This is Denmark: Prison Islands and the Detention of Immigrants

Vanessa Barker* and Peter Scharff Smith

According to mainstream criminology, Nordic societies with their generous welfare states are supposed to moderate, if not restrict, penal powers. In the case of migration, we see the opposite pattern. In Denmark, we see extended use of penal institutions and penal harms to contain and remove unwanted populations from the region, including proposals for a prison island and the confinement of migrants in 19th century prisons. To make sense of these developments and interpret its social meaning, we unpack the logic of the punishment–welfare nexus and Nordic exceptionalism. We find that Denmark expands penal power to regulate non-citizens, deter migration and uphold national interests. These repressive practices are not exceptions to the rule but rather illustrate the exclusionary edge and very nature of the penal regimes in Denmark, a Nordic welfare state.

Key Words: nordic exceptionalism, punishment, welfare state, Denmark, immigration, nationalism, crimmigration

FROM A DANISH PRISON TO IMMIGRANT PRISONS, WHAT HAPPENED IN DENMARK?

In early 2016, as the gates closed behind the last prisoner leaving a run down Vridsløselille prison in Denmark, more than 150 years of Danish prison history came to an end. This particular institution was originally conceived as a model prison where the Danish state for the first time wanted to rehabilitate criminals on a large scale. From 1859, when Vridsløselille opened, it was believed that the use of solitary confinement was a key to such rehabilitation until this idea was abandoned in the 1930s as other penal philosophies took the stage. Ironically, this old penitentiary fitted with small cells constructed in the 1850s was, just few years prior to its closing, found to be one of the most respected penal institutions among the Danish prisoners because of the relatively liberal culture among the staff (Minke 2012). Many international observers would undoubtedly argue that such a culture was a product of humane and egalitarian Nordic welfare state values. But what happened as the last prisoners were on their way out of Vridsløselille might challenge such a view. Shortly before the prison was supposed to close, immigrants, who had been part of the wave of mass migration into Europe during those years, began to be transferred to the prison. The Danish Prison and Probation Service was ordered to continue running the facility and chose to implement a remand regime in the institution, which essentially con-
Prison Islands and the Detention of Immigrants

fined its inhabitants—most of whom had not committed any crimes—to an isolation-like regime where they were locked up in their cells almost all day and night. Within a very short time span, Vridsløselille changed its mission from imprisoning sentenced prisoners under a relatively liberal regime to imprisoning foreigners who had committed no crimes under a much stricter regime. This dramatic transformation in population and prison regime went smoothly, raising few questions within Denmark.

Recent developments in Denmark go against the expectations of much of the sociology of punishment that emphasizes the logic of penal welfarism and, as such, requires explanation. Comprehensive welfare states with their emphasis on social security, well-being and equality are thought to moderate the use of criminal justice measures (Pratt 2008). Given current trends and historical complexities, we argue that this relationship does not hold in the age of migration if it ever was as strong or as certain as often assumed. Instead, we see the proliferation of penal power used to protect the welfare state from outsiders, especially non-citizens (Aas 2014; Barker 2018). The dimensions that make welfare states enviable—their comprehensiveness, universalism and generosity—also drive their protectionism and exclusionary approach towards outsiders.

We want to be clear at the start that we are not arguing that Denmark is simply more punitive towards migrants, racial and ethnic minorities and non-citizens. It would be a categorial mistake to say that more repressive measures (e.g. immigration detention and solidarity confinement) make Denmark less exceptional, as if each element was additive to an overall sum of mildness. These repressive elements show the underlying character of the society itself. Nordic exceptionalism thesis cannot explain these developments or their social meaning or explain them away as exceptions to the exceptions. It is the actual character of the Danish regime and possibly Nordic regimes more broadly that have been partly miss-specified as they have been locked in the logic of penal welfarism. We deconstruct Nordic exceptionalism by uncoupling the punishment–welfare nexus, an analytical framework central to the sociology of punishment.

To do so, in this article, we have three main aims:

1. We seek to explain Denmark’s increasing reliance on immigration detention, an illiberal and coercive practice that goes against expectations of exceptionalism and a significant empirical phenomenon.
2. To contextualize this shift, we place recent Danish developments within the growing trend towards ‘crimmigration’, in which unwanted migration, particularly by people of colour, is treated as a criminal justice issue, with an emphasis on detention and deterrence.
3. We argue that these developments, represented by institutions, such as Vridsløselille, are not a dramatic break with the past or the ideals of Nordic exceptionalism. Rather, they expose the resilient structures of a Nordic society that are far more conditional, exclusionary and nationalistic than conventionally understood—features that exacerbate penal power when faced with existential threats from outsiders.

This article proceeds as follows. We justify the focus on Denmark in theoretical and empirical terms, outlining our methodological approach, review the relevant literature on the punishment and welfare nexus, highlight scholarship on the criminalization of migration to place Denmark in a broader context and present the empirical data on Danish immigrant prisons. Finally, we offer concluding remarks to make sense of these developments and our contributions to the existing scholarship.
CASE STUDY METHOD

We can see similar patterns across the Nordic countries. Sweden, Norway and Finland have all come to rely on penal practices to deter, regulate and even punish unwanted mobility and migration. In this article, we focus our empirical attention on Denmark to keep the material coherent and contained. The focus on Denmark is motivated for theoretical and empirical reasons. First, it is a critical case with international significance and resonance. Denmark not only leads international barometers in well-being (Organisation for Economic Co-operation and Development 2017) but has also become a goalpost for a good society. Fukuyama (2014) coined the term and metaphor ‘getting to Denmark’ to capture the key indicators of a healthy, democratic and inclusionary society.

Second, Denmark has adhered to many of the tenets of Nordic exceptionalism thesis: comprehensive welfare state, culture of equality, high trust and low levels of imprisonment (see Pratt 2008; Lappi-Seppälä and Tonry 2011), yet it has not been subject to the same empirical attention as the other Nordic countries (although see Smith 2012; 2014; Reiter et al. 2018). It is an under-studied site. Closer examination can provide nuance and correctives.

Third, despite its international reputation as a human rights exporter, it has not uniformly applied these same standards on its home territory (Christoffersen and Madsen 2011). A forerunner in restrictive migration policies, Denmark has recently set strict limits on family reunification, increased language, work and integration requirements (Bech et al. 2017) and, as we illustrate below, proposed to detain and confine unwanted migrants on a new ‘prison island’, a provocation of symbolic politics. Migration poses specific challenges to the punishment–welfare nexus, i.e. the punishment–welfare nexus is a logic and history that connects these two policy areas that are often assumed to be inversely related. Meaning, inclusive and ‘thick’ welfare states tend towards more moderate penal regimes, whereas means-tested ‘thin’ welfare states tend to rely on repressive penal regimes. Migration concerns and how they impact the punishment–welfare nexus have not been fully addressed by the Nordic Exceptional thesis and conventional understandings of Nordic welfare states as disciplinary boundaries have tended to split interrelated issues into distinct areas of interest. We try to bridge this gap. We seek to show by integrating these areas that the empirical character and ensuring characterizations of these societies are in fact very different.

Denmark is a critical case because it goes against current thinking on penal regimes (on case studies, see Flyvbjerg 2011). It provides analytical leverage into the relationship between punishment and welfare in ways that question a taken-for-granted logic. The case helps to show how the motivation for policies and practices are often rooted in the particular cultural and institutional arrangements, whereas the outcomes are part of a more general pattern of migration control across the global North. Rather than asking if Denmark punishes more or less than other similarly situated countries, we ask what drives it, what gives it meaning and how we can understand it? We seek to interpret the social meaning of increased penal measure against non-members (Reed 2011).

As a case study, we rely on multiple forms of data, including primary and secondary sources, such as descriptive statistics, government documents, statements and legislation on penal practice and migration control and recent public and political discourse on the topic, especially from the relevant ministry departments and the Prison and Probation Service, as well as from prominent lawmakers and government ministers. We have also applied for and received access to documents from the Danish Ombudsman concerning detention centre visits. We selected important examples that are illustrative and representative of the broader pattern in Denmark: Vridsløselille, the prison turned detention centre; Ellebaek detention centre and the proposal for Lindholm, the ‘prison island.’ Two of these institutions have played import-
ant roles as sites of confinement in Danish migration control, while the third is a symbolic political statement that shows what is imaginable—the isolation, separation and quarantine of unwanted migrants on an island that was once a field site for studying infectious diseases. As such, these endeavours help expose the character and logic of the punishment–welfare nexus in Denmark. All material has been made available through public access and meets ethical requirements.

**DECOUPLING THE PUNISHMENT AND WELFARE NEXUS**

Ever since Rusche and Kirchheimer’s (1939/2003) bold claim that the history of the prison is the history of poor people, scholars have traced the interconnections between punishment and policies oriented towards the poor. In the contemporary era, this has meant an analysis of the relationship between punishment and welfare state policies and practices. In shorthand, we refer to this as the punishment–welfare nexus. Specifically, in comparative penology, the punishment–welfare nexus has had a major impact on how scholars seek to explain and understand cross-national variation in penal regimes. Why societies punish the way they do and why and how they differ from one another is often conceptualized within a much broader governing perspective that connects the governance of crime and punishment to the governance of social marginality (Garland 1985). Institutions that regulate crime and punishment are intimately connected to institutions that regulate social marginality, as they are often dealing with similar populations, such as the poor and racial or ethnic minorities (Western and Beckett 2001). Historically, criminal offenders were often confined within the same institution as the destitute or dispossessed (Smith 2003: 53 ff.). In the contemporary period, scholars have focussed on the inverse relationship between punishment and welfare in which societies with weak social safety nets tend to rely heavily on criminal justice in response to an array of perceived social ills. As the epitome of stingy welfare provisions, the US relies heavily on incarceration, while American jails are filled not only with suspected criminal offenders but also those who cannot pay fines, who are homeless or mentally ill. Moreover, scholars have examined the ways in which welfarism has shaped penal practices within prisons and, likewise, the ways in which punitiveness has shaped the distribution of social welfare. Punishment and welfare are thought to have a kind of symbiotic relationship.

At the same time, scholars have argued that countries with more generous and universal welfare states tend to have lower incarceration rates and more mild penal regimes (Cavadino and Dignan 2005; Lacey 2008; Pratt 2008; Lappi-Seppälä 2016). Although there are disagreements about what drives the punishment–welfare nexus—whether it is the political economy, political parties, political institutionalism, the principle of equality, social trust and solidarity—most scholars in this field agree that stronger welfare states rely less on punishment. As represented by the social democratic model, Nordic welfare states provide not only a wider array of protections against economic ills but also make much larger social investments in their populations, supporting social and economic well-being, lowering poverty rates and decreasing social marginality. They favour inclusionary mechanisms over exclusionary ones. In a series of influential articles and a book monograph, John Pratt and Anna Eriksson conceptualized this dynamic as Nordic exceptionalism (Pratt 2008; Pratt and Eriksson 2012). The Nordic exceptionalism thesis states that Nordic societies are less punitive because of their strong welfare state traditions and egalitarian values and they serve as a counterpoint to the Anglo–Saxon world of punitiveness, neoliberalism and welfare state retrenchment. Even under the same social conditions of late modernity, penal moderation was possible.

We offer a more nuanced account. First, we question the inverse relationship. While there certainly are several important examples of mild penal arrangements in the Nordic countries,
such as open prisons, shorter sentences and better prison conditions, than most Anglo penal regimes, the exceptionalism literature has tended to ignore or minimize significant examples of punitive practices—especially the way these are driven by the interests of powerful welfare states (Smith 2012). By punitiveness, we refer to a range of criminal justice measures designed in ways that clearly inflict and increase penal harms on offenders; these can include the expansion of criminal offenses subject to incarceration, sanctions that prolong imprisonment and heavy reliance on pre-trial detention vis-à-vis solitary confinement. Nordic penal regimes are characterized precisely by the duality of harshness and mildness, as they capture both sides of the welfare state that are ever present (Barker 2013). Throughout their history, Nordic societies have relied on penal power to advance the interests and goals of the welfare state (Hörnqvist 2016). Penal power goes hand in hand with welfare state expansion rather than with its retraction. In Sweden, e.g. as explained by Roddy Nilsson, the prison system should not primarily be understood as a ‘system characterized by humanism and tolerance’ (Nilsson 2017: 51) but rather as a system that, after WWII, organized itself ‘with collective compulsory labour as the core of the treatment model’ (Nilsson 2017: 52). In Nilsson’s words, this prison system was ‘a tool in a larger project for constructing a better society’—a tool based on a welfare state ideology according to which ‘there was no conflict between the interest of society, the common good and the interest of the offender’ (Nilsson 2017: 53). As the welfare state expanded, so followed the prison system, countering expectations of the inverse hypothesis where a strong welfare state would lead to a minimal prison state. Indeed, Garland noted the same mechanism when he described how British penal-welfare strategies adopted from the late 19th century and into the 20th century involved a significant expansion of penal sanctions and state control (Garland 1985).

Similarly, the expansion of penal law sanctions over the past 40 years has fallen into three categories, drugs, violence and sex crimes, all crimes that undermine the moral fibre of the welfare state and signal the state’s willingness to intervene in social control (von Hofer and Tham 2013). Tham (2005) has shown how zero-tolerance drug laws in Sweden, e.g., are driven by the ideals of a good society based on wholesome and productive workers. Here, criminal law has worked in tandem with the purposes of the welfare state rather than against it or in place of it. Likewise, penal power has rapidly expanded in the area of migration control to protect public goods and maintain welfare solvency for members (Aas 2014; Todd-Kvam 2018). The penal-welfare logic intrinsic to the sociology of punishment, including Nordic exceptionalism, cannot capture these synchronized movements.

Second, we question the assumption of a straightforward relationship between strong welfare states and humane or mild penal regimes. Prison ethnography calls attention to the ‘pains of imprisonment’ and shows how the penal harms inflicted or experienced by inmates are also very much present in Nordic prisons (Ugelvik and Dullum 2012; Shammas 2014). The loss of liberty is a significant deprivation no matter where or how it occurs. In their comparative prison ethnographies across Denmark, the United States and United Kingdom, Reiter et al. (2018) found that inmates in Danish prisons experienced the force of punishment on their autonomy in ways not unlike what inmates in Anglo countries do, despite the humanizing elements in Nordic prisons. They write: ‘the lived experience in Danish prisons, however, reveals that suffering is fundamental to incarceration, with or without the mantle of the brutality that we have come to equate with harsh punishment’ (Reiter et al. 2018: 94; on the tightness of prison, see Crewe 2011). Moreover, as Peter Scharff Smith (2012; 2017) has illustrated, although there are several important examples of relatively mild penal arrangements in the Nordic countries, they exist alongside much harsher practices, including the way that Denmark and other Nordic countries rely extensively on remand prison and solitary confinement. These are penalties that are used against those suspected but not yet convicted of a criminal offense. Similarly, dispro-
portionate penal harms are inflicted on migrants confined at the immigrant detention and deportation centres, including the loss of liberty and self-determination for non-criminal offenses. Finally, although the Nordic societies have low prison population rates when measured in stock numbers (average occupancy rates), they actually imprison more people each year than many of their fellow European countries (flow numbers, i.e. the number of people receiving a prison sentence; Smith and Ugelvik 2017). This also demonstrates how these societies are not afraid to use intrusive formal social control extensively.

Accordingly, and third, we propose the term penal nationalism as a modification to the Nordic exceptionalism thesis. The conceptual term provides a way to understand how and why penal power is used and under what conditions. Rather than define Nordic penal regimes exclusively by their mildness, we need a broader analytical term that allows for the duality inherent in the Nordic contexts. It allows us to retain certain aspects of the Nordic exceptionalism thesis—a culture of equality and an ethos of inclusion—while recognizing its more coercive elements. It can account for the specific Nordic context and be applied elsewhere. Such an approach also fit well with what Smith and Ugelvik (2017: 513 ff.) have argued, namely that penal power in the expansive Nordic welfare state can easily be simultaneously punitive, rehabilitative, intrusive, forceful and welfare-oriented social control. If we break out of the logic of penal welfarism and exceptionalism, we can better grasp how these regimes work and provide new dimensions of comparison.

PENAL NATIONALISM

Specifically, penal nationalism is a form of state power that relies on the material and symbolic violence of the criminal justice system to uphold national interests (Haney 2016; Barker 2017; 2018). Historically, criminal justice has provided a key structural component to state building as the state’s perceived monopoly on violence is used to assert its authority, power and sovereignty over a territory and population (Garland 1996). Penal measures, moreover, have a unique communicative capacity to signal the boundaries of belonging, the moral worthiness and membership in a political community (Duff 2001). Penal nationalism is a tool of statecraft deployed to remake states and societies, especially in times of trouble.

Penal nationalism captures two important dimensions, its penal and national character. It is penal, as it relies on the tools, staff, institutions and symbols of criminal justice, particularly the censure and sanction of punishment (Duff 2001), to give it legitimacy and render it meaningful. It is national in its aims, functions and motivation. It is coercive as the state imposes power over another’s will, autonomy and self-determination as the loss of liberty, especially for non-criminal acts or status attests. It is symbolic and communicative as the rituals of the state can signal worthiness, guilt, suspicion, belonging, righteousness, fear and loathing, drawing strict lines of inclusion and exclusion in a political community. Here, penal measures, such as the prison and detention, are used to affirm national interests, such as security, protectionism and identity, which can complement but may override crime control functions. For example, immigration detention entails the use of confinement, prison-like facilities, to detain people who have not committed a criminal offense but who pose perceived social threats to national identity, national resources or economic well-being. Of course, the use of criminal justice measures are almost always related to national goals, law and order, safety and security. What we emphasize here and what is distinctive is how non-criminal offenses are regulated by criminal justice means to serve national purposes of identity, belonging and sovereignty over and above crime control functions.
In recent years, penal nationalism has been mobilized to reaffirm national sovereignty (Haney 2016), national belonging (Bosworth 2018; Kaufman 2015) and, in the Nordic societies, welfare state preservation and protectionism for members (Barker 2018). It can also be put to reformist agendas. For example, in Finland, the government intentionally lowered imprisonment rates in a concerted effort to rejoin its more moderate Nordic neighbours and slough off its post-war legacy of high imprisonment rates. Finland remade its national identity in part through minimizing and reshaping penal power. As Lynne Haney explained, penal nationalism can be an effective tool to restore state sovereignty. She analysed these processes in central Europe to show how Hungary and Poland, e.g. threatened by the European Union (EU) integration, turned to crime control to reassert state power over the territory and population. Similarly, Emma Kaufman (2015) shows how British foreign national prisons were created to sort out and separate citizens from non-citizens as governmental concerns about national identity superseded crime control, security concerns or punitive goals of the prison. In Scotland, McNeill (2018) has illustrated how criminal justice reforms towards moderation have been linked to and support claims for Scottish independence.

While penal nationalism can be delimited to domestic issues and local populations, it becomes particularly acute for migrants, ethnic and racial minorities and those considered others and outsiders. In Denmark, as detailed below, the creation of immigrant prisons in response to unwanted migration became ideologically and politically linked with the preservation of Danish values, including a nationalistic version of the values associated with being an egalitarian Nordic welfare society (Mouritsen and Olsen 2011). In other words, locking up migrants, often poorer people of colour, became part of a policy meant to reassert something supposedly Danish.

**BACKLASH TO MASS MIGRATION: CRIMINALIZATION OF IMMIGRANTS**

Endless war, violent repression and natural and human disasters have forced more people to leave their home countries since World War II. The United Nations High Commissioner on Refugees estimates that there are over 79 million forcefully displaced people worldwide (UNHCR 2019). The war in Syria alone has created 6 million refugees. As migration has increased, restrictions on migrations have proliferated, especially in more affluent democratic societies in Europe, North America and Australia. While Australia has refused to allow migrants to land on its territory and have created an archipelago of detention islands in the Pacific, the United States, under the Trump administration, has locked up children and families in immigration detention centres across the US–Mexico border.

The Nordic societies are no exception to these developments and, in some cases, have pioneered new kinds of restrictions and exclusions. Yet, in comparative penology, with its near exclusive focus on the comprehensive welfare state and its associated low imprisonment rates, entire aspects of the penal regime have been overlooked or minimized, least of all what happens to migrants within these contexts. In Denmark, the government has reduced legal channels of entry, expanded removal and contained failed asylum seekers in former prisons. According to the influential Danish People’s Party, the choice has been between ‘Welfare or immigration’ (Kjærsgaard 2010). In Sweden, during the height of the refugee crisis, the social democratic government closed the border and severely limited access to its territory and the right to seek asylum. Portrayed as drains on the welfare state rather than as potential contributors, asylum seekers and migrants were perceived as threats to the order, security and well-being of the welfare state. In the subsequent national election in 2018, the conflation of migrants with threats and criminality reached new heights and became a central issue in public debates and party platforms.
Restrictions on migration have not only grown over the past 15 years, accelerating since 2015, but have also been rationalized, justified and legitimated through the criminalization process. Migration control has merged with crime control. Across the global North, prosperous and democratic countries routinely block access to their territories by the means and measures of criminal justice (Stumpf 2006; Mitsilegas 2015). By deploying the material and symbolic violence of criminal justice for border control, public authorities cast doubt on the moral worthiness of migrants and punish them accordingly. In this framework, migration is portrayed as a crime problem requiring crime control responses, including the loss of liberty. The United States, e.g., currently confines over 300,000 migrants in immigration detention centres, prison-like facilities that many scholars call ‘immigrant imprisonment’ as it entails many of the same penal harms (Bosworth 2018; Canning 2017) if not punitive purpose of the prison (Fleury-Steiner and Longazel 2016). In the United States, migrants from Mexico and Central America have been characterized a priori as criminal, carrying risk and danger across the border. Migrants are suspect, stigmatized and perceived to be criminal by virtue of their status rather than by an actual violation of the criminal law. Across the EU, member states have increased the reliance on immigration detention (Majcher, Flynn and Grange 2020) while refusing entry to 440,000 non-EU citizens in 2017 alone (Eurostat 2018).

THE DANISH CASE: THE RISE OF IMMIGRANT PRISONS

In Denmark, we can see the development of crimmigration practices, including an expansive approach to confining and detaining immigrants in prisons or prison-like facilities, empirical patterns that reflect strong anti-immigrant populist politics and nationalistic tendencies undergirding the society (Mouritsen and Olsen 2013). Denmark has outperformed its Nordic neighbours in terms of its harsh anti-immigration policies and is considered an ‘extreme case’ even within the EU (Kreichauf 2020: 45).

As late as 1983, Denmark had an immigration law, which ‘was one of the most liberal in the world at the time’ (Mouritsen and Olsen 2013: 691) but, since the late 1990s, a process has gradually shifted policies away from a human rights rationale towards ‘the notion that immigrants must be induced to acquire the “fundamental values” of Danish society’ (Mouritsen and Olsen 2013: 693). Especially since the 2015–16 European refugee crisis, Denmark has tightened laws and practices severely and in a way that has ‘caused international attention’ (Kreichauf 2020, 45). Again, a harsh political rhetoric has become mainstream in Denmark in this area. Symbolized by, e.g., the style and policies of the former Minister of Immigration and Integration, Inger Støjberg—a member of Denmark’s biggest liberal party, a former government minister and a radical hardliner on immigration issues. Illustratively, in March 2017, when the former government under Støjbergs reign as Minister of Immigration and Integration had introduced and implemented altogether 50 (sic!) new law amendments tightening Danish immigration policy, she chose to celebrate this with a big birthday-style cake brandishing a Danish flag and the number 50. She posted an image on her Facebook account of herself holding this cake along with a huge smile and the accompanying text ‘this has to be celebrated’ (Støjberg 2017). Some considered this rather tasteless given the fact that thousands of migrants and asylum seekers were dying trying to reach Europe but such actions have never become a serious political problem for Støjberg.¹

¹ Støjberg has run into trouble later because a legal investigation has accused her of violating the law during her time as Minister of Integration when she ordered her bureaucracy to split up all married immigrant couples where the wife was underage despite the legal need to consider each case individually. As a result, Støjberg will be tried by a special tribunal and her political future is currently undecided.
After two decades of toughening migration policies, a so-called ‘paradigm shift’ was introduced by the former liberal-conservative government and the Danish Peoples Party, according to which immigration law was too soft and should be tightened even further. In March 2019, the Ministry of Immigration and Integration had made 112 amendments to legislation and policies, mainly to the Danish Aliens Act, since November 2016 (Dignity 2019: 15). Importantly, the current Social Democratic government, the backbone of the social welfare state, which took over in June 2019, has clearly made it a priority not to appear soft in this area.

One of many results of Danish anti-immigration policy is an expanding use of various forms of detention against immigrants (Canning 2020: 217). Indeed, some of these detention regimes are politically and consciously designed to deter migration. As explained by Inger Støjberg with regard to asylum seekers on tolerated stay: ‘These people are unwanted in Denmark (…) It should be as intolerable as possible to be on tolerated stay’ (Suárez-Krabbe et al. 2018: 8). This policy aim—getting rid of unwanted migrants—are well known to Red Cross staff working at the detention centres who describe how, e.g., something like Friday night concerts had been cancelled to make sure that residents did not have anything to look forward to (Canning 2020: 221).

The Danish Aliens Act (Sections 35 and 36) provides for the possibility for the police to detain foreigners, such as asylum seekers administratively. A number of facilities are used to detain immigrants under different regimes with varying degrees of deprivation of liberty. Currently (up until fall 2020), such detention takes place in Ellebæk Aliens Center, Nykøbing Falster (an old remand prison), Kærshovedgård (formerly an open prison) and Sjælsmark (an old military facility) and on occasion in Åbenrå remand prison where there are 10 ‘asylum places’ (Dignity 2019; CPT 2020b). Additionally, immigrants can wind up in ordinary prisons, even without a criminal charge, and not least in Vestre prison in Copenhagen, Denmark’s biggest prison, which otherwise primarily hold pre-trial detainees. Finally, unaccompanied child immigrants have been known to be placed in closed youth detention centres (which operate as closed prisons with very strict regimes) without any kind of criminal charges (Dignity 2019; CPT 2020b).

As mentioned above, the Ellebæk Aliens Center is one of the facilities used to detain immigrants. The degree to which this institution is run like a prison, even though the detainees are deprived of their liberty according to the Aliens Act, and not because they have committed a crime, illustrate well how this institution is essentially based on a ‘crimmigration’ rationality. For example, immigrants in this facility are not allowed to use mobile phones and they are punished with solitary confinement if found in possession of such a phone, just like in a closed prison where prison law allows such punishment (Dignity 2019; CPT 2020a: 6; 18). According to the city court of Hillerød, this practice is in fact illegal but the Prison and Probation Service clearly thinks of Ellebæk in terms of a prison and apparently apply the same policies as they would do in any prison (Dignity 2019: 18). Again, this seems to be a clear sign of treating migrants as criminals in culture and policy. According to Canning, the intended outcome of the Ellebæk and Sjælsmark detention centres is ‘the removal of unwanted migrant bodies, spatially isolated so that out of sight becomes out of mind for the majority society’ (Canning 2020: 221).

The latest significant controversy over Danish policy in this area came in 2020 following the publication in January of the latest report on Denmark from the Committee for the Prevention of Torture under the European Council (CPT) and, later in September, when the official reply from the Danish government became public. In January 2020, the CPT delivered its report on

---

2 Immigrants in the Nykøbing Falster holding centre have however been scheduled for transfer to Ellebæk in September 2020 (CPT 2020b: 64). Canning (2020: p. 217 and 219 ff.) mention only two detention centres in Denmark, namely Ellebæk and Sjælsmark, but the old remand prison in Nykøbing Falster and the formerly open prison Kærshovedgård have up until recently also been used as detention centres for immigrants (Dignity 2019), whereas the recent response from the Danish government to the CPT also mentions Åbenrå remand prison (but not Sjælsmark nor Kærshovedgård; CPT 2020b).
conditions of confinement and the prevention of torture following their visit to Denmark in April 2019. One of the CPT’s areas of concern was ‘Foreign nationals held under aliens legislation’ and, as part of their monitoring, they had visited the old remand facility—now aliens holding centre—in the Nykøbing Falster and Ellebæk detention centres (CPT 2020a: 6). The CPT bluntly concluded that they considered ‘it unacceptable that the living conditions in both migration detention centres were prison-like and that the prison rules applied to all detained migrants’ (CPT 2020a: 6). The committee expressed ‘serious misgivings’ that the use of prison rules led to migrants with mobile phones being placed in ‘at least 15 days of solitary confinement’ (CPT 2020a: 7). The material conditions in Ellebæk and Nykøbing Falster was described as ‘very carceral and oppressive (…) At both establishments, the vast majority of rooms and the (common) sanitary facilities were in a deplorable state of repair. The rooms at Nykøbing and the vast majority of rooms in the units for men at Ellebæk were severely dilapidated, with graffiti-covered walls, flaking paint and/or crumbling plaster. In the 2nd floor bathroom at Nykøbing, an electrical socket was missing and its wiring emerged unprotected from the wall. In addition, several of the common bathrooms in the units for men at Ellebæk were filthy and smelly and the benches in the shower rooms at Nykøbing were covered with mould’ (CPT 2020a: 55).

The CPT emphasized ‘that migration detainees are generally neither suspected nor have they been convicted of a criminal offence. If their detention is nevertheless considered necessary, they should be held under conditions promoting a sense of normality and with minimum internal security restrictions’ (CPT 2020a: 6). Finally, the CPT called ‘upon the Danish authorities to launch a major refurbishment programme at both establishments or take them out of service and replace them with facilities appropriate for the administrative detention of migrants’ (CPT 2020a: 6).

Interestingly, the immediate response from the current social democratic Minister of Justice, Nick Hækkerup, when the CPT report was published in January 2020, in many ways echoed the policy and attitude of his predecessor, hardliner Inger Støjberg, from the former liberal right-wing government. Hækkerup stated that ‘we will continue to have a centre like Ellebæk, which resembles a prison, and where it should not be nice to stay’ (Politiken 2020a). Hækkerup further explained that ‘we want to motivate the people staying there to leave Denmark (…) they are going to leave the country and this is a push in the back’ (Politiken 2020a). The CPT report did, however, cause disagreements between the social democrats and their parliamentary majority parties (SF, De Radikale and Enhedslisten, without which they would have no majority and hence no basis for their government) who called for improvements at Ellebæk. The Danish government agreed to refurbish part of the institution, although Hækkerup reiterated the need for having a detention centre like Ellebæk (Politiken 2020b).

The CPT inspection and the resulting debate clearly illustrate how unwanted migrants (primarily rejected asylum seekers) have essentially been treated like criminals in the Danish system by being subjected to prison conditions and prison rules. The debate, however, also activated political conflict, which resulted in some material improvements for the detained migrants.

### A PRISON ISLAND FOR MIGRANTS?

In late 2018, the former liberal-conservative government and the Danish Peoples Party agreed to create a ‘prison island’ for rejected asylum seekers on the small island of Lindholm just south of Zealand. The plan, which has since been scrapped, was to place rejected asylum seekers—with or without a criminal sentence—on Lindholm. The political aim behind the island was clearly to motivate these people to leave as early as possible by worsening their conditions. As explained by René Christensen from the Danish Peoples Party: ‘I think, that many will learn, that if they end up on Lindholm, then it would perhaps be better to go home or somewhere
else, where you can live your life. There is no future in staying on Lindholm. And we do not want these people running around in Denmark’ (Nielsen et al. 2018). And, as René Christensen explains further: ‘Of course we would prefer, that rejected asylum seekers with a criminal background were in prison. We cannot do that, so we have been super lucky to find an island, where we can put these people’ (Nielsen et al. 2018).

The Danish Institute for Human Rights (DIHR) warned that to deprive foreign nationals of their liberty if they have ‘no real opportunity to leave Denmark within the foreseeable future’ would be in conflict with Article 5 of the European Convention on Human Rights (DIHR 2018). As explained by DIHR, the ‘majority of residents on Lindholm will be foreign nationals whom Denmark is prevented from deporting due to legal or practical obstacles’ and ‘long-term restrictions on their freedom of movement and right to privacy can, with time become [dis]proportional and also develop into degrading treatment, which is illegal pursuant to the European Convention on Human Rights’ (DIHR 2018). However, the plan, which was expensive, was eventually laid to rest by the current government.

In the following section, we will take a closer look at one particular case of deprivation of liberty of immigrants according to the Aliens Act, namely the imprisonment of asylum seekers that began in an old Danish 19th century penitentiary in December 2015 in the middle of the European refugee crisis.

**VRIDSLØSELILLE—THE 19TH CENTURY PRISON THAT BECAME A REFUGEE DETENTION CENTRE**

The modern Danish prison system was formed in the 19th century along with the rise of the modern penitentiary (Smith 2003). Up until recently, the four biggest prisons in Denmark were still panoptic institutions based more or less on the Pennsylvania prison model, three of which were constructed in the 19th century (Horsens, Vridsløselille and Vestre prisons) and, in one case, during the early 20th century (Nyborg prison). This century, the two oldest of these prisons, both constructed in the 1850s, have been phased out and replaced by new prisons. The last one to close as an ordinary prison was Vridsløselille from where the last prisoners left in January 2016. However, in November 2015, prompted by the stream of people seeking asylum moving into Europe, the Danish Government decided that the prison service should prepare to house up to 1,000 of the newly arrived in the old prison, which was designed to hold only 241 prisoners. In mid-December 2015, the first migrants started to appear in Vridsløselille (Folketingets Ombudsmand, Dok. 15/05650-23/CM). Without any serious debate, the transition from detaining prisoners with a criminal conviction to detaining immigrants in the more than 150-year-old panoptic prison was quickly decided and implemented within the confines of the egalitarian Nordic welfare state.

Remembering the notion of Nordic penal exceptionalism, one might have expected that there would be a big difference in terms of regimes and treatment of this new group of ‘clients’ as the Danish prison service call both prisoners and immigrants when they are housed in their facilities. After all, many of these people were refugees from war in need of help. And indeed, there was a significant regime change in Vridsløselille as the new ‘clients’ arrived. But perhaps not in the direction one should expect—at least not if one believes in the egalitarian nature of the Nordic welfare state and adheres to the theory of Nordic penal exceptionalism. In fact, the Danish Prison and Probation Service chose to implement a stripped down remand regime, which caused the immigrants, guilty of no crime, to be detained in an isolation-like regime with almost no out of cell time. There is nothing to suggest that this was done out of ill-will on the part of the Danish Prison and Probation Service and the lack of time for preparation undoubtedly played a role as well. Regardless, the practice at Vridsløselille was produced through a com-
Prison Islands and the Detention of Immigrants

combination of political decision-making on the one hand and decision-making on the part of the Danish Prison and Probation Service on the other hand, and, as we shall see, the result was a clear example of Denmark relying on penal power to respond to unwanted migration.

Having heard rumours about the situation in Vridsløselille, the Danish National Preventive Mechanism (NPM), consisting of the Ombudsman, the Danish Institute Against Torture (Dignity) and DIHR, decided to visit the old prison early in 2016. The first visit took place on 29 February 2016. At the time of the visit, 63 immigrants were detained in the institution, out of which eight were women. The average age was 27.5 years ranging from 18 to 48 years of age. The detainees were kept in the prison on average for 19.22 days, ranging from 2 to 53 days (Folketingets Ombudsmand, Dok. 15/05650-23/CM).

On their visit, the NPM team found that the immigrants were locked in their cells ‘almost all day and night’ (Folketingets Ombudsmand, FOM2016.16/01859-FOB2016-56). The detainees had access to one-hour daily yard time, and they were allowed to sit together for some time up to four persons in one cell. There was, furthermore, a lack of activities for the ‘clients’, mobile phones were not allowed and they received one free phone call each week. The Ombudsman concluded: ‘This regime can (…) lead to isolation and cause harm to the mental health’ of the detained immigrants (Folketingets Ombudsmand, FOM2016.16/01859-FOB2016-56).

The visiting team, furthermore, noted that there was a significant lack of information and communication in the institution, and many immigrants simply did not know why they were deprived of their liberty. Additionally, the staff seemed to lack the necessary information and education needed to take care of the imprisoned immigrants (Folketingets Ombudsmand, FOM2016.16/01859-FOB2016-56). Taken together, the Ombudsman concluded that he was ‘seriously worried’ about the conditions that the immigrants were subjected to (Folketingets Ombudsmand, FOM2016.16/01859-FOB2016-56). The Ombudsman recommended that Vridsløselille began to screen the detained immigrants for torture victims and for suicide risk, made sure that interpreters were always available during medical treatment and implemented routines to secure that immigrants in need of medical and/or psychiatric treatment actually received such treatment (Folketingets Ombudsmand, FOM2016.16/01859-FOB2016-56).

During the visit, two prison officers described how the transition from an ordinary working day ‘with prisoners’ to an ordinary working day ‘with people with another language who they could hardly communicate with’ had been ‘terrible’ (Folketingets Ombudsmand, Dok. 15/05650-23/CM). They had received no training and did not have the right qualifications. According to the prison chaplain, the staff were ‘powerless’, and according to the medical officer in the prison, ‘the staff had been let down completely’ and had no guidelines for anything (Folketingets Ombudsmand, Dok. 15/05650-23/CM). Immigrants who had previously been detained at Ellebæk Aliens Center found the regime in Vridsløselille to be much harsher with fewer opportunities. Several of the immigrants interviewed by the NPM team did not understand why they were imprisoned (Folketingets Ombudsmand, Dok. 15/05650-23/CM).

During a subsequent visit at Vridsløselille on 22 June 2016, the NPM found that conditions had been significantly approved. Probably most importantly, the cell doors were no longer locked all day and the immigrants could typically move around freely on their own prison wing. Access to activities had also improved and meaningful information concerning their stay had been made available to the immigrants. Furthermore, staff had received some additional training (FOM2016.16/01859-FOB2016-56).

Later events made it clear that even the governor at Vridsløselille found it very hard to defend what had happened. A sound recording made by Red Cross staff visiting the institution three months after the first immigrants had arrived at Vridsløselille revealed how the governor simply stated: ‘It’s sad for the people, who have been in our care (…) we were not properly prepared for this assignment’ (Findalen and Patscheider 2018). According to the governor, ‘it was a bit
like asking a plumber to bake bread (…) and then hope it would turn out good’ (Findalen and Patscheider 2018).

One particular case, which was kept secret for two years, concerned one of the first immigrants to be detained at Vridsløselille, the 23-year-old Somalian citizen Shaarmarke who, like several of those interviewed by the NPM, completely failed to understand why he was imprisoned. The extreme and Kafkaesque experience of being a refugee locked up with no apparent reason resulted in a stressful reaction in the case of Shaarmarke. After a long and painful incarceration experience, which involved being physically restrained with a belt to a bed for nine days and nights in a row, Shaarmarke died from a blood clot likely caused by the long restraint experience (Findalen and Patscheider 2018). In fact, the Ombudsman opened an investigation into security cells (equipped with restraint beds) in Vridsløselille after the NPM visit in February 2019 and found routines concerning their use worthy of critique (Folketingets Ombudsmand, Dok. nr. 16/04359-8/MNK). Shaarmarke’s story was, to our knowledge, unique, but nevertheless illustrative of the context and, in some ways, hardly surprising. After all, many of these refugees likely came from war-torn countries, had a heightened risk of a traumatic past and, nevertheless, were placed in an isolation-like regime and, in some cases, without understanding why and for how long.

**IMMIGRANT PRISONS—A NORMALIZED SOLUTION FOR UNWANTED MIGRANTS**

Taken together, the detention centres for migrants and the practices they proscribe demonstrate how penal measures have become the default policy for unwanted migrants in Denmark. In line with the criminalization of migration literature, we emphasize here that people who arrived in Denmark seeking asylum and a better life committed no criminal offenses but were effectively treated as offenders, confined to prison or prison-like facilities, at times in strict isolation regimes, subject to worse conditions than criminally sentenced inmates, and used as cautionary tales to deter others from crossing the border.

These are not exceptions but rather the taken-for-granted practices in Denmark. When challenged for human rights violations by the CPT in September 2020, the Danish government and the Danish Ministry of Justice responded in a blunt, laconic and bureaucratic fashion: the immigrants in question are a security risk, and prison conditions is the answer to this problem. In the words of state officials: ‘Both the Ellebæk Detention Centre and the Nykøbing Falster Holding Centre are characterized by special external security in the form of e.g., security fences, walls, secured courtyard areas and camera surveillance of outdoor areas. This is in order to secure the detention which means that the detainees are not allowed to leave the institution. Based on a security assessment, the Department of the Prison and Probation Service finds that it is impossible to make adjustments to the external security without increasing the risk of evasion’ (CPT 2020b: 66). In other words, a high-security prison with all its elements and trappings of a static and impenetrable security system is portrayed as the only viable solution and the only viable living quarters for immigrants who have committed no crimes.

**DISCUSSION AND CONCLUDING REMARKS: UNRAVELLING EXCEPTIONALISM**

High-security systems, prison islands and isolation chambers—these are hardly the distinguishing elements of a humane and good society, let alone a liberal and open one, as Denmark has often been portrayed. To make sense of these developments and especially the reliance on penal measures in response to unwanted migration, this paper sought to document the
rise of immigrant prisons in Denmark, place them in the context of criminalization of migration and unpack the punishment and welfare nexus. By doing so, we sought to provide nuance and challenges to Nordic exceptionalism. We offer instead the power and corrosive force of penal nationalism as a more holistic interpretation of the Danish penal regime. Moreover, we argue that these punitive and restrictive policies towards migrants are not simply exceptions to the penal regime but rather indicative of the character of the society itself. Danish values and national identity are maintained by locking people up, revealing a deep illiberal strain within one of the world’s most equal, affluent and liberal societies.

Our main findings have implications for several influential criminological and penological theories, including border criminologies, the sociology of punishment and Nordic exceptionalism. First, our examination of immigrant detention centres in Denmark provides further empirical evidence and support for the growing field of border criminologies. Our work supports Bosworth et al.’s (2017) claims that criminal justice itself is being transformed through migration control. Differential treatment, severe and harsh conditions and the application of punitive penal law practices within Danish institutions for migrants undermines due process, principles of equality before the law, and introduces a new kind of stress test for the legitimacy of the system itself. What is more, the Danish emphasis on deterrence—i.e. intentionally subjecting unwanted migrants to a harsh regime to prevent others from coming—strikes a somewhat surprising chord with recent US migration control practices that separate children from their families at the US–Mexico border, designed to do the same thing.

Second, our findings suggest the analytical and empirical need to decouple the punishment–welfare nexus central to the discipline. We argue that it cannot be taken for an a priori set of assumptions, logic or predictions about the empirical world. In Denmark as in the other Nordic countries, this relationship is interdependent but not in ways that we ordinarily assume. We see an accumulation of evidence and recurrent patterns, which counter the presumed inverse relationship. With their generous welfare provision and norms of equality, Nordic societies are predicted to moderate, if not, restrict penal powers. In the case of migration, we see the opposite pattern. We see extended use of penal institutions and penal harms to contain and remove unwanted populations. What happens to unwanted migrants—detention, isolation and removal—is not part of a separate system, a parallel track; it is part and parcel of the welfare state.

This leads us to our third finding, the nuancing, if not unravelling, of certain aspects of Nordic exceptionalism. Prison islands and immigrant prisons clearly go against core principles of Nordic exceptionalism—mildness, humaneness and egalitarianism. The Danish case shows the rough edge of Nordic punishment practices, especially when severe penalties are directed at non-members, providing further support for the border criminology approach that links penal power to the regulation of citizenship. This shift did not occur overnight but rather is part of a broader pattern of governance that can be better understood as penal nationalism, in which criminal justice tools are used to uphold national interests and national values, even when those national interests expose intrinsic paradoxes of society: equality and freedom for some but not others.

Finally, what we want to emphasize here are the effects these measures have on the logic and character of Danish penal regime. It would be a mistake to say that more repressive measures (e.g. immigration detention and solidarity confinement) simply make Denmark less exceptional, as if each element was additive to an overall sum of mildness. That is not the point, we cannot just wish away the exceptions to the exceptions. Nor can we count the penal harm as less important or less relevant to the logic of the welfare state because it was done to non-citizens or foreigners. It would be like saying that Denmark would be more humane if it were not for migrants. But this is Denmark, and it’s a Nordic welfare state.
REFERENCES

Aas, K. F. (2014), ‘Bordered Penalty: Precarious Membership and Abnormal Justice’, Punishment and Society, 16: 520–41.

Balvig, F. (2005), ‘When Law and Order Returned to Denmark’, Journal of Nordic Studies in Criminology and Crime Prevention, 5:2, 167–87.

Barker, V. (2013), ‘Nordic Exceptionalism Revisited: Explaining a Janus-Faced Penal Regime’, Theoretical Criminology, 17: 5–25.

— (2017), Penal Power at the Border: Realigning State and Nation. Theoretical Criminology, 21: 441–57.

— (2018), Nordic Nationalism and Penal Order: Walling the Welfare State. Routledge.

Bech, E. C., Borevi, K. and Mortensen, P. (2017), ‘A “Civic Turn” in Nordic Family Migration Policies? Comparing Denmark, Norway and Sweden’, Comparative Migration Studies, 5: 7.

Bosworth, M. (2008), ‘Border Control and the Limits of the Sovereign State’, Social Legal Studies, 17: 199–215.

Bosworth, M., Franko, K. and Pickering, S. (2017), ‘Punishment, Globalization, and Migration Control: “Get Them the Hell Out of Here”’, Punishment & Society, 20: 34–53.

Canning, V. (2017), Gendered Harm and Structural Violence in the British Asylum System. Routledge.

— (2020), ‘Bureaucratized Banality: Asylum and Immobility in Britain, Denmark and Sweden’, in D. Abdelhady, N. Gren and M. Joormann, eds, Refugees and the Violence of Welfare Bureaucracies in Northern Europe, 210–26. Manchester University Press.

Cavadino, M. and Dignan, J. (2005), Penal Systems: A Comparative Approach. Sage.

Christoffersen, J. C. and Madsen M. R. (2011), ‘The End of Virtue? Denmark and the Internationalisation of Human Rights’, Nordic Journal of International Law, 80: 257–77.

CPT (2020a), Report to the Danish Government on the visit to Denmark carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 3 to 12 April 2019, CPT/Inf (2019) 35, 7 January 2020, available online at https://rm.coe.int/1680996859. Accessed 23 February 2021.

— (2020b), Response of the Danish Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Denmark from 3 to 12 April 2019, CPT/Inf (2020) 26, 1 September 2020, available online at https://rm.coe.int/16809f65d6. Accessed 23 February 2021.

Crewe, B. (2011), ‘Depth, Weight, Tightness: Revisiting the Pains of Imprisonment’, Punishment & Society, 13: 509–29.

Dignity (and others) (2019), Submission to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in Connection With the Country Visit to Denmark 2019. NGO Shadow Report.

DIHR (2018), ‘Human Rights Challenges for an Exit Centre on Lindholm Island’, available online at https://www.humanrights.dk/sites/humanrights.dk/files/media/udgivelser/udtigelser/untitled_folder/fact_sheet_lindholm_island.pdf.

Duff, R. A. (2001), Punishment, Communication and Community. Oxford University Press.

Eurostat (2018), ‘Enforcement of immigration legislation statistics’, https://ec.europa.eu/eurostat/statistics-explained/index.php/Enforcement_of_immigration_legislation_statistics. Accessed 23 February 2021.

Findalen, J. and Patscheider, C. (2018), ‘Fængselsleder om Vridsloeselille som Udlændinge-fængsel: “Vi var ikke klaedt på til Opgaven”’, available online at https://www.24syv.dk/udvalgte-nyhedshistorier/faengselsleder-om-vridsloeselille-som-udlaendinge-faengsel-vi-var-ikke-klaedt-paa-til-opgaven.

Fleury-Steiner, B. and Longazel, J. (2016), ‘The Pains of Immigrant Imprisonment’, Sociology Compass, 10: 989–98.

Flyvbjerg, B. (2011), ‘Case Study’, in N. K. Denzin and Y. S. Lincoln, eds, The Sage Handbook of Qualitative Research, 301–15. Sage.

Folketingets Ombudsmand. Dok. 15/05650-23/CM.

— Dok.nr. 16/04359-8/MNK.

— FOM2016.16/01859-FOB2016-56.

Fukuyama, F. (2014), Political Order and Political Decay: From the Industrial Revolution to the Globalization of Democracy. 1st edn. Farrar, Straus and Giroux.

Garland, D. (1985), Punishment and Welfare: A History of Penal Strategies. Ashgate, UK.

Garland, D. (1996), ‘The Limits of the Sovereign State: Strategies of Crime Control in Contemporary Society’, British Journal of Criminology, 36: 445.

Haney, L. (2016), Prisons of the past: Penal nationalism and the politics of punishment in Central Europe. Punishment and Society, 18 (3): 346–68.
Hörnqvist, M. (2016), 'Riots in the Welfare State: Contours of a Modern-Day Moral Economy', European Journal of Criminology, 13: 573–89.
Kaufman, E. (2015), Punish and Expel: Border Control, Nationalism, and the New Purpose of the Prison. Oxford University Press.
Kjersgaard, P. (2010), 'Velfærd Eller Indvandring', available online at https://danskfolkeparti.dk/velfaerd-eller-indvandring/.
Kreichauf, R. (2020) 'Legal Paradigm Shifts and Their Impacts on the Socio-Spatial Exclusion of Asylum Seekers in Denmark' in B. Glorius, J. Doomernik (eds.), Geographies of Asylum in Europe and the Role of European Localities, 45–67. IMISCOE Research Series.
Kriminalforsorgen (2019), 'Tal fra Kriminalforsorgen—januar 2019', available online at https://www.kriminalforsorgen.dk/wp-content/uploads/2019/01/tal-fra-kriminalforsorgen-januar-2019.pdf.
Lacey, N. (2008), The Prisoners' Dilemma: Political Economy and Punishment in Contemporary Democracies. Cambridge University Press.
Lappi-Seppälä, T. (2016), 'Nordic Sentencing' Crime and Justice, 45: 17–82.
Lappi-Seppälä, T. and Tonry, M. (2011), 'Crime, Criminal Justice, and Criminology in the Nordic Countries', Crime and Justice, 40: 1–32
Majcher, I., Flynn, M. and Grange, M. (2020) Immigration Detention in the European Union: In the Shadow of the 'Crisis.' Springer.
McNeill, F. (2018), 'Mass supervision, misrecognition and the 'Malopticon,' Punishment & Society, 21: 207–30.
Minke, L. K. (2012), Fængslets Indre Liv. Djøf Forlag.
Mouritsen, P. and Olsen, T. V. (2013), 'Denmark Between Liberalism and Nationalism', Ethnic and Racial Studies, 36: 691–710
Nielsen, C. J. (2018), 'Udviste Asylsøgere Skal Sendes ud på øde ø: Når vi Ikke Kan Låse Dem Inde, Må vi Gøre Noget Andet', available online at https://www.tveast.dk/artikel/udviste-asylsogere-skal-sendes-ud-aa-ode-oe-naar-ii-ikke-kan-lassen-dem-inde-maa-vi.
Nielsen, N. S., Jenvall, L. and Ingvorsen, E. (2018), 'Udviste, Kriminelle Udlandeinge Sendes til øde ø i Stege Bugt, DR.dk 30', available online at https://www.dr.dk/nyheder/politik/udviste-kriminelle-udlandeinge-sendes-til-ode-oe-i-stege-bugt.
Nilsson, R. (2017), ‘“First We Build the Factory, Then We Add the Institution’. Prison, Work, and Welfare State in Sweden c. 1930–1970,’ in P. S. Smith and T. Ugelvik, editors, Penal History, Culture and Prison Practice: Embraced by the Welfare State?, 35–56 Palgrave
Organisation for Economic Co-operation and Development (2017), 'How’s Life', available online at http://www.oecd.org/statistics/how-s-life-23089679.htm [accessed 26 April 2019].
Politiken (2020a), 'Justitsminister om Tortur-Kritik: Der Skal Ikke Være Rart at Være', 7. January 2020, available online at https://www.dr.dk/nyheder/politik/justitsminister-om-tortur-kritik-der-skal-ikke-vaere-rart-vaere.
—— (2020b), 'Efter Kras Kritik Fra Torturkomité: Nu Bliver Udrejsecenter Ellebæk Gjort Rent og Sat i Stand,' 2 March 2020, available online at https://www.dr.dk/nyheder/politik/efter-kras-kritik-fra-torturkomite-nu-bliver-udrejsecenter-ellebaek-gjort-rent-og.
Pratt, J. (2008), 'Nordic Exceptionalism in an Era of Penal Excess', British Journal of Criminology, 48: 119–137.
Pratt, J. and Eriksson, A. (2012), Contrasts in Punishment: An Explanation of Anglophone Excess and Nordic Exceptionalism. Routledge.
Reed, I. A. (2011), Interpretation and Social Knowledge: On the Use of Theory in the Human Sciences. University of Chicago Press.
Reiter, K., Sexton, L. and Sumner, J. (2018), ‘Theoretical and Empirical Limits of Nordic Exceptionalism: Isolation and Normalization in Danish Prisons’, Punishment & Society, 20: 92–112.
Rigsrevisionen (2019), 'Beretning nr. 13/2018 om Kriminalforsorgens Insats Over for Dømte i og Uden for Fængslerne', available online at https://www.rigsrevisionen.dk/revisionssager-arkiv/2019/mar/beretning-om-kriminalforsorgens-insats-over-for-domte-i-og-uden-for-faengslerne. Accessed 22 February 2021.
Rützau (2019), 'Minister Beskyldes for Erasmus Montanus-logik om Overvågning', available online at https://jyllands-posten.dk/politik/EC11811197/minister-beskyldes-for-erasmus-montanuslogik-om-overvaegning/
Rusche, G. and Kirchheimer, O. (1939/2003), Punishment and Social Structure. Transaction Press.
Shammas, V. L. (2014), ‘The Pains of Freedom: Assessing the Ambiguity of Nordic Penal Exceptionalism on Norway’s Prison Island’, Punishment & Society, 16: 104–123.
Smith, P. S. (2003), Moralske Hospitaler—Det Moderne Fængselsvæsens Gennembrud Internationale og i Danmark ca. 1770–1870. Forum.

—— (2012), ‘A Critical Look at Nordic Exceptionalism. Welfare State Theories, Penal Populism, and Prison Conditions in Denmark and Scandinavia’, in T. Ugelvik and J. Dullum, editors, Nordic Prison Practice and Policy—Exceptional or Not?: Exploring Penal Exceptionalism in the Nordic Context. Routledge.

—— (2014), When the Innocent are Punished. The Children of Imprisoned Parents. Palgrave Macmillan.

Smith, P.S. and Ugelvik, T. (2017) Scandinavian penal history, culture and prison practice. Embraced by the welfare state? Palgrave.

Støjberg, I. (2017), ‘Facebook’, available online at https://www.facebook.com/IngerStojberg/photos/a.276535912386133/1397458950293818/?type=1&theater.

Stumpf, J. (2006), ‘The Crimmigration Crisis: Immigration, Crime and Sovereign Power’, American University Law Review, 52: 367–419.

Suárez-Krabbe, J., Lindberg, A. and Arce-Bayona, J. (2018), Stop Killing Us Slowly. A Research Report on the Motivation Enhancement Measures and the Criminalisation of Rejected Asylum Seekers in Denmark, available online at http://refugees.dk/media/1757/stop-killing-us_uk.pdf. Accessed 22 February 2021.

Tham, H. (2005), ‘Swedish Drug Policy and the Vision of the Good Society’, Journal of Nordic Studies in Criminology and Crime Prevention, 6: 57–73.

Todd-Kvam, J. (2018), Bordered Penal Populism: When Populism and Nordic Exceptionalism Meet. Punishment & Society.

Ugelvik T. and Dullum J. (eds) (2012), Penal Exceptionalism? Nordic Prison Policy and Practice. Routledge.

UNHCR (2019), ‘Global Trends: Forced Displacement in 2019’, available online at https://www.unhcr.org/globaltrends2019/. Accessed 23 February 2021.

Western, B. and Beckett, K. (2001), ‘Governing Social Marginality: Welfare, Incarceration, and the Transformation of State Policy’, Punishment & Society, 3: 43–59.

von Hofer, H. and Tham, H. (2013), ‘Punishment in Sweden: A Changing Landscape’, in Ruggiero, V. and Ryan, M., editors, Punishment in Europe: A Critical Anatomy of Penal Systems. Palgrave.