

ORIGINAL ARTICLE

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

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Abstract

The Nordics have employed discourses of gender equality and women's rights and a welfare-oriented approach to punishment as integral parts of inclusive welfare states and their 'goodness'. Drawing on ethnographic fieldwork with non-citizen women at Vestre Prison in Denmark, this article suggests that the will to punish and banish prevails over the state's commitment to women's rights and protection. Rather than being an inherent feature of incarceration, the pain experienced by non-citizen women in prison is a 'political statement' (Bosworth, 2023). Employing precarisation, incarceration and deportation to govern unwanted non-citizens and (re)produce the borders of membership, the Danish state also reproduces the conditions for gendered harm. Bordered penalty, this article concludes, is gendered.

KEYWORDS

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

1 | INTRODUCTION

Denmark's permanent representative 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

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cooperation on the ground and in multilateral fora' (Hermann, 2022, para. 1). 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 (and the Nordics) have built an international 'best at being good' brand featuring gender equality and women's rights (Larsen, Moss & Skjelsbæk, 2021; Lawler, 1997). Punishment, too, is part of these discourses that are integral to the inclusive and ambitious Nordic welfare state (Lohne, 2023; Ugelvik, 2016). Nevertheless, gender equality in Danish prisons has its limits (Mathiassen, 2017) and the nature of penal power exerted on non-citizens in Denmark is increasingly exclusionary (Barker & Smith, 2021).

This article seeks to clarify whether the Danish state is committed to women's protection and a welfare-oriented approach to punishment, or to exclusionary penal power exerted over non-citizens. I do so by empirically examining non-citizen women's experiences of incarceration at Vestre Prison in Copenhagen, related to recently introduced stringent penal policies in Danish prisons. First, enhanced security measures have resulted in a harsher 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 cited as Service] responsibility to draw up 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 intend this to be a clear signal to non-citizens that they will be subjected to 'real punishment' and that they are 'deportable' (Folketinget, 2016; Justitsministeriet, 2016, 2018a).¹ These measures undermine core principles of Danish penalty, namely the normalisation and openness of prison life and the preparation of prisoners for reintegration into society (Damsa, 2023; 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 signalled, for example, by the ratification of The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS 210). In view of this, my intention is to examine what these developments, mediated by the intersection of gender, race, class and non-citizenship, mean for incarcerated women.

I begin by outlining scholarly perspectives on the incarceration of women and of non-citizens, focusing on the Nordic region. This scholarship disputes that there is gender equality in carceral spaces (Mathiassen, 2017) and highlights the emergence of differentiation and exclusionary penal power directed at non-citizens, described as 'bordered penalty' (Aas, 2014; Barker & Smith, 2021; Franko, 2020). Current prisons scholarship describes incarcerated non-citizen women's experiences primarily through the 'pains of imprisonment' framework (Ballesteros-Pena, 2020; Matos, 2016). In addition, I suggest that some experiences are best understood as political since they result from citizenship status (Bosworth, 2023). I discuss the empirical data collected at Vestre Prison not solely in relation to the inherent features of incarceration, but also in connection with the current citizenship regime and the intersecting social inequalities that underpin it. The article draws attention to the emergence of differentiation by citizenship status in the Danish penal system and considers the tension between the prison and deportation regimes imposed on non-citizen women and Denmark's commitment to women's rights and protection.

2 | WOMEN AND PENAL POWER IN THE NORDIC REGION

Nordic states have built an international reputation as 'good punishers' (Lohne, 2023; Nilsson, 2012; Ugelvik, 2016), whose approach to punishment is humane, if not exceptional (Pratt, 2008).

Nordic scholars, however, have been somewhat reluctant to embrace the exceptionalism thesis. Barker (2018), for instance, suggests that looking at how Nordic welfare states exercise, rather than minimise, penal power provides a new way of understanding it. Scholars also point to the paternalism and intrusiveness of Nordic penal power, harsh prison practices such as solitary confinement and an exclusionary approach to non-citizens (Barker & Smith, 2021; Smith & Ugelvik, 2017; Ugelvik & Dullum, 2012). Prison research in the Nordic region has generally focused on men, a notable exception being Mathiassen's (2017, 2021) work on women in Danish prisons (also Lindberg (2005) in Sweden; Ystanes & 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' (Mathiassen, 2017, p.79), much like that in other jurisdictions (Hector, 2020). This is even more true in the case of non-citizen women.

In her research on 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 minority in carceral settings, which does not reflect 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 prisons more restrictive for them. Mathiassen (2017) argues that such 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). In certain circumstances mixed-gender prisons may support the status quo and the institution's power rather than the equality and welfare of women. Further research is needed to understand (intersecting) inequalities in Nordic prisons. This article draws attention to the lack of citizenship, a structural disadvantage in Nordic societies (Damsa & Franko, 2022), in intersection with gender, class, race and ethnicity, in carceral sites, thus contributing to prison scholarship in the region and border criminology literature.

3 | NON-CITIZENS AND PENAL POWER IN THE WELFARE STATE

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

A growing body of scholarship, in the field of border criminologies, is concerned with the 'constitutive relationship between borders, migration control, and criminal justice', that is, the reorientation of the criminal justice system around 'matters of citizenship' (Bosworth, 2017, pp.373–376; see also Aas, 2014; Aliverti, 2013; Barker, 2018; Barker & Smith, 2021; Franko, 2020; Kaufman, 2015; Stumpf, 2006). Building on crimmigration scholarship, Franko (2020) (also in Aas, 2014) argues that border controls have transformed 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 system. 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) with a more ‘openly exclusionary’ bordered penalty being employed to protect 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, Hasselberg & Turnbull, 2016; Franko, 2020; Kaufman, 2015; Stumpf, 2006; Ugelvik, 2013). Kaufman (2015), for instance, argues that differentiating between citizens and non-citizens in penal institutions promotes a contingent conception of citizenship. The purpose of penalty is understood 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, p.140). Barker (2018), too, argues that, in response to global mobility, a set of coercive tools (expulsion, eviction, criminalisation and penalisation) is employed by the state to restrict welfare benefits to citizens and reaffirm national identity. Looking at detention centres in Denmark, Barker & Smith (2021) argue that the detention and deportation of non-citizens helps preserve the enviable aspects of Nordic welfare states, ‘driv[ing] their protectionism and exclusionary approach towards outsiders’ (p.1541).

Scholars across several fields have explored how women’s complex identities interact with legal structures, penal power and deportation regimes (Abji, 2020; Bosworth, 1999; Crenshaw, 1991; Damsa & Franko, 2022; Yuval-Davis, 2007), particularly in immigration detention (Abji, 2016; Abji & Larios, 2021; Bosworth, 2014; Bosworth & Kellezi, 2017; Canning, 2014, 2017; Canning & Tombs, 2021; Esposito et al., 2019; Esposito, Matos & Bosworth, 2020). In combination, criminal law, immigration law and deportation regimes are shown to produce precarity, making the state culpable of, or complicit in, violence against non-citizen women. This article contributes to this body of work, by bringing attention to non-citizen women in penal institutions.

4 | THE PAINS AND POLITICS OF PENAL INSTITUTIONS

Within prison studies, penal subjectivities have been conceptualised on the basis of Sykes’s framework of ‘pains of imprisonment’ (see Haggerty & Bucerius (2020) for a review). In its most recent iteration, this framework relates pain to the inherent features of incarceration, specific policies, and institutional practices resulting from abuses and unprofessional prison staff, the prisoners’ identities, and their understanding and expectations of punishment (Crewe, 2011; Crewe, Liebling & Hulley, 2014; Sexton, 2015). Prison researchers have used this framework to describe the experiences of incarcerated women (Carlen & Tombs, 2006; Crewe, Hulley & Wright, 2017) and incarcerated non-citizen men (Brouwer, 2020; Liebling et al., 2021; Turnbull & Hasselberg, 2017; Ugelvik & Damsa, 2018; Warr, 2016). Gender and citizenship status both appear to shape the experience of imprisonment.

With some notable exceptions (Bosworth, 1999; Fili, 2013; Mathiassen, 2017), it is mainly from this perspective that scholars have studied (non-citizen) women’s experiences in carceral settings. Incarceration is described as degrading, irrespective of gender, as are its attendant deprivations – loss of freedom, autonomy, privacy, relationships, together with inadequate housing, food and health care, uncaring or abusive staff, lack of a sense of safety, or of time (Hector, 2020; Liebling & Maruna, 2013; Owen et al., 2017; Sumner & Sexton, 2016). Nonetheless, women and members of the LGBTQAI+ community may suffer even greater pains of imprisonment (Carlen & Worrall, 2006; Crewe et al., 2017; Owen, Wells & Pollock, 2017, Sumner & Sexton, 2016). The

heteronormativity of the carceral system causes a marked loss of safety as regards gendered and sexualised violence for women in mixed-gender prisons and for LGBTQIA+ prisoners (especially transgender) in gender-segregated prisons (Mathiassen, 2017; Sexton, Jenness & Sumner, 2010; Sumner & Sexton, 2016). Health care is inadequate – women lack access to screening for breast and uterine cancers and have inadequate pre- and post-natal care, and transgender women lack access to gender-affirming care (Owen, Wells & Pollock, 2017; Sevelius & Jenness, 2017).

Literature on the experiences of incarcerated non-citizen women, however, is rather sparse. Matos (2016) compellingly argues that prison should be rethought from the point of view of gender and citizenship. Looking at non-citizen women's migratory paths 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 determines social relationships, producing localised, nationalist and racialised hierarchies, created by both prisoners and officers. 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 non-existent for non-citizens. Literature on the experiences of incarcerated non-citizen men also shows that some of the pains experienced by non-citizens, particularly the prison's legitimacy deficit, result from their citizenship status and the legal configurations of bordered penalty (Brouwer, 2020; di Molfetta & Brouwer, 2019; Ugelvik & Damsa, 2018). These contributions point to the structural inequalities (citizenship status, class, race and ethnicity) that shape the experience of incarceration, beyond the deprivation of freedom and the other inherent features of incarceration.

This line of inquiry has been of particular interest to scholars studying immigration detention. While immigration detention centres and prisons differ in terms of their legal and penal logics (Bosworth, 2019, 2023; Bosworth & Turnbull, 2015), immigration detention scholarship provides important insights into the aims of contemporary prisons and the way they work. The logic of border control present in detention centres (Bosworth, 2023) is also present in prisons (Aas, 2014; Tuck, Damsa & Kullmann, 2022; Ugelvik, 2013).

In this article, I situate non-citizen women's carceral subjectivities within broader structures of inequality, relying on Mary Bosworth's (2023) important contribution to immigration detention literature and border criminologies scholarship. She suggests that non-citizens' pains in immigration detention should be approached as 'political statements which ... demand a political response' rather than 'sociological statements of suffering, caused by the loss of liberty' (Bosworth, 2023, p.307; see also Barker, 2007). This analytical framework situates suffering 'within a wider network of social relations, politics and the law' and shifts the analysis from the specificities of confinement sites towards the community and the state, indicating the limits of liberal democracy (Bosworth 2023, p.308). With the emergence of bordered penalty, these insights require us to (re)frame the prison, previously a political institution producing 'second-class' citizens (Kaufman, 2015; Lerman & Weaver, 2014), as one working in the service of border control (Aas, 2014; Kaufman, 2015; Ugelvik, 2013). Accordingly, suffering in penal institutions is tied to the legal constellations that govern non-citizens' lives, particularly the deportation regime, and is part of postcolonial dynamics, where incarceration and immigration detention are forms of gendered, raced and classed structural violence against non-citizens.²

Legal violence, the 'normalised and cumulatively injurious effect' of criminal and immigration law and precarisation strategies (Damsa & Franko, 2022; Karlsen, 2021; Menjivar & Abrego, 2012, p.1380) mean that incarcerated non-citizens are excluded from the community of rights,

values and welfare (Barker, 2018; Bosworth, 2023; Franko, 2020). The suffering produced by legal uncertainty and the possibility of deportation is political rather than being connected with the deprivations of life behind bars. Material deprivations, too, are understood in relation to a loss of membership and belonging to the community values and rights (Bosworth, 2023).

As argued elsewhere (Abji, 2016; Bosworth, 2023), in the Nordic region, too, the state may be culpable of, or complicit in, gendered violence through border enforcement and exclusionary citizenship (see Canning & Tombs, 2021; Damsa & Franko, 2022; Keskinen, Tuori & Irni, 2009). What happens in Denmark when the state's objectives of border enforcement and protection of the citizenship regime collide with concern with women's rights?

5 | METHODS

5.1 | Context, site, and participants

The findings in this article are based on research conducted for a month in 2018 in the women's wing at Vestre Prison in Copenhagen. It is Denmark's largest remand prison and has a women-only wing. It is a high-security prison, with 506 cells. The women's wing had a capacity of 33, but at the time of the research, it was overcrowded, holding about 45 prisoners, women and men, Danish citizens and non-citizens. Women-only prisons and non-citizens-only prisons had not yet been established. In late 2018, Ringe Prison became a non-citizens-only prison, tasked with deportation, and in 2021, Jyderup Prison became women-only (Kriminalforsorgen, 2020, 2022). In 2022, Denmark also signed an extra-territorial agreement with Kosovo Prison to hold non-citizens sentenced in Denmark and due to be deported. The new non-citizens-prisons were symptomatic of and demonstrated the growing anti-immigration and penal populist sentiments in Denmark (Damsa, 2023; Smith, 2021), while the women's prison opened in response to a political desire to 'improve rehabilitative means' for women (Mathiassen, 2021).

The politically charged climate, coupled with pressures on the Service (Damsa, 2023; Smith, 2021), posed challenges to access and data collection. My initial application, sent to Nyborg Prison, (which had a deportation wing) was rejected, pressure on officers being cited as the main reason (i.e., the recent reorganisation of the Service, absenteeism due to illness, officers' stress and violence towards officers inside and outside prisons). I applied to Vestre Prison, and the application was rejected for the same reason. Six months later, with the support of a senior researcher and a representative of the Service, I successfully gained access to Vestre Prison.

Initially, I was escorted by an officer and carried a panic button, but once my presence was normalised, I could move about independently. I was, nonetheless, subject to the same security restrictions as the women. My research included observation, ethnographic interviews and semi-structured interviews with 18 of the 20 women on the wing (the women who did not participate, did so due to the language barrier). Fifteen women were non-citizens and three were Danish citizens. Including Danish women allowed for a better understanding of experiences related to citizenship status. 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.

5.2 | Data collection and analysis

Due to strict security regulations forbidding electronic devices, data were collected using a mix of standard ethnographic practices (extensive observation and interview notes, including

verbatim quotations). Besides the content of the women's stories, their style, tone, intonation and demeanour were noted, as were sensory impressions.

The ethnographic data and interview notes were analysed to identify themes related to the experience of incarceration as well as others (Braun & Clarke, 2006). I conducted a qualitative thematic analysis, following the Braun & Clarke (2006) recursive approach. The initial codes derived from the concepts of 'pains of imprisonment' (Crewe, 2015) and 'penal consciousness' (Sexton, 2015) (related to inherent features of incarceration, specific policies at the site, relationships with officers, expectations of punishment and identity dimensions). I then created new codes that corresponded not to the pains of imprisonment, but to the 'politics of pain' (Bosworth, 2023) (i.e., legal structures, identity dimensions, structural disadvantage). I took an intersectional approach, not looking at stand-alone categories during data collection and analysis but seeing how they related and were mutually constituted (Davis, 2014; Lutz, 2015). In their narratives, the women themselves often highlighted citizenship, gender, race, ethnicity, class and their intersection as being significant. The women's focus on citizenship status and gender as vulnerabilities may have been related to that specific moment in time when they faced deportation to countries they saw as dangerous for women.

5.3 | Ethics

While there is a 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 Prison, imprisonment is the culmination of lifelong harms, and research such as this entails legal and psychological risks, for example, self-incrimination, retraumatisation, invasion of privacy, or stigmatisation (Carlton & Segrave, 2013; Kyriakakis et al., 2015). I never broached sensitive topics or asked probing questions that went beyond what the participants decided to share themselves, but I was prepared to hear about traumatic experiences. In the month spent at Vestre Prison, I sought to create connections with the women and provide a sense of safety. I practised active listening and showed empathy for the women's feelings, choices and situation in prison. I was on the lookout for signs of discomfort. I was transparent about the research so that the women could make an informed choice regarding participation or withdrawal from it. I ensured anonymity and confidentiality, particularly because the women were concerned about their immigration status in Denmark. 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. Finally, I provided details about organisations that provide trauma services (see Campbell, Goodman-Williams & Javorka, 2019).

5.4 | Positionality

My initial assumption was that, in the field, my position (especially my lack of formal citizenship in Denmark, gender, shared languages) would in some respects facilitate rapport and help understanding, while at the same time it might create blind spots (race, class), but these intersected in unexpected ways. While the participants and I had multi-layered identities (Nowicka & Ryan, 2015), commonalities emerging at the intersection of non-citizenship and gender helped establish rapport and maintain relationships, despite other differences. Similarities 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'. The women also frequently observed that my lack of formal Danish citizenship and my gender left me vulnerable to deportation. Our shared non-citizenship and gender increased solidarity and enabled me to establish relationships of trust with the participants, that facilitated knowledge sharing.

I sought to remain aware of how complex relationships of power, privilege and disadvantage played out in the context of this research. In the field, the privileges afforded by position became obvious. For instance, despite being subject to the same prison regulations, I was free to come and go as I pleased. I was aware that my position as the researcher, my whiteness and class provided status and protection in the prison environment. I did not fear the authorities (immigration, police, or prison officers), nor was I concerned about deportation (knowing I had sufficient resources and faced no danger in my home country). Recognising that this research was outside my own social sphere, I sought to 'maximise the advantages' of that difference in position to better understand the context (Duneier, 2000).

Nonetheless, power relationships in any research site are fluid, and I experienced limitations in terms of influence and control. As pointed out by Schulz (2021) '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' (p.552). At Vestre Prison, the stringent security regime created some challenges. The governor or prison officers could decide at any time that I had to leave or be confined to their office, depending on conditions on the wing. In fact, after a month, I was asked to halt the study, due to the worsening security situation. Not being allowed any personal effects during the eight hours I spent on the wing not only made data collection more difficult, but also made me dependent on the women and the officers for basic needs such as food. Many of the women felt they had to help me navigate the prison environment. Overall, reflecting on how I was placed in interactions with the participants increased my understanding of the field and informed my analysis.

6 | WOMEN'S EXPERIENCES IN A DANISH PRISON

The women at Vestre Prison described their experiences of the stringent security regime, limited physical freedom and autonomy, and many disciplinary sanctions. They also spoke of the tenuous nature of security on the wing, that mainly resulted from deteriorating relationships with officers. These experiences in penal institutions are conceptualised as pains of imprisonment (Crewe, 2011). The women also described experiences arising from their citizenship status, particularly at the intersection of non-citizenship and gender, race and class. Given the broader Danish legal and political context and a global context of inequality and hierarchies (re)produced by the existing citizenship regime, non-citizen women's experiences in prison are, I suggest, best understood as political statements (Bosworth, 2023). They reflect a differentiated governance of non-citizens developing from bordered penalty and precarisation, as penal intervention shifts from 'reintegration back into society to deportation and territorial exclusion' (Aas, 2014, p.520). These experiences will be presented in more detail below.

6.1 | A stringent security regime

Women incarcerated in Vestre Prison inevitably experienced the layered loss of personal freedom, autonomy and privacy. Their experiences, however, were exacerbated by the more punitive

policies recently introduced to create a stringent prison regime. In the national guidelines, the list of offences punishable with solitary confinement now includes 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 under national guidelines (Damsa, 2023; Engbo, 2021; Minke, 2019, 2021; Smith, 2021). The recent focus on security, order and control has led to a prison regime where solitary confinement is routine, with severe consequences for the women's mental and physical health and well-being.

The various forms of disciplinary solitary confinement (being 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 were experienced as deeply distressing and harmful. Aasha,³ for instance, claimed that her physical and psychological well-being was significantly impacted. She described five months spent in isolation as inhuman:

Iso [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 any more. 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 thoughts (Grassian, 2006; Hellebust et al., 2021) and its frequent use in Danish prisons (Reiter, Sexton & Sumner, 2018; Rua & Smith, 2019).

The extensive use of disciplinary sanctions, particularly solitary confinement, was interpreted by most women as a deliberate strategy. Some of them saw the system as designed to break them, by creating a 'maddening' situation. Alina captured the sentiment on the 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, Liebling & Hulley, 2014). The officers' approach also contributes to this 'weight'. While some officers sought to exercise discretion when administering punishment, others followed the regulations to the letter, causing confusion and a feeling of injustice among the women. Such a security-oriented approach not only produced a 'heavier' experience but also reduced those officers' legitimacy (Arnold, 2016; Liebling, 2011). Some 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 followed the rules to the letter were, in fact, the 'rule-breakers':

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 harsh regime, to the point that they could not be themselves:

My parents are Somalian, we speak louder than the Danish. I am a more sociable 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 strict cell and body searches also increased the women's anguish 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?

The stringent security regime designed to discipline men involved in organised crime and with a history of violence, affected the entire prison population. In their attempt to punish violent masculinities, the Danish authorities simultaneously create a harsh regime for incarcerated women, a minority group in the predominantly male penal system.

The strain of the prison regime was further exacerbated by the presence of men on the wing, both officers and prisoners. Cell searches, for instance, were particularly invasive when performed by male guards. In addition, some women were caused great discomfort or anxiety by having to share the wing and facilities with men whom they would meet in sensitive spaces such as showers and toilets, despite officers' best efforts. The lack of autonomy and the invasion of privacy were extremely distressing and created gendered experiences of indignity (Crewe, Hulley & Wright, 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.

The findings in this study contribute to prison scholarship, by showing that the inherent aspects of imprisonment, stringent security and negative relationships with officers lead to onerous carceral experiences that are made worse for women in mixed-gender prisons. The security-oriented regime was experienced as particularly intrusive when implemented by men. Sharing spaces with men also heightened anxieties. These findings also indicate an ongoing shift from welfare-oriented approaches to punishment that favour normalisation and dynamic security based on positive relationships, to an approach focused on security, a shift with negative consequences for all prisoners, especially women. Moreover, as the following sections will show, the nature and purpose of penal power also change when directed at non-citizens, with normalisation and reintegration being supplanted by restrictions on welfare and territorial expulsion.

6.2 | Precarisation strategies

The limitation of services available to non-citizens in prison reflects the Danish state's attempt to govern through precarisation and to establish a hierarchy of citizenship dictated by a 'racialised, gendered and classed social imaginary of the Danish nation' (Lindberg, 2020, p.3). The Minister of Justice at the time of this research explicitly declared an intention to make incarceration punitive for non-citizens by limiting welfare services (Folketinget, 2016). As a result, amendments to the Act on the Execution of Sentences limited welfare services (such as work placements, education and vocational courses, and treatment programmes) for non-citizens and release plans are no longer prepared.

These cuts at Vestre Prison encapsulate the broader governance of non-citizens, with penal power and precarisation converging to produce a differentiated prison regime. 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 more quickly. 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 and reflective of the broader material and symbolic dimensions of the incarceration of non-citizens (Ballesteros-Pena, 2020; Brouwer, 2020; Ugelvik & Damsa, 2018). This differentiation is intentional and at odds with the Service's commitments and work (Damsa, 2023; Smith, 2021) and the pain it produces can only be seen as political.

These precarisation strategies had tangible and acute material consequences for some of the women at Vestre Prison. The lack of access to work in prison placed those who were their families' sole providers in a difficult financial situation. Mothers incarcerated at Vestre Prison saw motherhood as their chief priority and not being able to support their children caused deep anxiety and distress. Some women, like Cristina, who had received a deportation order, relied on the kindness of other women for necessities and to communicate with family, since she had little to no funds:

I have no money ... 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.

Her situation is not unique. In addition, non-citizens who receive deportation orders are now expected to cover the cost of their deportation. At the time of the research, 15% of their prison remuneration and any saved funds were to be used towards deportation costs (later raised to 50%). The Justice Minister justified the measure, saying: 'Denmark does not have to pay the bill when criminal foreigners have to leave the country, after being incarcerated. ... We must ensure that they themselves pay for the ticket home. It is only fair and reasonable' (Justitsministeriet, 2018b, 2020, para. 7).

Women who are socio-economically disadvantaged are over-represented in the prison population and carceral contexts then render the intersection of gender, race and class more visible (Carlen & Worrall, 2004; Carlton & Segrave, 2013; Owen, Wells & Pollock, 2017). Citizenship status, as seen in this study, works to deepen inequalities and further marginalise women in already precarious situations. The material conditions at Vestre Prison reflect the declared legal and political drive to limit membership of the welfare state through penalisation and precarisation. 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 precarisation strategies at Vestre Prison can be attributed, not to the interiority of the penal institution, but to the ongoing social, political and legal processes that have rendered non-citizens ineligible for, and unworthy of, membership in the community of values and welfare. The pains related to these processes, therefore, are best described as political statements that cannot be modified within the institution but require political action (Bosworth, 2023).

This pain may, however, be further amplified by penal institutions. In addition to legal barriers, non-citizen women at Vestre Prison also encountered informal obstacles to accessing welfare services and activities. Legally, prison governors and officers are allowed some discretion in exceptional circumstances to give non-citizens access to welfare services and activities, and the officers at Vestre Prison took advantage of this whenever possible. In choosing who got such benefits, they considered women's behaviour, respect for rules and language skills, as well as group composition. The limitations on welfare services, combined with the officers' moral judgments, therefore further marginalised certain women. Model prisoners gained access to services, while those who 'behaved badly', did not 'integrate with the group', or were unable to communicate in English or Danish, were excluded. Language considerations often left Roma women excluded, and they said that they experienced racial discrimination and felt at a disadvantage in their interactions with officers.

These precarisation strategies also stand in stark contrast to core principles of the Service applicable to citizens: the normalisation of prison life and reintegration into society, both largely abandoned for non-citizens. Amendments to the Aliens Act mean that in certain circumstances non-citizens will be expelled when they have completed their sentence. Non-citizen women at Vestre Prison were concerned about the lack of release plans and consequent absence of options and some were terrified at the prospect of deportation. The principles of the Danish penal regime, which are fundamental to welfare-oriented approaches to punishment, are being increasingly tested when it comes to the punishment of non-citizens.

In its fullest expression at Vestre Prison, bordered penalty, combined with precarisation strategies, means the exclusion of non-citizens not only from the moral community, but also from welfare and the state's care. Much of the suffering experienced by women in relation to the material conditions was a direct result of the state's precarisation strategy, rather than of incarceration itself. When wielded against non-citizens, penal power becomes openly exclusionary and leads to differentiated penal institutions and as shown in the next section, a deportation regime (Aas, 2014; Franko, 2020).

6.3 | The condition of deportability

The women I interviewed at Vestre Prison had received deportation orders (and the woman on remand expected to receive one), a situation illustrative of the 'Danish deportation archipelago' and the political will to banish (Corry, 2022, p.94). Deportation wings, the non-citizens-only prison, and the ongoing expansion of detention centres demonstrate the stated political desire for 'effective' expulsions of 'unwanted' or 'criminal foreigners'. In recent years, for all political parties in Denmark, anti-immigration rhetoric and penal populism have been essential for electoral success.

For many women at Vestre Prison, deportation was seen as banishment from a country they thought of as their own. Some of them faced losing the lives they had built in Denmark, others feared the gendered repercussions of deportation to their country of origin, while others feared both of these 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. Her pain is clearly not caused by life behind bars, but by the effects of border control and its logic of expulsion and therefore can only be seen as political (Bosworth, 2023). Here, too, the deportation regime can thus be understood as legal and political violence against women. The Danish state renders non-citizen women vulnerable to exploitation, abuse and gendered violence, and the state's interest in protecting the citizenship regime takes precedence over women's protection from gendered violence.

Such inequalities as race, ethnicity, class and religion further increase women's vulnerability when they are deported from Denmark. Noor, a member of the Muslim Moor minority in Sri Lanka, feared being returned to a region of Sri Lanka where, in the past, Moors experienced violence and dispossession. Her immediate family had found protection elsewhere, so she had 'no one' and 'nothing' to return to:

I don't belong there any more, 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 reported in Sri Lanka and a year later deadly anti-Muslim riots broke out (Gettleman & Bastians, 2019). The Danish state is deporting non-citizen women to countries where they may be in danger or be likely to experience multiple dimensions of violence (from state actors, political groups, or individuals) and, like Noor, possible threats to their lives. Noor's case shows how deportation may reproduce gendered, raced and classed state violence against non-citizens.

In such situations, international human rights bodies have urged states to apply the principle of non-refoulement 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 as safe, countries that have been found unsafe by international human rights bodies (McKernan, 2021).

While the practices of bordered penalty, particularly deportation, are immediately painful for non-citizens in penal institutions, this article argues that these pains must 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 political statements of suffering (Bosworth, 2023) speak to the violence of the contemporary citizenship regime, politics of membership and the limits of the Danish welfare state.

7 | CONCLUSION

The non-citizen women in this study said they came to Denmark because it was ‘a good country’ and especially a ‘good country for women’. However, their incarceration and impending deportation threatened that belief. While scholars in the Nordic region have argued that harsh exclusionary penal practices are ‘part and parcel’ of the Danish welfare state (Barker and Smith, 2021), this article has shown that the recent more punitive penal policies, particularly the stringent security regime and the use of disciplinary solitary confinement, have increased the pains of imprisonment and the gendered pains produced by mixed-gender prisons (Mathiassen, 2017). These developments are significant for the Danish penal system and notions of ‘Nordic penal exceptionalism’ and ‘goodness’. Bordered penalty is challenging the core principles of Danish penal culture, which are now being applied differentially, or no longer apply to all, reflecting the nationalisation of welfare and equality regimes.

Beyond providing a taxonomy of pain in carceral spaces, pains of imprisonment literature needs to recognise the politics of pain in penal institutions and how these institutions, now driven by the logic of border control, work to (re)produce and protect the current citizenship regime and its privileges (Aas, 2014; Barker, 2018; Franko, 2020). Unwanted non-citizens are not only excluded from the territory of the state to protect welfare, but also increasingly governed through penal power and precarisation while they are here (Barker & Smith, 2021; Lindberg, 2020). At Vestre Prison, precarisation strategies result in immediate deprivations and demonstrate that a hierarchical racialised, classed and gendered system is being supported by the current citizenship regime. The ‘enviable’ dimensions of the Danish welfare state are being increasingly restricted to Danish citizens, penal power playing an important role in this process (Barker & Smith, 2021). In this situation, the experiences of non-citizen women at Vestre Prison are best seen as political statements (Bosworth, 2023) that reflect growing inequalities.

This article also shows that, when the full force of the law is mobilised to punish and expel, women often face bleaker prospects than before. Bordered penalty is also gendered, as deportation from Denmark may place women in dangerous situations in their countries of origin. By employing precarisation, incarceration and deportation to govern unwanted migrants and establish hierarchies of membership and access to rights, the Danish state is reproducing the conditions that expose women to further gender-based violence and discrimination. This study’s findings identify a conflict between the deportation regime in Denmark and its legal commitment to women’s rights and protection (regardless of their status or residence). The observation that in Denmark: ‘a carceral and restrictive immigration system is less an exception or contradictory feature of an otherwise egalitarian rights-based, welfare state, and more a function of its exclusionary principles’ (Corry, 2022, p.103) increasingly applies to the penal system. Denmark’s determination to punish and banish seems to be growing and this challenges gender equality and human rights regimes.

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ENDNOTES

¹ At the time of the research (2018), both immigration and criminal sanctions could lead to imprisonment and expulsion. For instance, a criminal sentence of three years, several criminal sentences adding up to one year, or the violation of an entry ban, could result in expulsion. At the time of writing (2022), the government proposed that non-citizens always be deported if sentenced to prison, irrespective of their sentence or residence status. All non-citizens were subject to the limitations on welfare provisions, while exceptions could be made for long sentences or at the discretion of the prison governor, depending on resources.

² See, inter alia (Abji & Larios, 2021; Bosworth, 2014, 2019, 2023; Bosworth & Kellezi, 2017; Bosworth & Turnbull, 2015; Bosworth, Parmar & Vázquez, 2018; Canning & Tombs, 2021; Carlton & Segrave, 2013; Damsa & Franko, 2022; Esposito et al., 2019; Esposito, Matos & Bosworth, 2020; Menjivar & Abrego, 2012).

³ All names used in this article are pseudonyms.

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