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Power, pain, adaptations and resistance in a ‘foreign’ prison: The case of Polish prisoners incarcerated in Northern Ireland

Agnieszka Martynowicz 1

Abstract

This article presents the findings of the author’s doctoral research with Polish male prisoners incarcerated in Northern Ireland. Debating the need for expanding our understanding of how the pains of confinement are experienced differentially depending on citizenship, nationality and linguistic ability, the article argues that in the case of those prisoners the exercise of prison power focused on exclusionary practices. This has had an impact on how those prisoners were able (or not) to resist the prison regime. The discussion reflects on how this exclusionary power of the prison is aided by two external forces – the UK’s immigration system and Poland’s criminal justice system – in maintaining ‘order’ and compliance.

Key words: Foreign national prisoners; Polish prisoners; Resistance; Deportation; Extradition

Introduction

The exercise of power by the prison over its inhabitants has been subject of much analysis. From the studies undertaken by Gresham Sykes (1958) and Erving Goffman (1961) in the United States to some of the more recent studies such as Crewe’s (2009) account of life in HMP Wellingborough, the way in which such power is exerted and experienced exercises academic minds. With its analysis came the recognition of the many ways in which prisoners resist

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penal institutions: from hunger strikes, riots and escapes, to letter writing and the use of official complaints procedures (Carlton, 2007). Exerting control over their destinies can also be seen to be exercised through a range of adaptations to life in prison (see, for example, Cohen and Taylor, 1972; Crewe, 2009; Goffman, 1961; Irwin and Cressey, 1962; Jacobs, 1977; Sykes, 1958).

Contemporary prisons accommodate individuals with a complex mix of identities; languages and linguistic skills; a diversity of links to communities, families and friends; and recent or past experiences of migration. Across the world – including in the UK – many of those prisoners do not hold the citizenship of the country in which they are imprisoned and are therefore categorised as ‘foreign nationals’ in prison statistics. On a practical level, such categorization significantly impacts their experience of confinement (Kaufman 2015; Turnbull and Hasselberg, 2016). In the UK context, following the ‘foreign national prisoner scandal’ of 2006 (for detail see: Kaufman, 2013; 2015) their vulnerability is denied in official discourse and they are portrayed as dangerous and threatening to the established social order (Bhui, 2013). Politicians tell British taxpayers that they will not be “forking out for [those prisoners’] bed and breakfast” (David Cameron MP, 2016); instead, they are to be swiftly removed beyond national borders.

Prisons nowadays play a central role in the crimmigration² (Stumpf, 2006; 2013) process and the assumption of ‘foreign national’ prisoners’ deportability leads to a “damaging narrative, with practical and psychological consequences” (Bhui, 2013: 10). Although by no means a homogenous group, those prisoners often face language barriers; experience problems with family contact; face difficulties in access to services outside and inside the prisons (including those which are supposed to assist them to address their ‘offending behaviour’); experience isolation and report anxiety caused by unresolved immigration issues and lack of preparation for release (Bhui, 2004, 2007; 2013).

² Stumpf (2013: 61) observes that ‘crimmigration law’ (and related enforcement) is an “umbrella term for two loosely connected and overlapping legal trends”. One of those is the criminalisation of acts of migration (in particular actions such as unauthorised border crossing). Second is the increase in the use by states of “criminal grounds for deportation” combined with the ever-diminishing avenues for challenge. In the UK, legal measures such as the UK Borders Act 2007 introduced automatic consideration for deportation of people convicted of criminal offences (with some differentiation between EU and non-EU citizens, as well as in the nature of ‘deportable’ offences). The Legal Aid, Sentencing and Punishment of Offenders Act 2012 limited access to legal aid in deportation cases, making it near-impossible to avail of it in anything other than most exceptional of cases. In both instances, prisons are central to the implementation of such laws (Kauffman, 2013) and now accommodate many prisoners – including those interviewed for my study - who can expect to be subjected to immigration processes as part of / after their sentence. In this sense, all prisons accommodating ‘foreign national’ prisoners have recently become – at least in their potential – ‘crimmigration’ prisons.
As Bosworth, et al. (2016: 701) state, it is clear that the pains of imprisonment are now shaped by prisoners’ “mobility, identity and nationality”.

As both the exercise of prison power and prisoner adaptations are “historically contingent” (Crewe, 2009: 87) it therefore seems timely to consider the changing composition of prison populations in analysing these phenomena. Power relationships in prisons are complex and over the years studies painted varied pictures of its exercise and its impact on the prisoners’ experience (Rowe, 2016). In his seminal study of the New Jersey State high security prison, Sykes (1958: 7) described power inside as something that is negotiated as “the prison exists in an uneasy compromise of liberty and restraint”. From the outside, that power may appear total as the ‘Officials’ (the guards, the governors) have bricks and mortar, security measures and the rules and regulations on their side to ensure order. However, he further argued, in reality all this power is “not truly infinite” and the breaking or challenging of the rules by prisoners is “commonplace” (Sykes, 1958: 42 and 46). Prisoners may perceive their imprisonment as legitimate, but they feel no “moral compulsion to obey” (p. 46) and the prison has few means by which to ensure compliance: the use of physical force brings the risk of retaliation with violence and the system of punishments and rewards brings no significant loses or benefits to the prisoner. In those circumstances, power is negotiated through a system of “deals” or “trades” (Sykes, 1958: 57), ensuring the relative ‘peace’ in prison life.

Sykes (1958) suggested that prisons in the 1950s, while depriving, were at the same time less violent than in the past. However, as Crewe (2011) argues, this assumption was not borne out in research in the 1970s, 1980s and 1990s. Such research showed clearly that “violence was built into the logic of the system” (ibid, p.511) and by design life in prison was an “unrelenting imposition of authority” (Scranton, et al., 1991: 62). Any attempt by prisoners to negotiate or to change the rules of the prison regime, were seen as a “challenge to authority and, specifically, an affront to the authority of a particular prison officer” (Scranton, et al., 1991: 62). Power, therefore, flowed directly through prison staff; in fact, it was concentrated in individual prison officers who through a range of formal and informal sanctions were able to assert that authority at any point. Prisoners’ resistance to such power – whether in the form of individual complaints, collective action or introversion
and withdrawal – was pathologised, stripped of meaning and often criminalised by the authorities (Scraton, et al., 1991).

More recently, it has been argued that the introduction of a ‘humane prison’ (Bosworth and Carrabine, 2004) has changed both the way in which prisoners’ experience power and how they frame resistance. Power in the late modern prison, argues Crewe (2006; 2009; 2011), operates at a distance. It is wielded by “the system” and its managers, as well as “specialists” (such as psychologists), rather than by prison officers on the wings whose “collective power had been eroded and supplanted” (Crewe, 2006: 260). The latter implement rather than embody the power. It is “the system” which, through the use of coercive tools such as incentivised regimes as well as “specialist knowledge and risk assessments”, controls the behaviour of prisoners and forces them to “self-govern without direct intervention” (Crewe, 2006: 262). Crewe further argues that the effect of such distant power is individualisation amongst prisoners, and near-lack of at least overt resistance to the prison regime. However, while overt resistance may not be evident, prisoners do not remain passive in the face of systematic mortification and deprivations of prison life. Instead, they adapt to their conditions and the system of rules, punishments and privileges that govern the prison (see, for example, Crewe, 2009; Goffman, 1961; Sykes and Messinger, 1960). In fact, there is a “myriad of ways in which prisoners exert some measure of control over their lives and destinies despite their restrictive settings” (Rubin, 2016: 3).

Based on the findings of my doctoral research with Polish prisoners incarcerated in Northern Ireland, the focus of this article is both empirical and theoretical. The study set out to explore Polish prisoners’ experience of custody in a ‘foreign’ prison (Northern Ireland) and the ways in which they negotiate their daily lives behind prison walls. In particular, the study considered how their ‘foreignness’ impacted on how they experienced pains of confinement (Sykes, 1958) and how they adapted to the harsh reality of prison life. The empirical discussion in this article focuses on these aspects of their experience. This is followed by a consideration of what those experiences tell us about the way in which the prison exercises its power over this group of prisoners and how such power is resisted (or not). The paragraphs that follow are not designed to give a definitive account. Instead, what is hoped for is that they will initiate a debate beyond qualitative accounts of ‘foreign prisoners’ experiences and into a more theoretical understanding of what those accounts tell us about the differential impact of prison power contingent on nationality,
language and immigration status. Firstly, however, the next section outlines the research context and methodology.

**Methodology and relevant research context**

This research focused on the treatment and experiences of adult Polish male prisoners incarcerated in HMP Maghaberry\(^3\) and HMP Magilligan\(^4\). During the fieldwork (which took place in two different stages: October 2013 to June 2014, and April to June 2015), eighteen prisoners\(^5\) contributed either individually or in small groups through in-depth, semi-structured, qualitative interviews. Eleven prisoners were interviewed in high security conditions; five in medium security conditions; and two in both (at different stages of their respective sentences). The largest group – nine interviewees – were in prison having been sentenced for offences committed in Northern Ireland. The length of their sentences ranged from six months to life imprisonment. Another three were held on remand in relation to alleged offences committed in Northern Ireland. Six further interviewees were held on foot of a European Arrest Warrant (EAW), awaiting the outcome of their extradition proceedings. In the context of the discussion that follows, it is important to state here that only one of the prisoners reported that he was fluent in English. Nine prisoners reported that they had very little or no English at all.

In addition to interviews with prisoners, a small number of staff whose roles included specific duties relating to ‘foreign national’ prisoners were also interviewed, as were a number of representatives of prison monitoring and oversight bodies. The study included observations of aspects of prison regime, and in particular the quarterly Foreign National Forum in each of the prisons (designed as a ‘consultative’ meeting with this group of prisoners) and monthly Equality and Diversity Meetings (which, while including prisoner representatives, were more formal meetings for core staff responsible for equality issues). Research material also included informal discussions with both prisoners and staff. All research data was analysed using thematic analysis (TA) approach.

\(^3\) A high security prison accommodating remand and sentenced prisoners.
\(^4\) A medium security prison accommodating sentenced prisoners only. HMP Magilligan also contains an open prison unit.
\(^5\) This number of interviewees needs to be seen in the context of the relatively small overall population of Polish prisoners incarcerated in the North of Ireland at any given time. For example, on 31 March 2014, there were 23 Polish prisoners across the four prisons that hold adults in the jurisdiction (Research notes).
An important aspect of the research context was the prisoners’ status as individuals who were at risk of removal from Northern Ireland. As immigration policy is a non-devolved matter (i.e. the local legislative Assembly has no say in either the setting out or implementation of UK’s migration policy), those prisoners who were either remanded or sentenced for offences that occurred in Northern Ireland all were potentially deportable. Prisons in Northern Ireland play an active part in the **crimmigration** processes. Immigration authorities regularly visit the prisons here and interview all ‘foreign national’ prisoners. As was evident throughout the fieldwork, prison staff identify those prisoners on committal, and similarly to their counterparts in England and Wales (see: Kaufman, 2012; 2015) are often asked to deliver immigration-related documentation to prisoners in the course of their duties. Staff also often facilitate contact with solicitors, assist prisoners with getting travel documentation, and some attempt to provide support to prisoners in the process of preparation for deportation. Prisoners subject to deportation are taken to deportation flights directly from the prisons or are temporarily transferred from there to immigration short-term holding facilities (including in Larne6) or immigration removal centres (IRCs) in Scotland, England and Wales. A limited number of people are detained in prisons in Northern Ireland post-sentence on the basis of immigration law although no interviewee was so held at the time of the fieldwork.

However, deportation was not the only way in which Polish prisoners in this particular study could expect to be moved across national borders.7 As stated above, at the time of the research interviews six of the eighteen prisoner participants (i.e. 33 per cent) were held in HMP Maghaberry on foot of an EAW. EAW proceedings were often a source of anxiety and frustration for those prisoners as Polish authorities used to regularly issue warrants for relatively minor offences (Home Affairs Committee, 2013). In the extreme these included, for example, exceeding a credit card limit or a theft of a wheelbarrow (ibid). Since Poland’s accession to the European Union in 2004, 6,638 individuals have been transferred to Poland on the basis of an EAW, with the largest number of transfers in 2013 at 852 (Informator Statystyczny Wymiaru Sprawiedliwości, 2018). EAW can be issued in cases where the

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6 Larne House Short-term Holding Facility opened in July 2011. It holds immigration detainees for up to 7 days, after which those not released or removed are transferred to Immigration Removal Centres in England and Wales or in Scotland (see: HMCIP, 2011).

7 In recent years, there has been a proliferation of ways in which ‘foreign national’ prisoners can be removed from Great Britain during a prison sentence. These include: early removal schemes and facilitated removal schemes; tariff-expired removal schemes; and transfers under prisoner transfer agreements. At the time of this research, those were not operational in Northern Ireland.
individual has already been sentenced by Polish courts (in which case extradition is effected so the person can serve the sentence in the requesting country) or where the person is sought to face criminal justice proceedings.

Their status as ‘at risk of removal’ impacted on the way in which these prisoners experienced custody (Martynowicz, 2017a). In particular, it resulted in a lot of uncertainty and feelings of anxiety about their futures (see also: Warr, 2016) and had the potential to temper their resistance to prison regimes. It is to the discussion of those issues that this article now turns.

Life in a ‘foreign’ prison: the pains of imprisonment, adaptations and resistance

As stated earlier, the research on which this article is based explored how Polish prisoners incarcerated in Northern Ireland experience pains of confinement and how they adapt to prison life. Their testimonies, some of which are included below, showed that they found the rules in the prisons confusing and that many of the ‘classic’ pains of imprisonment were exacerbated by both their status as prisoners at risk of removal, and by linguistic exclusion. The latter defined much of their time inside and was found to have a profound impact on their access to prison regimes; establishment of relationships with other prisoners and staff, and retention of their identity which will be explored further later in this section.

The pain of deprivation of liberty (Sykes, 1958) was deeply felt by Polish prisoners, especially those who had no family or friends in Northern Ireland. While it has been argued (Crewe, 2016) that for many prisoners modern imprisonment does not constitute a full exit from the outside world, this is not necessarily so for ‘foreign national’ prisoners. The distance to their families and friends, many of whom live abroad, is often greater than for those who grew up in ‘local’ communities. Outside of the prison walls, that distance can be mitigated by the use of modern technology. However, in prison there is little to no opportunity (other than through the use of brief phone calls) to create “a sense of increased proximity” (Bell, 2016: 84) to others. The lack of access to Polish media and to news and media more generally (often due to unfamiliarity with the English language) effectively cut off many of those prisoners from current events. Cezary, 8 for instance, was really keen to know what was happening during Russian annexation of Crimea that happened shortly before our interview in 2014. He was frustrated that he had no access

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8 All names of prisoners are pseudonyms.
to Polish newspapers or other sources of information as he stated: “those who don’t know English, [we] watch the news but don’t understand...”. Distance from the ‘prisoner society’ due to language difficulties, cultural differences and experiences of xenophobia meant that Polish prisoners actively sought to be placed with other Polish prisoners to counteract isolation. However, this was not always possible. As Slawek commented,

> There are no opportunities [for us to meet]. [...] Every house has [recreation] at a different time, separated by nets and high metal wall, we can’t communicate or anything. What you can do is write to another prisoner if you know their prison number.

Isolation was therefore felt more acutely, exacerbating their experience of being deprived of physical liberty.

The prisoners who contributed to this study also experienced the deprivation of autonomy differentially. The loss of autonomy in prison, according to Sykes (1958: 73) results from subjecting prisoners to “a vast body of rules and commands which are designed to control [their] behavior in minute detail”. Those rules are an expression of the power of the prison over individuals and many of those rules use “institutional lingo” (Goffman, 1961: 55) for which explanations are withdrawn as part of the policy of subjugation. Not only is autonomy severely restricted, the boundaries of those restrictions are often purposefully blurred. This is amplified, in particular, in the case of those prisoners who are unable to communicate in English and to whom information about the prison is rarely provided in their own language. They often know that their autonomy is restricted but can face adverse consequences (including disciplinary charges) for misunderstanding of how much and in what ways it is regulated by the prison. Slawek recalled how on his committal to prison,

> There wasn’t anything for the new arrivals. Even if they could have [information] about what time the yards are, when do you start getting more money... There are no leaflets and no information, how do you access things and when... [...] There is nothing here that they would tell you, explain...

Leszek explained that while he could speak some English, he could not read it and there was no translated information about the prison when he arrived. Because of this, for a time after his committal he did not know how to book a visit and which and how many clothes he could have in prison. He was not
aware that he could have money paid into his prison account by his parents. Piotr remarked that he was “lucky to have a friend who helped” and who “explained to me what the dots were”. The ‘dots’ to which he was referring were the colour-coded levels of the ‘Progressive Regimes and Earned Privileges Scheme’ (PREPS)\(^9\) – the very scheme that defines levels of autonomy (however restricted) and access to ‘amenities’ (Sykes, 1958) in exchange for ‘good behaviour’. While those rules were not explained to Polish prisoners, breaches of them were often recorded and sanctions imposed. Jarek, for example, was given a “negative report” by staff for what he thought was a towel placed in the wrong place in his cell. He stated that he was simply unaware what the rules were as no-one explained those to him. The consequences of the “negative report” were, however, acutely felt as he was downgraded to a ‘basic’ status for four weeks, losing his ‘earned privileges’.

More generally, linguistic exclusion permeated much of the Polish prisoners’ experience. While it exacerbated other pains of confinement, it also needs to be considered as a separate and distinct deprivation in prison systems accommodating prisoners from a range of national and linguistic backgrounds. This is because its impact can be and often is overwhelming: the lack of ability to communicate in the dominant language of the institution made it more difficult (often impossible) for those prisoners to assert rights; to access services; to explain the basic needs such as healthcare needs. An example of the latter can be seen in an interview with Artur who spoke about non-English speaking prisoners asking other prisoners to translate for them during healthcare consultations. Asked how they managed if such translation was not available, Artur remarked:

I don’t know, they have to, I don’t know… “here is where it hurts” \(\text{puts hand to head}\), head, pain…

Dominik, who spoke very little English, recalled that when he went to see a dentist, he had to use gestures to show which tooth he wanted to have examined as no interpretation was provided. Prisoners found that type of communication infantilizing and degrading.

Linguistic exclusion was therefore deeply painful, a pain that was amplified by the denial of the prisoners’ suffering by some staff who made assumptions about linguistic ability and often insisted that prisoners understand more than they admitted. In those circumstances, prisoners were less likely, for example,

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\(^9\) This is an equivalent of the Incentivised Regimes Scheme in England and Wales.
to report to staff feelings of insecurity and lack of safety when they found it difficult to understand the environment around them. Linguistic exclusion also made it difficult to create and sustain relationships with other prisoners and/or staff, to make decisions about the legal complexities of criminal justice or deportation proceedings and, finally, to resist events and behaviour in prison which they felt to be discriminatory, unfair or unjust.

Finally, it is important to state that what most differentiated the Polish prisoners’ experience of custody was the ever-looming threat of expulsion. Whether connected to extradition proceedings or deportation at the end of their sentence, this instilled a deep sense of uncertainty and the feeling of temporariness of belonging (see also: Martynowicz, 2017a; Warr, 2016). Those feelings were exacerbated by the complexity of legal processes related to expulsion and the fact that their removal from Northern Ireland could also affect their children and families. These considerations not only made the experience of the threat of expulsion painful, but it also tempered their resistance to the prison regime at times. I will return to this aspect of their experience in later discussion.

The Polish prisoners adapted to the pains of imprisonment by establishing a pragmatic shared identity which allowed them to survive many of the attacks by the prison on their ‘self’ (Martynowicz, 2016). With few exceptions, they actively sought opportunities to be placed together in shared cells or on the same wings. There was little indication that was an expression of loyalty driven by a shared nationality. Rather, this drifting to other Polish prisoners was dictated by opportunities to communicate in their own language as they sought company, information and support. As Artur commented: “because of the language, you know, because I’ve been with other Polish guys here all that time now ... it’s best to be with another Polish [prisoner], right?’ Activities such as doing crosswords together or having a bit of a “chat and a laugh” (Artur) were key to dealing with “dead time” (Goffman, 1961: 67). He was clearly worried about what was going to happen when Jarek, who lived with him in the same cell, is released.

For those who found themselves living separately or with only a couple of other Polish prisoners, group activities in both Maghaberry and Magilligan were an important opportunity for making connections. Jarek spoke of enjoying the social aspect of English classes in Maghaberry where he could “have a coffee and a chat” with other Polish prisoners. Meeting others in the chapel was equally important, providing a chance to “[...] talk to the guys from the different houses, right?” (Marcin). Those activities allowed Polish prisoners
to exchange news. Sławek joked that “Everyone knows everything that’s going on, I don’t know how [laughs]”. He explained further:

It’s like, you know, we [normally] don’t get to meet [with people] from the other houses but if someone, for example, is going to work […] they’ll always see someone else, the ones that are working in the kitchens, they’re from all the houses, one guy tells another something and the news spreads.

To borrow a phrase from Crewe (2009: 364), being with other Polish prisoners “buffered them from insecurities and hardships” of prison life, at least to an extent. They had no evident desire to subvert or disrupt the prisons’ order although in some ways using occasions such as classes or mass to exchange information and enjoy each other’s company can be seen as a challenge to the exclusionary practices to which they were otherwise subjected. However, many saw conditions in prisons in Northern Ireland as less depriving and the culture of prison officers as less authoritarian than in Poland: “It’s a prison, right, but it is better […] there is no comparison” stated Marcin. Jarek added “[The officers] here thank me for picking up my milk!” Whilst prisoners observed that some officers were indifferent or, at times, outright rude, in general in comparison to officers in Poland it was “like heaven and earth!” (Marcin). In this context, some of the prisoners openly admitted that they did not want to “rock the boat” by raising complaints, as they were aware of their own status as those at risk of removal. As Marcin put it:

[The] Poles, they don’t want to go back to our country […] if the jails there were like the ones here, then I don’t believe that so many people would want […] to do everything to stay here, to challenge the extradition. […] No one wants to go.’

This does not mean that they were passive or that they allowed imprisonment to be ‘done to them’. Polish prisoners mounted individual challenges to, in particular, inappropriate staff behaviour or actions that they felt attacked their self-esteem or dignity. In an interview, Bartosz spoke at length about how he confronted a prison officer on his wing when the latter called him “a communist” and shouted at him on his way to work. Artur recalled he challenged another officer who Artur felt ignored his requests for a referral to a prisoner support organisation. More collectively, they used mechanisms such as the Foreign National Forum to express their frustrations about lack of access to information, translation and interpretation; differential access to healthcare and challenged the lack or lateness of staff responses to
their request or complaints made through the ‘official’ complaints systems (see also: Martynowicz, 2016). Overall, however, they seemed to choose their battles and their efforts inside the prison appeared to be focused on survival rather than systematic resistance. “Foreign national prisoners are a very quiet minority in the prison”, observed one of the members of Magilligan’s Independent Monitoring Board, “they keep their heads down, that’s just the way things are”.

Discussion and conclusions

A few years ago, Bosworth (2012: 125) argued that criminological research has been quite slow to consider the “impact of globalization on structures, practices and experiences of punishment”. This included a limited focus on how punishment, power and control are experienced in different contexts, depending on citizenship. Recently, much progress has been made in gathering narratives of differential treatment of ‘foreigners’ in prisons (see for example: Bhui, 2004; HMCIP, 2006; 2007; Kaufman, 2012; 2015; Turnbull and Hasselberg, 2016), whilst the theoretical discussion of the changing nature of penal power in times of crimmigration has also significantly progressed (see, for example, Aas, 2014; Barker, 2018; Bosworth, 2012; Kaufman, 2015). However, theoretical understandings with respect of how that differential treatment is an expression of power specifically in a prison context are still under-developed. This is an aspect to which the discussion in this final section now turns. As stated earlier, the paragraphs that follow are not designed to propose a definitive account. Instead, initial reflections and suggestions for further research are offered.

The first observation based on the findings presented in the preceding section is that, when it came to Polish prisoners, power was exercised by the prison through exclusion and in particular linguistic exclusion. From the moment of entry into custody, the men were situated as ‘different’ and ‘other’ through non-provision of information or explanations of prison rules. Linguistic exclusion exacerbated pains of confinement while the prison system was able to ‘ration’ and control measures that would allow for their alleviation. An example of such rationing was the provision of interpretation or translation only at specific times (such as during the Foreign National Forum) or for specific reasons (such as adjudications), but not providing translated food menus, shopping lists for the prison tuck shop or translated request forms. While some requests for co-accommodation with other Polish prisoners were
answered positively, concerns of security almost always appeared to override other considerations. In the circumstances, at least some of the Polish prisoners were experiencing not only physical isolation but also psychological one. For some, this isolation was so painful that they would have chosen a transfer back to higher security conditions of Maghaberry prison over continuing their sentence in medium security Magilligan prison if that meant that they could be accommodated with other Polish men. Ironically, what is often seen as a sanction (return to higher security conditions) through which the power of the prison is expressed, here it was seen almost as a relief. As outlined in the previous section, proximity to other Polish prisoners allowed them to access practical and psychological support – very much the tools of survival in a ‘foreign’ prison.

As stated in the introduction to this article, research over the years provided ample evidence that prisoners do not remain passive in the face of the systematic mortification of self. The exercise of power in prison is a relationship between action and reaction and power is “productive in that it produces resistance to itself” (Carlton, 2007: 22). As Carlton (2007: 22) further observes, “it logically follows that where there is power, there also exists the constant threat or occurrence of resistance”. Accordingly, prisoners have always “resisted and attempted to transgress their restrictive circumstances through numerous inventive and diverse acts” (Carlton, 2007: 19). Used as a means to bring outside attention to the prisoners’ pleas or as a means of psychological survival, resistance serves as “a logical avenue for challenging and negotiating power in prison” (Carlton, 2007: 19).

If, as Carlton (2007) suggests, resistance serves as way of negotiating power in prison, by mostly not resisting Polish prisoners lose an important bargaining tool which could be used to try and improve their situation. However, if the sources of that power, such as the rules and regulations to which prisoners are subjected, are almost entirely incomprehensible it becomes difficult to mount a challenge against it. “Censoriousness” (Mathiesen, 1965: 12) is not an option, as complaints systems frustrate their efforts by the use of complex bureaucratic procedures. As Leszek put it, “the bureaucracy here is designed to make you quit!” Asserting their rights while in prison is difficult for those who are unable to engage with the system in English. On issues of most importance to them – such as access to healthcare or to information about, and practical support with, deportation or extradition cases – prisoners are told that these are out of the hands and control of the prison administration. The consequences of raising complaints can always be
significant; however, for those who already reside at the verges of the ‘prisoner society’ because of linguistic exclusion and/or cultural differences, such consequences can be devastating. As such, when the power of the prison is expressed through exclusionary practices, the threat of the application of the same practices as sanctions tempers resistance. Whether applied by individual officers (for example, failure to engage with someone who does not speak English) or through the ‘system’ (for example, through non-provision of translated materials), those exclusionary practices can be seen as situated within the prison. However, in the context of the changing nature and composition of prison populations, the second observation I would like to offer is that that power is supplemented through the in-reach of two other systems: that of the UK immigration system and that of the Polish criminal justice system. It is to those considerations that this article now turns.

Kaufman (2013: 169) argues that in recent years “the power of the prison” has been directed “toward the state’s efforts to control its borders”. She portrays prison officers as “immigration postmen” (p.170) who, especially in the ‘hubs and spokes’ prisons in England and Wales, are enlisted by border control authorities as “quasi-immigration officers”. Kaufman suggests that there are tensions between the role of the prison and the aims of immigration control. She outlines how in her research, prison staff in the ‘hubs and spokes’ were concerned about the impact of the different goals on the prisons and their order. They suggested that the power of the prison to maintain authority was disrupted by “removal targets” (p.172) while at the same time undermining the prison’s ability to follow the “decency agenda” (p.173). In short, this combination blurred “the purpose and boundaries of the prison” which was now used “not just to punish, but police migration” (p.178) and prison staff were at least ambivalent of their role in the latter.

Kaufman’s analysis suggests that the in-reach of that external power benefits mainly the immigration system and that prisons and their staff are mostly outside observers of how that power operates. She further suggests that prison staff are unhappy about the fact that it disturbs the ‘order’ to which they have become accustomed. However, conversely it can also be argued that this ever-closer relationship between prisons and immigration systems not only uses the power of the prison for border control, but that it is a reciprocal arrangement. In this arrangement the power of the immigration system is used – or at least harvested - by the prison system to ensure compliance, control and order. Whether they are conscious of it or not, in

10 These are prisons with ‘embedded’ immigration staff.
prisons staff become the messenger and projector of that additional power through, for example, the facilitation of access to prisoners by immigration authorities and the serving of deportation papers. At the same time they are not this additional power’s direct source and do not have to take responsibility for wielding it. Although this expanded power is exerted by authorities external to the prison in the first instance, the latter directly benefits from it as compliance is achieved not just through what Scraton, et al. (1991: 62) called the “unrelenting imposition of authority” but also through the indirect yet ever-present threat of deportation.

On the face of it, it may appear that the inevitability of deportation in the case of sentenced Polish prisoners has the potential to engender resistance. A deportation order cannot be reversed by compliance with the prison regime as it is the nature of the offence and the sentence that is the decisive factor in deportation considerations. Attempts at ‘rehabilitation’ undertaken by prisoners count for little when it comes to immigration enforcement (Turnbull and Hasselberg, 2016). And yet, with decisions on deportations being taken in a non-transparent way, with little to no information provided to prisoners, and with those decisions communicated to them at short notice, hope lingers to the very end (Turnbull and Hasselberg, 2016). As I outlined elsewhere (Martynowicz, 2016; Martynowicz, 2017b), many of the Polish prisoners interviewed for this research linked their future plans to remaining in Northern Ireland. They wanted to return to their families who resided there; to work; rekindle relationships interrupted by time in custody, and so on. Some were resigned to the fact that they will be deported but for others, that lingering hope was very strong. While more research is needed into this aspect of prisoners’ decision-making, it is suggested here that hope may temper their attempts at resisting the prison regimes.

The third observation to be made is on the potential impact of distant (in this case Polish) criminal justice systems on how prison power is experienced by ‘foreign national’ prisoners and how resistance to it is framed. The starting point here is looking at the experiences of those interviewees who were held in prisons in Northern Ireland on foot of an EAW. While their efforts in prisons were often focused on survival (for example, making sure that they can be placed with another Polish prisoner for company), their resistance efforts were concentrated elsewhere. Those subject to extradition proceedings expended their energies on speaking to lawyers, submitting evidence of long-term residency and family and community links to Northern Ireland, providing medical evidence, and so on. Marcin was in regular contact with his solicitor
and was adamant that he will fight the extradition to the very end: “I have not lived in Poland for 9 years now, and I am not planning on going back”! Piotr was keen to correct information send to the courts but was getting frustrated with his solicitor’s “indifference”. Upset at lack of progress in his case, he resorted to self-harm to bring attention to his plight.

Those prisoners clearly resisted the process and the potential outcome of extradition proceedings (see also Hasselberg, 2012). In their individual testimonies, most of those who were challenging the process spoke about their and their families’ links to Northern Ireland; narrating lives which were well established, and which were, in large measure, better than the ones they left behind. Their reasons to resist removal were often framed in economic terms; they wanted to provide better, more secure financial futures for their partners and children. Some, like Piotr, explained that he and his family put “all the eggs in one basket” when deciding to come to Northern Ireland. They no longer had any connection to Poland and their lives there. Resisting extradition was therefore important not just for him but for the wellbeing of his family. With many prisoners seeing the conditions in prisons in Northern Ireland as less depriving, they also appeared to be making a choice between those and conditions and pains of imprisonment that are geographically remote. In the circumstances, any resistance to the prison regime had to be more tempered as they often could not allow themselves to get into trouble while awaiting a decision. However, this had the potential to be only temporary. This was most strongly expressed by Marcin when he said that after his extradition decision becomes final, and if he is still in prison, then he will “kick off”. He was prepared to resist but only after he was sure that he would be able to remain in the North of Ireland, albeit behind prison walls.

Taking all the above into consideration, my suggestion for further research, debate and development of theoretical understandings is, therefore, that to gain the full picture of how power is experienced and resisted, we need to move well beyond the walls of a ‘national’ prison. If, as Crewe (2006; 2009) argues, the power in a contemporary prison is wielded by ‘the system’, our understanding of that ‘system’ must include not just the national prison and immigration systems, but also the ‘foreign’ criminal justice system. Prisoners may not feel a “moral compulsion to obey” (Sykes, 1958: 46), but they experience compulsion nonetheless – this is imposed on them and manipulated by forces outside of the prison as much as by forces inside it. In that respect, the power of the immigration system (in the case of deportations) and the geographically removed criminal justice system (in case
of extraditions) paper over the “cracks in the monolith” (Sykes, 1958: 53) of the power of the prison while potentially minimizing resistance to its strength.

References


