



LUND
UNIVERSITY

(De)legitimizing the Migration Court's Judicial Decision - A Case Study on Social Media Discourses

Marie Sundström

Lund University
Sociology of Law Department

Master Thesis (RÄSM02)
Spring 2017



Supervisors: Reza Banakar and Martin Joormann

Examiner: Rustamjon Urinboyev

Abstract

This study aims to explore how the Swedish Migration Court's decision is legitimized or delegitimized in discourses in civil society, outside the legislative and judicial power. This is explored with a case study on a judicial decision to expel Sonya, a 90-year-old and sick Ukrainian woman. The material is collected from social media platforms where this case has been discussed. Thus, the results only regard the discourses on the Sonya case, and are not representative for the whole civil society. Critical discourse analysis and Theo van Leeuwen's analytical tool developed for examining discursive legitimation is employed. Parts of Jürgen Habermas' theoretical system regarding public discourse and legitimacy is utilized as a theoretical framework when interpreting the material. The results of this study show that the Migration Court's decision to expel Sonya is both legitimized and delegitimized. Comments in social media are referring to morality, rationality, authority and mythopoesis. The discourse also includes ideological features e.g. humanism, nationalism and racism. On this level in the legitimation process yes/no and pro/con attitudes are formed, and consensus is not yet reached, thus whether or not the decision is (de)legitimized cannot fully be answered. Though the discourses explored indicates that the Migration Court's decision is delegitimized due to the moral concerns of expelling a 90-year-old sick woman.

Key-words: Legitimacy, critical discourse analysis, the Swedish Migration Court, legitimation, social media.

Acknowledgments

I would like to express my gratitude to my supervisors, professor Reza Banakar and PhD Candidate Martin Joormann, for guidance, support, encouragement and insightful comments throughout the work of this thesis. I would also like to thank Julia Knutsson for proofreading of the language. Finally, I am grateful for the support, valuable feedback, love, help, and encouragement from friends, family and fellow students throughout the process of writing this thesis and through my years of study. This achievement would have been so much harder without them. Thank you.

Table of Contents

1. Introduction.....	1
1.1. Aim and Research Questions	2
1.2. The Swedish Migration Courts	3
1.3. Disposition	4
2. Literature Review	5
2.1. Media and Policy.....	5
2.2. Social Media.....	6
2.2.1. Social Media Use in Sweden	8
2.3. Political Discourse on the Internet	9
2.3.1. Who Takes Part in Political Discussions Online?	11
2.4. Social Media and Policy.....	12
2.5. Discursive Legitimation	13
2.6. The Research Gap	15
3. Theoretical Framework.....	16
3.1. Legitimacy According to Habermas	16
3.1.1. Habermas' Discourse Theory	18
3.1.2. The Public Sphere	19
4. Methodology and Material.....	23
4.1.1. Unit of Analysis	24
4.1.2. Single Case Study	24
4.2. Delimitations	25
4.3. Critical Discourse analysis	25
4.3.1. Intertextuality and Interdiscursivity	28
4.3.2. Legitimation and Critical Discourse Analysis	29
4.4. Social Media as Research object.....	33
4.5. Ethical Considerations	33
4.6. Data Collection Procedure and Analytical Procedure.....	35
4.7. Trustworthiness	37
4.8. Limitations of Methodological Approach.....	39
4.9. The Case.....	39
4.9.1. Material	42
5. Results and Analysis	46
5.1. Discursive (De)legitimations	46
5.1.1. Authorization	46
5.1.2. Moral Evaluation	51
5.1.3. Rationalization	56

5.1.4. Uncategorized and Hybrid Comments.....	60
5.1.5. Mythopoesis.....	63
5.2. Habermas and Discursive Legitimacy	64
5.2.1. (Social) Media Framing Issues	67
5.2.2. Discursive Procedures.....	68
5.3. Discussion	72
6. Conclusions.....	75
6.1. Further Research	78
7. References.....	79

1. Introduction

One of the most current political issues debated in Sweden is immigration.¹ In year 2011 the Swedish Migration Court decided to expel a 90-year-old, sick woman which resulted in many reactions in both traditional media as well as in social media. A reader in the online newspaper Expressen's comment section reacts on this by writing:

Us Swedes are so humane and good, here are "illegal" immigrants granted free, healthcare, dental care, schooling, housing, etc. Municipalities are forced to take care of children who come here. No harm in that, as good we are that at the same time KICKS out a 91-year-old and sick woman who has her entire life in Sweden. Wondering if it's not the authority that should go to Ukraine.² (Quotation 34)

This quote is as an example of how a social media post discursively delegitimize the Migration Court's decision. One of the fundamental laws of the Swedish Constitution states that "All public power in Sweden proceeds from the people."³ Correspondingly, Jürgen Habermas suggests that in a democratic society, the laws and the implementation of them should be anchored and accepted in the public discourse if they are to be legitimate.⁴ Thus, it is important to analyze how the Migration Courts' legal decisions are being legitimized (or not) on a societal level.

With the development of information technology in mind, and that 62-72 percent of the Swedish citizens use social media (between the years 2011-2014),⁵ one can say that various social media are public spheres where the public discourse exists and is active.⁶ Moreover, political discourses are with a high

¹ M, Demker, 'Mobilisering kring migration förändrar det Svenska partisystemet', *Fragment: SOM-undersökningen*, Göteborg, 2014.

² Unless otherwise noted, all translations are my own.

³ *The Instrument of Government* (1974:152), Chapter 1.

⁴ J, Habermas, *Between facts and norms : contributions to a discourse theory of law and democracy*, Polity, London, 1996, pp. 110-111.

⁵ O, Findahl, *Svenskarna och Internet*, 2014, Stockholm, p. 29.

⁶ A, Bruns, & T, Highfield, 'Is Habermas on Twitter? Social media and the public sphere', in *The Routledge companion to social media and politics*, A. Bruns, G. Enli, E. Skogerbø, A. O. Larsson and C. Christensen, eds., Routledge, 2016, pp. 56-73.

frequency taking place online,⁷ and the users of social media are part of creating the information flow rather than just consuming it.⁸

1.1. Aim and Research Questions

This case study aims at exploring how social media users in posts⁹ and comments are legitimizing and delegitimizing the Swedish Migration Court's legal decision in the Sonya case. The primary focus will be on the discursive and normative dimensions of legitimacy in civil society, external to the legislative, executive and judicial power. The concept of civil society has a variety of definitions, e.g. it can refer to voluntary organizations and religious associations.¹⁰ Though in this thesis the concept refers to the social life of individuals in the public, outside political and economic institutions. The social media discourses are a phenomenon, or event, among people in civil society, in focus of this study.

Based on the aim of the thesis, the research questions are as follows:

How do certain discourses in social media (de)legitimize the Migration Court's decision?

Sub-question:

What are the discursive categories of (de)legitimation in these discourses?

⁷ T. S, Clark, J. K, Staton, Y, Wang, & E, Agichtein, *Using Twitter to Study Public Discourse in the Wake of Judicial Decisions: Public Reactions to the Supreme Court's Same-Sex Marriage Cases*, Emroy University, 2014, p. 1.

⁸ D, Halpern, and J, Gibbs, 'Social media as a catalyst for online deliberation? Exploring the affordances of Facebook and YouTube for political expression', *Computers In Human Behavior*, vol. 29, no. 3, May 2013, pp. 1159-1168.

⁹ Posts do in this study refers to comments, linked articles etc.

¹⁰ K, Gotham, 'Civil society', in G, Ritzer, Ed., *Encyclopedia of social theory*, SAGE Publications, Ltd., Thousand Oaks, CA, 2005, pp. 99-102.

1.2. The Swedish Migration Courts

The Migration Courts are located at the Administrative Courts in Malmö, Stockholm, Luleå and Gothenburg.¹¹ The first instance where a person applies for a visa, residence permit, Swedish citizenship or asylum is the Swedish Migration Agency¹².¹³ In the event of a decision of rejection, the applicant can appeal the decision to the Migration Agency which reconsider the decision. If they do not change the decision, the appeal is brought to the Migration Court. If the decision by the Migration Court is not satisfying, one have the possibility to appeal this decision to the Migration Court of Appeal. In both courts, the opposing parties are the applicant and the Migration Agency.¹⁴ The Migration Court of Appeal has to grant leave to appeal before a decision by the Migration Court can be reconsidered.¹⁵ A leave to appeal is only granted if the case is considered as important for providing guidance for decisions in the application of the law, or if there are any extraordinary reasons to consider the appeal.¹⁶ The highest instance the case in this study has been brought up in is the Migration Court.

¹¹ 'Migration Courts', *Sveriges Domstolar* [website], 16 February 2017, <<http://www.domstol.se/Funktioner/English/The-Swedish-courts/County-administrative-courts/Migration-Courts/>>, accessed 3 March 2017.

¹² The Swedish Migration Agency and the Migration Agency are the same.

¹³ 'About the Swedish Migration Agency', *Migrationsverket* [Website]. <<https://www.migrationsverket.se/English/About-the-Migration-Agency.html>>, accessed 3 March 2017.

¹⁴ 'Migration', *Sveriges Domstolar* [website], 24 August 2016, <<http://www.domstol.se/Myndighetsbeslut/Mal-i-forvaltningsdomstol/Migration/>>, accessed 3 March 2017.

¹⁵ *Aliens Act* (2005:716), Chapter 16 § 11.

¹⁶ *Aliens Act* (2005:716), Chapter 16 § 12.

1.3. Disposition

This thesis begins with the first chapter introducing the topic, aim, research questions and a description of the Migration Courts. The second chapter provides an overview of previous studies in the research area and other relevant studies. Chapter three describes and discusses the theoretical framework, the parts of Jürgen Habermas' theoretical system that are relevant for this study. It also puts some of Habermas' concepts in new light. The fourth chapter presents and discusses the methods, delimitations, van Leeuwen's analytical tool, material, data collection and analytical procedure, the trustworthiness of the study and ethical considerations. Chapter five presents the results and analysis. The chapter also includes a discussion section where the findings are discussed more independently from the theories and analytical tool. Chapter six summarizes the main findings and elaborates suggestions for further research.

2. Literature Review

This chapter presents previous research relevant for this study. Aiming to give the researcher and the reader of this study an overview and a background of the research area and to identify possible knowledge gaps.

2.1. Media and Policy

The studies in this section regard traditional media, defined as newspapers, magazines and television.¹⁷

A free media and public debate is crucial in a democratic society.¹⁸ The citizens get information about the world from the media, thus it is the reality that the media shows that shape citizens' perspectives. Though, research has shown that news media often sets the political agenda and has strong influence on the public opinion.¹⁹ Moral issues do often get attention in media.²⁰ Furthermore, the media sets a moral agenda and defines problems, thus affecting media consumers' opinions on what is considered problematic and morally right and wrong.²¹ Hence, the media influences how people think and decide regarding a number of issues.²² At the same time policy makers are dependent on the media functioning as means of communicating their messages and decisions to the citizens.²³ The media also "promotes favored policies".²⁴ In this way the media sets agendas on what matters are important for citizens, policy makers and politicians. A study has shown that the values mainstream media consolidates are in line with patriarchal,

¹⁷ J, Strömbäck, 'Medialisering och makt: En analys av mediernas politiska påverkan', *Statsvetenskaplig tidskrift*, vol. 110, no. 4, 2008, p. 386.

¹⁸ G, Sartori, *The theory of democracy revisited*, Chatham House, Chatham, NJ, 1987, p. 32.

¹⁹ K, Callaghan, & F, Schnell, 'Assessing the Democratic Debate: How the News Media Frame Elite Policy Discourse', *Political Communication*, vol. 18, no. 2, 2011, pp. 183-213,

²⁰ P, Jenkins, 'Failure To Launch: Why Do Some Social Issues Fail to Detonate Moral Panics?', *The British Journal of Criminology*, vol. 49, no. 1, 2009, pp. 35-47.

²¹ R. M, Entman, *Projections of power: Framing news, public opinion, and U.S. foreign policy*, University of Chicago Press, Chicago, 2004.

²² K, Gross, & L, D'Ambrosio, 'Framing emotional response', *Political Psychology*, vol. 25, no. 1, 2004, pp. 1-29.

²³ K, Callaghan, & F, Schnell, and, J, Strömbäck, *Makt, medier och samhälle : en introduktion till politisk kommunikation*, SNS förlag, Stockholm, 2009.

²⁴ R. M, Entman, 'Framing Bias: Media in the Distribution of Power', *Journal Of Communication*, vol. 57, no. 1, 2007, pp. 164-165.

capitalistic, consumeristic, heterosexist, individualistic and white privilege standards.²⁵ An explanation to this is that those who benefit from conservative values and capitalist interests can put more resources into the media. Accordingly, the public discourse on government policies occurs within these boundaries.²⁶ This is mainly applicable in a commercial media context. Political issues being mediatized is also evident in Sweden, though to which extent is somewhat unclear.²⁷ In countries where public service media exists, such as in Sweden, the values the media consolidates are slightly more neutral as public service should be objective and is perceived as a “distortion of free market mechanisms”²⁸.

2.2. Social Media

With the emergence of the internet, the consumption of traditional offline media has decreased while internet usage has increased. Moreover, in year 2014, the average Swedish internet user spent twice as much time on social media than on more traditional media sites with news articles etcetera published online.²⁹ Furthermore, social media has become an important place for spreading and discussing news and policies.³⁰

Social media is a form of media that has expanded during recent decades. Since the beginning of year 2000, social media has increased considerably both in number of users and regarding the effect it has on people’s daily life.³¹ People are connecting with friends and strangers, reading news, liking other people’s posts and statuses, uploading pictures and videos. Everything a social media user posts

²⁵ M, Budd, S, Craig, & C, Steinman, *Consuming environments: Television and commercial culture*, Rutgers University Press, New Brunswick, NJ 1999.

²⁶ Entman, 2004, p. 170.

²⁷ Strömbäck, 2008.

²⁸ K, Arriaza Ibarra, & L. W, Nord, 'Public Service Media Under Pressure: Comparing Government Policies in Spain and Sweden 2006–2012', *Javnost-The Public*, vol. 21, no. 1, 2014, p. 72.

²⁹ 'Medieutveckling 2015 finns nu att läsa', *Myndigheten för press, radio och tv* [website], 2015, <http://www.radioochtv.se/sv/nyhetsrum/nyheter/2015/medieutveckling-2015/>, accessed 29 March 2017.

³⁰ Bruns & Highfield.

³¹ J, van Dijck & T, Poell, 'Understanding Social Media Logic', *Media and Communication*, vol. 1, iss. 1, August 2013 pp. 2-14, 2013.

compose a picture of that user's public identity.³² The use of social media impacts norms and conditions of formal and informal interactions and structures of all kinds of institutions.³³ Social media has come to play an important role when it comes to news consumption.³⁴ The communication in social media "poses serious challenges to existing institutions, such as mass media and government authorities".³⁵

The concept of social media is defined as a "group of Internet-based applications that build on the ideological and technological foundations of the Web 2.0 and that allow the creation and exchange of user-generated content."³⁶ Two basic fundamentals in social media are participation and interaction.³⁷ Social media are online platforms that allows for a broad dispersal of information and news, and one of the differences from mass media is that the users have a different form of control over what is being shared and distributed.³⁸ Another difference is the interaction between individuals, something that before the entrance of social media occurred on a much smaller scale. With social media, individuals and consumers of mass media can also interact more directly with a specific newspaper, authority etc. Furthermore, social media makes it possible for individuals to communicate their opinions and such with a wide range of people, even those who a user does not know in person. Internet has also enabled media consumers to have a broader accessibility and variety of sources. The definition of social media is somewhat broad, but core elements of what characterize social media is interaction and participation on digital platforms. More specific examples of social media are blogs, social networking sites such as Facebook,

³² G, Meikle, *Social media : communication, sharing and visibility*, Routledge, New York, Avingdon, Oxon, 2016, pp. 7-16.

³³ van Dijck and Poell.

³⁴ A, Bergström, & I, Wadbring, 'Nya tidningsformer – konkurrenter eller komplement? I S. Holmberg & L. Weibull eds., *Nordiskt ljus*, SOM-institutet, Göteborg, 2010, pp. 381-392.

³⁵ van Dijck & Poell, p. 3.

³⁶ A. M, Kaplan, & M, Haenlein, 'Users of the world, unite! The challenges and opportunities of social media', *Business Horizons*, vol. 53, no. 1, 2010, p. 60

³⁷ K, Harvey, 'Social media, definition and classes of', In *Encyclopedia of social media and politics*, vol. 3, SAGE Publications Ltd., Thousand Oaks, CA, 2014, pp. 1158-1161.

³⁸ van Dijck & Poell.

message boards and forums, e-mail and online newspapers' comments sections.³⁹

Internet has challenged and are changing how we use traditional media, and social media today plays a crucial role in the interplay between policy, media and public discourse. What is being brought up on the political agenda, what issues should be illuminated and which direction the political discourses takes is now steered more by social media users than ever before, giving less power of influence to the traditional media.⁴⁰

2.2.1. Social Media Use in Sweden

The years 2011-2014, 86-90 percent of the Swedish citizens used internet in their homes.⁴¹ In Sweden (2011-2014), 62-72 percent of all internet users were using social media. In year 2014, 48 percent were using it on a daily basis. Social media users spent 3,2-3,8 hours/week on social media platforms in the years 2013-2014. The most common social media platforms in Sweden the year 2014 were Facebook (68 % of the internet users), Instagram (28%) and Twitter (19%). Facebook and Instagram are more often visited by women than men, while Twitter is slightly more common amongst men.⁴² In year 2011, 63 % of the internet users are active on Facebook and 14 % are discussing politics on the platform.⁴³ There is also a difference in social media use in different age groups.

³⁹ Harvey, K. (2014). 'Social media, definition and classes of', In *Encyclopedia of social media and politics*, pp. 1158-1161.

⁴⁰ B, Sayre, L, Bode, D, Shah, D, Wilcox, & C, Shah, 'Agenda Setting in a Digital Age: Tracking Attention to California Proposition 8 in Social Media, Online News, and Conventional News', *Policy & Internet*, vol. 2, no. 2, 2010, p. 7.

⁴¹ O, Findahl, *Svenskarna och Internet 2011*. Stockholm, 2011, p. 10.

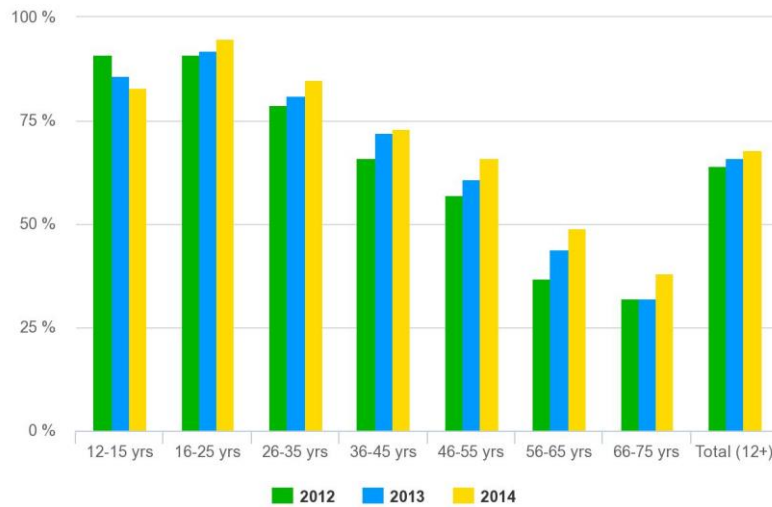
O, Findahl, *Svenskarna och Internet 2012*. Stockholm, 2012, p. 9.

O, Findahl, *Svenskarna och Internet 2013*. Stockholm, 2013, p. 9. and, Findahl, 2014, p. 11.

⁴² Findahl, 2014, pp. 27-32.

⁴³ Findahl, 2011, p. 19.

E.g. the percentage of internet users, divided by age, who visited Facebook.com in the years 2012-2014 were:



44

2.3. Political Discourse on the Internet

Research within this area has shown that internet, and more specifically social media, has the potential to increase civil participation in political decision making which leads to increased democratic participation among the citizens.⁴⁵ Social media set up for an egalitarian communication since every user has equal entitlement to participate and utter their thoughts and opinions.⁴⁶ Furthermore, social media enable individuals with demographic diversity to integrate. The interactive platforms on the internet also enable argumentative, reflexive, critical

⁴⁴ 'Age Has Meaning', *The Internet Foundation in Sweden* [website], <<http://en.soi2014.se/communication-and-social-network/age-has-meaning/>>, accessed 5 May 2017.

⁴⁵ K, Lerman, 'User participation in social media: Digg study', In *IEEE/WIC/ACM international conference on web intelligence and intelligent agent technology*, 2007, pp. 255–258.
 And, A, Macintosh, A. Characterizing e-participation in policy-making' In *Proceedings of the 37th annual Hawaii international conference on system sciences*, Computer Society Press, Big Island, HI, 2004.

⁴⁶ D, Janssen, & R, Kies, 'Online forums and deliberative democracy', *Acta Politica*, vol. 40, 2005, pp. 317–335.

and rational political conversations.⁴⁷

Even so, other research suggests that the way political discussions online are taking form partially obliterate the advantages of face-to-face interaction.⁴⁸ Some of these scholars argue that communication on the internet are impersonal and facilitate rude and uncivil behavior.⁴⁹ Nevertheless, it is evident that the majority of the individuals who participate in online communication are acting in a civil manner.⁵⁰ Studies have also shown that political discussions online are mostly taking place within groups that confirm the users' own values which lead to "that online deliberation mainly reinforces preexisting views by perpetuating a confirmation bias".⁵¹ Social media users often discuss with like-minded groups of people, though they also do talk to people who does not share their own point of view.⁵² Studies show that the size of the social media network plays a crucial role in a user's exposure of opposing views and values. The larger the network is, the more the user is getting exposed to a broader variety of information⁵³ and different political values.⁵⁴ This exposure has been shown to be fruitful for the users' reflection of their own perspectives as they are frequently getting new information and values from other users which forces them to further consider,

⁴⁷ J, Stromer-Galley, & A, Wichowski, 'Political discussion online', in R. M, Burnett, M, Consalvo, & C, Ess, eds., *The handbook of Internet studies*, John Wiley & Sons, Chichester, UK, 2010, pp. 168-187.

⁴⁸ A. G, Wilhelm, 'Virtual sounding boards: How deliberative is on-line political discussion?', *Information Communication & Society*, vo. 1. no. 3, 1998, pp. 313-338.

⁴⁹ K. A, Hill, & J. E, Huges, *Cyberpolitics: Citizen Activism in the Age of the Internet*, Rowman & Littlefield, New York, 1998. Z, Papacharissi, 'Democracy online: Civility, politeness, and the democratic potential of online political discussion groups', *New Media & Society*, vol. 6, no. 2, 2004, pp. 259-283. And, Stromer-Galley & Wichowski.

⁵⁰ R, Blom, S, Carpenter, B. J, Bowe, & R, Lange, 'Frequent Contributors Within U.S. Newspaper Comment Forums: An Examination of Their Civility and Information Value', *American Behavioral Scientist*, vol. 58. No. 10, pp. 1314-1328, 2014, p. 1323.

⁵¹ Halpern & Gibbs, p. 1160.

⁵² Stromer-Galley, J., & Wichowski, A.

⁵³ W. P, Eveland, & M. H, Hively, 'Political discussion frequency, network size, and 'heterogeneity' of discussion as predictors of political knowledge and participation', *Journal of Communication*, vol. 59, no. 2, 2009, pp. 205-224.

⁵⁴ D. A, Scheufele, M. C, Nisbet, D, Brossard & E. C, Nisbet, 'Social structure and citizenship: Examining the impacts of social setting, network heterogeneity, and informational variables on political participation', *Political Communication*, vol. 21, 2004, pp. 315-338.

and sometimes even reconsider, their own views.⁵⁵ The fact that conversations online lack some of the social characteristics of face-to-face communication can actually be positive and constructive for the willingness to discuss political issues due to the feeling that one can speak more freely. Even though this also has negative implications such as uncivil behavior.⁵⁶

2.3.1. Who Takes Part in Political Discussions Online?

Swedish studies regarding who is participating in political discussions online is insufficient, though there exist some international studies on this area that hint on general tendencies.

Several international studies have shown that there is a gender gap in participation in political discussions online, both in the US⁵⁷ and Europe.⁵⁸ There is a tendency in these regions that more men than women are participating in political discussions online.⁵⁹ Yet, many of these studies were completed over ten years ago, and the gender differences might have changed as the number of people who are active online have increased over the past decade.⁶⁰ The gender division might also be different in Sweden, though research on this is insufficient, as mentioned earlier. A study on how Swedish citizens search for political information shows that 35 percent of the women and 47 percent of the men are

⁵⁵ J. M. Levine, & E. Russo, 'Impact of Anticipated Interaction on Information Acquisition', *Social Cognition*, vol. 13, 1995, pp. 293–317.

⁵⁶ Stromer-Galley, & Wichowski, 170-174.

⁵⁷ J. Stromer-Galley, 'Diversity and political conversations on the Internet: Users' perspectives' *Journal of Computer-Mediated Communication*, vol. 8, no. 3, 2002. And, K. D. Trammell, & A. Keshelashvili, 'Examining the new influencers: A selfpresentation study of A-list blogs', *Journalism & Mass Communication Quarterly*, vol. 82, no. 4, 2005, pp. 968–982.

⁵⁸ S. Albrecht, 'Whose voice is heard in online deliberation? A study of participation and representation in political debates on the Internet', *Information, Communication & Society*, vol. 9, no. 1, Feb. 2006, pp. 62-82. And, C. Hagemann, 'Participation in and contents of two Dutch political party discussion lists on the internet', *Javnost/The Public*, vol. 9, 2002, pp. 61–76. And, J. L. Jensen, 'Public spheres on the Internet: Anarchic or government-sponsored – A comparison', *Scandinavian Political Studies*, vol. 26, 2003, pp. 349–374.

⁵⁹ Stromer-Galley & Wichowski.

⁶⁰ 'Internetanvändare', *Globalis* [website], <http://www.globalis.se/Statistik/Internetanvaendare>, accessed 4 April 2017.

searching for political information on the internet.⁶¹ This might indicate that there is a gender gap in participation in political discussions online in Sweden as well. Those who participate in political discussions online “tend to be younger than the population at large”,⁶² something that is evident also when only considering social media users (in Sweden).⁶³

Research on participation in online spaces show that only about a quarter of those who visit these sites actively participate in the discussions while three quarters are only reading.⁶⁴ Reasons for participating in political discussions online are the users will to learn more about politics, get information about other perspectives, to foster their own political views and to get information separate from the conventional media. Some also participate with the motivation to tease or upset other users in order to entertain themselves.⁶⁵

2.4. Social Media and Policy

The area of research on social media and policy and how these are affecting each other is somewhat new. Though, there are some research, relevant to this study, that will be illuminated in this section.

Clark, Staton and Wang have examined how the US Supreme Court’s decision in a same-sex marriage case affects the public discourse and opinion by studying reactions on Twitter. Their findings show that the Supreme Court’s judicial decision had a noteworthy impact on the way the public discussed same-sex marriage, they also conclude that it affected the mass opinion in a polarizing way. Furthermore, the study shows that in more salient cases, stronger emotional reactions were found in the discourse. In line with previous research, strong emotions emerged when the tweets treated subjects the persons behind the tweets

⁶¹ M, Ahlgren, & P, Davidsson, *Svenskarna och politiken på internet – delaktighet, påverkan och övervakning*. Internetstiftelsen i Sverige. 2014.

⁶² Stromer-Galley & Wichowski, p. 175.

⁶³ Findahl, 2013.

⁶⁴ R, Davis, *Politics Online: Blogs, Chatrooms, and Discussion Groups in American Democracy*, Routledge, New York, 2005.

⁶⁵ Stromer-Galley & Wichowski.

disliked or disagreed with.⁶⁶

Clark et al. also hypothesized that the Supreme court has a legitimating effect on public opinion if the Supreme Court's decision did approve same-sex marriage, and this would change the opinion of those who were neutral to same-sex marriage or against it. An additional anticipation that supports the hypothesis were that the findings would reveal "a softening of intensely opposed views, as well as opposing views expressed with less anger."⁶⁷ Albeit, results did not support this hypothesis. The Supreme Court's decision (which implies that same-sex couples have legal right to get married) did not lead to more tolerant opinions on same-sex marriage among those who were neutral or opposed it before the court's decision.⁶⁸ Although, one could assume that these changes has a more long-term effect on the public opinion. This is evident in a study that examines both short-term and long-term effect on decisions by the Supreme Court and public opinion. This study shows that the citizens who are against the court's judicial decision eventually tends to change their opinion in line with the court's decision.⁶⁹

Even if the US Supreme Court has a somewhat different function and effect on law, policy and public opinion than the Migration Courts in Sweden, the study by Clark et al. serves as a good example on how social media platforms can be analyzed regarding public political discourses on legal decisions.

2.5. Discursive Legitimation

Rojo and van Dijk has examined political legitimation by analyzing the speech of the Spanish Secretary of the Interior regarding an "expulsion of a group of African"⁷⁰ immigrants. This speech was held after critique on the expulsion in media. They have employed critical discourse analysis in their top-down analysis

⁶⁶ Clark et al.

⁶⁷ Clark et al., p. 7.

⁶⁸ Clark et al.

⁶⁹ J. D, Ura, 'Backlash and Legitimation: Macro Political Responses to Supreme Court Decisions', *American Journal of Political Science*, vol. 58, no. 1, 2014, pp. 110-126.

⁷⁰ L. M, Rojo, & T. A, van Dijk, "'There Was a Problem, and It Was Solved!': Legitimizing the Expulsion of 'Illegal' Migrants in Spanish Parliamentary Discourse." *Discourse & Society*, no. 4, 1997, pp. 523-566, p. 523.

of discursive legitimation. The results of the study show that the Secretary legitimizes the expulsion by stating that it is “in accordance with the law”⁷¹ and legal procedures. They also found that the expulsion is legitimized by an us-and-them rhetoric, where them (the migrants) are acting deviant and are illegal which is a threat to the country. Hence, the state is acting responsibly by expelling the migrants. The secretary’s speech contains utterances that makes it clear that what he says is true, delegitimizing other versions. He also gives himself legitimacy through stating his position of authority. Thus, the study shows how discursive elements assign legitimacy to speaks and texts linking macro-level social-political legitimation with micro-level discursive legitimation.⁷²

Van Leeuwen and Wodak has similarly studied legitimation on a state level. They are using critical discourse analysis and systematic-functional text analysis when studying rejection letters regarding applications for family reunion in Austria. They conclude that the immigration authorities justify their decisions of rejection by referring to the law, and also on the immigrants’ “ability to ‘integrate’ into Austrian society”⁷³ on prejudiced grounds. Their study lays the ground for discursive categories of legitimation,⁷⁴ which will be further described in the section “Legitimation and Critical Discourse Analysis”.

Vaara et al. are elaborating these categories to study discursive legitimation on a micro-level when they are exploring how the legitimation categories are used in media when reporting about a paper- and pulp industry merger.⁷⁵

Another study by Vaara does also elaborate the legitimation categories mentioned above. Utilizing critical discourse analysis, Vaara studies how the Eurozone crisis, and the legitimacy of the Eurozone is discussed in Finish media. The results show that legitimation and delegitimation is done through the

⁷¹ Rojo, & van Dijk, p. 523 and p. 560.

⁷² Rojo & van Dijk.

⁷³ T, van Leeuwen, & R, Wodak, ‘Legitimizing immigration control: A discourse-historical analysis’, *Discourse Studies*, vol. 1, no. 1, 1999, pp. 83-118, p. 83.

⁷⁴ van Leeuwen & Wodak.

⁷⁵ E, Vaara, J, Tienari & J, Laurila, ‘Pulp and Paper Fiction: On the Discursive Legitimation of Global Industrial Restructuring’, *Organization Studies*, vol. 27, no. 6, 2006, pp. 789-810.

ideologies; humanism, nationalism, Europeanism and capitalism, adding a further dimension to the analytical frame of the discursive legitimation categories.⁷⁶

2.6. The Research Gap

While scholars have devoted considerable attention to discursive legitimacy and political discussion generated by the authorities with top-down approaches, as well as on how traditional media and courts affects the public discourse, they have paid relatively little attention to bottom-up discourses on legitimacy in civil society. This study can contribute to the socio-legal body of research on discursive legitimacy on law in civil society. Furthermore, studies have shown that the public-political discourse takes place on social media. Even so, this arena is unexplored when it comes to discourses on the Swedish Migration Courts' decisions. This study has the potential to fill this gap in existing knowledge.

⁷⁶ E, Vaara, 'Struggles over legitimacy in the Eurozone crisis: Discursive legitimation strategies and their ideological underpinnings', *Discourse & Society*, vol. 25, no. 4, 2014, pp. 500-518.

3. Theoretical Framework

Legitimation does in general apply to the social acceptance of an authority, it is this acceptance that gives the authority validity, thus legitimacy. Max Weber is considered as a pioneer of the theorization of the concept of legitimation in sociology.⁷⁷ Weber describes three ideal types of legitimate authority; traditional, charismatic and rational-legal authority. The latter authority type is the one that is most applicable to modern political authorities. Legitimacy in this kind of authority is obtained through “the capacity of rational law to generate its own legitimation, requiring obedience to law in and of itself to provide the grounds for citizen compliance.”⁷⁸ As Weber places much of the legitimation process of law in the law itself,⁷⁹ and as the connection to democratic legitimation in Weber’s theory is limited,⁸⁰ Jürgen Habermas’ theory will be used in this thesis as it to a greater extent concerns areas of democracy, social life and communication.

3.1. Legitimacy According to Habermas

There are two different views on legitimacy: descriptive and normative. Weber’s theory categorizes the descriptive interpretation, not including any normative attributes.⁸¹ Habermas opposes this, emphasizing that legitimacy of the law also has a normative and discursive dimension (though, claiming that legitimacy has both descriptive and normative components⁸²).⁸³ Deflem interprets Habermas’ view as follows: “modern law, even when it is formally enacted by political authority and enforced accordingly, also requires popular legitimation in order to

⁷⁷ D, Chandler, & R, Munday, ‘Legitimation’, In *A Dictionary of Media and Communication*, Oxford University Press, Oxford, 2011.

⁷⁸ A, Hunt, ‘The Problematisation of Law in Classical Social Theory’ In M, Travers, and R, Banakar, eds., *An Introduction to Law and Social Theory*. Hart Publishing, Oxford, 2002, p. 23.

⁷⁹ B, Cartwright, & R, Schwartz, The Invocation of Legal Norms: An Empirical Investigation of Durkheim and Weber. *American Sociological Review*, vol. 38, no. 3, 1973. pp. 340-354.

⁸⁰ Hunt, p. 23.

⁸¹ P, Fabienne, ‘Political Legitimacy’, in *The Stanford Encyclopedia of Philosophy*, Summer 2016 edn., E. N, Zalta, ed. 2016.

⁸² The focus in this paper will be the normative dimension of legitimacy, thus focus will mainly be on that dimension in this chapter.

⁸³ Fabienne.

be recognized as valid among the subjects of law.”⁸⁴ Habermas question that if the legal procedure itself gives legitimacy to the law, then what gives legitimacy to the legal procedure? Jacobsson’s interpretation of Habermas answers this question by claiming that the law is produced by political decisions, and the political order have to obtain legitimacy extralegally.⁸⁵ If political decisions on laws can be considered as legitimate depends on the democratic character of the law-making process, which should be fair and discursive.

The fairness is guaranteed in the basic civil rights (such as freedom of opinion, expression, etc.), legal protection, and the rights of equal political participation. The discursive character in turn depends on the communicative exchanges with the public sphere by which discursively formed opinion can be channeled into the political system and transformed into actual policy.⁸⁶

Consequently, in the discursive character of the law-making process, it is the political debates and discussions among the citizens in the public sphere⁸⁷ that legitimize the law.⁸⁸

It is not only the discourses that occur in the incipient stages of the law-making process that legitimizes the law. Also, the outcomes of the implementation and execution of laws need to be considered legitimate. Habermas argues that “[d]eliberative politics acquires its legitimating force from the discursive structure of an opinion- and will-formation that can fulfill its socially integrative function only because citizens expect its results to have a reasonable *quality*.”⁸⁹ Thus, the laws’ practical outcome, e.g. the Migration Court’s decision, needs to be further accepted in the discourses in the public sphere if they are to be considered legitimate.

⁸⁴ Deflem, p. 165.

⁸⁵ K, Jacobsson, ‘Discursive will formation and the question of legitimacy in European politics’, *Scandinavian Political Studies*, vol. 20, no. 1, 1997. pp. 69-90. p. 74.

⁸⁶ Jacobsson, p. 74.

⁸⁷ There will be an extensive elaboration of the concept of public sphere in a section below.

⁸⁸ Jacobsson.

⁸⁹ Habermas, 1996, p. 304.

3.1.1. Habermas' Discourse Theory

The concept of discourse is a fundamental part of Habermas' view on how to obtain legitimacy, thus this section will elaborate Habermas' thoughts on this. Habermas stresses that as the critical discussion on law is to be found in the society, it is the discourses in the society that should be examined.⁹⁰ The concept of discourse can be defined as every communication that involves alternative or opposed points of view which aim at reaching rational consensus.⁹¹ It is the consensus achieved through reflective discourse that decides what is considered as fair and good.⁹² However, there are no common aim to achieve consensus,⁹³ but the consensus is achieved by argumentation and is a result of the common will.⁹⁴ Discussion and argumentation is particularly important for democracy and it is through these means the best argument is attained. Consequently, it is the best arguments sprung from a discourse that are legitimizing the law.⁹⁵

As this study aims to analyze legitimacy on a societal level Habermas' theory and the concept of discourse is crucial as it is through communication in discourses legitimacy of the law is obtained.

3.1.1.1. The Ideal Habermasian Discourse

If events of communication are to be considered as the (ideal) Habermasian practical discourse (the kind of discourse that can legitimate the practical outcome of legislation) certain criteria should be met:

[1] all voices that are at all relevant should be heard, [2] [...] the best arguments available given the current state of our knowledge should be expressed, [3] and [...] only the unforced force of the better argument should determine the "yes" and "no" responses of participants.⁹⁶

⁹⁰ Habermas, 1996, p. 42.

⁹¹ J. Bohman & W. Rehg, 'Jürgen Habermas', *The Stanford Encyclopedia of Philosophy*, Fall 2014 Edition, E. N. Zalta ed., 2014.

⁹² J. Habermas, *Diskurs, rätt och demokrati*, Daidalos, Göteborg, 1997, pp. 69-81,

⁹³ E. O. Eriksen, & J. Weigård, *Habermas politiska teori*, Studentlitteratur, Lund, 2000, p. 161.

⁹⁴ Habermas, 1996, pp. 304-308.

⁹⁵ Eriksen & Weigård, p. 161.

⁹⁶ J. Habermas, *Justification and application: remarks on discourse ethics*. MIT Press, Cambridge, Mass, 1993, p. 145.

3.1.2. The Public Sphere

The concept of public sphere refers to public spaces, or arenas, where critical political discussions and exchange of ideas and opinions are taking place through communication.⁹⁷ In the eighteenth and nineteenth centuries (in Western societies), these discussions were taking place in saloons, libraries, coffee houses and other public places where the citizens discussed politics. At this time, the free press was also seen as a public sphere according to Habermas.⁹⁸ An open and free public sphere which allows for all citizens to discuss politics and utter their opinions regarding the state and such is considered “as a prerequisite of democracy”⁹⁹. Though, from the beginning of the 1950s, political parties and corporate interests took over the commercial media, and the citizens got a consuming and passive role in the political debate.¹⁰⁰ The political communication were mediatized and the opinions and interests of an elite were prevailing, and consequently shaping discourses in the public sphere.¹⁰¹

Nancy Fraser has problematized the Habermasian concepts of public sphere and citizenry. Arguing that the theory of the public sphere rests on a Westphalian state model. The concept of citizenry in this context is connected to a citizenship within a national territory. This conceptualization excludes other persons that might be a part of the society on a national territory such as migrants and people with multiple citizenships and residencies. These (non-)citizens are all potential participants in the discourses in the public sphere.¹⁰² This problematization is crucial in today’s world, and especially for this study as the individuals in the

⁹⁷ J, Guidry, ‘Public sphere’, In G, Ritzer, ed., *Encyclopedia of social theory*, SAGE Publications Ltd., Thousand Oaks, CA, 2005, p. 614.

⁹⁸ G, Delanty, ‘Public Sphere’, *The Blackwell Encyclopedia of Sociology*. Ritzer, G., ed., Blackwell Publishing, 2007.

⁹⁹ Guidry, p. 614.

¹⁰⁰ J, Habermas & J, Retzlaff, *Borgerlig offentlighet : kategorierna "privat" och "offentligt" i det moderna samhället*, Arkiv, Lund, 2003, p. 1-22 & 201-210.

¹⁰¹ Habermas, J., ‘Political Communication in Media Society: Does Democracy Still Enjoy an Epistemic Dimension? The Impact of Normative Theory on Empirical Research’, *Communication Theory (10503293)*, vol. 16, no. 4, 2006, pp. 411-426.

¹⁰² N, Fraser, ‘Special section: Transnational public sphere: Transnationalizing the public sphere: On the legitimacy and efficacy of public opinion in a post-Westphalian world’, *Theory, culture & society*, vol. 24, no. 4, 2007, pp. 7-30, p. 10-16.

cases studied might not be holders of a full Swedish citizenship. Also, other participants in the discourses studied might not fit in the Westphalian citizenry. Additionally, the participants of the Habermasian public discourse should include everyone that the subject of the discourse may affect.¹⁰³ Therefore, it is essential to acknowledge others than Swedish citizens as participants in the discourse. Especially when it comes to discourses on the migrant courts' decisions as these decisions most often concern individuals who are not Swedish citizens, yet they are holders of certain rights. Though Habermas emphasizes that "the inclusion of aliens who seek the rights of membership, requires a regulation in the equal interest of members and applicants."¹⁰⁴ Hence, the analytical approach in this study will comprise a wider conception than the Habermasian notion of political citizens as interlocutors in political discussion in the public sphere.

3.1.2.1. Social Media as Public Sphere

Axel Bruns and Tim Highfield argues that what defines the public sphere is varying over time. With the digital era, news media have become more accessible and a greater variety of news sources have emerged, thus the domination of the public debate by an elite has decreased. Social media plays a crucial role in this as it serves as a platform for spreading news as well as civic political discussions. The public sphere should not be considered as an all-encompassing arena where public debate takes place. Rather the concept should be understood as:

the structure of the public sphere, or of the various public spaces which have come to replace it as a result of the continuing structural transformations of 'the' public sphere following the decline of the mass media's hegemony, is today highly complex, dynamic, and changeable – more so than orthodox Habermasian public sphere theory can account for.¹⁰⁵

They argue that there is a constant, current transformation of the public sphere. At the moment, a great deal of the political discourse takes place in the public space on social media, as well as in face-to-face interactions. These discourses are not isolated, there is an interconnection between the political discussions in social

¹⁰³ Jacobsson, and, Fraser, 2007, pp. 20-21.

¹⁰⁴ Habermas, 1996, p. 125.

¹⁰⁵ Bruns & Highfield.

media and the physical ones. What is discussed in social media affects what people are discussing in face-to-face discussions and vice versa. The discourses are “transitioning from the online to the offline public sphere.”¹⁰⁶

Several other studies have focused on social media and the public sphere, emphasizing the value social media has for strengthening the political discourse in civil society and the public sphere.¹⁰⁷ The Habermasian public sphere where the political discourse was steered by an elite and the mass media has diminished in today’s digital society, where everyone can be a journalist at social media platforms. Thus, the agenda of the political debate in the public sphere can somewhat be considered as recaptured by the civil society.¹⁰⁸

The Habermasian public sphere has been criticized by feminist scholars and other social scientists, claiming that the public sphere is an arena for bourgeois, white men excluding women, the working class, racialized groups and poor men.¹⁰⁹ Though social media is accessible for anyone with an internet connection, and if social media is considered an arena for political discourse in the public sphere in Sweden, these groups have access to these platforms equal to privileged groups. Though it can to some extent leave out the very poor, the elderly or disabled due to insufficient knowledge or physical and mental barriers. Additionally, engaging in social media is time consuming and can be excluding those who do not have the time to write posts and comment on articles and other users’ posts.

Something that should be stressed is the concern whether posts on social media platforms are within the public or the private sphere.¹¹⁰ Conversations on social media can be considered as private depending on privacy settings on the social

¹⁰⁶ Bruns & Highfield, p. 60.

¹⁰⁷ E.g. C. Shirky, ‘The Political Power of Social Media: Technology, the Public Sphere, and Political Change’, *Foreign Affairs*, vol. 1, 2011, pp. 28-41, and, Askanius, T., & Østergaard, L. S., *Reclaiming the public sphere. [Electronic resource]: communication, power and social change*, Palgrave Macmillan, Houndmills, Basingstoke, Hampshire, New York, 2014.

¹⁰⁸ Bruns & Highfield.

¹⁰⁹ Guidry.

¹¹⁰ Habermas termed it the private sphere, ‘the intimate sphere’. J. Habermas, *The Structural Transformation Of The Public Sphere : An Inquiry Into A Category Of Bourgeois Society*, MIT Press, Cambridge, Mass, 1991, p. 55.

media platform. All the same, there is a scale in these settings from entirely private to entirely public.¹¹¹ As the conversations and posts that will be analyzed in this study occur on public pages and groups, they are considered as a part of the public sphere.

¹¹¹ Bruns & Highfield, pp. 109-111.

4. Methodology and Material

This chapter presents and discusses the methodological approaches, material, data collection and difficulties regarding these. It further discusses the ethical considerations, delimitations and trustworthiness of the study.

4.1. Case Studies

This research will focus on the Sonya case, which is used to study the discourses which emerged as a result of the Migration Court's decision. The case consists of the discourses raised in social media in the aftermath of the legal decision by the Migration Court. Hence, when using the concept of case here, it is not (only) the judicial decision by the Migration Court that is referred to as a case, but the discourses connected to it.

The research approach of a case study is utilized in this study for several reasons. A case study is used as the approach is preferred when the research question aims at exploring how the complex phenomenon in focus behaves, when the phenomenon studied is within a specific social context and the focus is to understand explicit political and social events.¹¹² As research strategy, case studies are preferable when examining phenomena aiming at holistic understanding and when multiple sources are employed.¹¹³ The material in this study will be collected from several different social media platforms and the electronic mass media articles, which are linked in the posts on the social media, in order to get a comprehensive analysis. Multiple sources and a data base where the collected data is stored strengthen the quality of the study.¹¹⁴ The data in this study is saved in a specific file and constitutes as database. Case studies are also preferred, compared to e.g. surveys, when analyzing the material over time,¹¹⁵ which is done in this study as the discourses analyzed are from the date of the Migration Court's decision and onward, or until a new judicial decision takes

¹¹² R. K, Yin & B, Nilsson, *Fallstudier : design och genomförande*. Liber, Malmö, 2007, pp. 17-23.

¹¹³ Yin & Nilsson, pp. 18 and 31.

¹¹⁴ Yin & Nilsson, p. 109.

¹¹⁵ Yin & Nilsson, p. 23.

place. Furthermore, case studies are preferred when the material and its content “cannot be manipulated.”¹¹⁶ The material in this study do not have the possibility to be changed, compared to e.g. experiments, since the material is collected from discussions and posts published some years ago. Although, comments and posts may have been deleted by the user or administrator of e.g. a group or a forum. Another considerable advantage of case studies is their applicability when exploring events in the real world compared to e.g. experiments examining artificial situations.¹¹⁷ Additionally there will be no active interference in the discourses due to the non-interference methodological nature. Based on what is written above, the research approach of a case study is considered suitable for this study.

4.1.1. Unit of Analysis

The unit of analysis in this study is the social media discourses connected to the Migration Court’s legal decision regarding the Sonya case. This unit of analysis is selected due to a number of reasons. The first reason is that the legal decision is adjudicated within the time span 1 January 2011 -31 December 2014. When searching for cases that were discussed in social media, similar cases were found but with fewer posts and comments, thus the one with the most data available was chosen.¹¹⁸ Additionally, this case have been discussed in a variety of social media groups and platforms, hence it is probable that there is a greater diversity of political views in the discourse.

4.1.2. Single Case Study

Initially, the plan involved three different cases, thus a multiple case study. A multiple case study is preferred over a single case study as the results from multiple case studies are regarded as stronger and more convincing. One weakness with multiple case studies is that they are very time consuming,¹¹⁹

¹¹⁶ Yin & Nilsson, p. 25.

¹¹⁷ G. T. Kurian, ‘Case studies’, In *The Encyclopedia of Political Science*, SAGE Publications Ltd., Washington, DC, 2011, p. 199.

¹¹⁸ The unit of analysis is further described under the section “The Case”.

¹¹⁹ Yin & Nilsson, p. 68.

which is one reason a single case study was performed. Though the main reasons for a single case study were the difficulties of getting hold of the judicial decisions of the two other cases and the abundance of data on the Sonya case, enabling for a comprehensive single case study using this case to study the discourses emerging after the Migration Court's decision. Within the time frame of this study, the chosen case is the one most discussed on a variety of social media platforms. The critique that case studies are time consuming have also been subjected on single case studies. Though when the material is available on the internet the time spent on collecting the data is somewhat shorter¹²⁰ than e.g. collecting it from several physical arenas.

4.2. Delimitations

The time frame for the data possibly relevant for this study is the Migration Courts' legal decisions between 1 January 2011 - 31 December 2014. This as there has been no major changes in the legislations regarding migration cases during this time period. Additionally, this time frame lays before the events of what is referred to as the European refugee crisis. Though after turning to the decision to do a single case study, the discourses analyzed are from year 2011.

The material is based on discourses in social media, thus it is hard to take factors regarding gender, disability, age, socioeconomic status etc. in consideration as many of the persons who are posting are anonymous. In other cases, additional information, more than name/gender, is inaccessible.

4.3. Critical Discourse analysis

As language and communication founds the analytical base for social action according to Habermas,¹²¹ the methodological and analytical toolbox that will guide this thesis will be critical discourse analysis (CDA) concerning

¹²⁰ Yin & Nilsson, pp. 28-29.

¹²¹ J, Budd, 'Critical theory', in L.M. Given ed., *The SAGE encyclopedia of qualitative research methods*, SAGE Publications Ltd, Thousand Oaks, CA, 2008, pp. 175-179, p. 175.

communication in written form.¹²² CDA enables for an analysis on the legitimation process emphasizing the discursive dimensions of this process, which is in line with the theoretical frame for this study. Additionally, much of the interactive activity that occur on social media is in written text format¹²³, thus, it is necessary to study and analyze the discourse.¹²⁴ Critical discourse analysis is eligible in this study as CDA applies a “critical approach, position or stance of studying text”¹²⁵ which corresponds to Habermas’ work as it categorizes in critical theory.¹²⁶ Furthermore, CDA is an approach suitable for interdisciplinary studies (which sociology of law to some extent is) examining discourses and its relation to other societal elements such as politics and law. Several studies within CDA have focused on discourses and the relation to legitimating structures of dominance regarding e.g. gender, age, ethnicity, sexuality, race and nationality.¹²⁷ When using CDA the purpose is often:

to uncover, reveal or disclose what is implicit, hidden or otherwise not immediately obvious in relations of discursively enacted dominance or their underlying ideologies. That is, CDA specifically focuses on the strategies of [...] legitimation, the manufacture of consent and other discursive ways to influence the minds (and indirectly the actions) of people in the interest of the powerful.¹²⁸

This is another reason for employing CDA in this study. Theo van Leeuwen has conducted a number of studies with CDA focusing on legitimation in discourses.¹²⁹ This has led to the development of an analytical tool and framework

¹²² G. T. Kurian, ‘Discourse analysis’, In *The Encyclopedia of Political Science*, SAGE Publications Ltd., Washington, DC, 2011, pp. 441-443.

¹²³ Tough, CDA can also be utilized when analysing spoken and visual data. See e.g. Cramer, J., ‘Critical discourse analysis’ In S. W. Littlejohn & K. A. Foss Eds., *Encyclopedia of communication theory*, Vol. 2, SAGE Publications Ltd. Thousand Oaks, CA. 2009, pp. 221-223.

¹²⁴ Baym, N.K., *Tune in, log on: Soaps, fandom, and online community*, Oaks: CA, Sage Publications, 2000.

¹²⁵ T. A, Van Dijk, ‘Aims of critical discourse analysis’ *Japanese discourse*, vol. 1, no.1, 1995, pp. 17-27, p. 17.

¹²⁶ J, Bohman, ‘Critical Theory’, in *The Stanford Encyclopedia of Philosophy*, Fall 2016 Edition, E. N. Zalta ed., 2016.

¹²⁷ Van Dijk, 1995, pp. 17-27.

¹²⁸ Van Dijk, 1995, p. 18.

¹²⁹ E.g. van Leeuwen & Wodak, and, T, van Leeuwen, ‘Legitimation in discourse and communication’, *Discourse & Communication*, vol. 1, no. 1, 2007, pp. 91-112.

for analyzing “discursive construction of legitimation”¹³⁰ in compliance with CDA. The tool will be utilized in this study and is described further in the following section.

CDA is employed when examining the discourses of the ones upholding dominant structures and its consequences, but also the discourses of the ones who are opposing such structures.¹³¹ This might correspond to the results of this study and the discourses that are going to be analyzed as there is a possibility that the variety of arguments, comments and texts support both sides.

Critical discourse analysis is by some scholars criticized as subjective, unscientific and political. Though, these scholars believe that it is possible to conduct research that is objective and non-political which is something scholars within CDA opposes, emphasizing that the choice of subject, theory, method and selection of data cannot be separated from social and political structures.¹³² E.g. the research topic is chosen according to the authors own knowledge and interest. To manage this, and still be scientific, self-reflection throughout the whole research process is essential. The analysis should be grounded in the data and the theory, rather than in the beliefs of the author. Thus, the analysis is neither purely inductive nor deductive, but an approach in between which is named abductive.¹³³ The analysis will take on an abductive approach as the study is not deductive in terms of testing a hypothesis on data from a large population, nor is it inductive in terms of generalizing from specific observations. The findings will not be generalizable, saying that the data is applicable for the whole Swedish population, as the data (based on the findings in previous research) might be discourses that are quite polarized and that the participants are the ones that are more interested in politics than the average Swedish citizen. “Abduction is a way of relating an observation or case to a theory (or vice versa) that results in a plausible

¹³⁰ Van Leeuwen, T., ‘The Discursive Construction of Legitimation’, *In Discourse and Practice: New Tools for Critical Analysis*. Oxford University Press. 2008.

¹³¹ Van Dijk, 1995, pp. 17-27.

¹³² Van Dijk, 1995, pp. 18-19.

¹³³ R, Wodak, ‘Critical Discourse Analysis at the End of the 20th Century’, *Research on Language and Social Interaction*, vol. 32, no. 1-2, 1999, pp. 185-193, p. 186.

interpretation.”¹³⁴ This study will thus take on an abductive approach as it will relate a theory, Habermas’ on legitimacy and van Leeuwen’s analytical tool¹³⁵, to the observations and inversely during the analysis of the empirical data. This approach is also compatible with case studies as there is “continuous interaction between”¹³⁶ theory and the collected data.

There is a variety of discourse analytical approaches.¹³⁷ One significant difference between them lies in the ontological and epistemological perspective.¹³⁸ E.g. in linguistic research, discourse analysis is examined in terms of language use.¹³⁹ In CDA, language is considered as a part of the social reality. Interaction (and discourse) is considered as more than just an exchange of language. In every interaction there are elements of ideology, power, norms and values. Every discourse is also context dependent and how a communicative event is interpreted depends on the commentator’s or reader’s amount of information, previous knowledge etc. Thus, no interpretation can be considered as the true one. According to Wodak “[i]nterpretations can be more or less plausible or adequate, but they cannot be “true.””¹⁴⁰ This is also the case when a researcher is interpreting discourses, hence there is a need to elucidate that the analysis and conclusions made in this study will be plausible interpretations.

4.3.1. Intertextuality and Interdiscursivity

The intertextuality of the posts, comments and articles is a crucial part of the analysis. Intertextuality in CDA can be described as “linkages between different texts”¹⁴¹, which is applied aiming to understanding a text more completely.¹⁴² The

¹³⁴ T. A. Schwandt, *The SAGE dictionary of qualitative inquiry*, SAGE Publications Ltd., 2007.

¹³⁵ When utilizing van Leeuwen’s categories in the analysis, the approach is somewhat more deductive.

¹³⁶ Yin, 1994, p. 55.

¹³⁷ See e.g. N, Phillips & C, Hardy, *Qualitative Research Methods: Discourse analysis*, SAGE Publications Ltd., 2002.

¹³⁸ Vaara, Tienari, & Laurila, p. 792.

¹³⁹ T. A. Van Dijk, ed., *Discourse as structure and process*, vol. 1, Sage, 1997.

¹⁴⁰ Wodak, p. 187.

¹⁴¹ A. J. Mills, G. Durepos, & E. Wiebe, *Encyclopedia of case study research*, SAGE Publications Ltd., Thousand Oaks, CA, 2010. p. 245.

¹⁴² Mills, et al., p. 245.

interdiscursivity is also crucial to consider. The concept of interdiscursivity is how different discourses are linked to each other.¹⁴³

4.3.2. Legitimation and Critical Discourse Analysis

As mentioned above, van Leeuwen has developed an analytical tool for “critically analyzing the construction of legitimation in discourse”¹⁴⁴, which has been utilized by a number of scholars.¹⁴⁵ Van Leeuwen explicate four categories of legitimation; authorization, moral evaluation, rationalization and mythopoesis. These legitimation types may occur explicitly in a text legitimizing or delegitimizing a specific institution or practice. However, it can also be less obvious where the text barely mentions the practice or institution it legitimizes/delegitimizes. Each category of (de)legitimation may take place independently, but several of them can occur in combination with each other.¹⁴⁶ The analyze of language and text is essential when examining legitimizing or delegitimizing discourses.¹⁴⁷

While Habermas argues that it is the discourse itself that legitimize or delegitimize a judicial decision, van Leeuwen’s tool aids to examine in a more detailed and structured way what in the discourse that are legitimizing or delegitimizing a decision.

4.3.2.1. Authorization

This category of legitimation is about authority. Legitimacy is obtained through referring to an authority and does not need supplementary justification. This category is divided in sub-categories: personal authority, expert authority, role model authority, impersonal authority, the authority of tradition and the authority

¹⁴³ E, Vaara & J, Tienari, ‘Critical Discourse Analysis’, In *Encyclopedia of Case Study Research*, edited by Mills, A.J., Durepos, G. & Wiebe, E., SAGE Publications, Inc., Thousand Oaks, CA, 2010, pp. 245-247.

¹⁴⁴ van Leeuwen, 2008, p. 105.

¹⁴⁵ E.g. Vaara, 2014, and, M, Lefsrud & M, Meyer, ‘Science or science fiction? Professionals’ discursive construction of climate change’, *Organization Studies*, vol. 33, no. 11, 2012, pp. 1477-1506.

¹⁴⁶ van Leeuwen, 2008, pp. 105-106.

¹⁴⁷ van Leeuwen, 2008, pp. 119-120.

of conformity.¹⁴⁸

Personal authority refers to people who have authority as they have a “status or role in a particular institution”¹⁴⁹. As they have this status, they do not need to give reasons or arguments to justify their actions or demands.¹⁵⁰

Expert authority refers to a person that have specific knowledge in the area discussed. That a person is an expert within a specific area is sometimes well known among the discussants, when not, this knowledge can be evidenced with credentials or a title. In discourses, the expert can be quoted or referred to in order to give legitimacy. No other reason needs to be given, e.g. in order to answer “the question of “Why should I do this?” [than a mere] “because Dr. Juan says so.””¹⁵¹. Though in the age of information of today, most laypersons can find information about a subject from various experts or sources, which sometimes opposes the facts from the first expert. Hence, expert authority is somewhat declining.¹⁵²

Role model authority refers to public persons that are followed by a certain group which act as, or refers to, this role model in order to legitimize a social practice. These role models can be e.g. opinion leaders or celebrities.¹⁵³

The sub-category of impersonal authority regards legitimacy that is obtained through referring to regulations, policies, rules, guidelines and laws. A discussant can simply legitimize a social practice by arguing that “the law says...”¹⁵⁴.

Legitimation through authority of tradition is employed when using words such as habit, tradition, custom and practice, or sentences like: this is how it has been done since forever.¹⁵⁵

The last sub-category of authorization is the authority of conformity. This category refers to when arguing for legitimizing a social practice with utterances

¹⁴⁸ van Leeuwen, 2008, p. 106.

¹⁴⁹ van Leeuwen, 2008, p. 106.

¹⁵⁰ van Leeuwen, 2008, p. 106.

¹⁵¹ van Leeuwen, 2008, p. 107.

¹⁵² van Leeuwen, 2008, p. 107.

¹⁵³ van Leeuwen, 2008, p. 107.

¹⁵⁴ van Leeuwen, 2008, p. 108.

¹⁵⁵ van Leeuwen, 2008, p. 108.

like “because that's what everybody else does”¹⁵⁶. Conformity legitimation often appear through comparisons.¹⁵⁷

4.3.2.2. Moral Evaluation

Legitimacy through moral evaluation derives from values. According to van Leeuwen “moral evaluation is linked to specific discourses of moral value.”¹⁵⁸ These moral values can be expressed clearly with adjectives, such as bad or good, although they are not always as explicit. Thus, indicators of moral values can be traced to common-sense values in the cultural specific context. Moral evaluation is divided in the sub-categories evaluation, abstraction and analogies.¹⁵⁹

Evaluation refers to the adjective that relates to a value, briefly described above. The adjective describes how a phenomenon, practice or an action behaves by reference to a quality. Additionally, the discussant may praise e.g. the action due to this. The less explicit adjectives van Leeuwen gives examples of are normal, natural, healthy and useful, and it is important to be aware of that such adjectives of moral evaluation might not be that obvious at first glance.¹⁶⁰ Thus, it is important to analyze the text thoroughly.

Abstraction is about “expressing moral evaluations [...] by referring to practices”¹⁶¹, and these practices are related to moral values or qualities.¹⁶²

Analogies refers to comparisons between actions or events that is related to certain moral values. This comparison can be both explicit and implicit.¹⁶³

4.3.2.3. Rationalization

Legitimation referring to rationalization do always have elements of morality, though it is in combination with a rational reason. Rationalization is divided in

¹⁵⁶ van Leeuwen, 2008, p. 109.

¹⁵⁷ van Leeuwen, 2008, p. 109.

¹⁵⁸ van Leeuwen, 2008, p. 110.

¹⁵⁹ van Leeuwen, 2008, pp. 109-111.

¹⁶⁰ van Leeuwen, 2008, pp. 110-111.

¹⁶¹ van Leeuwen, 2008, p. 111.

¹⁶² van Leeuwen, 2008, p. 111.

¹⁶³ van Leeuwen, 2008, pp. 111-112.

two sub-categories; instrumental rationalization and theoretical rationalization.¹⁶⁴

Legitimation by reference to instrumental rationalization is motivated with purposes, goals, effects and uses. Though, to be able to have a legitimizing function, it should contain some component of moralization. Departing from Habermas, van Leeuwen argue that instrumental rationalization should be in line with the Habermasian “strategic-utilitarian morality”¹⁶⁵. The purposeful action should here contain elements of means and ends, but also moralized elements of such a quality discussed in the section on moral evaluation. The quality in turn, should respond to the rational purpose, effect, goal or use, e.g. the word smooth can indicate effectiveness. Furthermore, van Leeuwen distinguishes between various forms of instrumentality. Goal oriented instrumentality includes realizations of pre-determined goals which is stated on beforehand “as conscious or unconscious motives, aims, intentions, goals, etc.”¹⁶⁶ Means oriented instrumentality refers to the means of how this goal or purpose should be accomplished. Effect oriented instrumentality is about “the outcome of actions.”¹⁶⁷ This applies to a result of an action that was not planned or expected in advance.

Theoretical rationalization refers to legitimation through truth claims regarding “the way things are.”¹⁶⁸ There are three different types of theoretical legitimation. The first one is definition which is described; “in which one activity is defined in terms of another, moralized activity.”¹⁶⁹ The activities should be connected by a significative, e.g. by words like signals or symbolizes, or attributes, e.g. words like constitutes or is. The second type is explanation which refers to an actor doing something (an activity or a practice) in a natural way. The practice is connected to the actor, and it is in the actor’s nature to perform the practice exactly the way she or he does it. The third type is predictions, which is

¹⁶⁴ van Leeuwen, 2008, p. 113.

¹⁶⁵ J, Habermas, *Legitimation Crisis*, Heinemann, London, 1976. p. 22.

¹⁶⁶ van Leeuwen, 2008, p. 114.

¹⁶⁷ van Leeuwen, 2008, p. 115.

¹⁶⁸ van Leeuwen, 2008, p. 116.

¹⁶⁹ van Leeuwen, 2008, p. 116.

legitimations grounded in expertise or science, which are the source of truth claims.¹⁷⁰

4.3.2.4. Mythopoesis

Mythopoesis is legitimation through narratives. There are two sub-categories of mythopoesis: moral tales and cautionary tales. The first one refers to storytelling with a protagonist who is rewarded for participating or engaging in a legitimate activity. The second one, cautionary tales, refers to when the protagonist are engaging in an activity that are norm breaking in an illegitimate way. The narrative here tells what will happen if one does so.¹⁷¹

4.4. Social Media as Research object

One of the benefits when researching on public debate on social media is the advantage of studying a discourse in its natural environment. The data is collected from a natural setting compared to e.g. arranged discussions in participant observation or focus groups.¹⁷² The participants are not aware that they are studied which allows the debate to be more fluent and natural. Though as the data are public posts, the participants are aware of that anyone can read their posts.

4.5. Ethical Considerations

There are some ethical aspects that need to be considered when doing research. The participants' privacy and integrity needs to be taken into account. As this study's data is collected from various social media online, the ethical considerations should be adapted to this environment.

When conducting research in Sweden, the Swedish Research Council's (SRC) guidelines are the customary ethical guidelines.¹⁷³ Sveningsson et al. has adjusted these to research on internet and will be utilized in this study. The guidelines are

¹⁷⁰ van Leeuwen, 2008, p. 116-117.

¹⁷¹ van Leeuwen, 2008, pp. 117-118.

¹⁷² Clark et al., p. 2.

¹⁷³ See, Vetenskapsrådet, *Forskningsetiska principer inom humanistisk-samhällsvetenskaplig forskning*, Vetenskapsrådet, Stockholm, 2002.

structured as four principles. The first principle by the SRC is that those affected and participating in the study should be informed about the study. Though when collecting data on the internet, and also in this study, there are some difficulties informing everyone involved. The number of persons observed and the fact that it is impossible to contact some internet users are some of the difficulties. The requirement that everyone involved should be informed should be contrasted with how important it is knowing that one is being observed. The second principle is that the ones that are involved in the study should consent to this. Difficulties with this principle is similar to the first one.¹⁷⁴ As all the posts and discussions observed in this study are from public pages, the author of them are aware that anyone can access and read what they have written. Thus, the need to inform them about the study is regarded as unnecessary considering the difficulties of doing so. Also, in purpose of research, it is permitted in Sweden to record material in public environments without asking for consent,¹⁷⁵ which could equal research on public posts on internet. When it comes to the individuals in the Migration Court's decision, the need to inform them is considered not necessary as they personally are not the subject of research but rather the discourse of the court's judicial decision. One way to handle these problems is to make sure that the individuals participating in the discussions as well as the ones in the Migration Court's judgement, will not be identifiable. Thus, the participants in this study will be given pseudonyms or will be termed e.g. commentator.

The above is also related to the third principle, which is about confidentiality. The information about the participants' personal information should be kept safe so that it cannot be used by unauthorized persons and to make sure the participants are unidentifiable.¹⁷⁶ The discussions used in this study will be print screened and saved on the researcher's computer and only seen by the researcher and the supervisors which isolate the risk of further distribution. Though, as the posts are from public pages, anyone with access to a computer with internet

¹⁷⁴ Sveningsson Elm, M., Lövheim, M., & Bergquist, M., *Att fånga nätet: kvalitativa metoder för Internetforskning*, Studentlitteratur, Lund, 2003, pp. 176-181.

¹⁷⁵ Sveningsson et al., p. 181.

¹⁷⁶ Sveningsson et al., pp. 181-182.

connection are able read them. Due to the confidentiality principle, references to web pages and judicial decisions etc. will be left out in this version of the thesis with the purpose to protect the anonymity of the persons the data concern.¹⁷⁷

The fourth principle is that the collected data should be used for research purposes only.¹⁷⁸ This will be complied as the data is strictly used for this study.

4.6. Data Collection Procedure and Analytical Procedure

When collecting material on the internet, Sveningsson et al. suggests starting with a rather broad surf on the net and then continuously limit the material of relevance when there is a clearer overview of the material.¹⁷⁹ In this study, this was done by using both the search engine Google and the search function on Facebook with words of possible relevance and within the time period for this study.¹⁸⁰ Google is employed as it is possible to search for specific words and within a specific time period, with a large number of search results. Facebook is utilized as this was, at the time period 1st of January 2011-31st of December 2014, the most popular social media platform in Sweden.¹⁸¹ The words used when searching on Google and Facebook was the Swedish words for the Migration Court (Migrationsdomstolen) and the Migration Court of Appeal (Migrationsöverdomstolen). Though, there was not much material on social media discussions on the decision made by the Migration Court of Appeal, hence the study only regard the Migration Court's decision. The search on Facebook gave the best results with respect to what cases were given the most attention on social media, while the searches on Google resulted in mostly news media articles. Thus, the search on Facebook was intensified.

Most of the search results on Facebook were tied to a group or page aiming at supporting the person or persons the court decision concerned. These groups and

¹⁷⁷ The original version, read by my supervisors do contain references.

¹⁷⁸ Sveningsson et al., p. 184.

¹⁷⁹ Sveningsson et al., p. 109.

¹⁸⁰ Twitter was also examined in the beginning of the data collection. Though resulting in a few numbers of posts about the migration courts' decisions. Thus, Twitter posts as a part of the material was discarded.

¹⁸¹ Findahl, 2011, 2012, 2013 & 2014.

pages had from 10 to 13 600 members and likes. Hence, in order to get a broader spectrum and a variety of data, the cases that got the most attention on Facebook was further searched for on Google. This resulted in the finding of Flashback threads and comment sections in online newspapers. The case finally selected was the one with most available data.

Some difficulties collecting material online were encountered, which was somewhat aggravated by the fact that the material was collected a long time after the event took place. Some of the linked newspaper articles in the posts on Flashback and Facebook had been deleted, thus they were unavailable for analysis. When searching Facebook for more material using the names of the ones concerned by the decision taken by the Migration Court, the results showed profiles with the same names but without any posts or discussions about the case. Some posts had been deleted by an administrator or a moderator, especially in the Facebook page as the deleted posts could be considered racist or against the purpose of the page. This have made some discussions more unanimous. Additionally, which is one of the differences between interaction in real life and on internet, in real life it is not possible to delete what another person said. Another possible problem was that posts and threads could be deleted, changed or in other ways become inaccessible at any given point (including during data collection), thus, screenshots on all the material were saved in a file.

CDA traditionally aims at studying a small number of texts. Though it can be motivated to start with an analysis of a quite extensive set of data. This has been done in previous research on legitimacy, Vaara suggest that:

there is an argument for moving from analysis of a large set of texts to close analysis of individual texts, with the aim of uncovering more general patterns and characteristic features in the [...] discussions [...]. [A] broader set of texts provides a fuller picture of the legitimating struggles and offers an opportunity to draw conclusions about the relative importance of specific discourses and legitimization strategies as well as intertextuality across texts.¹⁸²

The material in this study mainly consists of a somewhat large number of posts and comments in social media and a few linked newspaper and news media

¹⁸² Vaara, 2014, p. 504.

articles. Intending to look at general patterns on legitimation/delegitimation in the discourse, which enables getting insights in the essence of the consensual discursive legitimation/delegitimation. The analysis of such a large number of texts were done by utilizing van Leeuwen's analytical tool. The first rough analysis of the texts was done by categorizing the texts (posts, comments and articles), or parts of the texts, within each legitimation category and sub-category. Markers were also done on intertextuality. After doing this rough analysis of the texts, patterns on what legitimation/delegitimation strategies were prevailing in different texts were sorted out. Then, the work proceeded to highlight and examine representative examples that had the characteristics of the discursive legitimating/delegitimizing strategies that was found in the material overall.¹⁸³ But also comments that was interesting in other aspects are illuminated. Then the analysis of the material was developed and deepened with the theoretical frame based on Habermas' thoughts.

4.7. Trustworthiness

The quality of a qualitative study can be ascertained by four trustworthiness criteria; credibility, transferability, dependability and confirmability.¹⁸⁴ The credibility criterion refers to if the results of the study is accurate in respect to the phenomena studied. This can be met through different options. One is that methods and procedures is in accordance with similar studies in the area.¹⁸⁵ This is done in this study by using critical discourse analysis, and particularly by employing van Leeuwen's analytical tool. Another way to ensure the credibility is to use a wide range of data that confirm each other and give a comprehensive picture of the phenomena in focus.¹⁸⁶ The material in this study first included 841 social media posts, after a rough review of these a number of 388 were finally

¹⁸³ As done in Vaara's study on discursive legitimation. Vaara, 2014, p. 505.

¹⁸⁴ M. S, Lewis-Beck, A, Bryman, & T, Futing Liao, *The SAGE Encyclopedia of Social Science Research Methods*, Sage Publications, Inc., Thousand Oaks, CA, 2004, pp. 1144-1145.

¹⁸⁵ A. K, Shenton, 'Strategies for Ensuring Trustworthiness in Qualitative Research Projects', *Education for Information*, vol. 22, no. 2, June 2004, pp. 63-75.

¹⁸⁶ A, Bryman, *Samhällsvetenskapliga metoder*. 2nd edn, Liber, Malmö, 2008, p. 354.

included in the analysis. In addition to these, linked articles are also included in the data. Additionally, the credibility can be tested through a member check,¹⁸⁷ which one usually does by letting the respondents validate that the findings is accurate with their experience.¹⁸⁸ Though as the data in this study consists of social media posts, and the obstacles of contacting all social media users that have made the posts, the posts are presented with direct quotations in order to illustrate a representation of the data as accurate as possible. A final way to ensure credibility is to describe the phenomena in focus of the study thoroughly.¹⁸⁹

The transferability criterion is about if the study is applicable on a similar phenomenon, which is highly dependent of the contextual settings.¹⁹⁰ It is the reader of the study that assesses the transferability.¹⁹¹

The dependability criterion is about giving a detailed and accurate description of each part of the research process in order to give the reader a good comprehension of the same.¹⁹² These requirements have been complied with by striving for a clear account of the stages in the research process, such as data collection and the analytical procedure.

Confirmability regards the researcher's degree of neutrality. This can be shown by an audit trail and acknowledging ones "own predispositions."¹⁹³ One of the most obvious biases that can impact the study is the researcher's own position on political issues within the discourse analysed. By acknowledging the author's liberal stand regarding immigration policy, it is easier to have a critical eye to the interpretation of the discourse and let transparency steer the analysis. Though, the researcher does by no means claim to be objective. The audit trail is problematic in this study as it would reveal information about the discussants and thereby

¹⁸⁷ Shenton.

¹⁸⁸ L, Birt, et al. 'Member checking: A tool to enhance trustworthiness or merely a nod to validation?' *Qualitative Health Research*, Vol.26, no.13, 2016, pp. 1802-1811.

¹⁸⁹ Shenton.

¹⁹⁰ Shenton.

¹⁹¹ Bryman, p. 355.

¹⁹² Bryman, p. 355.

¹⁹³ Shenton, p. 72.

counteract the intended ethical considerations regarding anonymity. Thus, the conformability criterion is only partly fulfilled.

4.8. Limitations of Methodological Approach

Further limitations of the methodological approach than those mentioned elsewhere are discussed in this section.

Case studies have been criticized for lacking systematic procedures.¹⁹⁴ Though this view is somewhat old and incorrect as many authors have developed guidelines and techniques for this approach.¹⁹⁵ The guidelines by Robert K. Yin are mainly applied in this study. Similar critique has been addressed regarding CDA.¹⁹⁶ The use of van Leeuwen's analytical tool evades this obstacle in the study. Though a problem with this might be that other categories of (de)legitimation than those in the tool might be unrevealed.

Another limitation is that the possibility to ask supplementary or clarifying questions to get a deeper understanding is absent. Also, to have a more all-encompassing analysis of traditional media reports on this case would strengthen the study. Though this is not done due to time- and resource limitations. The methodological approach of analyzing a discourse in a text format on the internet do have some shortcomings compared to face-to-face interactions, which is discussed in other sections of this thesis.

4.9. The Case

This case is about a Ukrainian woman, aged 90 at the time of decision,¹⁹⁷ who came to Sweden to visit her daughter who lives in the country. The woman's name is Sonya and she arrived the 5th of August 2009 with a Schengen visa that

¹⁹⁴ R. K. Yin, *Case study research: Design and Methods*. SAGE publications. Thousand oaks, 2009. pp. 14-15.

¹⁹⁵ E.g. Yin, R.K. 1994, 2007, 2009, see also, A, Bennett & C, Elman, 'Case Study Methods', in C, Reus-Smit & D, Snidal, eds., *The Oxford Handbook of International Relations*, Oxford University Press: Oxford, 2010.

¹⁹⁶ T, Mogashoa, 'Understanding critical discourse analysis in qualitative research', *International Journal of Humanities Social Science and Education*, vol.1, no. 7, 2014, pp. 104-113.

¹⁹⁷ Sonya turned 91 over the time the data is collected, thus both ages occur in the study.

expired the 1st of February 2010. She applied for a residence permit, with reference to medical reasons and close family ties, at the Migration Agency the 26th of January 2010. The application was rejected the 27th of September 2010 with the decision to expel Sonya to Ukraine.¹⁹⁸ Sonya appealed the Migration Agency's decision arguing that she should be granted residence permit since "the Migration Agency has made an overly restrictive assessment of her case."¹⁹⁹ She further argues that there are strong reasons for granting her residence permit due to poor health, high age and the fact that she does not have any social network in Ukraine, thus no one can take care of her there. Since her daughter lives in Sweden and can take care of her, she argues that she should be permitted to stay in Sweden. Sonya's medical condition, as mentioned in the judicial judgement and what was brought up in the judicial investigation of the case, is that she suffers from high blood pressure, reduced eyesight as well as hearing, osteoarthritis and a heart disease. Sonya herself says that she has problems with orientation both in time and space.²⁰⁰

There are three sections of the law applicable and considered by the Migration Court in this case. The first one is Chapter 5, Section 3a, first Paragraph 2 of the Aliens Act which states that:

a residence permit may be given to [---] an alien who in some way other than those referred to in Section 3 or in this Section is a close relative of someone who is resident in or who has been granted a residence permit to settle in Sweden, if he or she has been a member of the same household as that person and there exists a special relationship of dependence between the relatives that already existed in the country of origin²⁰¹.

The Migration Court concludes that Sonya cannot receive a residence permit on these grounds as her daughter has lived in Sweden since 1994. Thus, too long a time has passed between the daughter moving to Sweden and Sonya's application. Such application should be filed shortly after the relative has settled down in Sweden, which was not done in this case. Hence, it has not been proved that a

¹⁹⁸ *The Administrative Court in Stockholm*, The Migration Court, Judicial decision.

¹⁹⁹ *The Administrative Court in Stockholm*, The Migration Court, Judicial decision.

²⁰⁰ *The Administrative Court in Stockholm*, The Migration Court, Judicial decision.

²⁰¹ *Aliens Act* (2005:716). Chapter 5 Section 3a, § 2.

special relationship of dependence, such as mentioned in the law, exists between Sonya and her daughter.²⁰²

The second one is Chapter 5, Section 3a, third Paragraph 3 of the Aliens act:

when there are exceptional grounds a residence permit may also be granted to an alien in cases other than those referred to in the first and second paragraphs if the alien [---] has some other special tie with Sweden.²⁰³

The court considers if Sonya's age, her humanitarian circumstances, living conditions and ability to provide for herself in regards to economy were exceptional. Where exceptional is defined as odd and distressing. The Migration Court concludes that the applicant fulfills some of these prerequisites. Though, they do not find it odd that an elderly person needs care in her home country. Additionally, she previously received help from the social services in Ukraine. Thus, no exceptional reasons to grant Sonya a residence permit were found.²⁰⁴

The third one is Chapter 5, Section 6 of the Aliens act:

If a residence permit cannot be awarded on other grounds, a permit may be granted to an alien if in an overall assessment of the alien's situation there are found to be such exceptionally distressing circumstances that he or she should be allowed to stay in Sweden. In making this assessment, particular attention shall be paid to the alien's state of health, his or her adaptation to Sweden and his or her situation in the country of origin.²⁰⁵

The Migration Court has done an overall assessment of Sonya's adaptation to Sweden, her health status and her situation in her home country and concludes that "there are no exceptionally distressing circumstances that could be the basis for a residence permit".²⁰⁶ Thus, the Migration Court's judicial decision is that they reject the appeal, and the Migration Agency's decision that Sonya should be expelled is valid.²⁰⁷

²⁰² *The Administrative Court in Stockholm*, The Migration Court, Judicial decision.

²⁰³ *Aliens Act (2005:716)*. Chapter 5. Section 3a, § 3.

²⁰⁴ *The Administrative Court in Stockholm*, The Migration Court, Judicial decision.

²⁰⁵ *Aliens Act (2005:716)*. Chapter 5. Section 6.

²⁰⁶ *The Administrative Court in Stockholm*, The Migration Court, Judicial decision.

²⁰⁷ *The Administrative Court in Stockholm*, The Migration Court, Judicial decision.

4.9.1. Material

The Migration Court's decision took place on the 31st of March 2011.²⁰⁸ On the 18th of October 2011, around 3 pm²⁰⁹, the European Court of Human Rights temporarily stopped the expulsion as Sonya's lawyer requested for inhibition to the court. Thus, it is the discourses between the 31st of March 2011 – 18th of October 2011 3 pm, that are analyzed in this thesis. The case was frequently reported on in traditional media and their respective internet pages and attracted much attention and debate.

4.9.1.1. The Facebook Page

The first collection of material is posts and comments from a Facebook page that is named "Let 90-year old Sonya stay in Sweden" which has 3083 likes at the moment of data collection. There are also other groups and pages with focus on this case, one of them had on the 18th of October 2011 around 13 000 likes, though not that many comments were encountered on this page, thus the other page's posts were selected to be analyzed. In the *about* section on the Facebook page one can read that;

A few weeks ago I was told about 90-year-old Sonya who is at risk of expulsion to Ukraine. This despite the fact that she is having her family here, suffers from a heart disease and dementia. In other words - it's too damn bad.

I wrote this on Twitter: "To expel a 91-year-old demented almost blind woman without relatives in her home country is grimly inhuman: What to do?"

The other day I was contacted by a woman named X wondering if I wanted to help. And I did want to. After contacting Sonya's granddaughter Natasha, I now take the first step.

My hope is that the more people who like the page, the greater the pressure will be on the Swedish Migration Agency. This is not slacktivism - it's a digital name collection.

/The name of the founder of the page. (Quotation 66)

In the Facebook page's about section, there is also a link to an article from the

²⁰⁸ *The Administrative Court in Stockholm*, The Migration Court, Judicial decision.

²⁰⁹ The time 3 pm is when it was mentioned in the social media posts for the first time.

public service radio, Radio Sweden (Sveriges Radio), that gives information about the case. The case was widely discussed in many traditional media platforms; thus, one can assume that the discussants have received additional information than described above.

The total number of comments reviewed on the page is 326, though 108 of them were off topic. Hence, the number of posts analyzed from this page is 218, this includes comments in a petition that several posts linked from the Facebook page and readers' comments in the linked article from Radio Sweden.

4.9.1.2. Flashback Forum

Another social media platform where a discussion on the Sonya case took place is Flashback Forum (hereinafter Flashback). Flashback is the biggest online discussion forum in Sweden.²¹⁰ In year 2011, over half a million members were registered.²¹¹ Flashback is known for being a place for unconventional discussions²¹² and the founders claim that the forum is a place for “Freedom of speech for real”²¹³. Flashback guarantees the users' anonymity by not giving out the users' IP-addresses to third parties,²¹⁴ and the only information readers of the forum (including other members) can see is the member's avatar, nickname, how many posts the member has made and for how long time the member has been registered.²¹⁵ All threads and posts are open for everyone to read, whether you are a member of the forum or not. There is a great variety of discussion categories at Flashback including drugs, computers, lifestyle, science, politics, culture & media. The discussion subjects with the highest number of posts in the category of politics are integration and immigration (1 647 787 posts) and domestic politics

²¹⁰ J, Månsson, 'A dawning demand for a new cannabis policy: A study of Swedish online drug discussions', *International Journal Of Drug Policy*, vol. 25, no. 4, 2014, pp. 673-681, p. 674.

²¹¹ *Flashback Forum* [website], September 2011, <<http://www.flashback.org/>>, accessed 26 September 2011.

²¹² S, Uhnöo & H, Ekbrand, 'FLASHBACK FÖR KRIMINOLOGER', In A, Mallén ed., *Kriminologiska metoder och internet*. Liber, Stockholm, 2017, pp. 126-150, p. 127.

²¹³ *Flashback Forum* [website]. April 2017. <<https://www.flashback.org/>>, accessed 27 April 2017.

²¹⁴ Uhnöo & Ekbrand, p. 128.

²¹⁵ Månsson, p. 674.

(2 162 127 posts).²¹⁶

The discussion thread about Sonya is named “90-year-old Demented Woman Expelled Alone - Despite That The Entire Family Lives In Sweden”. The number of posts in this thread is 393, though only 210 were posted before the news that the expulsion of her was stopped. 75 of these 210 posts were off topic and the final material included 135 posts. The discussion thread about the Sonya case starts with a post that includes a linked article from Nyheter 24. The person who started the thread also wrote a couple of sentences about the article and what she/he thinks about the case:

Was just out cyberloafing on some news sites and saw this: (link to the article).

A 90-year-old woman who has a medical certificate that she is both demented and unable to handle herself is forced to leave Sweden and go back to Ukraine.

What's not better is that the entire woman's family lives here. In Sweden. And according to the grandchild, that's why the 90-year-old came here - because she had no family left in Ukraine when her husband died.

I find it extremely strange that the Migration Agency can expel the woman in the light of these circumstances.

However, as the Director of Legal Affairs at the Swedish Migration Agency says it: "There are a number of restrictions in the legislation". (quotation 65)

4.9.1.3. *Expressen's Comment Section*

Expressen is one of Sweden's leading evening newspapers,²¹⁷ and are politically independent liberal.²¹⁸ The online version of the newspaper was, during a week in March 2011, visited by 2 716 919 unique visitors.²¹⁹ The comment section in Expressen about the case was published at 11 am the day that Sonya's flight to Ukraine was about to leave (18th of October 2011). It is only the comments posted before the decision from the European Court of Human Rights that are included

²¹⁶ *Flashback Forum*. (April 2017).

²¹⁷ Kvallstidningarna.se. *Om Expressen / Kvallstidningarna* [website]. 3 January 2012, <<http://www.kvallstidningarna.se/expressen/om-expressen>>, accessed 28 April 2017.

²¹⁸ 'Expressen', *Nationalencyklopedin* [website]. <<http://www.ne.se/ludwig.lub.lu.se/uppslagsverk/encyklopedi/lang/expressen>>, accessed 28 April 2017.

²¹⁹ C. V, Andersson, 'Världsnyheter lockar fler till Expressen.se', *Expressen* [website], 21 March 2011, <<http://www.expressen.se/nyheter/varldsnyheter-lockar-fler-till-expressen>>, accessed 28 April 2017.

in the analysis. Expressen introduces the comment section with the headline “Follow the latest news about Sonya, 91” followed with “At 15.55, the plan is taking off from Arlanda to take Sonya, 91, to Ukraine. But the granddaughter Natasha has not given her hope up. Follow Sonya’s struggle here”. Thirty minutes later the number of reader comments are 122 with 11 off topic. Thus, there are 111 reader comments included in the analysis. Reporters employed by Expressen are also making comments, a total of 24, a majority of these are more of an informative type but will also be included in the analysis.

5. Results and Analysis

This chapter presents and analyzes the results. First by discussing discursive categories in the light of van Leeuwen's analytical tool, then by doing a developed analysis with the Habermasian theoretical frame.

5.1. Discursive (De)legitimations

The social media discourses regarding this case contain legitimations and delegitimations that include all four of van Leeuwen's categories. The category appearing most frequently when legitimizing the Migration Court's decision is rationalization followed by authorization, moral evaluation and only a few posts include mythopoesis. A majority of the posts that delegitimize the Migration Court's decision includes the category moral evaluation, and then rationalization, authorization and a few referring to mythopoesis. Almost all the posts on the Facebook page delegitimize the court's decision (only two legitimize it). The posts in the comment section on Expressen contain delegitimizing categories only. The thread on Flashback shows different results; 69 of the comments legitimize the court's decision, 56 delegitimize it and 10 of them contains both legitimations and delegitimations.

The following analysis is divided in each category of legitimation/delegitimation. Though, some posts contain several strategies, hence categories are sometimes mentioned in other sections as well.

5.1.1. Authorization

This category appears in both delegitimizing and legitimizing comments. Though it is more typical among the legitimizing ones.

5.1.1.1. Impersonal Authority

The sub-category of impersonal authority occurs in posts that legitimize and delegitimize the Migration Court's judicial decision. Albeit, it is more common when legitimizing the decision.

Legitimizing posts refer to the law, but also to the Migration Court. The example below shows a post on Facebook that refer to the legislation (or rules):

Why should she get to stay in Sweden? Rules are rules the grandchildren can go to Ukraine if they want their grandmother so much. (Quotation 1)²²⁰

This post exemplifies how impersonal authority can be used when legitimating the court's decision, similar references to law also appear in other posts. Furthermore, discursive legitimation with references to the law and legal procedures are also evident in previous research.²²¹ The expression "rules are rules" consolidates that there is no need for further justification. Below is an example of a post from Flashback that refers directly to the Migration Court:

When the case was brought up in the Migration Court the spring 2011, it was found that the woman received elderly care in the home country until her trip to Sweden. (Quotation 2)

This legitimizing post contains impersonal authority as it refers to the Migration Court which implements the law. Additionally, this post also comprises theoretical rationalization as it mentions the Migration Court, which is seen as experts on migration cases, thus their assessment is seen as a legitimate truth claim.

When delegitimizing the Migration Court's judicial decision, posts referring to human rights were common. Some posts are short and similar to these examples from Facebook:

Crystal clear human rights violation. (Quotation 3)

Wondering what the UN Human Rights Law says? (Quotation 4)

Another lengthier comment from Expressen's comment section refers more directly to an article about human rights:

²²⁰ All the quotations are translated by the author. To be as authentic as possible, errors on grammar etc. have been included in the translations. There are also some made-up words e.g. stone throwing brigades (in Swedish: stenkastarbrigader in quotation 30), those have been translated directly. Though when translating quotations, some nuances and words that do not correspond to the word in the other language do exist, thus the translations cannot fully mirror the original quote. There is a separate document with the original quotations available for the supervisors, though they cannot be attached as an appendix due to ethical considerations.

²²¹ Rojo & van Dijk & van Leeuwen & Wodak.

Article 3 of the Convention on Human Rights prohibiting torture, degrading treatment, etc. should be applied as this woman is clearly through expulsion affected by inhuman treatment because she lacks the ability to understand what [...] [happens]. Furthermore, it is stipulated that a nation must not expel a person with an imminent risk of getting hurt (Quotation 5)

What is interesting here is that the discussants refer to international statutes which are (in this context) supposed to give higher authority than the Swedish laws. This as the Migration Court is following the Swedish laws in their decision. Thus, the posts delegitimize the Migration Court's judicial decision.

Sonya's granddaughter is mentioning Sonya's legal representative who in turns refers to the European court:

The new council we hired says that what they say is not right and there is a rule 39 which states that if the European Court of Human Rights suspects a violation, they can inhibit the decision. (Quotation 6)

When doing so, delegitimation is obtained through both expert authority and impersonal authority.

5.1.1.2. Expert Authority

When it comes to expert authority the delegitimizing posts mention statements from Sonya's personal doctor, as in the following example:

Conflicting to doctor's reports (Quotation 7)

In the first post in the discussion thread on Flashback, the thread starter links an online news article (on Nyheter 24) and enlightens some crucial points (what he/she think is crucial). One of these points is:

A 90-year-old woman who has a medical certificate on that she is both demented and unable to take care of herself is forced to leave Sweden and go back to Ukraine. (Quotation 8)

This is an example of intertextuality in the discourse, as the information is from the linked article. Furthermore, in the article, Sonya's doctor is interviewed and frequently quoted, e.g.:

What she needs is security and nursing. To send her back to Kiev where she has no relatives, would be directly inhumane [...]. Her ability to take care of herself is very poor. (Quotation 9)

This example shows how the Court’s decision is being delegitimized by the authority of an expert, in this case a doctor who is considered to have great competence in the medical area and who knows what is best for a human being’s medical state. The doctor is, in the presented quote, also delegitimizing the decision by utilizing moral evaluation when stating that an expulsion would be “directly inhumane”. Thus, this utterance is strongly delegitimizing the Migration Court’s decision by using multiple delegitimizing strategies.

A similar type of delegitimation occurs when someone who says he/she is a psychologist publishes in the Facebook page:

As a licensed psychologist, I can say that it is a direct assault to move a person who is in that phase of a dementia into a context where she cannot orient herself with known people. (Quotation 10)

In this delegitimizing quote, the psychologist emphasizes that the statement that she/he is a psychologist makes the argument more convincing. What makes the delegitimization even stronger is the addition of theoretical rationality, and in some extent impersonal authorization, when stating that:

It is a well-known fact that such actions lead to significant deterioration and possibly irreversible such of the condition. This should be a sufficient circumstance for the European Court of Justice to intervene and prevent the expulsion. (Quotation 11)

5.1.1.3. Personal Authority

Legitimization or delegitimization through personal authority did not occur notably often in the posts. Though, a couple of times the Director of Legal Affairs at the Swedish Migration Agency was quoted or referred to, as in this example, seen in a linked article (in Dagens Nyheter) in the Flashback thread:

[The reporter writes:] In a short period of time, over 2,000 people have engaged themselves on Facebook to stop the expulsion, and /.../ the Director of Legal Affairs at the Migration Agency, has received several upset calls.

[The director of Legal Affairs explains:] Many people find it difficult to understand why the circumstances are not considered to be particularly distressing. It is a pure rule of exception, which requires, inter alia, a life-threatening condition and that healthcare here will lead to a long-term improvement. It rarely or never applies to people of that age [...]. (Quotation 12)

First, the reporter points out the fact that a large amount of people believes the decision is wrong. Then, the Director of Legal Affairs legitimizes the decision through impersonal authority when explaining how the legislation works. Furthermore, as the Director has this status at the Migration Agency personal authority is noteworthy, but also expert authority due to the knowledge a person of such a post is required to hold. Similar, discursive legitimation by reference to a person of authority's own status is also evident in previous research.²²²

Sonya's granddaughter appears in online newspaper articles, in the Facebook page, in Expressen's comment section and in the Flashback thread. These quotes are from the same article as the quote above (quotation 12):

It was a year ago that Natasha noticed that something was wrong. Her grandmother told her to go out and play and talked to her as if she were a little child. (Quotation 13)

It feels completely absurd, she starts crying if we are just talking about it. I do not think she will make it, says Natasha. (Quotation 14)

This could be categorized as delegitimizing through personal authorization because of Natasha's status as a family member and the assumption that she knows Sonya and her health conditions very well. Natasha is also the one that appears to be the most driven in this case, e.g. to appeal and get a doctor's certificate. Though, it is somewhat doubtful that this counts as strong delegitimation, since her relation to Sonya makes her strongly biased.

5.1.1.4. Role Model Authority

None of the legitimizing posts corresponds to role model authority, and only a few of the delegitimizing posts contain this category. Additionally, it is only the linked articles that refers to some kind of role model authority. One example is the comment section in Expressen where reporters occasionally posts:

The expulsion of Sonya, 91, raises strong reactions. The Christian Democrats and the Left Party are two parties who want to change the legislation to [...] allow people who do not have a family in their country of origin to stay in Sweden. It should be obvious that you should be able to be with your children when you are

²²² Rojo & van Dijk.

living your very last time [in life], said Sofia Andersson, CD, Member of Parliament and vice group leader in the parliament. (Quotation 15)

This quote is an example of delegitimation through role model authority when referring to politicians. It is an example of how news media try to interact more directly in the political discussion on a societal level with the ordinary people in the public sphere. The quotation from Sofia Andersson includes delegitimation through instrumental rationality where the goal is that an old, weak and dying person should be able to be with her loved ones (if not, it is immoral). This is often seen in other posts delegitimizing the expulsion which is elaborated more under the section of rationalization.

5.1.1.5. The Authority of Tradition

As with role model authority, the category authority of tradition is also rarely seen in the discourse and only found in delegitimizing posts. Two examples from Expressen's comment section say:

Is this the Pioneer Country Sweden? (Quotation 16)

Which country do we live in, it does not sound like Sweden, even animals should not be treated that bad, you who decided this should get your act together. (Quotation 17)

The posts indicate that Sweden is considered to be a country that is habitually or customary ethical and humane in their migration policy. Hence, they are delegitimizing the Court's decision by stating that this is the opposite of their perception of what Sweden normally do.

There are no posts or comments corresponding to authority of conformity when legitimating or delegitimizing the court's decision.

5.1.2. Moral Evaluation

In this category, there are almost exclusively delegitimations. The few cases when the court's decision is legitimized using moral evaluation appear only on Flashback.

5.1.2.1. Evaluation

This sub-category is the most common one in social media posts delegitimizing the Migration Court’s judicial decision. Posts in this sub-category are typically short, sometimes with only one word, such as this Facebook post:

Terrible. (Quotation 19).

Other examples with a few more words, although short, are:

God how tragic. I will light a candle for her tonight.²²³ (Quotation 20)

This is inhumane.²²⁴ (Quotation 21)

Unworthy, shameful and incomprehensible.²²⁵ (Quotation 22)

Sad, dull, rueful, shameful, a feeling of hatred towards those who decide.²²⁶ (Quotation 23)

So awfully inhumane!!!²²⁷ (Quotation 24)

We have to re-establish moral and empathy!²²⁸ (Quotation 25)

The quotes above are all including some kind of adjective regarding a quality encompassing a value that condemns and criticizes the court’s decision. Quotation 25 does not explicitly include adjectives; however, the post is saying that the decision is immoral and unempathetic.

5.1.2.2. Abstraction

This sub-category is scarcely used. Though when it is used in delegitimizing posts, reference to the ancient Swedish hearsay of “ättestupan” (senicide) is characteristic such as in this Facebook post:

May as well restore ättestupan 😞. (Quotation 26)

²²³ Flashback.

²²⁴ Flashback.

²²⁵ Expressen.

²²⁶ Expressen.

²²⁷ Facebook.

²²⁸ Facebook.

“Ättestupan” is a hearsay about a cliff or a mountain from where weak elderly, who were seen as a burden, were thrown.²²⁹ “Ättestupan” is in today’s society considered a highly immoral practice. Thus, such posts are delegitimizing the court’s decision as it refers to a practice (“ättestupan”) that is labelled as immoral.

Another example, corresponding to abstraction, from Facebook says:

Cannot grasp, that anyone comes up with such a thought. They do not think/feel that it is a human being, only a serial number on a file. Goddamn. (Quotation 27)

This abstraction delegitimizes the court’s decision by stating that the practice itself is unintelligible. Additionally, by referring to that Sonya is treated like a “serial number on a file” the handling of the case by the Migration Court is labelled as dehumanized, automatized and bureaucratic.

A post in the Flashback thread that is legitimizing the court’s decision:

I get pissed when I read about Sonya and when I’m seeing TV reports about this. Never before have I seen such an angled and sobbing around a human being as around this woman. The daughter and granddaughter are exaggerating so much. “Becoming aggressive on the plane”? Yeah right, if you have planned this beforehand as these people seem to do, that is not an impossibility. Sonya does not seem sick at all. Moves without hindrance, shows emotions, speaks normally and can even play theatre. That also became her fall. It is so transparent.

[---] This was an important adjudication for Sweden. Do not show any mercy when the exploiters assert themselves. Media are grossly embarrassing themselves with this kind of articles. (Quotation 28)

This post questions the honesty and sincerity of Sonya and her relatives, calling them “exploiters”. This post is legitimizing the Migration Court’s decision through abstraction when casting suspicion on Sonya and her family. The commentator refers to the immoral practice of lying, exploiting (the Swedish welfare system) and insincerity. Additionally, this post also contains intertextuality when writing “Becoming aggressive on the plain”, something that is written about in several newspapers reporting on the case.

²²⁹ Wahlgren, I., ”*Vem tröstar Ruth*” *En studie av alternativa driftsformer i hemtjänsten*, Företagsekonomiska institutionen, Stockholm University, Stockholm, 1996, p. 63.

5.1.2.3. Analogies

The difference between abstractions and analogies is somewhat vague. Though, abstractions are referring to more abstract moral or demoralized qualities than analogies, while analogies are more implying direct comparisons between moral or immoral practices.²³⁰

Analogies are in the social media discourse used more often when delegitimizing the court's decision than when legitimizing it. However, this is the most common sub-category of the three in moral evaluation when legitimizing the decision.

This is also the sub-category that is overall the most typical one for delegitimizing posts in the Flashback thread. The following examples from flashback are representative:

they got out this old woman damn quickly, while there is a Moroccan that is detained in custody since 3 years ago after a rape conviction and Sweden does not get rid of him. (Quotation 29)

This sure is strange. She does not cost the society anything since she allegedly is provided for by her family, thus the "parasite argument" fails.

And bearing in mind the mass imports of stone throwing brigades from the MENA²³¹-countries, as well as criminals who does not get expelled with fuzzy arguments like that they are "risking" a punishment in their home countries, then this is only yet another example of how ridiculous the Swedish authorities are reasoning. To strain at gnats and swallow camels, that appears to be the only thing they are up to there.

Better then to throw out the crowd who throw rocks and are taking allowances of all kinds than an old lady that is being provided for by her own family. It is even quite obvious, unless you are a querulant on a grey authority in the duckpond Sweden. (Quotation 30)

In these posts, immigrant groups are compared to each other. On the one hand, they are describing immigrants as criminals and as persons who are taking advantage of the Swedish welfare system, which both are considered as immoral. This is typical when mentioning immigrants from the MENA region, posts do both explicitly mention the MENA region and specific countries within this region. As this occur often, there are constructive tendencies of racism in several

²³⁰ van Leeuwen, 2008, pp. 111-112.

²³¹ MENA refers to countries in the Middle East and North Africa.

of the posts in the Flashback thread. On the other hand, there is Sonya who is portrayed as an innocent and sick old lady (additional intersections of age and gender), and is compared to the group of criminal immigrants from the MENA region (and in some posts from elsewhere). Furthermore, it is considered to be a moral obligation to take care of old people. Thus, bad is contrasted to good where Sonya, from this point of view, is seen as an accountant of moralized characteristics. Therefore, such posts are delegitimizing the Migration Court's decision. At the same time, they also delegitimize Sweden's immigration policy and system when claiming that (highly) immoral persons get to stay.

Similar delegitimizing posts do also appear on the Facebook page and in Expressen's comment section:

Easier to attack a demented 90-year old than major criminals.....²³² (Quotation 31)

THERE ARE PEOPLE THAT BOTH MURDER, SEVERLY INJURE OTHERS AND STEEL WITHOUT BEING EXPELLED FROM SWEDEN BUT A HALF BLIND WOMAN THAT IS 91 YEARS OLD, SEVERLY ILL WITHOUT HAVING A [social] NETWORK. SHE IS BEING EXPELLED! WAKE UP DAMN BEAUROCRATS.....²³³ (Quotation 32)

Send home the criminals instead!!!²³⁴ (Quotation 33)

Us Swedes are so humane and good, here are "illegal" immigrants granted free, healthcare, dental care, schooling, housing, etc. Municipalities are forced to take care of children who come here. No harm in that, as good we are that at the same time KICKS out a 91-year-old and sick woman who has her entire life in Sweden. Wondering if it's not the authority that should go to Ukraine.²³⁵ (Quotation 34)

Here you expel a sick old person who has a connection to Sweden. But to expel professional criminals with a made-up connection is impossible.²³⁶ (Quotation 35)

Also in these comments, morally "bad" immigrants are put in contrast to the expulsion of Sonya. There are also perceptions in these delegitimizing posts insinuating that immigrants are occupied with illegal activities. Though, they do not mention specific countries, areas, origin.

Another example of analogy is this Facebook post:

²³² Facebook.

²³³ Facebook.

²³⁴ Facebook.

²³⁵ Expressen.

²³⁶ Expressen.

This can only be seen as a death penalty. She does not have a chance to survive by her own in Ukraine. (Quotation 36)

This post delegitimizes the decision through comparing the expulsion with a practice that leads to a certain death. This direct comparison is categorized in analogies, though it also leans towards the sub-category of abstraction as the death penalty is a punishment for the persons who are committing the most immoral criminal actions. It is not something that you should impose on a weak and innocent old woman. Similar to the examples in the quotations 31-35, quotation 36 imply that highly immoral acts are contrasted to something one is rather morally obligated to protect. Thus, the Migration Court's practice is in this case seen as an executor of immorality.

Legitimizing posts in this category are rare, though direct comparisons with moral practices did occur to some extent on Flashback, one of these comments is:

Sweden gets to take care of their own oldies. Ukraine gets to take care of theirs. Nothing strange about that really. (Quotation 37)

This legitimizing comment refers to the moral understanding that you should take care of old people. However, the post also has elements of instrumental rationality as it says that one should take care of old people. Though the responsibility to do so when it comes to another state's citizen is not Sweden's, which indicates nationalism.

5.1.3. Rationalization

This category is the most typical on the Flashback thread. Especially when legitimizing the court's decision. Though it is also frequent when delegitimizing the decision.

5.1.3.1. Instrumental Rationalization

Posts that involve money and costs in legitimation or delegitimation through instrumental rationalization is common in the discourse. The Flashback post below shows how such approach can be utilized when legitimizing the court's decision:

Sure, it is tragical for her and the family, but Sweden and its true people **should not** be lugged with all the paupers in the world. I think that the family surely can pay for the oldie to get a place at a retirement home in Ukraine (as I suppose that the Swedish currency is strong in the country). (Quotation 41)

The second part of this post legitimizes the court's decision by referring to a rational solution to what Sonya's family can do in order to fulfil her need of care. The means to accomplish this goal is that the family pays for it.

Furthermore, this post is similar to other posts that contend that Sweden is not responsible for people that are not Swedish citizens. Additionally, there is elements of, and emphasis on, nationalism and racism when claiming that Sweden has "its true people". A similar reasoning is found in these posts from the thread on Flashback:

We have our own sick and demented to take care of. (Quotation 42)

The responsibility for a sick and old Ukrainian woman rests of course on Ukraine. (Quotation 43)

Why should we "suffer" with this demented, non-Swedish 90-year old hag? I rather suffer with the Swedish elders who get inferior care, food and service because of putting in non-Swedish oldies in the system which are only tearing and has never before in their lives been nourishing Sweden in any kind of way. (Quotation 44)

These posts legitimize the court's decision by a combination of instrumental and theoretical rationalization. They use comparisons, claiming that it is more rationally and morally righteous for Sweden to take care of Swedish elders than non-Swedish elders. This is in quotation 44 combined with arguments, which have elements of analogies, that the non-citizens have not contributed to the Swedish welfare system, rather the opposite, thus they do not have any right to get any advantages of the welfare system. Therefore, it is legitimate by the Migration Court not to give Sonya a residence permit. This is further strengthened by legitimation in quotation 37 and 43 through theoretical rationalization when using phrases such as "of course" and claiming that it is obviously Ukraine's responsibility to take care of their citizens.

Legitimizing posts which use a combination of instrumental and theoretical rationalization do occur numerous times in the Flashback thread, e.g. as in the following quote:

It is not directly as if Ukraine is a developing country either. And those who take that as reason for that the mother should stay has a twisted view on how the refugee policy should be designed. We should obviously not receive people who has financial difficulties, who are alone etc, but people who are actually fleeing from something. (Quotation 45)

This example legitimizes the court's decision starting by stating a truth claim, that Ukraine is not a developing country. It continues to legitimize through stating the intention of Sweden's refugee policy. This post does also discursively oppose the two groups economic migrants and refugees.

There are delegitimizing posts that are more directly reacting to the court's implementation of the law, as in the following comment from Expressen:

It is said there is no rule without exception, why not let a 91-year-old sick woman be this exception? (Quotation 46)

The goal, or purpose, here is to let her stay by interpreting and implementing the legislation in a different and more generous way due to the moralized quality that says that one should take care of sick old people. Such posts are delegitimizing the decision due to rational arguments. The following Facebook post is also delegitimizing the decision in a similar way, but adds that the purpose is not to send people who are already here back to their countries:

But it is not as if that is the intention, to let people first come here and then be sent back to their home country, and ESPECIALLY not if you are sick or old! If you have nothing to return to, where should you then be sent? Scandal! This must be given Even more attention!! (Quotation 47)

The post further emphasizes that Sonya does not have anything to return to, thus the decision is even more (morally) irrational. Another post from Expressen also delegitimizes the court's implementation of the legislation and, more specifically, their interpretation of what is considered as (exceptionally) distressing circumstances:

If this is not a distressing case there is no one who should stay, Sweden should really be ashamed to the maximum! (Quotation 48)

The following post from Expressen elucidates the irrationality of expelling her despite the fact that she does not has much longer to live nor any relatives left in

her country of origin. This kind of posts are typical when delegitimizing in this sub-category:

let the lady stay her last days in Sweden where her loved ones and only family lives! (Quotation 49)

The relevance of money and taxes is stressed in the discourse when delegitimizing the decision. The following comment is typical for such posts:

I postulate that the aunt's family work and pay taxes in Sweden, in such case the expulsion is heartless and avaricious. Come on, the aunt cannot have more than five-six years left to live, that should be on us. (Quotation 50)

This example from the Flashback thread do, in opposite to quotations number 41 and 44, argue that as Sonya's family pays taxes in Sweden she should be allowed to stay. The taxes support the common welfare system in Sweden, which Sonya, if she were allowed to stay, would benefit from. Assuming that the rational criterion is fulfilled, the decision is then delegitimized through instrumental rationalization, and is further argued immoral which is described through the adjective heartless.

5.1.3.2. Theoretical Rationalization

This sub-category is frequently used in legitimizing posts in the Flashback thread.

The following post, like in some of the examples in the sub-category above, talks about costs. But this time presenting numbers and claiming to present facts:

What does a place in the municipality's retirement home cost? Around half a million/year.

(The national average 2007 was 480.000:-, [...])

As the woman is demented it is not certain that she will manage a retirement home, but will spend her time in Sweden on a significantly more expensive ward for demented on a long-term hospital. The relatives will hardly pay these costs if the woman gets permanent residence. It is most likely not even a technical possibility that relatives pay for the care given to the persons who was given a residence permit in Sweden. And why would themselves want to pay, when they do not need to pay for anything at all? (Quotation 51)

A similar post that is using theoretical rationalization as legitimation is the answer to the post in quotation number 30:

How hard should it be to understand?

During the months that the senile mother has been here, the relatives have of course payed for her costs. One does so in any case of coming here on a tourist visa and does not have any own funds.

Later on when the family applies to the Migration Agency that she should stay, they apply for a permanent residency. If she is then granted a permanent residency, the family's obligation to pay for her subsistence ends, she gets pension and is entitled to a place at a retirement home.

The relatives sobbing about "that they provide for" the old lady is almost mendacious, as they with 100% certainty know that the woman get provided for and that her care gets funded by the Swedish state if they get their will through that the woman should be granted a permanent residency.

The alternative to get a permanent residency without being covered by the Swedish welfare does whatsoever not exist as a possibility with current legislation. This is the relatives with a 100% certainty aware of.

The old lady should get out. The relatives who claim that they can provide for her, and apparently not need to go to any work when the senile lady require care due to her senility, have the full possibility to move to Ukraine together with their mother. (Quotation 52)

This post refers to facts on how it works when having a tourist visa and further on a permanent residency. The commentator also reasons about how Sonya's family thinks and acts, even if he/she cannot be aware of that considering the two latter paragraphs. The commentator is describing the relatives as liars emphasizing this when using the adjective mendacious.

5.1.4. Uncategorized and Hybrid Comments

There are some posts legitimizing the decision that does not correspond fully to any of the categories in van Leeuwen's tool. Though as they appear quite often in the material they should be included in the analysis. One example of such post is:

My heart is bleeding... Should Sweden take care of all the sick people in the world, everyone that are old etc.? It has been known for a long time that many ethnic groups have used Sweden and dragging a lot of sick people here that never will be able to contribute with anything, to make it extra comfortable for themselves. Sweden is god damn it no social office (it should not be that anyway, right now I do not know).²³⁷ (Quotation 53)

To state that "it has been known for a long time" implicates that this is a fact or a truth, though there is no reference to expertise or science as in van Leeuwen's definition of predictions. The commentator writes as if this is an established truth. The post is also similar to an explanation, as it claims that it lies in the nature of

²³⁷ Flashback.

several ethnic groups to (be immoral and) take advantage of Sweden's welfare system. This claim has elements of racism throughout the whole reasoning when referring to ethnic groups.

A similar reasoning is seen in the following Flashback post:

It is worrisome for the family, but if this demented 90-year-old is allowed to stay it will become a precedent for thousands of elder demented relatives from the whole world to be pushed in on elderly centers and wards for demented people in Sweden. The already severely curtailed and pressured situation for the elders, will not manage a tidal wave of demented old relatives from Iraq and Somalia etc. They would have the same right to come here as the Ukrainian woman, if she were allowed to stay. (Quotation 54)

This is legitimizing the decision by stating that it is a fact that the decision will become a precedent (which is unwanted) and also that the Swedish elderly care is already in danger. Furthermore, it has features of cautionary tales as it tells that something bad will happen if the court would have allowed Sonya to stay, consequently legitimizing the decision to expel her. There are also similarities to the previous posts who mention that people from the MENA-region are the ones that come to Sweden in crowds or masses and are acting immorally, here in terms of Somalians and Iraqis who are exploiting Sweden's elderly care.

The following Flashback post legitimizes the decision arguing in a "this is how it is" kind of way by responding to another post:

I see nothing wrong with that. She receives care in her home country instead.
[Quoted from another post]

Agree. In addition, she will be able to talk with the staff in her home country. She cannot do that here, unless there is someone who can speak the language. The daughter will not be able to stay with her mom all the time. If she is demented, she forgets that the daughter visited her anyway. It is crass, but that is the way it is. Demented does not create new memories but only goes back in time. (Quotation 55)

This post is reasoning in a rational way, saying that it is irrational to let Sonya stay. Inter alia, due to the nature of how demented people are functioning, there is no meaning to let her stay close to her relatives. The commentator also adds that it is more rational for her to go to Ukraine and get the care she needs where she will be able to understand the staff.

There are also posts that are delegitimizing the decision due to comparisons similar to analogies, but also containing rationalizations. The following Flashback post is an answer to another post claiming that the expulsion is insane:

The sound and really human immigration to Sweden is severely limited because all means are earmarked for radical Islamists and MENA-people, who no one really wants here! Sweden is currently without management regarding immigration. (Quotation 56)

The author of the post means that the decision in Sonya's case is wrong as it would be a humane act to let her stay compared to other people. The way the commentator reasons is that it is as a well-known fact, or common-sense knowledge, that Sweden allocates means to unwanted and morally wrongdoing immigrants.

Some posts are referring to money in a different way than what is previously discussed. A typical post that delegitimizes the court's decision states that:

We are living in a cold country where only money is ruling. (Quotation 57)

The utterance "money is ruling" construe the immorality of putting monetary profit before humanitarian actions which is described as an insensitive action (cold). The rational humanitarian act in this case would be to let Sonya stay in Sweden.

As in the legitimizing posts stating that Sonya can get health care in Ukraine, there are delegitimizing posts claiming the opposite as this one from the Facebook page:

In Ukraine, elderly care builds on relatives' good will. But as Sonya no longer has any relatives or friends left in her native country, there is nobody who can help her when she gets expelled in early October. (Quotation 58)

This post is made by the Left Party in Sweden and got many likes compared to other posts. When describing how the elderly care works in Ukraine, and that this is not compatible with Sonya's situation, the commentator indicates that the decision to expel her is wrong as the rational inference is that she will not manage on her own.

5.1.5. Mythopoesis

Legitimation or delegitimation through mythopoesis is somewhat rare in the discourse. Though it does exist, which is shown in the examples below.

5.1.5.1. Moral tales

Natasha's name, Sonya's granddaughter, is brought up several times, both in social media and in linked articles. She has also participated and been impelling in the discourse on both channels, particularly in the Facebook page in social media. In posts by others she is described as a protagonist. A comment on Expressen describes her as a "true hero" (Quotation 38). Another comment in Expressen's comment section says:

Much credit to Natasha, you fight as much a person can do. Wishing everything good to you and your family and that Sonya is allowed to stay, everything else is wrong! (Quotation 39)

This quote is delegitimizing the decision by saying that Natasha is the one doing the morally right thing, thus the things she is struggling for should turn out well. What Natasha does here is considered as legitimate, fighting against an illegitimate practice.

5.1.5.2. Cautionary tales

Something else that has been brought up in media and in some social media posts is that Sonya threatens to kill herself if she gets expelled. A Flashback post quotes another Flashback post that are saying:

The old "demented" aunt now threatens to take her life if the expulsion is executed on Monday according to the granddaughter.

The author of the post answers by saying:

She should do that then, that fucking parasite pig. First a story is told about how "pitiful" this is for her, when this story later on is not considered as reason enough that fucking aunt threatens to take her life, she proves how far she can go, thus not worth a single penny more from us. That the old hag have come here without residence permit, still stayed, and that her family abandons her is god damn it not our problem! (Quotation 40)

This post tells that Sonya is engaging in an illegitimate activity and is not worth a residence permit, neither to live, due to this. When claiming this, the decision to expel her gains legitimacy.

5.2. Habermas and Discursive Legitimacy

Habermas argues that in the “deliberative legitimation process”²³⁸, there are interactions between political discourses on three levels: the discourses in civil society, the communication in mass media and institutionalized discourses (e.g. in the parliament). Discourses on the different levels affect each other top down and bottom up in a constant interplay.²³⁹ This study focus mainly on the first and somewhat on the second level, but it also includes some fragments of the institutionalized political level, as these levels are not closed entities, nor are they separate from each other. An example of that the legitimacy of the Sonya case is discussed among politicians (although in social media) is found in Expressen’s comment section, e.g. in quotation 15. Furthermore, reporters are in some comments quoting politicians of different parties from the parliament saying that the expulsion is wrong. The politicians are e.g. saying that they want to change the legislation so that one has the possibility to stay with one’s children in cases like this when there are no close relatives left in the home country. Similar opinions are found in the discourse in some of the social media posts in the civil society among non-politicians. E.g. comments are mentioning that “sista länken” (the last link) should be reintroduced as a law. “Sista länken” is a former paragraph in the Aliens Act that gave old people the opportunity to stay with their children when they had no family left in their home country.²⁴⁰ The following comment (from Facebook) is a typical example of this:

”The last link” is needed when humanity does not seem to exist within the four walls of the authority.... Review the legislation. I think we can afford that! (Quotation 61)

²³⁸ Habermas, 2006, p. 415.

²³⁹ Habermas, 2006, p. 415.

²⁴⁰ 'Familjeåterförening', *Flyktinggruppernas Riksråd* [website], <<http://www.farr.se/sv/vad-vill-farr/familjeaterforening>> accessed 10 July 2017.

The aforesaid shows a number of things. First, it delegitimizes the Migration Court's decision through impersonal authority by referring to an old law which here obtains discursive legitimacy. Second, it exemplifies a discourse on the same topic on all three levels "in the construction of what we call "public opinion,""²⁴¹. Here, mass media functions as a communicator of parliamentary politicians' opinions.

In the Facebook page, there is a post published by the Left Party (who possesses seats in the parliament). In the post, they write an open letter to the Minister for Migration, which is sent to the minister and the newspapers. The letter contains arguments on why the expulsion is wrong by including the delegitimizing categories abstractions, analogies, evaluation, instrumental rationalization and expert authority. The post received many likes from other members of the page. This is an example of when a partly institutionalized discourse interacts with discourses on the other levels. Additionally, there are other comments mentioning contacting high-level politicians in the government aiming to put pressure on them regarding the migration policy and laws concerning this case.

Mass media also highlights the delegitimizing discourses in civil society. E.g. two of the linked articles in the analyzed posts refer to petitions, one of them having 400 signatories, aiming at letting her stay. Another article highlights the huge engagement on Facebook with sympathy for Sonya.

Habermas argues that media should be "linking political communication in the public sphere with both civil society and the political centre"²⁴². Above are examples on how media convey discursive information on the different levels. He further emphasizes that media should be able to receive feedback from the civil society.²⁴³ Electronic newspapers' comments sections, as Expressen's, is a good example of an instrument that can facilitate and actualize this.

Both the social media posts and the linked articles are mainly delegitimizing the Migration Court's decision. The linked articles delegitimize the decision utilizing

²⁴¹ Habermas, 2006, p. 417.

²⁴² Habermas, 2006, p. 420.

²⁴³ Habermas, 2006.

all categories except authority through tradition and conformity, and cautionary tales. When the articles contain legitimizing content, it refers to expert authority, impersonal authority and personal authority. The articles are somewhat more objective than the posts on social media. It is primarily through quotes from Natasha, representatives from the Migration Agency, Sonya's doctor etc. that are used when strongly legitimizing/delegitimizing the decision. One example is when a team leader from the Migration Agency is quoted, aiming to legitimize the decision through expert authority, the team leader in turn legitimizes the decision through impersonal authority mentioning that the case has been adjudicated in court. Another is when Natasha is quoted saying that the expulsion "is like throwing my grandmother down a precipice" (Quotation 62). This delegitimizing quote refers to abstraction and similar utterances are found in social media posts referring to the immoral practice "ättestupan".

Other indications that the content in the media (the linked articles) and in social media posts are corresponding is that they both describe Sonya as very ill, demented, weak and use the word grandmother when writing about her. Furthermore, it is illuminated in a negative sense that there are no distressing circumstances according to the authorities. One article's headline contains the sentence "The treatment is inhumane" (Quotation 63), a statement also found in the social media posts. Hence, there is an interplay between the discourse in civil society and mass media in a feedback loop

There are more direct references to mass media in the social media posts as commentators often begin their posts by writing; I heard on the news and I read this article etc. Intertextuality occur in some posts, e.g. the person who started the thread on Flashback links an article, summarizes the points that are considered most crucial and are quoting directly from the article. The thread starter is neither legitimizing nor delegitimizing the decision, though questioning it at first, but then somewhat accepting it by writing "However, as the Director of Legal Affairs at the Swedish Migration Agency says it: "There are a number of restrictions in the legislation"" (Quotation 64). This is one of few posts that has a somewhat neutral opinion sympathizing with opinions on both sides.

Most of the other posts are either legitimizing or delegitimizing the Migration Court's decision. Habermas argues that such no/yes and pro/con attitudes are constructed in weak publics (the civil society). It is in the civil society the critical discursive opinion formation is reviewing the outcome of the implementation of the law. These yes or no attitudes are affected and formed by both mass media as well as the everyday talk in civil society. At this stage of the legitimation process, there is a variety of public opinions.²⁴⁴ The concept of public opinion in a singular form "only refers to the prevailing one among several public opinions."²⁴⁵ The data in this study represents several public opinions. The Habermasian yes and no attitudes transform to legitimizing and delegitimizing comments in the social media posts and linked articles. The (de)legitimizing comments are categorized in van Leeuwen's analytical tool and the yes/no attitudes are referring to all four categories of legitimation. Though the prevailing public opinion on the Migration Court's decision to expel Sonya is that it is illegitimate.

5.2.1. (Social) Media Framing Issues

It is evident that mass media has an intermediary function between the institutionalized discourses and the discourses in the civil society. Previous research also shows that mass media is influential in framing political and moral issues.²⁴⁶ This goes in line with Habermas' theorization arguing that:

the dynamics of mass communication are driven by the power of the media to select, and shape the presentation of, messages and by the strategic use of political and social power to influence the agendas as well as the triggering and framing of public issues.²⁴⁷

If one defines media in this quote as traditional media, this is no longer as evident. As seen in previous research²⁴⁸ and in this study, social media now plays a more crucial role in framing such issues, regaining civil society more influence on political discourses.

²⁴⁴ Habermas, 2006.

²⁴⁵ Habermas, 2006, p. 417.

²⁴⁶ Entman, 2004.

²⁴⁷ Habermas, 2006, p. 415

²⁴⁸ Sayre et al.

5.2.2. Discursive Procedures

The Habermasian discursive legitimation is produced through “the right sort of discursive procedure”²⁴⁹ and “the best practical discourse”²⁵⁰. This type of discourse should ideally facilitate unrestrained communication.²⁵¹ The discourse studied in this thesis takes place on the internet, thus differ partially from how conversations in other social settings (face-to-face) take form.

The comment section in Expressen and the Facebook page is moderated which allows for the moderator to delete comments, this is also in some cases possible for the person who made the post, which is not possible in a face-to-face conversation and makes the communication distorted. This opposes the best practical discourse since: “In systematically distorted communication, [...] communication is hindered by constraints either exogenous or endogenous to language. Systematically distorted communication, therefore, excludes genuine realization of communication.”²⁵² This is not as evident on the Flashback forum, since the forum is moderated but is very lenient on what is allowed to publish. The conversations studied are furthermore often, at least to some extent, a one-way communication as most of the posts contain utterances of what the commentator think, but far from every post get an answer. Thus, communication in these events does not take the form of a two-way debate or conversation. These comments rather take the form of a reaction to Sonya’s expulsion than to another post. Similar to the previous remark, Flashback differ from the other platforms as the posts there are longer and do more often consist of answers to another user’s post. The aforesaid partially contravenes that the analyzed discourse take the form of the best practical discourse.

Communication on social media is asynchronous, which means that the posts can be written, read and received at different times. This enable for commentators

²⁴⁹ A. M, Froomkin, ‘Habermas@ discourse. net: Toward a critical theory of cyberspace’, *Harvard Law Review*, vol. 116, no. 3, 2003, pp. 749-873, p. 762.

²⁵⁰ Froomkin, p. 765.

²⁵¹ Habermas, 1996, pp. 107-108.

²⁵² S, Susen, ‘The Philosophical Significance of Binary Categories in Habermas’s Discourse Ethics’ *Sociological Analysis*, vol. 3, no. 2, 2009, pp. 97-125, p. 111.

to reflect and think before they write an answer.²⁵³ Furthermore, the interlocutors do not see the physical reaction, such as facial expressions etc. This is another difference from face-to-face communication. Though, communication on social media do not only imply disadvantages for the discursive procedure.

Asynchronous communication gives the interlocutors the opportunity and time to get more information and knowledge about the discussed topic, which is fruitful for the discourse and can contribute to better arguments.²⁵⁴

The discourses on social media, hence, does not entirely meet with the criteria of the Habermasian discourse. These criteria have been criticized for being too demanding, utopian and idealistic to actually be realizable in real social practice.²⁵⁵ Habermas meets this critique by arguing that it should be considered a mere idealization, which in practice is unachievable.²⁵⁶ Similarly Zygmunt Bauman has emphasized that Habermas' conditions of a practical discourse should be understood as an ideal, applicable to criticize and examine consensus in a discourse.²⁵⁷ When discourses do not conform the Habermasian discourse, the theory can be utilized "to encourage and justify critiques of these discourses and of the processes that produce them."²⁵⁸ The material analyzed in this study shows that the discourse and opinions of the Sonya case is somewhat polarized. This is due to that the discursive legitimation process on this level is occupied with yes/no and pro/con formation. There is a variety of comments akin to van Leeuwen's categories, legitimizing and delegitimizing the decision. All of van Leeuwen's categories, except for authorization, do to various degrees possess elements of morality. Furthermore, the most common category delegitimizing the decision is moral evaluation. Van Leeuwen and Wodak's study have similar findings arguing that "[t]his supports Habermas' [...] thesis that legal systems

²⁵³ Sveningsson et al., p. 49.

²⁵⁴ J, Habermas, & B, Fultner, *Truth and justification*, Polity, Cambridge, 2003. p. 108.

²⁵⁵ Froomkin, p. 767.

²⁵⁶ Habermas, 1993, pp. 163-164.

²⁵⁷ Z, Bauman, *Hermeneutics and Social Sciences*, Hutchinson, London, 1978, p. 243, and Z, Bauman, *Legislators and Interpreters*, Polity Press, Cambridge, 1987, p. 97.

²⁵⁸ Froomkin, p. 775.

must ultimately always be grounded in moral systems”²⁵⁹. Moral issues, in turn, engage the public,²⁶⁰ and often get attention in media.²⁶¹ Habermas emphasizes that modern societies are pluralistic and diversified, where moral norms can transcend such discordance. Though, regarding legal discourse, not only moral aspects are significant.²⁶² Other aspects can regard material conflicts, social problems and collective goals.²⁶³ This is found in the discourse e.g. when discussing costs and taxes. However, the prevailing opinion, recurring in the material, delegitimizes the decision due to moral concerns.

Habermas problematizes that cultural exclusion and social deprivation can hinder some people in the civil society to participate in the discourse.²⁶⁴ Furthermore, a criterion in the Habermasian practical discourse emphasizes that all persons who the discussed matter concern should participate in the discourse with the discourse principle: “Just those action norms are valid to which all possibly affected persons could agree as participants in rational discourses.”²⁶⁵ Regarding the discourse about the Migration Court’s decision on Sonya’s expulsion, the person who is mostly affected by the decision does not participate directly in the discourse. She does appear in the posts when the discussants mention her and the decision, and she also appears on photos and texts in the linked articles. Though, the utterances from her personally are very scarce, and when this do occur it is as quotations from, or in, online newspaper articles. One example is when a reporter from Expressen posts the following in the comment section: When Sonya came down from the apartment where she has been staying and met the waiting reporters she said:

- Hi my swallows. (Quotation 59)

²⁵⁹ Van Leeuwen & Wodak, p. 111.

²⁶⁰ Eriksen & Weigård.

²⁶¹ Jenkins.

²⁶² Habermas, 1996, pp. 106-111.

²⁶³ Eriksen & Weigård, p. 175.

²⁶⁴ Habermas, 2006, p. 421.

²⁶⁵ Habermas, 1996, p. 107.

Habermas suggest that everyone affected should be included in the discourse.²⁶⁶ But considering that social deprivation might hinder people to engage in the feedback to the media²⁶⁷ but also that Sonya is 90 years old, demented, has impaired vision and does not speak the Swedish language, it is highly doubtful whether she is at all able to participate in the discourse. As Nancy Fraser²⁶⁸ (among others) has illuminated, the Habermasian conceptualization that it is the citizens that are participating in the discourse is problematic. This becomes evident in this case as Sonya is the one most affected, though she is not a Swedish citizen. Furthermore, the Swedish laws applies to everyone staying within the borders, not only Swedish citizens. Thus, it is crucial that not only citizens can be participants in discourses that may legitimize or delegitimize Sweden's judiciary system and laws.

Sonya's granddaughter often appears in the discourse and can be seen as a representative for Sonya. E.g. she points out several times that Sonya has cognitive problems due to her dementia. The day of expulsion, Natasha is quoted by a reporter in Expressen's comment section: "She still does not understand what is happening, says Natasha." (Quotation 60) There are circumstances where the one(s) most affected cannot participate in the discourse,²⁶⁹ like in this case. In such event, other people in society can participate in the discourse discussing in the best interest of the concerned.²⁷⁰ This applies to Natasha, but also to the other discussants, such as Swedish citizens, as discourses regarding membership, e.g. residence permit applications, should include the interests of the citizens as well.²⁷¹

²⁶⁶ Habermas, 1996, p. 107.

²⁶⁷ Habermas, 2006, p. 421.

²⁶⁸ Fraser, 2007.

²⁶⁹ Bohman & Rehg.

²⁷⁰ Froomkin, p. 775.

²⁷¹ Habermas, 1996, p. 125.

5.3. Discussion

The analysis suggests that the decision is mainly illegitimate among the discussants at the social media platforms examined. The discussants do mostly either legitimize or delegitimize the decision. The rather polarized discourse might be due to that the persons posting on social media are those already interested in politics and with a strong opinion. Furthermore, it is rather expected that there are more delegitimizing comments on the Facebook page as it aims at letting her stay, thus it attracts the ones with sympathy for Sonya.

As in previous research, there are “ideological underpinnings”²⁷² in the discourse. The ones most apparent, aside from humanism, is racism and nationalism which interestingly enough occur in both legitimizing and delegitimizing comments. Similar to the study by Rojo and van Dijk²⁷³ there are comments mentioning illegal immigrants in the discourse (e.g. quotation 34). There is also an us-and-them rhetoric in the discourse legitimizing the decision (e.g. quotations 44 and 54). What is interesting is that both legitimizing and delegitimizing comments contains this rhetoric, and where Sonya in some of them is more included in the us-category compared to immigrants from the MENA-region (e.g. quotations 29, 30 and 54), indicating cultural racism.

Habermas’ theory fails to incorporate gender roles,²⁷⁴ which also applies to van Leeuwen. The fact that Sonya is an old woman (which is frequently illuminated in the posts) could contribute to e.g. the understanding that Sonya is a powerless victim in need of protection, where both age and gender are of significance. With another theoretical frame and approach, the results might have included such analysis. Furthermore, it would have been interesting to examine if there is a difference regarding gender among the ones who are (de)legitimizing the

²⁷² Vaara, 2014, p. 501.

²⁷³ Rojo & van Dijk.

²⁷⁴ N, Fraser, ‘What's Critical About Critical Theory?’, in, J, Meehan, ed., *Feminists Read Habermas : Gendering The Subject Of Discourse*, Routledge, New York 1995, pp. 24-25.

decision, though as Flashback is anonymous this was not possible.²⁷⁵ It would also have been interesting to examine if the gender and ethnicity would have mattered. E.g. examining the Sonya case compared to a male from Somalia under similar circumstances. Though this is hard to study in such social settings, but would have been possible with e.g. experimental methods.

Facebook and Flashback are two social media platforms where the discourses appear, though having dissimilar settings on how much is revealed about the discussants. This can affect the discussions in several ways making the characteristics of the discursive events on the platforms different. On Facebook, the user's name and sometimes picture is revealed and what one posts there can contribute to the representation of the user's personality, which is shown in previous research on social media.²⁷⁶ Thus, the urge to be perceived as a good person can contribute to that the commentators on the Facebook page are posting things that are considered as good, and furthermore what is seen by others as acceptable. This can explain why the comments on the Facebook page are in a high extent referring to moral evaluation. On Flashback on the other hand, users are anonymous and the forum aims at being very lenient on what the users are allowed to utter.²⁷⁷ Thus, the commentators are able to write posts without having to consider how they are perceived by, and appear in front of, others. This allows posts on Flashback to be more controversial and discordant with what the general (accepted) opinion is on a certain matter. Hence, this contributes to that the Flashback thread consist of posts that are more unpolished and sometimes racist, and differ from the opinions on the discourse on the Facebook page in other ways. E.g. the Flashback thread do more than the Facebook page take the form of a discussion with different opinions and the posts are more argumentative (containing more counterarguments when disagreeing). Hence, the discourse on Flashback might be more genuine compared to the one on the Facebook page, in

²⁷⁵ On Facebook and Expressen, which mainly contains delegitimizing comments there is 172 women and 78 men, respectively 76 women and 46 men, regarding posts where one could count typically female or male names. Similarly, it is difficult to examine ethnicity.

²⁷⁶ Meikle.

²⁷⁷ Uhnoo & Ekbrand, pp. 126-129.

terms of that people are more honest about what they think in the former mentioned platform. This also contribute to a more polarized discourse on Flashback. Accordingly, the data generated from the two platforms are appearing differently.

6. Conclusions

To partially fill the research gap on bottom-up discursive (de)legitimation of law in civil society, external to the judicial power, this study has explored discourses in social media regarding the Migration Court's decision on the Sonya case.

First, the study reveals the discursive categories of (de)legitimation in social media and linked articles to other media. The results show that the discourse (de)legitimizes the decision in a variety of ways including all of van Leeuwen's categories. Rationalization is most common when legitimizing the decision, while when delegitimizing it, moral evaluation is prevailing. Looking at all (de)legitimizing comments, moral evaluation is the most common one followed by rationalization, authorization, uncategorized and mythopoesis. When legitimizing the decision, references to the law or the decision occur, which also is evident in previous research.²⁷⁸ Also, when delegitimizing the decision references are made to legal statutes, though more often to human rights. Sonya's health is central in the discourse and delegitimizing comments raises utterances from her doctor referring to expert authority. Reference to personal authority do typically occur in the linked articles, both legitimizing and delegitimizing the decision, where utterances from Natasha is common. Although comments akin to this do occur in social media as well. Similarly, role model authority did only occur in the linked media articles quoting parliamentary politicians. Even if the comments do not refer directly to these, there are similarities in utterances from politicians and the comments in social media indicating the mediating role traditional (online) media holds between civil society- and institutionalized discourses. Additionally, traditional media highlights the engagement in civil society and frequently includes quotes from Natasha.

The category of moral evaluation is the one where most consensus is reached. Often does such utterances state that the decision is inhumane, shameful etc. But also, direct or abstract comparisons to other immoral activities are made. Furthermore, all other categories, except for authorization, has some kind of moral

²⁷⁸ Rojo & van Dijk, and, van Leeuwen & Wodak.

component. Overall, the discourse is permeated by utterances that the decision is illegitimate due to that it is morally wrong. The discourse does also contain (de)legitimizing comments about taxes and costs which often refer to rationalization. This is the most common category among legitimizing comments, though they also appear in delegitimizing ones. Interestingly, both sides reason in this type of rational arguments. Mythopoesis is uncommon, however when appearing in the material it included moral elements. There are also comments containing a hybrid of categories, and some that does not fit entirely in van Leeuwen's tool. As in previous research,²⁷⁹ ideology reoccur in the discourse. Interestingly, both legitimizing and delegitimizing comments contains features from humanism, nationalism and racism.

Although, this study is at the stage of the legitimation process where yes/no and pro/con attitudes are formed, before a consensus is reached, there are clear tendencies that the opinion in the platforms examined are delegitimizing the Migration Court's decision.

Issues of moral concern, like the Sonya case, are getting attention in media and in the discourse in the public sphere. Habermas differ between legal discourse and other forms of public discourses where, in the latter, moral norms are central. In legal discourse material conflicts, social problems and collective goals are encompassed,²⁸⁰ which is seen in the social media discourses. Though as moral characteristics pervade the discourse, this factor is proven to be central in legal discourse as well. Perhaps even more than Habermas recognizes, though this is context dependent.

It is evident that ethnicity, gender and age are significant in the discourse, which both van Leeuwen and Habermas fails to address in their works, at least explicitly. The combined utilization of van Leeuwen's analytical tool and Habermas' theory has been proven to be fruitful in analyzing how discourses (de)legitimize a judicial decision. The former complements the latter by providing a more structured and detailed way to examine how discourses are (de)legitimizing a

²⁷⁹ Vaara, 2014.

²⁸⁰ Habermas, 1996, pp. 106-111, and, Eriksen & Weigård, p. 175.

judicial decision, while Habermas argues that it is the discourse itself that legitimize or delegitimize a judicial decision. Though adding theories on gender and ideology would have made the theoretical approach and analysis more complete.

As both Habermas and Bauman has emphasized, the Habermasian discourse should be considered as an ideal.²⁸¹ Bauman further suggests that it can be used to criticize discourses.²⁸² This study shows that the social media discourses are somewhat distorted and does not fit the ideal Habermasian discourse. Though social media discourse does have some advantages compared to interaction in real life. Sonya is not personally active in the discourse, even though the discourse is focusing on her interests. Natasha functions as a representative for Sonya and has her best interests in mind. Though in discourses on membership e.g. residence permit, the citizens' interest should be considered. Consensus is not reach in the analyzed discourses which is not achievable at this stage of the legitimation process, though the polarized opinions can, at least partially, be an explanation to why consensus is not yet reached. Furthermore, the discourses on Flashback and the Facebook page take on some different characteristics due to different anonymity settings. Consequently, data generated from the social media platforms occur differently due to this (e.g. there are more polished comments and more consensus on the Facebook page than on the Flashback thread).

Previous research has primarily focused on top-down discursive legitimacy. How courts and traditional media are affecting public discourses has also been payed attention to. Little attention has been given to public discourses in social media on judicial decisions, particularly in Sweden, despite the methodological advantages when studying political discourse on social media platforms' and its dominance in people's daily life. This study partially fills this research gap in the socio-legal research area. It shows how socio-legal research methodologically can be conducted on social media by using a case study and critical discourse analysis. It further demonstrates how Habermas' theorization can be used to analyze the

²⁸¹ Habermas, 1993, pp. 163-164.

²⁸² Bauman, 1978, p. 243, and Bauman, 1987, p. 97.

normative and discursive dimension of the legitimation process in civil society, external to the judicial power, applying the theory on online discourses.

6.1. Further Research

Further research on the Sonya case can include studies on reactions and discourses after the decision by the European Court of Human rights was announced. A more comprehensive study that also includes institutionalized discourses would examine the whole legitimation process over a longer period of time. It would also be interesting to do a causal analysis of the discourses regarding the case to the time where Sonya got the decision changed and were allowed to stay in Sweden.

This study can constitute as a pilot case study, and a more comprehensive multiple case study can be conducted in order to get a more general knowledge on how decisions in migration cases are (de)legitimized in civil society. Further research can focus more on the ideological aspects of (de)legitimizing discourses regarding judicial decisions.

Furthermore, there are suggested research that could address the shortcomings of this study. Interviews or group interviews where participants are discussing Migration Courts' decisions would enable for follow up questions contributing to deeper insights. Additionally, these methodological tools would embrace elements of face-to-face interaction and possibly other insights than when analyzing online discourses. Interviews do also enable a study on how gender and ethnicity impact the public discourses on migration. E.g. by comparing the Sonya case with a case with similar circumstances, but regarding a man from e.g. Somalia, Palestine or Iraq. Questionnaires can also be an alternative when examining this. Furthermore, questionnaires can be utilized to examine the general opinion on a recent case and the consensual (de)legitimizing public opinion (though not a pure Habermasian idealistic consensus as this requires an analysis of discourses). As discussed in section 4.8., a more comprehensive analysis of traditional media reports, not only the ones mentioned in the social media posts, will give a more complete picture of the (de)legitimation process.

7. References

- 'About the Swedish Migration Agency', *Migrationsverket* [website].
<<https://www.migrationsverket.se/English/About-the-Migration-Agency.html>>,
accessed 3 March 2017.
- 'Age Has Meaning', *The Internet Foundation in Sweden* [website],
<<http://en.soi2014.se/communication-and-social-network/age-has-meaning/>>,
accessed 5 May 2017.
- Ahlgren, M. & Davidsson, P., *Svenskarna och politiken på internet – delaktighet, påverkan och övervakning*. Internetstiftelsen i Sverige. 2014.
- Albrecht, S., 'Whose voice is heard in online deliberation? A study of participation and representation in political debates on the Internet', *Information, Communication & Society*, vol. 9, no. 1, Feb. 2006, pp. 62-82.
- Aliens Act (2005:716)*
- Andersson, C.V., 'Världsnyheter lockar fler till Expressen.se', *Expressen* [website], 21 March 2011, <<http://www.expressen.se/nyheter/varldsnyheter-lockar-fler-till-expressen.se/>>, accessed 28 April 2017.
- Arriaza Ibarra, K., & Nord, L. W., 'Public Service Media Under Pressure: Comparing Government Policies in Spain and Sweden 2006–2012', *Javnost-The Public*, no. 1, 2014, pp. 71-84.
- Askanius, T., & Østergaard, L. S., *Reclaiming the public sphere. [Electronic resource]: communication, power and social change*, Palgrave Macmillan, Houndmills, Basingstoke, Hampshire, New York, 2014.
- Bauman, Z., *Hermeneutics and Social Sciences*, Hutchinson, London, 1978.
- Bauman, Z., *Legislators and Interpreters*, Polity Press, Cambridge, 1987.
- Baym, N.K., *Tune in, log on: Soaps, fandom, and online community*, Oaks: CA, Sage Publications, 2000.
- Bennett, A. and Elman, C., 'Case Study Methods', in Reus-Smit, C. and Snidal, D., eds., *The Oxford Handbook of International Relations*, Oxford University Press: Oxford, 2010.
- Bergström, A. & Wadbring, I., 'Nya tidningsformer – konkurrenter eller komplement?', in Holmberg, S. & Weibull, L. eds.), *Nordiskt ljus*, SOM-institutet, Göteborg, 2010, pp. 381-392.

Birt, L, et al. 'Member checking: A tool to enhance trustworthiness or merely a nod to validation?' *Qualitative Health Research*, Vol.26, no.13, 2016, pp. 1802-1811.

Blom, R., Carpenter, S., Bowe, B. J., & Lange, R., 'Frequent Contributors Within U.S. Newspaper Comment Forums: An Examination of Their Civility and Information Value', *American Behavioral Scientist*, vol. 58. No. 10, pp. 1314-1328, 2014.

Bohman, J. and Rehg, W., 'Jürgen Habermas', *The Stanford Encyclopedia of Philosophy*, Fall 2014 Edition, E. N. Zalta ed., 2014.

Bohman, J., 'Critical Theory', in *The Stanford Encyclopedia of Philosophy*, Fall 2016 Edition, E. N. Zalta ed., 2016.

Bruns, A., & Highfield, T., Is Habermas on Twitter? Social media and the public sphere, In *The Routledge companion to social media and politics*, Bruns, A. G. Enli, G. Skogerbø, E. Larsson, A. O. and Christensen, C., Routledge, 2016, pp. 56-73.

Bryman, A., *Samhällsvetenskapliga metoder*. 2nd edn, Liber, Malmö, 2008.

Budd, J., 'Critical theory' In L.M. Given Ed., *The SAGE encyclopedia of qualitative research methods*, SAGE Publications Ltd, Thousand Oaks, CA, 2008, pp. 175-179.

Budd, M., Craig, S., & Steinman, C., *Consuming environments: Television and commercial culture*. Rutgers University Press, New Brunswick, NJ, 1999.

Callaghan, K., & Schnell, F., 'Assessing the Democratic Debate: How the News Media Frame Elite Policy Discourse', *Political Communication*, vol. 18, no. 2, 2001, pp. 183-213.

Cartwright, B., & Schwartz, R., The Invocation of Legal Norms: An Empirical Investigation of Durkheim and Weber. *American Sociological Review*, vol. 38, no. 3, 1973. pp. 340-354.

Chandler, D., & Munday, R., 'Legitimation', In *A Dictionary of Media and Communication*, Oxford University Press, Oxford, 2011.

Clark, T. S., Staton, J. K., Wang, Y., & Agichtein, E., *Using Twitter to Study Public Discourse in the Wake of Judicial Decisions: Public Reactions to the Supreme Court's Same-Sex Marriage Cases*, Emroy University, 2014

- Cramer, J., 'Critical discourse analysis' In S. W. Littlejohn & K. A. Foss Eds., *Encyclopedia of communication theory*, Vol. 2, SAGE Publications Ltd. Thousand Oaks, CA. 2009, pp. 221-223.
- Davis, R., *Politics Online: Blogs, Chatrooms, and Discussion Groups in American Democracy*, Routledge, New York, 2005.
- Deflem, M., *Sociology of law : visions of a scholarly tradition*, Cambridge University Press, Cambridge, 2008.
- Delanty, G., 'Public Sphere', *The Blackwell Encyclopedia of Sociology*. Ritzer, G., ed., Blackwell Publishing, 2007.
- Demker, M., 'Mobilisering kring migration förändrar det Svenska partisystemet', *Fragment: SOM-undersökningen*, Göteborg, 2014.
- Entman, R. M., *Projections of power: Framing news, public opinion, and U.S. foreign policy*, University of Chicago Press, Chicago, 2004.
- Entman, R. M., 'Framing Bias: Media in the Distribution of Power', *Journal Of Communication*, vol. 57, no. 1, 2007, pp. 163-173.
- Eriksen, E.O., & Weigård, J., *Habermas politiska teori*, Studentlitteratur, Lund, 2000.
- Eveland, W. P., & Hively, M. H., 'Political discussion frequency, network size, and 'heter-ogeneity' of discussion as predictors of political knowledge and participation', *Journal of Communication*, vol. 59, no. 2, 2009, pp. 205–224.
- 'Expressen', *Nationalencyklopedin* [website].
<<http://www.ne.se.ludwig.lub.lu.se/uppslagsverk/encyklopedi/lang/expressen>>, accessed 28 April 2017.
- Fabienne, P., 'Political Legitimacy', in *The Stanford Encyclopedia of Philosophy*, Summer 2016 edn., Zalta, E.N. ed., 2016.
- 'Familjeåterförening', *Flyktinggruppernas Riksråd* [website],
<<http://www.farr.se/sv/vad-vill-farr/familjeaterforening>> accessed 10 July 2017.
- Findahl, O., *Svenskarna och Internet 2011*, Stockholm, 2011.
- Findahl, O., *Svenskarna och Internet 2012*, Stockholm, 2012.
- Findahl, O., *Svenskarna och Internet 2013*, Stockholm, 2013.
- Findahl, O., *Svenskarna och Internet 2014*, Stockholm, 2014.

Flashback Forum [website], September 2011, <<http://www.flashback.org>>, accessed 26 September 2011.

Flashback Forum [website]. April 2017. <<https://www.flashback.org/>>, accessed 27 April 2017.

Fraser, N. 'What's Critical About Critical Theory?', In, Meehan, J. ed., *Feminists Read Habermas : Gendering The Subject Of Discourse*, Routledge, New York, 1995, pp. 21-55.

Fraser, N., 'Special section: Transnational public sphere: Transnationalizing the public sphere: On the legitimacy and efficacy of public opinion in a post-Westphalian world', *Theory, culture & society*, vol. 24, no. 4, 2007, pp. 7-30.

Froomkin, A. M., 'Habermas@ discourse. net: Toward a critical theory of cyberspace', *Harvard Law Review*, vol. 116, no. 3, 2003, pp. 749-873.

Gotham, K, 'Civil society', in Ritzer, G, Ed., *Encyclopedia of social theory*, SAGE Publications, Ltd., Thousand Oaks, CA, 2005, pp. 99-102.

Gross, K., & D'Ambrosio, L., 'Framing emotional response', *Political Psychology*, vol. 25, no. 1, 2004, pp. 1-29.

Guidry, J., 'Public sphere', In Ritzer G., Ed., *Encyclopedia of social theory*, SAGE Publications Ltd., Thousand Oaks, CA, 2005, p. 614.

Habermas, J., *Legitimation Crisis*, Heinemann, London, 1976.

Habermas, J. *The Structural Transformation Of The Public Sphere : An Inquiry Into A Category Of Bourgeois Society*, MIT Press, Cambridge, Mass, 1991.

Habermas, J., *Justification and application: remarks on discourse ethics*. MIT Press, Cambridge, Mass, 1993.

Habermas, J., *Between facts and norms : contributions to a discourse theory of law and democracy*, Polity, London, 1996.

Habermas, J., *Diskurs, rätt och demokrati*, Daidalos, Göteborg, 1997.

Habermas, J., & Retzlaff, J., *Borgerlig offentlighet : kategorierna "privat" och "offentligt" i det moderna samhället*, Arkiv, Lund, 2003.

Habermas, J., 'Political Communication in Media Society: Does Democracy Still Enjoy an Epistemic Dimension? The Impact of Normative Theory on Empirical Research', *Communication Theory (10503293)*, vol. 16, no. 4, 2006, pp. 411-426.

- Habermas, J., & Fultner, B., *Truth and justification*, Polity, Cambridge, 2003.
- Hagemann, C., 'Participation in and contents of two Dutch political party discussion lists on the internet', *Javnost/The Public*, vol. 9, 2002, pp. 61–76.
- Halpern, D., & Gibbs, J., 'Social media as a catalyst for online deliberation? Exploring the affordances of Facebook and YouTube for political expression', *Computers In Human Behavior*, vol. 29, no. 3, May, 2013, pp 1159-1168.
- Harvey, K., 'Hate speech, online and social media', In *Encyclopedia of social media and politics*, vol. 3, SAGE Publications Ltd., Thousand Oaks, CA, 2014, pp. 623-625.
- Harvey, K., 'Social media, definition and classes of', In *Encyclopedia of social media and politics*, vol. 3, SAGE Publications Ltd., Thousand Oaks, CA, 2014, pp. 1158-1161
- Hill, K.A. & Huges, J.E., *Cyberpolitics: Citizen Activism in the Age of the Internet*. Rowman & Littlefield, New York, 1998.
- Hunt, A., 'The Problematisation of Law in Classical Social Theory' In Travers, M. and Banakar, R., eds., *An Introduction to Law and Social Theory*. Hart Publishing, Oxford, 2002.
- Internetanvändare', *Globalis* [website], <http://www.globalis.se/Statistik/Internetanvaendare>, accessed 4 April 2017.
- Jacobsson, K. 'Discursive will formation and the question of legitimacy in European politics', *Scandinavian Political Studies*, vol. 20, no. 1, 1997. pp. 69-90.
- Janssen, D., & Kies, R., 'Online forums and deliberative democracy', *Acta Politica*, vol. 40, 2005, pp. 317–335.
- Jenkins, P., 'Failure To Launch: Why Do Some Social Issues Fail to Detonate Moral Panics?', *The British Journal of Criminology*, Vol. 49, No. 1, 2009, pp. 35-47.
- Jensen, J. L., 'Public spheres on the Internet: Anarchic or government-sponsored – A comparison', *Scandinavian Political Studies*, vol. 26, 2003, pp. 349–374.
- Kaplan, A. M., & Haenlein, M., 'Users of the world, unite! The challenges and opportunities of social media', *Business Horizons*, vol. 53, no. 1, 2010, pp. 59-68.

- Kurian, G. T. 'Case studies', In *The Encyclopedia of Political Science*, SAGE Publications Ltd., Washington, DC, 2011, p. 199.
- Kurian, G. T., 'Discourse analysis', In *The Encyclopedia of Political Science*, SAGE Publications Ltd., Washington, DC, 2011, pp. 441-443.
- Kvallstidningarna.se. *Om Expressen / Kvällstidningarna* [website]. 3 January 2012, <<http://www.kvallstidningarna.se/expressen/om-expressen>>, accessed 28 April 2017.
- Lefsrud, M and Meyer, M. 'Science or science fiction? Professionals' discursive construction of climate change', *Organization Studies*, vol. 33, no. 11, 2012, pp. 1477-1506.
- Lerman, K. 'User participation in social media: Digg study', In *IEEE/WIC/ACM international conference on web intelligence and intelligent agent technology*, 2007, pp. 255–258.
- Levine, J. M., & Russo, E. 'Impact of Anticipated Interaction on Information Acquisition', *Social Cognition*, vol. 13, 1995, pp. 293–317.
- Lewis-Beck, M. S., Bryman, A., & Futing Liao, T., *The SAGE Encyclopedia of Social Science Research Methods*, Sage Publications, Inc., Thousand Oaks, CA, 2004.
- Macintosh, A., 'Characterizing e-participation in policy-making' In *Proceedings of the 37th annual Hawaii international conference on system sciences*, Computer Society Press, Big Island, HI, 2004.
- Marett, K. & Joshi K.D., 'The decision to share information and rumors: Examining the role of motivation in an online discussion forum', *Communications of the Association for Information Systems*, vol. 24, no. 1, art. 4, January 2009, pp. 47-68.
- 'Medieutveckling 2015 finns nu att läsa', *Myndigheten för press, radio och tv* [website], 2015, <http://www.radioochtv.se/sv/nyhetsrum/nyheter/2015/medieutveckling-2015/>, accessed 29 March 2017.
- Meikle, G., *Social media : communication, sharing and visibility*. New York, Routledge, 2016.
- 'Migration', *Sveriges Domstolar* [website], 24 August 2016, <<http://www.domstol.se/Myndighetsbeslut/Mal-i-forvaltningsdomstol/Migration/>>, accessed 3 March 2017.

'Migration Courts', *Sveriges Domstolar* [website], 16 February 2017, <<http://www.domstol.se/Funktioner/English/The-Swedish-courts/County-administrative-courts/Migration-Courts/>>, accessed 3 March 2017.

Mills, A. J., Durepos, G. & Wiebe, E., *Encyclopedia of case study research*, SAGE Publications Ltd., Thousand Oaks, CA, 2010.

Mogashoa, T. 'Understanding critical discourse analysis in qualitative research', *International Journal of Humanities Social Science and Education*, vol.1, no. 7, 2014, pp. 104-113.

Månsson, J., 'A dawning demand for a new cannabis policy: A study of Swedish online drug discussions', *International Journal Of Drug Policy*, vol. 25, no. 4, 2014, pp. 673-681.

Papacharissi, Z., 'Democracy online: Civility, politeness, and the democratic potential of online political discussion groups', *New Media & Society*, vol. 6, no. 2, 2004, pp. 259–283.

Phillips, N. & Hardy, C., *Qualitative Research Methods: Discourse analysis*, SAGE Publications Ltd., 2002.

Rojo, L.M., & van Dijk T.A. "“There Was a Problem, and It Was Solved!": Legitimizing the Expulsion of 'Illegal' Migrants in Spanish Parliamentary Discourse." *Discourse & Society*, no. 4, 1997, pp. 523–566.

Sartori, G., *The theory of democracy revisited*. Chatham House, Chatham, NJ, 1987.

Sayre, B., Bode, L., Shah, D., Wilcox, D., & Shah, C., 'Agenda Setting in a Digital Age: Tracking Attention to California Proposition 8 in Social Media, Online News, and Conventional News', *Policy & Internet*, vol. 2, no. 2, 2010, pp. 7-32.

Scheufele, D. A., Nisbet, M. C., Brossard, D., & Nisbet, E. C., 'Social structure and citizenship: Examining the impacts of social setting, network heterogeneity, and informational variables on political participation', *Political Communication*, vol. 21, 2004, pp. 315–338.

Schwandt, T. A., *The SAGE dictionary of qualitative inquiry*, SAGE Publications Ltd., 2007.

SFS. 2005:716. *Aliens Act*

Shenton, A.K., 'Strategies for Ensuring Trustworthiness in Qualitative Research Projects', *Education for Information*, vol. 22, no. 2, June 2004, pp. 63-75.

Shirky, C., 'The Political Power of Social Media: Technology, the Public Sphere, and Political Change', *Foreign Affairs*, vol. 1, 2011, pp. 28-41.

Stromer-Galley, J., 'Diversity and political conversations on the Internet: Users' perspectives' *Journal of Computer-Mediated Communication*, vol. 8, no. 3, 2002.

Stromer-Galley, J., & Wichowski, A., 'Political discussion online', in Burnett, R. M., Consalvo, M., & Ess, C., eds., *The handbook of Internet studies*, John Wiley & Sons, Chichester, UK, 2010, pp. 168-187.

Strömbäck, J., 'Medialisering och makt: En analys av mediernas politiska påverkan' *Statsvetenskaplig tidskrift*, vol. 10, no. 4, 2008.

Strömbäck, J., *Makt, medier och samhälle: en introduktion till politisk kommunikation*. SNS förlag, Stockholm, 2009.

Susen, S., 'The Philosophical Significance of Binary Categories in Habermas's Discourse Ethics', *Sociological Analysis*, vol. 3, no. 2, pp. 97-125, 2009.

Sveningsson Elm, M., Lövheim, M., & Bergquist, M., *Att fånga nätet: kvalitativa metoder för Internetforskning*, Studentlitteratur, Lund, 2003.

The Administrative Court in Stockholm, The Migration Court, Judicial decision.

The Instrument of Government (1974:152).

Trammell, K. D., & Keshelashvili, A., 'Examining the new influencers: A selfpresentation study of A-list blogs', *Journalism & Mass Communication Quarterly*, vol. 82, no. 4, 2005, pp. 968-982.

Uhnoo, S. & Ekbrand, H., 'FLASHBACK FÖR KRIMINOLOGER', In Mallén, A. ed., *Kriminologiska metoder och internet*. Liber, Stockholm, 2017, pp. 126-150.

Ura, J. D., 'Backlash and Legitimation: Macro Political Responses to Supreme Court Decisions', *American Journal of Political Science*, vol. 58, no. 1, 2014, pp. 110-126.

Vaara, E & Tienari, J., 'Critical Discourse Analysis', In *Encyclopedia of Case Study Research*, Mills, A.J., Durepos, G. & Wiebe, E., eds., SAGE Publications, Inc., Thousand Oaks, CA, 2010, pp. 245-247.

Vaara, E., Tienari, J., & Laurila, J., 'Pulp and Paper Fiction: On the Discursive Legitimation of Global Industrial Restructuring', *Organization Studies*, vol. 27, no. 6, 2006, pp. 789-810.

- Vaara, E. 'Struggles over legitimacy in the Eurozone crisis: Discursive legitimation strategies and their ideological underpinnings', *Discourse & Society*, vol. 25, no. 4, 2014, pp. 500-518.
- Van Dijk, T. A., 'Aims of critical discourse analysis' *Japanese discourse*, vol. 1, no.1, 1995, pp. 17-27.
- Van Dijk, T. A. ed., *Discourse as structure and process*, vol. 1, Sage, 1997.
- Van Dijck, J., & Poell, T., 'Understanding Social Media Logic', *Media and Communication*, vol. 1, no.1, 2013 pp. 2-14.
- Van Leeuwen, T., 'Legitimation in discourse and communication', *Discourse & Communication*, vol. 1, no. 1, 2007, pp. 91-112.
- Van Leeuwen, T., 'The Discursive Construction of Legitimation', *In Discourse and Practice: New Tools for Critical Analysis*. Oxford University Press. 2008.
- Van Leeuwen, T., & Wodak, R., 'Legitimizing immigration control: A discourse-historical analysis', *Discourse Studies*, vol. 1, no. 1, 1999, pp. 83-118.
- Vetenskapsrådet, *Forskningsetiska principer inom humanistisk-samhällsvetenskaplig forskning*, Vetenskapsrådet, Stockholm, 2002.
- Wahlgren, I., "Vem tröstar Ruth" *En studie av alternativa driftsformer i hemtjänsten*, Företagsekonomiska institutionen, Stockholm University, Stockholm, 1996.
- Wilhelm, A. G., 'Virtual sounding boards: How deliberative is on-line political discussion?' *Information Communication & Society*, vo. 1. no. 3, 1998, pp. 313-338.
- Wodak, R., 'Critical Discourse Analysis at the End of the 20th Century', *Research on Language and Social Interaction*, vol. 32, no. 1-2, 1999, pp. 185-193.
- Yin, R. K. *Case study research: design and methods*, 2nd edn, Sage, Thousand Oaks, CA, 1994.
- Yin, R. K., & Nilsson, B., *Fallstudier : design och genomförande*, Liber, Malmö, 2007.
- Yin, R. K., *Case study research: Design and Methods*, SAGE publications, Thousand oaks, 2009.