated to get “better data” and “better

evidence" (Erickson, 2011) and began to focus explicitly on the research process itself (Denzin, 1970; Glasser & Strauss, 1967). The "reflexive turn" was already taking shape (Clifford & Marcus, 1986). Autoethnographic accounts explored the researcher self (or selves) and revealed the messiness of the field; the difficulties, dilemmas, and emotions that shape ethnographic data. Feminist researchers pointed to the asymmetry of power between the "observer" and the "observed" and the need for reflexivity regarding the observer's standpoints, which were seen as (at least partially) mutually constructed in interactions with the observed (Harding, 1991). Critical voices emphasized the impossibility of neutrality in social research and made the case for action oriented research as a way to address injustice (Thomas, 1993). Postmodern ethnographers went on to even challenge the authority and legitimacy of scholarly work itself and sought to extend reflexivity and commitment to those under study (Krieger, 1983).

Where does social inquiry stand today? According to the ethnographic methodological canon, the production of knowledge is situated, embodied, and relational (Coffey, 1999; Davies, 1999). The researcher self is seen as an integral part of the construction of the field; the medium through which the data can emerge as a "thing" that can be analyzed. As a consequence, the researcher's position or field persona will impact her or his on-going self-positioning work in the field and the ways in which she or he is positioned by others (Jewkes, 2014). From this perspective, data are not simply collected, analyzed, and presented but collectively produced or constructed. This process is never straightforward. According to Vanderbeck (2005, p. 388), "relationships between the researcher and the researched are always entangled with systems of social power based on gender, sexuality, class, "race," ethnicity, age, (dis)ability, and other factors." These systems produce differences that are assumed to make a difference. The need to unpack these mutual entanglements and reflect on their consequences is seen as vital within a reflexive social science paradigm. As active participants in the field, researchers are supposed to acknowledge and reflexively discuss their positions and roles in the field, and the impact they themselves may have had on the resulting data material. Gibbs (1988), for instance, proposes a "reflective circle" to systematically structure the process of (self-) analysis in interactions in the field.

The paragraphs where researchers discuss their own field experiences are not just there, then, to add context and flavor to the final text. Disclosing and discussing the process where data have been impacted by the scholar's social position within the study field are seen as vital. This is no easy endeavor, however. The field does not present the ethnographer with laboratory-like conditions, where field positionality can be straightforwardly tested for impact. As a result, the researcher's social position or persona is normally quite briefly and speculatively addressed in articles. Sometimes, though, opportunities for a more thorough examination may arise, such as in our case. Having conducted our research projects in the same research site shortly one after the other, we have subsequently engaged in a dialogue that has allowed us to reflect on our own positions

in the field, our constructions of the field, and the consequences for our data. This article, then, details how two different researchers, Dorina and Thomas, working on two different research projects in the same field site, constructed and were constructed by the research field, and whether these processes impacted their findings.

Method

Kongsvinger prison, an all-foreign prison about an hour and thirty minutes' drive northeast of Norway's capital city of Oslo, was the field site for both projects. Thomas did 4 months of fieldwork in the prison in the autumn and winter of 2013 as part of a multicited ethnographic study. He was an experienced prison researcher going into the project with multiple shorter and one long-term fieldwork periods under his belt. As in earlier projects, he drew keys and moved around the prison on his own accord. He did the fieldwork by himself. Data collection ended before he ever met Dorina.

Dorina entered Kongsvinger for the first time in the summer of 2015 to investigate Romanian prisoners' transitions from Norwegian prisons to freedom as part of cooperation between the University of Oslo and the University of Bucharest. She visited the prison on numerous short-term research visits over the course of 2015 and 2016, collecting interview data, but also doing participant observation. Thomas was also a part of this project—in fact, he was the national project leader that had hired Dorina to do the job—but fieldwork was conducted by Dorina only.

The idea in this article is to compare the experiences of two different researchers who did two different projects in Kongsvinger prison more or less independently of each other. This might look deceptively like an experiment, and we must rush to stress that it is not. In particular, Thomas probably impacted on Dorina's field experiences in ways that would ruin an experimental design in the natural sciences sense. During her project, feeling like a novice, Dorina shared experiences, ethical dilemmas, and findings with Thomas, prison research being new to her. We were also part of the same research environment at the University of Oslo throughout our two projects. This might explain that our findings ended up being so similar: Our researcher optics may have both been structured by the same departmental culture and the available discourses there. We acknowledge, then, that what we have done is not an experiment, but we still believe that our conversations have made it possible to reflect on researcher reflexivity and positionality in a way that would be difficult for a single researcher working alone.

In the Field

Although our two projects were slightly different, we both sought to understand the life of foreign nationals imprisoned at Kongsvinger prison through fieldwork. In the following, we will first address our positions in the field, before we turn to the construction of the data.

Who are we on the face of it? To begin with the similarities, we are White, middle-class, cisgender heterosexuals with strong support networks. We both use humor to cope with the challenges of the field experience and generally think of prison fieldwork as bittersweet, often interesting and funny and sometimes difficult and tragic. Then, there are the differences. Dorina identifies as female and Thomas as male. Dorina is younger and physically smaller than Thomas. Thomas is a Norwegian national while Dorina is Romanian. As a trained criminologist, Thomas has a professional skepticism toward the prison estate and its ability to reach its ambitious goals (the Norwegian Correctional Service's most fundamental goal is to create a "safer society"). Nevertheless, as most Norwegians, he also, by and large, trusts the Norwegian government and sees great advantages of the current welfare state regime. As an immigrant to Norway, Dorina does not yet feel totally included in the embrace of the Norwegian welfare state. Her Romanian background gives her a more deep-seated distrust of the benevolence of state institutions.

There are also similarities between the ways we approached the field. We were both mindful of the need to actively cultivate rapport. We both strive to be sympathetic and active listeners, and we both sought to maintain awareness of the status differences (power, privilege, and perspective) between us and the other actors in the field. As a rule, we tried to adopt a nonjudgmental stance even when faced with informants who talked about deeply problematic and from our perspectives morally wrong actions. We might both be guilty of showing signs of understanding that may have been wrongly interpreted as agreement. This has created moments of discomfort but may have resulted in a better understanding of the other actors and their motivations. Other than that, we both consciously and actively engaged in the light banter characteristic of prison spaces, largely avoided taking notes during interactions as to minimize distance, and we both took mental notes of data we thought we ought to use later, in a fluid process of interaction and interpretation.

Then, there are differences. For Thomas, arriving at Kongsvinger prison for the first time felt like coming home, especially in light of his recent experiences of doing fieldwork in a police immigration detention center. At Kongsvinger prison, he was back in a social environment where he felt at ease, he knew the codes, knew how to approach people and make them comfortable. Conversely, Dorina walked into Kongsvinger prison carrying the weight of the anxiety and excitement of a first-time prison researcher on her shoulders. She invested significant mental and emotional energy in building relationships, experienced every moment as a learning moment, and generally felt under the pressure to perform. She remembers those first days as exhausting.

Thomas had a more permanent and stable presence in the prison than Dorina. Because he drew keys and carried an assault alarm on his belt, he was allowed to move around as he pleased between the various spaces of the institution. A native Norwegian speaker, he quickly established positive relationships with prison officers. His research project was

perceived as ultimately beneficial to the prison, so officers, in a sense, felt that they had a stake in it. Building rapport with prisoners, however, was more difficult than he was used to from other prison field sites. Given that Kongsvinger prison is an all-foreign prison, the language barrier meant that, even when prisoner and researcher shared the best of intentions, conversations could be halting and frustrating. At 36, he was at the time only slightly older than the average for Norwegian prisoners. As a man, he shared the same gender identity as the prisoners (Kongsvinger prison is a men's prison) and the majority of officers, although the Norwegian prison system has a higher proportion of female prison officers than most jurisdictions. He soon felt very Norwegian, however, in contrast to prisoners who have been selected for transfer to Kongsvinger prison based on the fact that they were not.

Unlike Thomas, Dorina had more irregular visits to the prison to interview specific prisoners. She was therefore not given keys, but was instructed to always stay "within sight" of an officer, to have her "safety ensured." This limited her independent movement to the small area around the officers' office. She had to be escorted by an officer when moving between different spaces, and she often felt like she was an additional task for the officers. The fact that she did not draw keys meant that she had to obey the officers and do as she was told much like the prisoners themselves. Not yet fluent in Norwegian, she spoke English to officers, which substantially limited communication. Her project was understood to have some relation to the Romanian prisoners and Romania and was thus seen as somewhat disconnected from the prison staff. As a consequence, Dorina could not really establish a sense of fellowship with the officers, though in time, relationships evolved (from being called "the researcher," after about 6 months she was called by her name). Building rapport with the prisoners, however, came effortlessly. A shared language and an understanding of cultural codes created a sense of instant community. Showing no visible signs of fellowship with the officers and being bound by rules much in the same way as prisoners cemented that feeling.

Dorina and Thomas were different from the prisoners in several ways; their class background, their reason for being in the prison, and the fact that they could leave at any time perhaps being the most obvious. But Dorina and Thomas are also different from each other. In some aspects, they are both more similar to the prisoners than to each other. Most obviously, Thomas is a man (similar), but he is Norwegian (different). Dorina is a foreigner (similar), but she is a woman (different). The question is in what ways these differences made a difference. How did our similar and different ways of being in the field impact our data?

Differences That Made a Difference?

In the field, one might encounter different perceptions and performances of identity, which may have a strong impact on rapport. Perhaps not surprisingly, our differences, and particularly our different positions at the intersection of citizenship,

age, and gender, resulted in fairly different positions at Kongsvinger prison. We were co-opted differently by the prisoner and officer tribes, and we established rapport with different participants in the field. In the following and for the purpose of our analysis in this article, we will look at specific aspects of our field personas. This split is of course entirely artificial. In the real social world, these aspects are always intersectionally entangled.

Citizenship/language. According to research, the most common and significant problem reported by foreign national prisoners in general is the lack of knowledge of the national language (Bhui, 2008; Kalmthout, Hofstee-van der Meulen, & Dünkel, 2007). In many cases, both verbal and written communication are severely hampered. This may again lead to feelings of social isolation, uncertainty, and helplessness. A lack of understanding of the native language will color every part of the everyday prison experience. Prisoners are frustrated at not being understood by staff, of having little to read in their own language and no television channels, and at missing out on basic provisions because they had not understood instructions. At Kongsvinger, there is a great variety of language backgrounds among prisoners. A shared language can create an important sense of common ground. In the case of relatively small languages, such as Norwegian or Romanian, language skills can temporarily tie strangers together.

For Dorina, being Romanian and speaking Romanian were probably the single most important factor in successfully establishing relationships with prisoners. Language was like a universal passkey; most Romanian prisoners automatically assumed her to be on their side, to understand what it is like to be Romanian, and to be a Romanian in Norway more specifically. Dorina's origin and native language made it very easy for participants to relate to her. As a Romanian, she was expected to understand and empathize with the participants' lifestyle, as she was supposed to understand the state of poverty of so many Romanians and their lack of options to make ends meet: "you know how it's like in Romania"; "you know the hardship" and "you have no choice" but to leave the country and ultimately participate in criminal activities.

Moreover, with an understanding of French and Italian, Dorina was also able to communicate with other prisoners. She soon became an informal messenger or translator in the communication between foreign national prisoners and Norwegian prison officers. Common languages allowed Dorina to be seen an honorary member of the prisoner tribe almost instantly. Davies (2015) describes how he due to his background as a former prisoner was seen as closer to the prisoners' status rather than being seen as a member of "the establishment." His ex-prisoner status created an instant connection. In the case of Dorina, a shared minority language had similar effects. When she greeted prisoners in Romanian, she was immediately assumed to have knowledge and share similar views of sameness or otherness with the Romanian prisoners. Often, the shared language created a shared space, as one participant commented, a respite from the "day in, day out" of prison life.

Thomas, on the other hand, had to resort to English (and in a few cases Norwegian) in his communication with prisoners. As a result, he experienced much more of a distance that needed to be overcome initially. In most cases, English is the necessary common ground language that makes communication between prisoners and officers at least haltingly possible. Being Norwegian and speaking English marked him from the outset as an outsider to the prisoner community, and perhaps to some as someone who might be aligned with the prison or the Norwegian government in some way, despite his attempts at being seen as an independent researcher. He did manage to create a few extended relationships with individual key informants among the prisoners of the kind that he had depended on in previous research projects in prisons, but he had to work a lot harder to get there than Dorina did. Predictably, Thomas ended up spending most of his time talking with prisoners who knew at least a fair bit of English. Similarly, the prisoners who had spent a lot of time in Norway were easy to get to know and get along with for Thomas. A few times, he experienced a bit of the frustration reported by prisoners when he was approached by prisoners who had heard about his project and that believed that they had something important to tell him, but where the lack of a common language made data collection almost impossible. At other times, he was seen as a Norwegian exception; someone who could become a valuable ally or even advocate and someone who could finally relay the truth about the Norwegian system to the gullible but basically good-hearted Norwegian public. It is fairly common for prison researchers to be positioned as potential advocates, but it is even more problematic than usual when the language barriers makes it difficult to adjust the researcher's initial position.

Gender. Anthropologists have long engaged with the interaction between the researcher's gendered persona and the field. The researcher must grapple with the discrepancy between the gendered self and the ways in which the researcher is perceived in context. According to Whitehead and Conaway (1986), various accounts of fieldwork show that researchers may subscribe to prescribed gendered categories and performances in the field or, on the contrary, disturb them, in a continuous process of adjustment. Gender perceptions in the field may obstruct or facilitate report, either way generating valuable knowledge (Madison, 2012).

Early on in the research, Dorina was made quite aware that she was a woman in a men's prison. Prisoners randomly approached her to inquire about her purpose there. They frequently went into conversation with her about the pains and frustrations of their imprisonment, one of which was the lack of women (always told to her only half-jokingly). A few prisoners attempted to flirt with her. One inmate in particular made her into the regular target of his sexism. The first time she was subjected to a sexist tirade, Dorina did not quite register it until she had left the prison, hours later, and felt a strong emotional reaction. But these deeply uncomfortable moments were exceptions rather than the norm. Later on, she felt amusement when this happened, as the prisoner seemed to test her

competence or tolerance in this manner. Most prisoners, though, did address her in a fairly paternalistic manner, usually seemingly to educate her with regard to the hardship of life “out there.” Simultaneously, they constructed street-smart, masculine personas for themselves in relation to her purported naivety and femininity. As time went on and field relationships became more relaxed and comfortable, prisoners maintained a sort of reverence toward Dorina—the young, innocent girl researcher—for instance, apologizing when using profane language.

Thomas, while not experiencing (or at least not registering) gendered microaggressions in the same manner as Dorina, was also used as a prop in prisoners’ masculine self-construction work, albeit, perhaps, as a more willing prop than Dorina. He was sometimes included in the kind of “gangster talk” he knew well from his earlier fieldwork in prison (Ugelvik, 2014a). These conversations felt familiar; it was a genre he felt comfortable with. He could even swap other people’s stories and thus participate in the friendly contest of one-upmanship that often characterizes such informal conversation. And while he was not an equal partner in these conversations (he is obviously not very “gangsta” himself), he was not a complete outsider either; he was someone to spar with, even though he was not seen as match fit.

To an extent, our genders did structure the prisoners’ discursive practices and behaviors differently. Dorina was placed in an essentialized feminine position, to be spoken to with respect and protected (to some extent, this was also echoed in the officers’ behavior). Thomas, as a man, was in a position where he was expected to hold his ground and prove himself, in ways that Dorina never had to. He was constructed as more of an equal, someone to talk to on the same level, in contrast to Dorina, who had to be educated and protected. While a shared language contributed to create common ground between Dorina and the Romanian prisoners, her status as female created more of a distance. The exact opposite was the case with Thomas. Our different gendered experiences were obviously also related to differences in our age and experience, to which we now turn.

Age/expertise. The implications of the researcher’s (perceived) age in the field have often remained unaddressed. Age may have a significant impact in the field, in terms of how the researcher is perceived, especially at the intersection with gender. The consequence is often that young (and youngish) researchers and female researchers are not seen as proper grown-up professionals. Thompson (in Ortvals & Rincker, 2009) describes how young female researchers may experience “status inconsistencies” especially in relation to older, male respondents. For instance, Sloan and Wright (2015) describe having to adjust their appearance in order to not appear too young. Being seen as young might carry advantages as well though; Wax and Guillemin (1979) suggest that young researchers may succeed in the field, when they position themselves as learners looking for mentors (the informants) who might more readily choose to share their expert knowledge

with someone more junior. In our case, we both experienced being positioned as younger and less experienced than we were, albeit in slightly different ways, and with different consequences.

Thomas was 36 and an experienced prison researcher at the time of the research project. He was frequently seen as less experienced than he was; however, something he had also experienced in the past. At Kongsvinger prison in 2013, as a postdoctoral researcher, people frequently thought he was working on his PhD. This was probably a case of mismatch between observation and expectations: To both prisoners and prison officers, people with PhDs are supposed to be older and have more gray hair than he had at the time. Having turned 30, but being seen as younger, Dorina was taken to be a student by prisoners and prison officers alike. While officers and most prisoners accepted her as a conversation partner, in some cases, her ascribed “student” status was intended to be reductive. For instance, a police officer visiting the prison used “just a student” as a reason to justify her decision to her superior, on the phone to not allow Dorina to accompany one of the prisoners who was being deported. In the field, the association between age and expertise has implications for the researcher’s position. Seen as young and inexperienced, Dorina felt that she had to work much harder to gain respect and cast herself as the researcher, experiencing moments of frustration in relation to this. Having experienced it before, Thomas was perhaps better prepared for the experience. He often made a point of using prison lingo and showing both officers and prisoners that he knew the kind of “inside information” that marks one off as someone who has seen the inside of a prison before.

Becoming “the researcher”. Prisons have been described as a low-trust environment where two clearly established groups are in perpetual conflict (Sparks, Bottoms, & Hay, 1996). As both our projects moved forward, we struggled in different ways to carve out an appropriate field position for ourselves. We both invested considerably in interactions with the various participants in the field in order to create our “researcher” positions. We encountered slightly different obstacles and had to choose between different solutions. Thomas had experienced being put in a sometimes awkward position between established conflict lines in previous research projects (Ugelvik, 2014a, 2014b). Managing the relationships with the two groups sometimes felt like trying to walk two moving tightropes at the same time. Sometimes, the circumstances choose a side for you, and there is not much you can do about it.

Officers working in the evening shift often eat dinner with prisoners. They use their own plates and cutlery though which are washed separately in the officer area washing machine. The blue pattern makes the plates clearly separable from the White prisoners china. The plates are bigger and look nicer. When an officer ask me early on in the fieldwork if I would like some dinner, I say yes, looking forward to having dinner with the prisoners. She brings me an officer’s plate and officer’s cutlery, however, symbolically

positioning me as part of one group rather than the other. The one guy I know well and sit down with leaves soon because he finished his dinner early and wants to make a phone call. I end up sitting at a table all by myself, eating dinner off my blue-patterned prison officer's plate (Thomas, field notes).

Inclusion attempts can be emotionally satisfying and are slightly flattering, but they may also create tension and problems in an institution that is built around a perpetual cold war-like conflict. These problems can be overcome given time, though, and Thomas ended up, as he has done in previous projects, in a unique, liminal position between established groups. Dorina on the other hand remained more clearly associated with the Romanian prisoners who were the focus of her study:

The four of us [Dorina and three Romanian prisoners] decide to sit and talk in the cafeteria, as it is snowing heavily outside. I place my things on the officers' dinner table, as it was the first table we walk by. One prisoner comments that we should sit at another table, in the corner, as "not to get infected", presumably from sitting at the officers' table [. . .] As the prisoners go in and out of the cafeteria for smokes, they always return with a grin, reporting the officers' curiosity regarding our conversation. "To them, you are the enemy within. The one they cannot get rid of" says one prisoner. They seem satisfied by this and that officers can't understand us when we speak. They tell the officers that we are talking about post-release, about their plans, and such. They don't want the officers to know that they are "dishing it out, all the shit that happens" there. (Dorina, field notes)

In sum, our field personas were different in many ways. Dorina was seen as a more junior female foreign national researcher closely connected to a specific group of Romanian prisoners that she visited repeatedly and got to know well. She was a visitor to the prison who had to ask officers to help her to get around. Thomas was seen as a (somewhat) more senior male Norwegian national researcher who was trusted with his own set of keys. He went all around the prison and did not express any particular interest in any more or less established subgroups. Following the reigning qualitative social science paradigm, we would expect our different positions to impact on our data in significant ways. Did these differences make a difference? If yes, in what ways? We will now turn to a discussion of these questions.

Different Researchers, Similar Findings

When it comes to the prisoners' experience of being imprisoned in Kongsvinger prison, and despite our slightly different projects and seemingly significantly different field personas, the resulting data materials were in most respects very similar. For illustration purposes, in this article, we have decided to present the prisoners' perceptions of prison life, as it has been one of the most prevalent themes in the course of our research projects. The following is not meant to fully present the findings from our two projects. Like we stated

initially, the point in this article is to discuss reflexivity and researcher positionality, not to report on our findings. For a large part, readers must trust us, then, when we say that our two projects did indeed yield very similar conclusions. We have included the following as illustrations in order to give a taste of what we mean when we assert that our findings were substantially "similar."

Dorina and Thomas both frequently interacted with prisoners who believed that the prison was essentially a racist institution created to provide foreign national prisoners with a second-class prison experience. In both studies, prisoners often took the hypercritical censorious stance toward the prison, the Norwegian criminal justice system, and the Norwegian government in general described by Mathiesen (1965). However, unlike Mathiesen's study, we found that this stance was coupled with a strong sense of in-group solidarity and shared sense of destiny. Prisoners often reported feeling like members of a group of outcasts that the Norwegian government was trying to spend as little money on as possible and then transfer or deport as quickly as possible. Unsurprisingly, they did not hold the Norwegian prison system in high regard. Prisoners routinely presented Dorina with more or less accurate criticism of a racist Norwegian system enforced by racist prison officers:

Prisoner: Everything has changed in Norway. So, you, as a Romanian, or any other nationality, you will never benefit from those jails you see on TV. Those are made for Norwegians. These are made for Romanians. Specially made jails for Romanians, for immigrants. There is not one Norwegian in this prison and there are 200 persons, 200 inmates. And in Oslo [prison], the majority are immigrants. A thousand inmates fit in there.¹ You have been there. You have seen how ugly it gets (Dorina, interview, Kongsvinger).

Similarly, a typical response after hearing Thomas's standard description of his project:

Prisoner: The most important thing that you need to understand is that the normal prison for Norwegians, the prisons that have Norwegians also, they are much better. . . . When I was transferred here from Bergen prison, I got no opportunity to appeal. A Norwegian prisoner, they can't just transfer him, he's got a right to appeal the decision. Not with me. I had already applied for a transfer to another prison, for family reasons, to be closer to my family. I had applied a few weeks before. On the day of my transfer, I was taken to a room and 15 people there were waiting for me. 15 guards!

Thomas: You must be a very dangerous man?

Prisoner: No, no, no, I had never ever, not a single report on me in the prison, in Bergen prison, nothing. And then the wing manager showed me my application, he just gave it back to me, he hadn't signed it, he didn't even send it to the prison I wanted to go to. He just smiled in my face and gave it to me. That wouldn't have happened to a Norwegian prisoner, no way.

We both found that prisoners at Kongsvinger often understand any negative decision or bad experience as connected to their status as foreigners and the fact that they were being held in an all-foreign prison. Discrimination and outright racism were frequently used explanatory frames. Even in cases where prisoners only had limited or wrong information, decisions were frequently seen in the context of their general impression of a racist institution. It was a sort of shared catch-all explanation.

This general frustration and the anger directed at the Norwegian state and its criminal justice system was, however, paradoxically often combined with statements about how easy and lax Kongsvinger is. Prisoners frequently ridiculed the prison and its security measures in particular:

Prisoner: This is a hotel, man. Prison in my country, that's something else. [...] This place is completely different. We have single rooms and flat screen TVs and free food, it's just a complete luxury. For many people, taking a break in here is a good thing. Six months here, you get to calm down, relax, make new plans, and you're fresh and ready for action when they release you. Perfect! (Thomas Ugelvik, interview, Kongsvinger)

Prisoner: This is not like in Romanian prison, heavy, so that you can feel it [...] So, this is not a very heavy prison like elsewhere, this is a mini-prison, so it's not bad. [...] This is like camp. (Dorina Damsa, interview, Kongsvinger)

When we compare notes, our main impression is one of substantial similarity and overlapping findings. By and large, the prisoners we talked to for our two projects wanted to tell us the same story about Kongsvinger prison. We both encountered prisoners who were frustrated with the prison and with the Norwegian system. Paradoxically, at the same time, many prisoners expressed a desire to ridicule the prison as not prison-like enough: "It is not a proper prison," "it is more like a hotel," "I actually enjoy being here," etc. In a nutshell, Kongsvinger prison was described to both Dorina and Thomas as the world's most comfortable racist institution.

Conclusion: Insignificant Differences?

Crewe argues that researchers doing fieldwork should remember that they are "the least important person there" (Crewe, 2014, p. 401) and that we should, in our reflexive writing, prioritize what other researchers can learn from our experiences, and what these experiences reveal about substantive issues, rather than about ourselves. According to Rowe (2014), our field experiences should only be reflexively discussed to the extent that they actually made an impact on the research process. What actually impacts data collection in exactly what ways may be very difficult to tell in practice, however. We did occupy different positions in the field, and we did experience the field differently. After reflecting on and discussing our separate findings, and viewing them in relation to our field positions, however, we are not all that certain that

positionality really mattered much at all. Of course, there are differences. Prisoners flirted with Dorina, and they wanted to protect her. Thomas was seen as more "important" in the sense that he could not quite get beyond the expectation that his position in the system might be used to help prisoners in some way. But overall, to someone interested in the experience of prisoners in Kongsvinger prison, the data sets are very similar. We can only conclude that the differences between our two field positions at the intersection of citizenship, age, and gender mattered little for our two projects. They were not differences that really made a difference.

On the one hand, this can be said to strengthen the reliability (Morse, Barrett, Mayan, Olson, & Spiers, 2002) or dependability (Lincoln & Guba, 1985) of our findings; two different researchers reached similar conclusions. On the other, this does present us with something of a puzzle. Based on the current methodology state of the art, we would expect the differences between our field personas to manifest themselves as substantial differences in the data we collected. When this did not happen, it is tempting to ask what might have been a difference that really would make a difference. Speculating on that question, in the context of Kongsvinger prison, one obvious answer would be to wear a uniform, or in other ways be seen as identical with the prison and its staff, or to be a prisoner. If one of us were, for instance, a convict criminologist (Davies, 2015; Earle, 2014) it may have changed the resulting data. Other consequential differences might also, potentially, exist. Perhaps differences in social class would have a bigger impact than the differences we have discussed here. Perhaps a bigger age difference might have created more clearly observable differences in the data collected. Then again, perhaps not. All this remains speculative. Only an empirical investigation of these claims, mindful of the research topic and context, may answer these questions. When it comes to the two projects discussed in this article, however, the fact of the matter seems to be that prisoners in Kongsvinger prison presented their experience in a certain way. Their complex experiences of marginality and otherness and their need to criticize and resist the prison regime did not seem to be impacted significantly by the differences between different researchers. In our case, we agree that we produced the data as specific people, with specific bodies, biographies, and ways of being in the world. But we wonder whether very different people would have produced very different data. Perhaps the similar findings despite our different researcher personas can be said to reflect the weight of the prisoners' experiences and the level of frustration and uncertainty created by the prison context.

In conclusion, we should stress that we are not mounting an all-out attack on reflexivity in social research. We do not think that we should stop worrying about researcher positionality altogether. Reflecting on and actively engaging with researcher field personas may in many cases be an important data collection tool in its own right. There might also be other good "external" reasons to care about reflexivity and researcher positionality. If we see researchers as centrally implicated not only in the fieldwork process but also in the topics they have selected for study and in the analysis and writing up of research

findings (Phillips & Earle, 2010), critical examination of the researcher's own motivation and the presuppositions, and personal history that leads to a particular study should continue to be a virtue (Caelli, Ray, & Mill, 2003). The discipline of criminology in particular will often involve doing research on behalf of the powerful (Lumsden & Winter, 2014), which makes it particularly important to avoid uncritically adopting state problem definitions. Reflexivity accommodates differences against simplistic prediction. For such reasons, reflexivity and researcher positionality should continue to be part of our research articles also in the future. In this article, we have argued simply that we should not automatically assume, a priori, that the impact we as specific individuals have on the data collection process will be relevant in all research projects. Sometimes, our research might even be better served if we concentrate more on constructing thick descriptions of the field site and the way informants react to it and put less effort into writing ourselves into the mix.

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Note

- Oslo prison has a capacity of little over 400 prisoners of which approximately 50% were foreign as of June 2016.

References

- Bhui, H. S. (2008). *Race and criminal justice*. London, England: Sage.
- Bochner, A. P., & Ellis, C. (2002). *Ethnographically speaking: Auto-ethnography, literature, and aesthetics*. Walnut Creek, CA: Alta Mira Press.
- Caelli, K., Ray, L., & Mill, J. (2003). 'Clear as mud': Toward greater clarity in generic qualitative research. *International Journal of Qualitative Methods*, 2, 1–13.
- Clifford, J., & Marcus, G. E. (1986). *Writing culture: The poetics and politics of ethnography*. Berkeley: University of California Press.
- Coffey, A. (1999). *The ethnographic self: Fieldwork and the representation of identity*. London, England: Sage.
- Crewe, B. (2014). Not looking hard enough: Masculinity, emotion, and prison research. *Qualitative Inquiry*, 20, 392–403.
- Davies, C. A. (1999). *Reflexive ethnography: A guide to researching selves and others*. London, England: Routledge.
- Davies, W. (2015). Unique position: Dual identities as prisoner researcher and ex-prisoner. In D. H. Drake, R. Earle, & J. Sloan (Eds.), *The Palgrave handbook of prison ethnography* (pp. 463–478). Basingstoke, England: Palgrave Macmillan.
- Denzin, N. K. (1970). *The research act in sociology: A theoretical introduction to sociological methods*. London, England: Butterworths.
- Earle, R. (2014). Insider and out. *Qualitative Inquiry*, 20, 429–438.
- Erickson, F. (2011). A history of qualitative inquiry in social and educational research. In N. K. Denzin & S. Y. Lincoln (Eds.), *The Sage handbook of qualitative research* (pp. 43–60). Thousand Oaks, CA: Sage.
- Ezzy, D. (2010). Qualitative interviewing as an embodied emotional performance. *Qualitative Inquiry*, 16, 163–170.
- Foley, D. E. (2002). Critical ethnography: The reflexive turn. *International Journal of Qualitative Studies in Education*, 15, 469–490.
- Glasser, B., & Strauss, A. (1967). *The discovery of grounded theory: Strategies for qualitative research*. Chicago, IL: Aldine.
- Gibbs, G. (1988). *Learning by doing: A guide to teaching and learning methods*. Oxford, England: Oxford Polytechnic.
- Goffman, E. (1959). *The presentation of self in everyday life*. Garden City, NY: Doubleday.
- Hammersley, M., & Atkinson, P. (2007). *Ethnography: Principles in practice*. London, England: Routledge.
- Harding, S. (1991). *Whose science? Whose knowledge? Thinking from women's lives*. Ithaca, NY: Cornell University Press.
- Jewkes, Y. (2014). An introduction to 'doing prison research differently'. *Qualitative Inquiry*, 20, 387–391.
- Kalmthout, A. M. V., Hofstee-van der Meulen, F. B. A. M., & Dünkel, F. (2007). *Foreigners in European prisons*. Nijmegen, the Netherlands: Wolf Legal.
- Krieger, S. (1983). *The mirror's dance: Identity in a women's community*. Philadelphia, PA: Temple University Press.
- Kumsa, M. K., Chambon, A., Yan, M. C., & Maiter, S. (2015). Catching the shimmers of the social: From the limits of reflexivity to methodological creativity. *Qualitative Research*, 15, 419–436.
- Liebling, A. (1999). Doing research in prison: Breaking the silence? *Theoretical Criminology*, 3, 147–173.
- Lincoln, Y. S., & Guba, E. G. (1985). *Naturalistic inquiry*. Newbury Park, CA: Sage.
- Lumsden, K., & Winter, A. (2014). *Reflexivity in criminological research. Reflexivity in criminological research: Experiences with the powerful and the powerless*. London, England: Palgrave Macmillan.
- Madison, D. S. (2012). *Critical ethnography: Method, ethics, and performance*. Los Angeles, CA: Sage.
- Mathiesen, T. (1965). *The defences of the weak: A sociological study of a Norwegian correctional institution*. London, England: Tavistock.
- Morse, J. M., Barrett, M., Mayan, M., Olson, K., & Spiers, J. (2002). Verification strategies for establishing reliability and validity in qualitative research. *International Journal of Qualitative Methods*, 1, 13–22.
- Ortbals, C. D., & Rincker, M. E. (2009). Fieldwork, identities, and intersectionality: Negotiating gender, race, class, religion,

- nationality, and age in the research field abroad: Editors' introduction. *Assam Public Service Commission*, 42, 287–290.
- Phillips, C., & Earle, R. (2010). Reading difference differently? Identity, epistemology and prison ethnography. *British Journal of Criminology*, 50, 360–378.
- Rabinow, P., & Sullivan, W. M. (1987). *Interpretive social science: A second look*. Berkeley: University of California Press.
- Reinharz, S. (2011). *Observing the observer: Understanding ourselves in field research*. Oxford, England: Oxford University Press.
- Rowe, A. (2014). Situating the self in prison research: Power, identity and epistemology. *Qualitative Inquiry*, 20, 404–416.
- Sloan, J., & Wright, S. (2015). Going in green: Reflections on the challenges of 'getting in, getting on, and getting out' for doctoral prisons researchers. In D. H. Drake, R. Earle, & J. Sloan (Eds.), *The Palgrave handbook of prison ethnography* (pp. 143–168). Basingstoke, England: Palgrave Macmillan.
- Sparks, R. F., Bottoms, A. E., & Hay, W. (1996). *Prisons and the problem of order*. Oxford, England: Clarendon Press.
- Thomas, J. (1993). *Doing critical ethnography*. Los Angeles, CA: Sage.
- Ugelvik, T. (2014a). *Power and resistance in prison: Doing time, doing freedom*. Basingstoke: Palgrave Macmillan.
- Ugelvik, T. (2014b). Prison ethnography as lived experience: Notes from a beginner let loose in Oslo Prison. *Qualitative Inquiry*, 20, 471–480.
- Vanderbeck, R. M. (2005). Masculinities and fieldwork: Widening the discussion. *Journal of Feminist Geography*, 12, 387–402.
- Van Maanen, J. (1988). *Tales of the field: On writing ethnography*. Chicago, IL: University of Chicago Press.
- Wax, R., & Guillemin, J. (1979). Gender and age in fieldwork and fieldwork education: No good thing is done by any man alone. *Social Problems*, 26, 509–523.
- Whitehead, T. L., & Conaway, M. E. (1986). *Self, sex, and gender in cross-cultural fieldwork*. Urbana: University of Illinois Press.