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Out in the cold? The experiences of foreign national prisoners in Iceland's open prisons

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1. Introduction: foreign nationals in prison

Foreign national prisoners form a major constituency in prison populations in many Western European countries (for recent a statistical report see [Aebi et al. \(2019\)](#); for the most recent raw data see Space I data collected by the Council of Europe on an annual basis ([Council of Europe 2023](#)). Foreign national prisoners have increasingly been the subject of scholarly interest (e.g., Van Kalmthout, Hofstee-Van Kalmthout et al., 2013; Kaufman, 2015; Ugelvik, 2017a) although the UK's Inspectorate of Prisons already produced a report as early as 2006 ([HMIP, 2006](#)). There is little doubt that foreign national prisoners are at increased risk of suffering. This is on the one hand to do with their specific circumstances. They may face disadvantages in terms of language, culture, religion and support. In addition, they may face issues that are specific to their legal position or citizenship or lack thereof. Foreign national prisoners may be subject to policies focused on incarceration, isolation and deportation, rather than oriented towards rehabilitation and resettlement, and may therefore experience both more austere conditions and harsher treatment as well as more uncertainty as to their legal status and their future.

But we know less about how foreign national prisoners cope. How do foreign national prisoners adjust to confinement in a foreign land? This paper focuses on foreign national prisoners in two open prisons in Iceland. It is unique in several respects. The first is the use of a wholly immersive methodology in which the researcher stayed in both prisons in the role of quasi prisoner. The second is that the experience of foreign national prisoners is considered in Iceland where this has not been done before. Iceland is particularly remote, and has no land borders with any other country. They may well impact specifically on the experience of foreign national prisoners. Thirdly, it considers how they cope in open prisons as it can be surmised that the prisoner experience, in relation to their foreign-ness will depend not only on the country they are imprisoned in but also the type of prison. The relative freedom offered in prisons may offer specific adaptations and ways of coping not seen in other types of prison.

The objective of this study is therefore to explore the experience of imprisonment in open prisons in Iceland as felt by foreign national prisoners. Through observations, more formal interviews and a range of informal interactions, these experiences have been explored and analysed. The specific focus of many of these conversations was to explore how these prisoners make sense of their experiences and any coping or adaptation mechanisms they themselves had identified or displayed. These questions are the topic of this study.

In short, this paper found three types of coping, two of which are positive adaptations to the specific surroundings of Iceland's open prisons. The prisoners whose attitudes show these adaptations I call in summary *the Betrayed*, *the Isolated* and, finally, *the Caretakers*.

The first adaptation is the least productive and is characterised by a resentment against the Icelandic state, its criminal justice system and the country at large. These prisoners feel distrustful and betrayed. For this group the benign conditions of Iceland's open prisons offer little solace. The second is characterised by prisoners feeling isolated yet grateful for the benign conditions, the relatively

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safety and the fact 'prisonization' can be avoided, at least up to a point. This allows these prisoners (often serving their first prison sentence) to not have to assume a prisoner identity but maintain their outside identity to a reasonable degree. Finally the Caretakers are prisoners assuming a relatively high status caretaker role in response to weak power structures within the establishment. This adaptation is mainly reserved for seasoned prisoners with extensive prison experience in other countries with harsher prison conditions than Iceland's open prisons.

2. Literature review: abnormal justice

The concept of 'abnormal justice' has been utilised to explain the differential treatment meted out by the state to non-citizens. Aas (2014) places specific emphasis on foreign national prisoners, over-represented in many Western European countries' prisons. She explains, further to Zedner (2013) and Fraser (2008), that criminal law is traditionally conceived of as affecting national citizens and part of the social contract between citizens and the state. However, Aas argues: "*The position of the non-citizen, the foreigner, or the alien is, in such a context, per definition to be different; he or she falls outside the national frame*" (Aas, 2014, p.523). They increasingly face a different type of justice, an 'abnormal justice', where they can be punished for other crimes, detained on different grounds and may have a wide range of coercive measures applied against them more easily, more frequently and more invasively.

Abnormal justice for foreign nationals manifests itself as what Aas (2014) calls a 'bordered penalty'. It is characterised by opportunistic and tactical use of state powers including criminal law, immigration law and administrative law to control, punish and deport them (Kaufman, 2015). Within this bordered penalty logic, foreign nationals face an entirely different regime, legally and also physically: "*When deprived of their freedom, non-citizens are increasingly placed in separate institutions, or institutional arrangements, and afforded different procedural treatment and standard of rights than citizens*" (Aas, 2014, p.525). This includes separate prisons or prison wings, and detention centres (Pakes and Holt, 2017; Ugelvik and Damsa 2018; Ugelvik and Ugelvik, 2013).

This conflation of immigration law and criminal law is referred to as crimmigration (Stumpf, 2006). It initially emerged with reference to the US but it applies to numerous other countries too. All of this affects foreign national prisoners in profound ways. One outcome is the fact that imprisonment may be more liminal, as an antechamber for transfer to an immigration removal centre, and/or deportation. A consequence is an overall prison experience that, as it is geared towards deportation rather than rehabilitation, is more austere and less meaningful. Crimmigration therefore, has transformed daily prison practice, because of the added purpose of border control and immigration control being thrust upon it (Brouwer, 2020; Pakes and Holt, 2017). All of this is likely to profoundly affect the prison experience of foreign national prisoners.

There is now an established body of work in the UK that includes Bhui (2009), Bosworth (2011) and Banks (2011) highlighting that foreign national prisoners, in which we should include those held in Immigration Removal Centres (Bosworth 2014; Turnbull and Hasselberg, 2017) have increasingly become the topic of scholarly attention. Their plight is increasingly understood. Based on an extensive review of foreign national prisoners in the UK, Barnoux and Wood (2013) summarised their findings by arguing that three major problems are faced by foreign national prisoners. These are issues of language, maintenance of family ties and issues related to immigration. In addition, they found that other problems include a lack of information and understanding of the criminal justice system, social and economic disadvantages, cultural isolation, lack of preparation for release and diversity issues within prisons. More recently, Warr (2016) discusses three specific deprivations experienced by foreign national prisoners in a UK prison. These are deprivation of certitude; of legitimacy; and of hope. Deprivation of certitude refers to added insecurities that foreign national prisoners face in relation to the length of their sentence and the risk of deportation which was compounded by frequent misinformation and a lack of knowledge and information on immigration and deportation matters by prison staff. Deprivation of legitimacy refers to this uncertain status that foreign national prisoners may have. This includes the often stated objective towards deportation rather than rehabilitation and the risk of further incarceration in Immigration Removal Centres. Prison therefore not only serves as punishment for a crime but also effectively as a holding pen for deportation. This in turn limits opportunities for rehabilitation and other meaningful activity, making the prison experience less purposeful. Finally, Warr discusses deprivation of hope. Probably as a consequence of the deprivation of certitude and legitimacy led to prisoners feeling unable to plan meaningfully for the future. Prisoners often discussed their situation in terms of 'hopelessness', 'despair', 'depression' and 'grief' (Warr, 2016). It lends a grim reality to the prison life of foreign nationals.

In other parts of Europe, similar findings have emerged. For instance, Pérez de Tudela and Durnescu (2016) found that Romanian prisoners in Spanish prisons mainly suffer four categories of pain. These are in relation to: access to rights and benefits, discrimination, language limitations, and regulation misunderstandings. From Belgium a similar story has emerged with Snacken et al. (2004) documenting issues in relation to language and communication, culture, racist interactions, and issues with access to meaningful activity and access to legal advice and psychological treatment (Snacken et al., 2004). Subsequent research further highlighted the precarity of their position in relation to citizenship, title, and possible deportation. This adds to the specific pains for foreign national prisoners (see also Kox et al., 2014). From these studies in other Western European countries we can conclude that the problems of foreign national prisoners do occur widely and are in fact not dissimilar across countries.

Fleetwood (2014) also highlights the isolation felt by many foreign national women where she found that at times she, the researcher, was the only 'visitor' some women ever had. Fleetwood focused on women classed as 'drug mules' who served their sentence in the UK. In these cases the notion of a 'war of drugs' added a degree of otherness which will only have heightened their sense of isolation (Fleetwood, 2014). Incidentally, Fleetwood (2017) noted Iceland as one of the countries that is an exception to the rule that where there are high levels of imprisonment for drug offences, there will be high levels of female foreign national prisoners too. This adds further reason to see how foreign national prisoners fare in a country where perhaps the 'war on drugs' does not seem to be in application. Barbara Owen's (1998) immersive study in a women's prison in the US, that she refers to as quasi-ethnographic, did not

focus on foreign national prisoners. But it did highlight more ‘regular’ adjustments of the women held in a large women’s prison in California, US. It is essentially about carving out a life that provides for a degree of privacy and safety, agreeable daily activity and a degree of material comfort (Owen, 1998, p.117). But, as indicated, none of these adaptations refer to the specific challenges of foreign national prisoners.

There is literature on these issues in the Nordic countries too. Prisons in the Nordic countries have been characterised by what has been called Nordic penal exceptionalism: a region where global trends towards mass incarceration under austere and oppressive conditions have been resisted (Pratt, 2008a, 2008b). Nordic penal exceptionalism is characterised both by small prisons and benign prison conditions, as well as by investment in rehabilitation, meaningful activity for prisoners, cordial staff-prisoner relations and moderate sentencing (Pratt and Eriksson, 2014). In relation to this article this brings a pertinent question: is this orientation, coupled with the principle of normalisation, that life inside prisons should resemble ‘normal’ life outside where possible, also routinely extended to foreign national prisoners?

This is a pertinent point. Focusing on Sweden, Barker (2013) called the state Janus-faced (two-faced): one side relatively benign, the other intrusive and oppressive with the latter face mainly shown to foreigners and non-citizens. Aas (2014) focused on Norway where the logic of bordered penalty has firmly taken hold. Relatedly, Todd-Kvam (2019) undertook a Norwegian media analysis to establish how Norway’s traditional penal exceptionalism interacts with a newfound populism in public discourse and found that the populist discourse centres on foreign nationals. He summarised: “*These non-Norwegians are shown to be the focus of a range of penal populist policies, including fast-track justice, a warehousing prison regime, targeting of petty offenders and the double punishment of imprisonment and deportation.*” (Todd Kvam, 2019, p. 295). Clearly in Norway, in many ways the poster child of Nordic exceptionalism (Pratt, 2008a,b, Pratt and Eriksson, 2014), the position of foreign national prisoner has become subject to a sharply excluding discourse. Increasingly this discourse is now matched by excluding practices like a foreign national-only prison in Kongsvinger (Ugelvik and Damsa, 2018) and most strikingly, the arrangements to lease prison capacity in the Netherlands (Pakes and Holt (2017), see also Liebling et al. (2021). Under this arrangement capacity for 242 prisoners was leased for several years from the Netherlands so that prisoners sentenced in Norway could in fact serve (part of) their sentence in the Netherlands, an arrangement little short of extraordinary which brought acute concern of prisoners treated like transnational commodities (Pakes and Holt, 2017). Liebling et al. (2021) did note that many foreign national prisoners felt that they were punished twice, by being sent abroad to a foreign prison, but they also praise this ‘Norwegian prison in the Netherlands’ prison for its carefully reflexive and deliberate modes of practice.

In spite of all this we know less about how foreign national prisoners cope. While the problems they face are now well documented, what kind of coping or adaptation mechanisms can we identify? There is, of course, not a short and simple answer to this as it is contingent on a number of circumstances that in daily carceral practice are frequently under-appreciated. It depends on regular residency, language ability, local and distant support networks, and type and length of sentence. In addition, this would depend on the type of the prison the person is in, and the country’s prison system at large. This, however, has not been the focus of study in relation to foreign national prisoners. This article therefore investigates the experience of foreign national prisoners in a country that is quite remote, but whose prison conditions, certainly in its open prisons are, for global standards, quite benign, with excellent material conditions providing a safe environment in which prison/prisoner relations are, certainly superficially, quite cordial: Iceland’s open prisons (Pakes, 2020).

In summary, the theoretical perspective adopted in the paper is that of exploring the recently emerging juxtaposition of traditional Nordic Penal Exceptionalism versus emerging expressions of abnormal justice in the Nordic countries and elsewhere. This piece makes a theoretical contribution by exploring how imprisonment is experienced by foreign national prisoners in a unique Nordic context of Iceland where this has not yet been explored, but with reference to an emerging tide of abnormal justice worldwide, including in comparable Nordic countries to Iceland as well.

The research setting: Iceland’s open prisons.

Iceland’s traditionally very low prison rate is well known (Gunnlaugsson and Galliher, 2000; Gunnlaugsson, 2017, 2021). Its prisons are tiny and characterised by friendly staff-prisoner relationships (Baldursson, 2000). For many observers outside of the Nordic countries, Iceland’s open prisons are a sight to behold. There is ample outside space, doors are routinely unlocked and there are few if any safety features (Pakes and Gunnlaugsson, 2018; Pakes, 2020, 2023). These conditions may well be a world away from what foreign nationals, based on prison experience elsewhere or simply because of assumptions, would expect.

Life in open prisons is characterised by conviviality. About 20 prisoners occupy single rooms for which they hold the key. They use communal toilets and showers and the day is structured around work or education. Meals are taken communally with prisoners and staff and a culture of friendliness and ‘horizontal harmony’, at least superficially, is the norm. Everybody including the governor is addressed on a first name basis. Greeting in passing is the norm. In addition, prisoners are expected to be prosocial to the extent that they thank the chefs (fellow prisoners) for the meal and clean up after themselves, not unlike many office type canteens.

While work off site is relatively rare prisoners do engage with the outside world continually via phone and in room internet (both with obvious restrictions). This is unlike Iceland’s closed prisons. It is a big plus of these establishments that video services like Skype are available as well as the ability to play online games, and watch videos on the video sharing site YouTube.

Finally the culture and practice of these prisons emphasise the outdoors. There is generous outside space, and there are animals to tend to like chickens and sheep. Prisoners look after these animals, as a paid job while the outside can be used for walks, smoking and for those who seek relative privacy (the frequently bracing Icelandic weather permitting). All this is geared towards providing prisoners with a regular healthy lifestyle in a relatively safe environment. As the prisons are, by accounts (Pakes, 2023) less oppressive than closed prisons, and they hold a good proportion of foreign national prisoners, it is a legitimate research aim to consider their specific experiences in these specific settings.

The contribution this makes is threefold. On the one hand it fixes our gaze on the experience of foreign nationals in open prisons.

Most research that directly engages with foreign nationals has taken place in other types of establishments such as closed prisons (e.g. Warr (2016) or facilities specifically for foreign national prisoners (e.g. Ugelvik and Damsa, 2018; Ugelvik and Ugelvik, 2013, Bosworth, 2013). Open prisons may well offer specific insights into both the pains and the adaptations of foreign national prisoners. Secondly, we consider them in the prison system of Iceland, a country that in many ways subscribes to Nordic penal exceptionalism (Gunnlaugsson 2017; Pakes and Gunnlaugsson, 2018; Pakes, 2020) but also in some ways does not. Finally, as Iceland is quite remote, tucked away in the North Atlantic Ocean it will be interesting to observe what role this geographic characteristic plays in the pains and adaptations of foreign national prisoners. While ‘remoteness’ is a matter of perspective, the fact is that Iceland is an island nation whose immediate neighbour is Greenland which is extremely sparsely populated. Significant population centres are far removed from Iceland’s capital. For example, Glasgow is over 800 miles away, Oslo over 1000 miles and Copenhagen over 1300 miles from Iceland’s capital Reykjavík. In this sense, Iceland’s remoteness is felt by Icelanders and foreign nationals alike. This is very different from, say, the Netherlands, where foreign national prisoners from neighbouring Germany or Belgium may be still geographically close to home. In Iceland this is impossible, and this inevitable remoteness may lend a certain psychological effect upon those prisoners too.

3. Foreign national prisoners in Iceland

In the new Millennium foreign national prisoners have become a fact of life in Iceland. Table 1 shows the data on foreign nationals in Iceland’s prison which has gone from only 3 in 2000 to 31 in 2020 a tenfold increase albeit obviously from a very low base. The data are SPACE I data collected by the Council of Europe. Iceland’s history has been one of relative isolation. Immigration into Iceland on any scale is a relative novelty, as it only rose in the 1990s when Iceland joined the European Economic Area in 1994. Iceland’s economic boom in the new Millennium, largely driven by economic and financial services, brought further demographic change. In the mid 1990s about 95% of the population had parents born in Iceland. This figure was about 85% in 2020. The proportion of foreign national prisoners, less than 10% until 2004, is now quite consistently between 15% and 25%.

However, unlike countries like the Netherlands (Brouwer, 2020), Norway (Ugelvik and Damsa, 2018; Pakes and Holt, 2017) and the UK (Kaufman, 2015) this has not led to transformational change. There are no prisons specifically dedicated to foreign national prisoners. It is also not true to say that prisons are at the forefront of any immigration policy or part of a populist drive to isolate, punish and expel foreign national prisoners. Instead, foreign national prisoners are simply absorbed into the mainstream and have found themselves in good numbers in Iceland’s two open prisons. In fact, foreign nationals do tend to disproportionately occupy these places. During my fieldwork in 2018, 42% of prisoners in open prisons were foreign nationals, while they comprised 24.5% of the total prison population, an over-representation that is unlikely to occur in many other countries. Deportations from prison do happen, but not in any large number. In 2020 4 people were deported after serving time in prison; in 2021 this number was 7.

It will be obvious that in real terms the number of foreign national prisoners in Iceland at any time remains very small, a few dozen at most. This is significant and characteristic of the prison population as a whole: scale matters. During the time of the field work there were only five prisons in Iceland. This has now been reduced to four with the recent closure of *Akureyri* prison in the North of the country in 2020 (Gunnlaugsson, 2021). These four include *Litla Hraun*, the country’s oldest prison that is still in operation and a high secure facility; newly built multi-functional *Hólmsheiði*, for sentenced prisoners but also with a wing for women prisoners and a remand section, and two open prisons. These are *Sogn* in the South and *Kvíabryggja* in the West of the country. However, it is less often noted that the prison system has been rather subject to change. I already mentioned that *Akureyri* prison was closed in 2020; and the year 2016 saw the opening of *Hólmsheiði* prison. *Sogn* open prison only started operating in 2012 with its predecessor, nearby *Bitra*, closing in 2012 having only been in operation for two years. Meanwhile an old and rather dilapidated small facility called *Hegningarhúsið* in downtown Reykjavík closed in 2016. In addition, a small prison mainly intended for women in *Kópavogur* near Reykjavík closed in 2015. Indeed, the system has seen rather an overhaul in less than a decade.

It is important to dwell on the tiny scale of the Icelandic prison system. A system this size has few if any secrets. There is widespread knowledge about the various prisons with some prisoners having spent time in most if not all prisons in the country. While the administration in Reykjavík is sometimes considered remote, both geographically and metaphorically, the Head of the Prison Bureau as well as its Head Administrator are well-known figures. It is also obvious that any new arrival in an open prison is likely to see several familiar faces from previous prisons when they arrive in the new location. Indeed, more than one prisoner explained to me that their

Table 1

Iceland Prison statistics 2000–2020. Source: Space 1 prison statistics (<https://wp.unil.ch/space/space-i/annual-reports/>).

Year	Prisoner Number	Prison Rate (/100,000 population)	Number of foreign national prisoners (% of total)
2000	82	29	3 (3.7%)
2002	107	37.3	10 (9.3%)
2004	115	39.6	8 (7.0%)
2006	119	39.9	16 (13.4%)
2008	140	46.0	29 (20.7%)
2010	165	51.9	27 (16.4%)
2012	152	47.6	37 (24.3%)
2014	154	47.3	22 (14.3%)
2016	124	37.3	21 (16.9%)
2018	163	46.8	36 (24.5%)
2020	164	45.0	31 (18.9%)

preference of open prison (*Kvíabryggja* or *Sogn*) was in part determined by the prisoners that they knew were there. In addition, there is a highly visible and active prisoner advocacy and support organisation too, *Afstaða*. Its lead figure, a former prisoner, is also well known within prison circles. It means that within any prison, there is pretty much complete knowledge on the prison system. There are no hidden depths, either in individual prisons or in the system as a whole. It is very overseable. The size of the system carries implications for its nature. Relationships between staff and prisoners are relatively cordial, and in particular the open prisons are microcosms where everyone knows everyone and where there are no deep secrets, hidden depths or any other unknowns. It lends the system a transparency that, it is argued, is a useful precondition for an environment that is relatively decent (Pakes, 2020; Pakes and Gunnlaugsson, 2018); something Johnson and Granheim (2011) also found in Norway albeit in closed prisons. At the same time the small size of the system in which everyone knows everyone carries risks too, such as in relation to prisoners who want to challenge official decisions: some perceive the system as lacking strong checks and balances as most actors know each other very well and may be unwilling or unable to sustain a rigorous culture of accountability because of this familiarity that characterises both the criminal justice and arguably Iceland's society at large.

4. The method of the project

This study relies on data from a larger project studying life in Iceland's open prisons. For this I secured permissions from the Icelandic prison bureau and met with both prison governors prior to the study to make arrangements and secure cooperation. I was not undercover. Prisoners were told beforehand that I was coming to stay for a week and that I was interested in the nature and daily operational practice of these prisons. Whilst in the prison it was agreed that I take the role of 'quasi prisoner'. Upon entry I was given a room, settled in, and I was shown round like other prisoners would have done too. I undertook the daily routines of prisoners. This lent a structure to the day dominated by meals including a communally taken breakfast; a hot meal for both lunch and dinner and where available I took classes or took part in other activities. I interviewed anyone, staff or prisoner, who was prepared to speak with me. I also had a multitude of informal conversations both with staff and prisoners. While foreign national prisoners were not an initial focus, data provided by the Iceland Prison Bureau just prior to the fieldwork showed that 42% of prisoners residing in the two open prisons were foreign nationals, as established via nationality, bringing their experiences into focus.

The inherently coercive nature of prisons creates tension towards the ethical principle of voluntariness of participation in research. In Iceland prisons prisoners have more agency than those in most other prisons. In addition there is freedom to move around whereas prisoners operate the kitchen, the garden and work in workshops. It is therefore possible to achieve at least a reasonable degree of voluntariness in participation, aided by the use of appropriate introduction form and consent forms as well as verbal explanations. Through explaining the nature of the study and their role in it, both staff and prisoners can give, as well as withhold or withdraw their informed consent.

Confidentiality is equally relevant in relation to the undertaking of the fieldwork. There is no complete privacy for prisoners in any prison. That said, prisoners in both open prisons in Iceland are relatively able to negotiate a situation of relative confidentiality within the prison setting. There are various places to meet informally for instance a games room, the TV room, the kitchen or outside space. Prisons in Iceland are far more spacious than prisons in the UK which helped in achieving an acceptable degree of confidentiality within the prison context. That said, it was not possible to ensure that prisoners could not establish which other prisoners took part in my research. The small size of the establishments, coupled with the fact that some interviews took place in a way that was, from a distance, visible to others, made it impossible to guarantee this level of anonymity.

Of the 38 interviews I took altogether in the larger project that documented life in these prisons more broadly, 12 interviews were with foreign national prisoners. While 12 prisoners may represent a small number in some respects, it was in fact approximately 2/3s of all foreign national prisoners at these two sites. As prisoners and in particular foreign national prisoners are a hard to reach group, it is not uncommon for publications to be based on the in-depth analysis of the input of a small number of participants. Van Ginneken (2016), for instance based her account of female prisons and the role of trauma on 6 prisoners in a UK institution. Van Ginneken's interviewees were, as is the case in the present study, a subset of a larger study. Similarly, Smoyer and Minke (2019) interviewed nine female prisoners in Denmark about food, eating, cooking and companionship in a Danish women's prison. Here also, the interviews were part of a larger project. Both examples highlight the value of small research samples with appropriate reflection on the nature of the sample, which applies to the present study too. However, it is also important to state that my sampling strategy was not so much a sampling strategy as such: I simply intended to speak to anyone in the two prisons who was prepared to speak with me. In addition, as Small (2009) also alludes to, this is a case study of a rare setting: Iceland's open prisons. A rare case like this can shed a new light on whether bordered penalty is also experienced by foreign national prisoners in Iceland, a country that embodies some but not all of Norway's exceptional penal characteristics (Pakes, 2020).

To summarise some essential data of the foreign national prisoners that I interviewed, it comprised both men and women with a range of ages, from prisoners in their 20s to into their 60s. Their nationalities ranged from Western, Southern and Eastern European, to South American and East Asian. Their sentences ranged from 18 months to 11 years. Their time spent in the open prison where they were during the fieldwork ranged from two years and eight months to only 3 day at the time I met this prisoner for the first time. The time to anticipated release varied from two weeks to seventeen months. All prisoners previously had served time in one of the two closed prisons, *Litla Hraun* or *Hólmsheiði* prison. Two had been in both. Two prisoners had spent time in both open prisons in Iceland and one prisoner had also been held in other (no longer operational) prisons in Iceland. Five of the twelve prisoners had experience of being imprisoned in other countries, mainly Eastern and Western Europe. For the seven others, the prison experience in Iceland was their first time in prison. Their specific issues and adaptations as foreign national prisoners was the focus of the analysis of this paper. It considers their interviews but it also includes notes of other interactions such as chats, activities and gatherings. Without exception the

foreign national status of all these prisoners was the topic of conversation. For some it was a large part of the discussion. Am I therefore confident that the topic, even though it was not the main topic for each and every conversation, turned out to be a big enough topic in the minds of foreign national prisoners that it warranted a separate analysis. This article is the result.

There are specific challenges to preserving their anonymity when discussing these prisoners as individuals. After all, the number of prisoners is so few that providing any personal detail runs a disproportionate risk of jeopardising their anonymity. It has therefore been essential to change some minor details so as to mitigate that risk. While the details changed may be substantive on occasion, in the main I shall refrain from providing detail. For example, there were several prisoners from Eastern Europe in the open prisons - but to ensure anonymity I will refrain from mentioning the specific country that any prisoner may be from. Similarly, I cannot discuss the true details of female prisoners, of which there were very few, so that almost any meaningful detail may inadvertently reveal their identity. It is here that details had to be altered in order to properly reflect their experience but with the essence of their account safeguarded and their voices not distorted. I use pseudonyms to faithfully reflect gender and area of the world where the person originated from, throughout.

Overall I found foreign national prisoners easy to engage with. This has been the experience of other prison researchers too (e.g. Liebling et al., 2021; Ugelvik, 2014; Crewe and Ievins, 2015; Sloan and Wright, 2015). In fact, many seemed very keen to speak with me. It may have been a factor that I was a foreign national researcher, a Dutch national who grew up in the Netherlands but lives in the UK. That may have drawn foreign national prisoners to me, as I may have been perceived as someone who was an outsider both in the sense of having no formal connection with the prison system and an outsider in the sense that I was not Icelandic. As I was in no way a representative of 'the system', something my own foreignness reinforced, I believe that I, like Ugelvik, 2014, p.33) served as a conversation partner who represented a 'break from the system.' It will also have helped that my questions sought to understand their subjective experiences of the place where they were currently held. This topic of conversation was therefore perceived to be natural and sensible and did not require particular effort on the part of the participants. Most conversations took place in English. There were, however, occasions where a fellow prisoner served as impromptu translator.

In practice my role was that of the person, who despite having evident background knowledge in prisons, could ask innocent questions: I was positioned as a harmless guest, like Ugelvik (2014), for whom you did not need your guard up. Like Fleetwood (2014) I found that I was becoming something of a confidant for some prisoners. This was, I felt both the result of an intention but also at least as much the role I relatively easily slipped into. My social approach was not unlike the one deployed by Darke in Brazilian prisons (2018). As was he, I was keen to maintain positive relationships with prisoners and staff alike. Unlike Darke, I stayed in the prison overnight whereas Darke stayed in a nearby hotel and undertook his field work during the day. The fact that he moved in and out of the prison and, from the perspective of the prisoners often appeared at unexpected times, led him to acquire the nickname 'ninja researcher' (Darke, 2018, p.202). However, both Darke's and my approach of being present, observing, interviewing and asking innocent questions to a range of people we met inside the prison was very similar indeed. And while the worlds of Brazilian and Icelandic prisons are literally and figuratively worlds apart, it was interesting to note that both my fieldwork and his ended with goodbye hugs with some of the most hardened prisoners (Darke, 2018, p.204). My method, a week's stay in a small prison did allow me to meet and, up to a point, get to know everyone who was prepared to allow that to happen. This 24-7 method did allow for a multitude of conversations, and observations to occur. It allowed me to move well beyond first impressions and gained a degree of trust of most prisoners. It was perhaps unique as a method in prison research, at least that is what the literature tends to suggest to me. The method worked as both fast and intense, what you could glibly refer to as 'flashnography'. Liebling et al. (2021) commented on their work in Norgerhaven prison in the Netherlands: "Our deep immersion was brief, but productive" (p.56/57). I would argue that for this project the approach and the outcome was the same.

The data obtained, mostly in the form of extensive notes from interviews and observations, was subsequently analysed using an intuitive form of content analysis (Erlingsson and Brysiewicz, 2017). I looked for, and identified, expressions and behaviours that detailed ways of coping and attitudes towards imprisonment. That allowed me to subsequently identify ways of being or coping that characterised more than one person's attitude to imprisonment. That subsequently became the basis for setting out the three adaptations that I identified, below.

5. Adaptations: the betrayed, the isolated and the caretakers

Part of the interviews involved asking prisoners about their experiences in other prisons in Iceland and, if they have that experience, elsewhere. It was often the second topic to be explored, after having explored their views and feelings about the open prison that they were currently in. Virtually all prisoners agreed that life in both open prisons is better than in Iceland's two closed institutions. The reasons are simple and obvious. In the open prisons access to internet and mobile phones is generous and relatively unrestricted, internal movement is much freer, and this is not or far less the case in both closed prisons. In addition, the open prisons are smaller, quieter and calmer. They also argued that by and large, the prisoners deemed suitable for open conditions are more mature. Prisoners are placed in an open prison taking into account their age, gender, offence, sentence and circumstances pertaining to the individual. Prisoners need to apply for a transfer to an open prison and can express a preference for one of the two prisons. This tends to lead, prisoners say, to a group of prisoners that by and large is relatively sociable and stable.

In order to properly appreciate the pains and the adaptations of this group of prisoners it is important to situate their open prison experience on an individual basis. This needs to include their experiences, if any, of prisons elsewhere and also of their prison journey through the Icelandic prison system, small though it is. In relation to the latter, it soon became clear that the open prison stay was not just reserved for prisoners in the final stages of their sentence. Rafael for instance only spent the first three months of an 18 months sentence in closed conditions before his transfer to an open prison. Stanley and Jan both did about 4 months of a 3 year sentence in

closed conditions and were then moved to an open prison. Others' stay in closed conditions was even shorter, including Alex, who was only in closed conditions post-sentence for a few weeks. Transfers to open prisons are quite readily made, and foreign national prisoners do not seem to be at any disadvantage in this process.

For most, the change from closed to open condition for most was stark. It was "*water versus wine*", said one European prisoner. Others referred to one of the closed prisons as "*Hotel Hell*", whereas the open prison he resided in was referred to as an actual hotel. This was shared by almost all foreign national prisoners. However, there were two whose narratives differed. These two prisoners told me accounts of their convoluted journeys through the criminal justice system prior to getting to prison, and expressed a great deal of distrust towards the criminal justice system in Iceland. They questioned the quality of their assigned defence lawyers (one referred to his defence lawyer as a "*pancake*"), the integrity of the police and argued that the whole system had been rigged against them. They essentialised this as typical for Iceland: "*they all know each other and cover each other's back*". Their feelings of bewilderment and betrayal did override any positive perceptions of the immediate prison environment. Sacha starkly said: "*so what if the doors here are open. They still treat you like shit*". Both also referred to the country of Iceland itself as a prison, to indicate that imprisonment for them represents a sort of a hostage situation where the island of Iceland represents the outer layer of imprisonment: the foreign country itself conceptualised as a prison. Neither had been to Iceland before. One of the two, Alex, had incorporated into the length of his sentence the exact time, accurate to the day, that he had spent in Iceland, making no difference between the time he spent in hostels awaiting trial and time spent in prison: these time periods had been added into what he thought of as his overall 'sentence'. Both spoke of broken promises by officials, language barriers and issues with translation and interpretation. As a result, both presented as distrustful and emotionally isolated. They would not necessarily disagree that the open prison conditions were favourable but that in no way enhanced either their wellbeing or provided a sense of acceptance as to where they found themselves. Neither was worried about the prospect of being deported. In fact, like some participants in Ugelvik and Damsa (2018) in Norway, both intended to leave Iceland at the earliest opportunity and were adamant that they would never come back. A likely 5-year ban on re-entry was therefore meaningless to them.

For most prisoners, however, the change from closed to open conditions was clearly a welcome one. But how these conditions were experienced did depend to a degree on previous prison experiences elsewhere. Lukas, from Eastern Europe with evident prison survival skills gained through prison experience in more than one European country was particularly content with the fact that very light work gets paid very well for international prison standards. Oscar also said that he works good hours and is able to send some money to his family in South America. Others are more cynical about the work that prisoners do: "*they don't really have work for everyone*", it was said. "*They give you a simple job that you can do in 5 min. But they kind of hope that you take 5 h. And then they pay you for that. Just so that they can say that prisoners are working. But we are doing very little.*" Still, the fact that they are 'making money' is important, both for self worth and for family support.

Kacper, who previously spent time in prisons in Eastern Europe, praised the material conditions. In these accounts the food is a much discussed topic with the amount of food, the choice, the fact that it is cooked by prisoners and the fact that there are biscuits, coffee, fruit and snacks available all day free of charge is the subject of much discussion. While prisoners do not cook for themselves as meals are prepared by a few prisoners for whom this is their job, prison food was indeed perceived to be 'their' food. There were food conversations aplenty in particular between foreign national prisoners, with food clearly serving as a way to bond (see also Smoyer and Minke, 2019). While I did not see food as a means of creative resistance as Ugelvik (2014) did in Oslo Prison, food did serve as a symbol of distinction, between foreign national prisoners and Icelanders. Two foreign national prisoner chefs spoke with disdain about Icelanders and their eating habits. They argued that Icelanders have simple tastes who fail to appreciate the effort involved and the quality of the cuisine they provide. This applied to table manners as well. Clearly here, as elsewhere, food serves as a cultural wedge, through which foreign national prisoner seek to set themselves apart from the others, claiming superior taste and loftier culinary cultures in the places where they come from and also claiming that they *provide*, to a degree, this enhanced gastronomic experience to others, which is in contrast to Ugelvik's findings in Oslo prison (Ugelvik, 2014).

Several foreign national prisoners express gratitude for these provisions which are, in their perspective, outlandishly good. This is particularly the case where their domestic prisons may be quite far removed from this standard. One prisoner told me that the prison conditions and overall appearance of the prison are such that he can hide the truth of his prison situation to relatives at home. The story that he tells to family is that he is a refugee in a refugee centre who does meaningful work in that capacity. In truth, the appearance of the rooms, and the overall appearance of the prison that he is in, this is entirely plausible. As corroboration of sorts, one officer told me a story of a similar nature, involving another prisoner who had successfully hidden the reality of his whereabouts from his children. The officer explained that the prison staff happily and actively played a part in sustaining this fictional account.

To be sure, others feel contempt rather than gratitude. They find officers too soft and the same can be said about the prison overall. For the more hardened prison survivor, these small open prisons offer little challenge. These prisoners often refer to conditions as 'easy' rather than 'nice'. That qualification carries a hint of disdain too, finding its source in the cultural expectation that prison should be hard, so that for them, thriving in a tough prison would bring status and a sense of self worth. Those hard earned kudos are not on offer here. It lends these older foreign national prisoners, often on a longer, drugs-trafficking-related sentence, with an identity-related dilemma: what is a hard man to do in a soft prison? Jack, on a long sentence and with experience of imprisonment in mainland Europe presented as a culture carrier: he argued that as he regarded prison officers incapable of keeping order in case of trouble, that he would step up and deal with any prisoner who would 'play up'. He also insisted that he would protect vulnerable prisoners should there be trouble, something he conceded he would not have done in other prisons. My interpretation is that Jack had sought to acquire a new status, that of a benign overseer of a prison that itself lacks in punch. His contempt for the officers and his unease with the 'easy' conditions had therefore led to a reinvention of the self that had incorporated and even honoured the very nature of the conditions and the culture he now found himself in. In doing so, he showed a high level of buy-in into the ethos of the prison, and a (theoretical at

least) will to play his part in sustaining it. Whilst this role of ‘violence manager’ may well be wholly imaginary, it is noteworthy that this foreign national prisoner self portrays as a culture setter. Like the chefs discussed earlier, there is evidence that foreign national prisoners think of themselves as actively giving shape to the prison culture, rather than needing to resist a dominant national Icelandic culture.

Another prisoner with prison experience elsewhere, Jan, had come to self-present as the main chef of the prison. His account however was more laced with cynicism. Cooking for Icelanders, he argued, was thankless, due to their simple tastes and poor table manners. He ridiculed them for a lack of appreciation of world cuisine and an absence of any gastronomic refinement, and spoke with disgust about their slurping, burping and finishing a meal in no time at all. His contempt was also extended to prison staff who, he argued, do nothing all day. It was a widely shared conviction among foreign national prisoners that it was them who kept the prison functioning whereas officers fill their time with hanging around and chatting. Like Jack, Jan presented as having an informal senior status that is far above Icelandic prisoners and is even above most officers who, they say, are slow, lazy and lack disciplinary ability. Both were veterans of the open prison in which they were held, having been there for well over a year. Both viewed themselves as maintainers of a specific prison culture that is at odds with prison culture elsewhere as we tend to see it described.

There is a countercultural element to their statements but at the same time, their positioning is somewhat more high status than that, perhaps, within the small community of prisoners where the older prisoners are more likely to be there for drugs trafficking whereas many younger prisoners have a history of substance misuse, their status is even hegemonic, despite coming from abroad.

In this culture, a number of very specific attributes are valued. These are cleanliness, self sufficiency, and sociability. Other classic prisoner values are less at play. These include the violent exclusion of sex offenders and other vulnerable prisoners and strict limits on interactions with staff. These are often presumed universal prison values but they are hardly if at all in evidence here. Instead, cleanliness is emphasised, possibly as a proxy for sociability and maturity. This involves doing laundry and tidying up after yourself after meals. Another value in operation was that of self-sufficiency. Self-sufficiency involved being able to self-organise without help from either staff or fellow prisoners. It also tends to refer to emotional self-sufficiency, in which displays of emotion are negatively valued. The reasoning is that these open prisons are easy. So, vulnerable or weaker prisoners should pull themselves together and ‘get on with it’. Accordingly those who struggle in such an ‘easy’ place are not afforded much respect by their fellow prisoners. Finally, sociability is positively valued in the sense of greeting, saying thank you for dinner, and being prepared to have a chat and a laugh, in particular in the smoking room, and during communal times like meals. In contrast, those who lock themselves away and behave furtively get little respect. It is interesting to note that this sociability or ‘horizontal harmony’ [Mjåland and Laursen \(2021\)](#) is considered typical for Nordic prisons. But here, it is also enforced by non-Nordic foreign national prisoners with a vigour that is perhaps surprising.

In contrast, those foreign national prisoners with less time in the open prison and less prison experience overall showed very different styles of adaptation. They tend to be full of praise of the conditions and do not share the disdain for officers as observed by veteran prisoners like Jan and Jack. ‘*The officers here are correct*’, Oswaldo from South America pointedly noted. And their adaptation was less about positioning themselves or acquiring status within the prison but rather trying to maintain their position outside. One Southern European prisoner, Bruno, used *Youtube* to stay abreast of technological developments in his field of work in his home country. A few others took up formal distance learning opportunities with outside providers. Another sought to keep a business going using mobile phone and internet and was in frequent contact with co-workers. A third person simply read a lot, helped out fellow prisoners in their language area and made sure of being helpful and friendly so as to not antagonise any officers or fellow prisoners.

These are examples of prisoners using their initiative to have their prison sentence as least disruptive as possible to the world of work that they would seek to re-enter post sentence. They did not seem to want or need a prison personality; rather they used the conditions and interactive opportunities to seek to maintain their prior-to-prison identity. These prisoners were first timers. It is for these prisoners for whom it seems most important to secure a timely transfer away from closed conditions and into these open prisons. For these prisoners open prison is proving effective in avoiding a degree of institutionalisation. But at the same time, their lives that they had to leave behind are far away with families frequently literally several thousand miles away. This adds a degree of depth to their experience as foreign nationals for the most part do not have visitors and often feel far removed from home and loved ones.

In short, we can identify three main forms of adaptations made by foreign national prisoners that are discernible in the open prisons in Iceland. They are specific to these open prisons as they are specific responses to these conditions, at least in part. While it must obviously be acknowledged that adaptations are individualised processes, there are patterns which are dependent on length of stay in the open prison, previous prison experience and the extent to which the prisoner has achieved a degree of acceptance of their sentence and their current situation. In most open prisons where prisoners would be in the latter stages of their sentence this may be likely. However, in Iceland where open prisons can be the setting for those still quite early in their sentence this is not always the case, so that prison identities can still be raw, and continue to be shaped by their experience of the earlier criminal justice process as much as by their current prison experience.

The first adaptation is made by prisoners who had been in their open prison for some time, and had prison experience abroad. They were somewhat older, typically in their 40s. They consider the prison as (too) ‘easy’ and have to a degree reinvented themselves by assigning themselves an important informal role in the running and the culture of the prison. These veterans of the Icelandic prison system saw themselves as high status among prisoners and in some ways regarded themselves as superior to the guards as well, who they regarded as friendly but weak and lacking the jail craft that they themselves do possess. They argue that they are the ‘caretakers’.

The second group had a background in countries where prison conditions are worse, often brutal and have either direct experience of it or broad cultural assumptions about these prisons. They marvel at the conditions in the open prisons and are relieved to find themselves in places that are clean, well-equipped and safe. At the same time, they are far from home, often on a different continent, have few if any visits and suffer from being a world away from their family. They are relieved, but lonely.

The final ‘adaptation’ is most reminiscent of the challenges listed by Ugelvik (2017b) and to an extent those by Warr (2016). This group was bewildered by the criminal justice process they went through and distrustful of their treatment by the country, exemplified in the criminal justice system. They experience fury as to their situation, the sentence and the country and whilst they would, if pressed, acknowledge the good material conditions in their open prison, this fails to compensate for the fact that they are imprisoned in a strange and remote land through a process they do not trust. For them, the country as a whole is a prison and any official is a jailer. They feel betrayed.

6. Conclusion

First, there is no sign that Iceland’s prison system has been either implicitly or explicitly co-opted within any global crimmigration-type development. Within the prison system, foreign national prisoners are simply dispersed and do not seem any less likely to be eligible for its two open prisons. While there are prisoners who face deportation, this tends to involve those who never built a life in Iceland anyway and for whom that does not really add to their punishment. Foreign national prisoners do not suffer added insecurity or worse conditions and, from the data gathered in this study, do not suffer added disadvantage due to their status. It therefore seems that trends discernible at least in Norway and Sweden have not (yet) found their way further into the North West Atlantic to Iceland. There does not seem to be any abnormal justice discernible in Iceland, at least not when considering prisoner populations in its open prisons.

However the open prisons setting in Iceland did give rise to context specific adaptations. Those who feel bewildered and betrayed due to issues did resemble the issues of those of foreign national prisoners elsewhere. But both other adaptations owe something to the setting in which they occurred. Those who sought to maintain a non-prisoner identity can do so thanks to the interactive conditions that allowed them, and thanks to a prison culture that did not foist a prisoner-identity upon them. At the same time, Iceland’s remoteness did affect them negatively, as did those who feel fury with the prison system and the country and isolated within both. The caretakers also responded to Iceland’s specific open prison conditions but in a more creative way. They harnessed a previous ‘hard’ prison adaptation into a role in which that hardness offers something to the prison culture in which they found themselves, to suggest that some of their robust approach to everyday life in fact sustains the prison culture. In this surprising fashion, the prison culture is as much replicated within them, as well as by them. In more general terms, this shows that we cannot consider the ways in which foreign national prisoners ‘cope’ without also closely considering the specific prison circumstances in which they find themselves. I would argue that open and porous prison conditions may well offer a wider range of adaptations. Some adjust their persona that helped them to survive tough prisons into a caretaker role that only makes sense in these open prisons. Others find it possible to maintain a non-prisoner identity thanks to the maintenance of virtual links with the outside world. Both adaptations can significantly lessen the pains of imprisonment including the specific challenges faced by those who are imprisoned abroad. But those who present as bewildered and feel betrayed, the open prison conditions offer little mitigation. Their pains are most similar to those reported elsewhere whereas the first two adaptations are most specific to the current study in particular the setting. It shows that open prisons in Iceland offer room for effective adaptations in a way that many closed environments fail to offer. This is another benefit of these open prisons, as they simply prisonise less, and allow for previous identities to be disturbed less as a result.

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