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Mobile EU citizens and the law:

A socio-legal study of Italians' adaptation to Sweden's legal environment

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ABSTRACT

When they migrate to another Member State (MS), EU citizens must adjust to a country whose legal environment is composed of both national laws and EU laws. Additionally, mobile EU citizens have their own legal culture which crafts the way they make sense of mundane circumstances and social interactions. What comes out of the mutual interplay between the host MS's legal environment and mobile EU citizens' legal culture? How does EU citizens' legal culture emerge, and change, through their mundane interactions in the host MS? Drawing on semi-structured interviews with 16 Italians who live in Sweden, this thesis tackles these questions from a socio-legal standpoint. In particular, this thesis suggests that Italians who live in Sweden interact in mundane circumstances using cultural schemas that derive from both their European legal culture and their Italian legal culture. Over time, they also internalize traits of Swedish legal culture that give them new cultural sources to use in their social interactions. By recursively using cultural schemas deriving from EU, Italian, and Swedish law, Italians who live in Sweden thus contribute to the material definition of the real meanings of these three laws. Theoretically, this thesis contributes to existing socio-legal scholarly debates surrounding legal consciousness and legal culture, with a particular focus on the EU context.

Keywords: European Union, mobile EU citizens, legal culture, legal consciousness, interlegality

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CHAPTER ONE: INTRODUCTION

1. Mobile EU citizens and the law.

According to the most recent Eurostat's data, approximately 3,3% of EU citizens of working age live in a Member State (MS) that is not the one they are citizens of (Eurostat 2021). Mobile EU citizens, or more shortly "EU mobiles", represent a group of just below 15 million people who live in another MS for the most various reasons, ranging from students who are attracted by international academic environments, to unemployed individuals who are looking for better job opportunities elsewhere, to people who are simply in search of a twist in their life.

Regardless of the reasons behind their choice, EU mobiles face the challenges of adjusting to a new society, which has its culture, habits, language, behavioral expectations, and legal system. EU mobiles must in fact comply with a whole range of national and local regulations that define their right to reside, to access welfare services, to start a business, to pay taxes, and the list goes on. Furthermore, the fact itself that EU mobiles move to another MS is a legally relevant practice, as it constitutes an instantiation of the right to move and reside in another MS, granted to any EU citizen since the 1992 Maastricht Treaty. Accordingly, when EU mobiles move to reside to another MS, their legal experience is characterized by at least two layers of official laws: the national laws enacted by the MS and the EU laws regulating freedom of movement and EU citizenship.

However, before being "EU mobiles", EU mobiles are citizens of a MS, a country where, most likely, they were born and whose culture they had internalized for many years of their life. Among these cultural schemas, EU mobiles were socialized to a particular legal culture as well, that is a specific way to consider, use, and relate to the law, possibly through the specific interpretations of the region or city or village where they come from. Before being "EU mobiles", therefore, EU mobiles are people with their unique biographies, which they carry with them wherever they go, and that they use to interpret and attribute meanings to the situations they encounter in the host MS.

The legal scenario surrounding EU mobiles and the law is thus very nuanced. On the one hand, there is a body of official laws that regulates intra-EU migrations and EU mobiles' relationship with the administrative infrastructure of the host MS. On the other hand, EU mobiles have their own legal culture upon which they rely when they encounter legally relevant situations. What comes out of these legal-cultural encounters? Drawing on 16 semi-structured interviews with Italians who live in Sweden, this study is an attempt to shed light on how EU mobiles adapt to the legal environment in the host MS. More specifically, this thesis investigates the mutual interplay between the existing body of official laws and the legal culture of Italians who live in Sweden. The thesis's overarching research question is:

How do Italians who live in Sweden adapt to Sweden's legal environment?

This question can be further nuanced in the following:

- (1) How does the legal culture of Italians who live in Sweden influence the way they attribute meaning to and behave in mundane situations and interactions?
- (2) How does the multiple layers of official laws existing in Sweden (national and European) affect the legal culture of Italians who live in Sweden?
- (3) What implications does the study of Italians' legal adaptation strategies in Sweden have for the scholarly debates on legal consciousness/legal culture and mobile EU citizens?

Before discussing this thesis's objectives, a brief digression on the relevant debates surrounding intra-EU migration is needed to comprehend the legal and political background context.

2. The legal discipline and the political debates on freedom of movement and EU citizenship.

In 1992, the Maastricht Treaty introduced the Citizenship of the Union, a status that granted all citizens of each MS a set of rights that they shall enjoy anywhere in the EU territory, that is: (1) the right to move and live in another MS, (2) the right to vote, and be voted, at the European Parliament elections and at the local elections in the municipality where they reside, (3) the right to enjoy consular protection by the diplomatic authorities of another MS in a third country where their home MS is not represented, and (4) the right to submit a petition to several EU institutions.

At the EU level, the discipline of EU citizenship is now included in the Treaty on the European Union, the Treaty on the Functioning of the European Union (the "Treaties"), in various regulations and directives, including the dedicated Directive 2004/38/EC (the "Citizenship Directive"), as well as in the relevant jurisprudence by the Court of Justice of the European Union (CJEU). The legal introduction of EU citizenship, just "some ink on paper" (Basu 2018, p. 1), however, turned into a social and political earthquake. While more and more EU citizens took advantage of the rights granted to them by the EU citizenship legal regulations and tried to find fortune in another MS, MSs realized that these migrations flows could have heavily impacted their financial stability (Blauberger et al. 2018). These concerns increased after the 2004 and 2007 EU enlargements and the 2008 financial crisis. First, the access to the European Union of the Eastern bloc led to new flows of migration on the East-West axis (Favell 2018). Subsequently, the 2008 financial crisis severely impacted the highly indebted countries of the South of Europe, whose citizens engaged in new migratory flows along the South-North axis (Lafleur and Stanek 2017b).

These two events, therefore, pushed the more affluent MSs to raise several concerns surrounding the exercise of the freedoms and rights associated to EU citizenship, leading to two fundamental consequences, one outward and one inward. Outward, these MSs started to put

political pressure for a change of the discipline of EU citizenship, and since “ECJ judges read the morning papers” (Blauberger et al. 2018), the jurisprudence of the CJEU timely acknowledged these tensions. From a very expansive approach in the 90s and 2000s, the CJEU shifted to a very restrictive one in the 2010s, so much so that some have argued that EU citizenship is now not a form of citizenship at all (Menéndez and Olsen 2020). Inward, MSs have started to adopt several tactics to restrict the material enjoyment of EU citizenship rights. Due to the relevance of national laws for the enforcement of the Citizenship Directive, MSs have widely used this discretion to impose additional and stricter conditions for the enjoyment of the rights and freedoms associated to the EU citizenship status. EU citizens, therefore, have started to experience increasingly selective procedures and a perceived excessive discretion by local bureaucrats in the host MS (Heindlmaier and Blauberger 2017), thus confronting a reality that was much different from the one promised by the Treaties and the Citizenship Directive (Brändle 2020). Sweden too has become increasingly selective in determining the criteria to register in its population registry, as the next section shows.

3. Along the South-North axis: Sweden as host MS, Italians as EU mobiles.

Sweden has a universalist welfare system based on the principle that whoever formally resides in the territory of the Swedish state should be equally entitled to access welfare services (Fröhlig et al. 2019). In order to formally reside in Sweden, one must be registered in the population registry and accordingly receives a *personnummer*, which becomes one’s univocal identification code that allows all residents to access services in both the public and private sectors (Hyltén-Cavallius 2018). Initially, in order to register in the population registry and obtain the *personnummer*, individuals had to prove their intention of staying in Sweden for at least one year, that is to have one’s center of interest, to “sleep at night” in Sweden for at least one year (Erhag 2016, p. 212).

As from 2014, residential criteria for EU citizens have been tightened. Beside proving their intention to “sleep at night” in Sweden for at least one year (Ibid.), EU citizens must also prove that they either have a working contract of at least one year, or that they are self-employed, service providers, jobseekers with concrete chances of finding an occupation, or students, with sufficient financial means and a health care insurance (Ibid.). In compliance with the Citizenship Directive, all EU citizens still have a three-month period where they can reside in Sweden without any constraint, but in this case they do not satisfy the residential requirements and thus they cannot receive the *personnummer* (Hyltén-Cavallius 2018). Consequently, when non-Swedish EU citizens decide to move to Sweden, they must comply with a specific Swedish regulatory framework that sets several requirements in the absence of which an EU citizen cannot reside in Sweden.

On the other side of the South-North intra-EU migration flow, Italians are among those EU citizens who are increasingly “mobile”. Despite a public discourse dominated by the “brain drain” (*fuga dei cervelli*) narrative, according to which only “the best of Italy” leaves the country (Tintori and Romei 2017), Italians are now part of a broader migratory pattern along the South-North EU axis, nourished by Italy’s stagnant job market and general financial instability (Lafleur and Stanek 2017b). Accordingly, developed as a study of Italians living in Sweden, this thesis is located along the South-North EU route that has become rather trafficked in the aftermath of the recent financial crisis. This thesis can thus contribute to broader contemporary issues, as the next section shows.

4. Research aims.

The objectives of this thesis are primarily theoretical and empirical. The empirical goal of this thesis is to provide insights into the relationship that Italians have with the law in Sweden. Accordingly, this thesis provides empirical knowledge on the reasons behind Italians’ decision to migrate to Sweden and their struggles, or absence thereof, when adjusting to Sweden. Moreover, by tackling a country pair that lies on the South-North EU axis, this work contributes to shed light on current understandings of intra-EU patterns of migrations. From a theoretical standpoint, this thesis develops an analytical framework that combines Ewick and Silbey’s (1998) theory of legal consciousness and de Sousa Santos’s (1987) concept of interlegality as applied by Banakar (2019) to the EU context. Consequently, this thesis contributes to ongoing debates within socio-legal theory surrounding legal consciousness, legal culture, and interlegality (which is an instantiation of legal pluralism) within the EU. Finally, a reader interested in political EU debates will find fertile ground for normative arguments as well. By describing the daily successes and struggles of Italians who live in Sweden, this research provides a picture of the state of the art of EU integration at the grassroots level. By investigating thoughts, experiences, and daily practices of a group of EU mobiles, this thesis can be useful for those who are interested in understanding what it means, in real terms, to be an EU citizen and, arguably, what does not work about it and ought to be changed.

5. Structure of the thesis.

This work is divided into five more chapters. Chapter two includes a review of the scholarship that has tackled issues surrounding EU mobiles’ relationship with the law. Chapter three is devoted to the construction of the analytical framework. Chapter four discusses the methodology used to analyze the empirical data, which are presented and analyzed in Chapter five. Chapter six draws the relevant conclusions of this project, by comparing the empirical findings with the existing literature and by discussing the implications of this thesis’s findings for socio-legal theory.

CHAPTER TWO: LITERATURE REVIEW

1. EU mobiles and the law: a review of the relevant scholarly literature.

In the vast scholarship on the migratory experiences of EU mobiles, a consistent finding across the literature is the role that street-level bureaucrats of the host MS play in determining the material and concrete enjoyment of EU mobiles' rights as EU citizens. Employees of local agencies, in fact, must interpret EU legislation and reconcile it with local regulations, frequently without clear guidelines (Sampson Thierry and Martinsen 2018). This blurry position grants them discretionary power, which can lead to a different treatment of EU mobiles in the same position. This finding is documented in various case studies focusing on specific MSs, such as Austria (Heindlmaier 2020) Austria and Germany (Heindlmaier and Blauberger 2017), Poland (Andrejuk 2017), or EU capitals, like Brussels (Simola 2018), Berlin and Madrid (Price and Spencer 2014), Berlin and Copenhagen (Brändle 2020), or subnational regions, such as Piedmont, Italy (Perna 2018). Other works are designed as case studies of country pairs, describing the experiences of EU mobiles of a certain nationality living in another MS, such as Poles in pre-Brexit UK (McGhee and Pietka-Nykaza 2016, Burrell and Schweyher 2019, Carmel et al. 2019), Czech and Slovak living in Glasgow (Guma 2020), Hungarians in Austria (Regös et al. 2019, Holzinger 2020), Bulgarians in Germany (Fingarova and Amelina 2019), and Estonians in Sweden (Fröhlig et al. 2019).

The findings included in these works are relevant. Burrell and Schweyher (2019) maintain that welfare practices by British street-level bureaucrats consist of a form of “racialized governmentality” that, Guma (2020) argues, helps the state to reconstruct its national borders and “turn [EU] citizens into immigrants”. Language was also considered a crucial tool of social exclusion (Kramer et al. 2018), as it was the case for the Estonians in Sweden or the Hungarians in Austria, who struggled to comprehend the procedures to exercise their rights as EU citizens (Fröhlig et al. 2019, Holzinger 2020). In Austria, for instance, the state is not equipped to confront the linguistic illiteracy of potential EU mobiles, and Holzinger (2020) argues that this aspect shows an inherent trait of the “European social project that strongly endorses the active participation of citizens, while burdening the individual rather than the state” (p. 1804).

Moreover, part of the literature focuses on minority EU citizens as the target of discriminatory practices by MSs. This aspect was documented for specific ethnic groups, such as the Sinti and the Roma (Isin and Saward 2013, Parker and Catalán 2014, Gould 2015, Sardelić 2017, 2018, 2019). Furthermore, scholars have argued that EU citizenship is also a gendered concept. Since it is tailored on the prototype of the worker individual who is freed from any care-

giving work, the legal construction of EU citizenship fails to include those women who are involved in activities traditionally performed by non-working women (Shutes and Walker 2018). Palumbo and Sciarba (2015) also argue that EU citizenship status fails to grant legal protection to Romanian women who are employed in the agricultural sector in Sicily, Italy.

Finally, the existing literature also shows that EU citizens can actively challenge the interpretation of European and national regulations in order to satisfy the legal requirements to be framed as residents of the host MS. For instance, it was common for Hungarians working in neighboring Austria to work during the week in Austria and to return to Hungary for the weekend (Scheibelhofer and Holzinger 2018). This constant back-and-forth with their country of origin gave Austria a legal ground, under EU regulations, to exclude them from the Austrian welfare regime of employment benefits (Ibid.). Considering that the Austrian benefits are much higher than the Hungarian ones, Hungarian workers started to develop stronger social ties in Austria, in order to force a different interpretation of the EU regulations and, therefore, to be considered residents of Austria and access its employment benefits (Ibid.). By developing this stratagem, Hungarians actively pursued a different categorization of their status, from “sedentary” EU citizens to proper EU mobiles, thus obtaining the rights and prerogatives associated with this status.

Overall, the studies presented in this section indicate that EU mobiles’ experiences with local bureaucracies are rarely free from struggles, and this has been the case also in Sweden, as the next section shows.

1.1. Sweden as the host MS.

To begin with, scholars have argued that certain Swedish criteria to grant residence status to EU citizens have discriminatory effects for some EU citizens (Hyltén-Cavallius 2018, Scheibelhofer and Holzinger 2018, Fröhlig et al. 2019). For instance, Fröhlig et al. (2019) maintain that the regulations surrounding the *personnummer* may potentially clash with the Citizenship Directive in relation to EU jobseekers, who find themselves in a “Swedish Catch-22” (p. 189). According to the Citizenship Directive, in fact, jobseekers have the right to reside without limitations in another MS for six months, a time that in Sweden is not sufficient to obtain a *personnummer*. However, in practical terms, it is arduous to navigate Swedish society without a *personnummer*, as it grants access nearly to all spheres of life, including the job market, where it is frequently a necessary requirement to be employed to begin with (Ibid.).

Overall, the Swedish state has struggled to find a compromise between its residence-based welfare system and the freedom of movement granted to all EU citizens (Erhag 2016). Such an institutional struggle reflects a more general political debate concerning Sweden’s migration

policies, which during the 2000s moved from a discourse focused on universal human rights, toward a more economic-oriented one (Berg and Spehar 2013, Ferrera and Pellegata 2018). Accordingly, non-autonomous migrants have been increasingly considered a burden for the Swedish welfare state, while more positive connotations have been directed toward labor migrants, who are considered contributors to the Swedish economy (Ibid.) This bifurcation is reflected also in the relevant scholarship, divided between scholars who focused on the challenges faced by the “unwanted” migrants, and those who studied the experiences of economically sufficient migrants.

To begin with, migrants coming from EU countries of Central and Eastern Europe, especially Bulgaria and Romania, and belonging to the Roma ethnic group, now largely populate the Swedish streets, living homeless and engaging in begging activities (Ciulinaru 2017, Wallengren and Mellgren 2018, Johansson et al. 2019, Ekendahl et al. 2019, Wagman et al. 2020). With a call for “human rights discourses that go beyond the individual level” (Johansson et al. 2019), this research strand shows that in Sweden a stratification of the concept of “EU citizen” is happening, namely, a different degree of enjoyment of the rights associated to EU citizenship depending on one’s personal social conditions, a phenomenon also highlighted by a recent Amnesty’s report (Amnesty International 2018). The response to this phenomenon by the Swedish state and society at large has varied. While the state has established a “hotline” dedicated to indigent EU citizens (Zelano 2018), civil society and third sector organizations have played a key role (Hellgren 2014, Zelano 2018), sometimes substituting the Swedish welfare state (Karlsson and Vamstad 2020), and striving to fight the criminalization of vulnerable EU citizens (Morell 2018).

On the other hand, a different picture arises when examining the scholarship on “wanted” EU migrants. These are EU citizens who are regularly employed, thus contributing to the Swedish economy through ordinary means (Apsite et al. 2012). However, navigating the Swedish state as an EU mobile can be tough also for working EU citizens. Fröhlig et al. (2019), for instance, argue that Estonians struggled with the non-transparency of some administrative procedures, language barriers in relation to key information about social insurance, the existence of regulatory gaps that gave discretion to the bureaucrats (leading to individuals being treated differently in the same situation), and the non-alignment of the Swedish and Estonian welfare systems, which made it very difficult for Estonians to port their social rights (Ibid.). Finally, Fröhlig et al. argued that the Estonians’ legal experiences in Sweden were also dependent on their specific attitude toward the state. Due their past under a communist regime, Estonians in Sweden showed reluctance to access state’s social support and a desire to free themselves from a welfarist political culture, thus expecting themselves to be “autonomous and non-dependent” (Ibid., p. 192), a point that shows that the country of origin heavily impacts the way EU mobiles approach the legal environment of the host MS.

1.2. Italians as EU mobiles.

In the aftermath of the 2008 financial crisis, Italians have increasingly become “active” EU mobiles (Lafleur and Stanek 2017b). While it is true that many Southern Europeans are highly skilled individuals who easily find jobs abroad (Bartolini et al. 2017), there are also documented cases where they have become undesired EU citizens. For instance, Italians in Belgium have seen their residence permits increasingly removed upon requesting access to certain welfare benefits (Lafleur and Mescoli 2018). While there are still no documented cases of Italians who were physically expelled from Belgium, their financial instability, together with the constant threat of being deported, made them accept very precarious jobs, frequently in the black market, or rearranged their status as self-employed individuals, who are less burdensome for the state’s welfare (Ibid.). In addition, Italians were frequently stigmatized and reprimanded by street-level bureaucrats, who made them feel undeserving of the welfare services of the Belgian state (Ibid.). The same study also indicated that Italians showed a general discontent toward the Belgian state in those circumstances where non-EU citizens were granted more welfare services and aids in comparison to EU citizens.

Finally, several works have discussed the political activism of Italians living in another MS. In Belgium, Italians have created associations to help fellow EU mobiles adjusting to the country, such as the Brussels office of the Italian trade Union INCA-CGIL, which also provide legal aid to migrants who were expelled (Lafleur and Stanek 2017a). Similar engagement was displayed by Italians in Berlin, who in 2014 formed the Berlin Migrant Strikers (BMS), a political group that had the purpose of supporting migrants and informing them about the dynamics of the German labor market, welfare system, and labor rights (Bouali 2018).

2. Socio-legal research.

Despite providing theories that explain the mutual interplay between law and society, socio-legal studies have been seldom applied in the context of EU mobiles’ adaptation to the host MS’s legal system, with the two relevant exceptions of Kubal (2009, 2012, 2013) and Gehring (2013).

Building on the empirical findings obtained during her fieldwork with Poles living in the UK (2009, 2012), Kubal (2013) argues that migrants’ relationship with the legal system of the host country could be explained with a combination of two factors: on the one hand, the legal environment of the receiving country; on the other hand, the “legal baggage” (p. 64) that every migrant carries with him or her, consisting of “the cultural patterns of values, attitudes to law and means of disputes resolution stemming from the different legal orders that migrants were socialised to prior to their arrival and residence in the host country” (Ibid., p. 67-68). In order to frame this

“legal baggage” within a specific socio-legal theory, Kubal argues that one must look at how the law is conceptualized and practiced in the country of origin. Therefore, in the case of migrants coming from a country with a strong web of unofficial and customary laws, their legal adaptation should be framed with theories coming from the legal pluralism school. Conversely, in the case of migrants coming from state-law centric legal systems, their legal adaptation should instead be framed within theories originating in the legal consciousness/legal culture tradition. In particular, Kubal argues that Ewick and Silbey’s (1998) theory of legal consciousness serves well the purpose of explaining migrant’s adaptation to the legal system.

Finally, Gehring’s (2013) study of the legal consciousness of Dutch pensioners in Spain found that Dutch retirees deal with several layers of laws, the Spanish, the Dutch, and the EU ones, and that they “play” with them to find a balance between the best of the Dutch state (health care) and the best of Spain (weather and lifestyle). To explain the mutual interplay of these laws, Gehring rearranges Ewick and Silbey’s theory of legal consciousness in transnational terms. She builds on Moore’s (1973) to argue that EU retired migrants are part of a transnational semi-autonomous social field, where national laws “follow” EU mobiles well beyond the national borders of the MS of origin. Accordingly, Gehring suggests that future studies of legal consciousness in the EU should adapt the existing theories to the particularities deriving from the EU’s legal system and the transnational lifestyles of EU mobiles.

3. The gaps in the literature.

The reviewed literature shows that the objective of this study, namely, to explore how Italians adapt to Sweden’s legal environment, can provide useful empirical and theoretical contributions. Empirically, there is a lack of knowledge on the country pair Italy-Sweden, which has not been specifically addressed in the literature and it could be useful to tackle, considering the opposite position of these two countries in the current geopolitics of the EU. In more socio-legal terms, this thesis investigates how Italian legal culture influences the legal adaptation of Italians who live in Sweden, hence representing an examination in the EU context of Kubal’s arguments surrounding migrants’ adaptation to the legal environment of the host country. Theoretically, this study seizes the opportunity suggested by Gehring (2013) to rearrange legal consciousness theory in the EU context. In fact, a recent study on migrants’ legal consciousness found that more than 70% of the studies were focused on North America (Miežanskienė 2020) and, as Gehring suggested, more empirical data is needed to develop new socio-legal theorizations of legal consciousness in the EU setting. This thesis is located in this research tradition, and I devote the next Chapter to the purpose of developing an analytical framework to studying EU mobiles’ legal consciousness.

CHAPTER THREE: ANALYTICAL FRAMEWORK

1. Constructing the analytical framework: specifying Kubal's "legal baggage".

As I highlighted in the previous chapter, Kubal (2013) argues that migrants' adaptation to the legal system of the host country is a process characterized by the mutual interplay of the local legal environment and migrants' legal culture/legal consciousness (I specify the distinction between these concepts below, in section 2): "individual understandings and social interactions aggregate to partly shape institutions, while institutions and larger social structures provide the foundations for and constraints on individual understandings and social interactions (p. 67). In the case of EU mobiles' adaptation to the host MS's legal system, Kubal's framework needs to be specified in order to account for the existence of the EU's legal system. In the context of intra-EU migrations, in fact, the legal adaptation process does not only happen on a nation-to-nation level, because EU law permeates both poles of Kubal's legal adaptation process. It is an integral part of the host MS's legal environment and, at the same time, it has shaped migrants' legal culture/legal consciousness since their time living in the home MS, where it was part of the legal environment as well.

Therefore, when studying EU mobiles' adaptation to the host MS' legal environment, one needs an analytical lens that explains how individuals' legal culture is tied in a mutually transforming interaction with both national and EU law. For this purpose, I develop here the concept of "EU mobiles' legal consciousness", which explains how EU mobiles' legal culture is crafted in a plural legal environment composed of both EU and national law, and how, in turn, EU mobiles' legal culture reconstructs this plural legal environment. To study EU mobiles' legal consciousness, I construct an analytical framework which merges Ewick and Silbey's (1998) theory of legal consciousness and de Sousa Santos's (1987) concept of interlegality as applied by Banakar (2019) to the EU context. Ewick and Silbey's theory provides the analytical tools to explain how the existing legal environment shapes one's legal culture and how one's legal culture, in turn, contributes to socially construct the surrounding legal environment. Banakar's concept of EU's interlegality helps to explain how this mutually transforming relation takes place within the specific context of the EU, thus connecting EU citizens' legal culture to both EU law and national law.

2. Ewick and Silbey's theory of legal consciousness.

In *The common place of law: stories from everyday life*, Ewick and Silbey's (1998) developed a theory of legal consciousness that explains how individuals partake in the social construction of legality. Ewick and Silbey's research originates from the observation that, in American society, the

law is omnipresent, from labels on products to parking signs, from condo regulations to legal dramas, and that, in dealing with law's omnipresence, Americans display contradictory attitudes. Sometimes they show unquestioned respect to the law, deferring to the Constitution or a judge's verdict because "it's the law", whereas in other occasions Americans discredit greedy lawyers with a sarcastic joke. Other times, moreover, Americans are prone to mobilize the law to claim their rights. How is it possible to make sense of these contradicting behaviors? How can the law endure its authoritative status in the American society, despite a consistent gap between how the law is drafted and how it is materially implemented? (Silbey 2005). Ewick and Silbey's research offers an analytical explanation to these questions, by providing a theorization of legal consciousness.

To begin with, Ewick and Silbey (1998) distinguish between "law" and "legality". "Law" is any bill that was enacted by a relevant authority and therefore recognized as binding legal regulation. A state's constitution, a school's internal rules, a judge's verdict, an international body's regulation: these are just some examples of relevant "law" in Ewick and Silbey's account of legal consciousness. "Legality", instead, refers to "the meanings, sources of authority, and cultural practices that are commonly recognized as legal, regardless of who employs them or for what ends" (Ibid., p. 22). In other words, while only the deputed authority (a judge, the parliament, a supranational authority, etc.) can issue a "law", one can observe laypeople engaging in a wide range of legally meaningful experiences and practices, which altogether constitutes a social structure named "legality". Accordingly, every common layperson partakes in the social construction of legality "through repeated invocation of legal concepts and terminology" (Silbey 2005, p. 347).

For example, when Willa says, "this is my house", Willa is of course not enacting a law, but she still partakes in the social construction of legality because she attributes meaning to a social reality (e.g., the relationship between her and a house) using the legal category "property". In a society without the law on property, the utterance "this is my house" does not have any legally relevant sense.¹ At the same time, in a society where the law on property exists but whose language (e.g., the possessive adjective "my") or cultural practices (e.g., building fences around a house or not entering one's apartment without permission) are never used or performed by laypeople in real life, such a law would be empty of *real* meaning. Accordingly, in Ewick and Silbey's (1998) theory of legal consciousness, the law of a given society is the fundamental reservoir of terms, words, and concepts that individuals borrow to attribute meaning to the word surrounding them, through communication (e.g., "this is my house") or cultural practices (e.g., fencing in one's house). By

¹ While I cannot discuss here the difference between legal and social norms, Willa's utterance could still make sense if in her society a social norm on possession circulates, and for Ehrlich (1936), the schools of legal pluralism (Griffiths 1986, Merry 1988, Tamanaha 2001), legal anthropology (Malinowski 2013, Pirie 2013), and legal history (Grossi 2007, 2017, 2020, Dresch and Skoda 2012), one cannot exclude *a priori* that a social norm could also have a legal nature.

recurrent invocations and practices of legal terms, people construct legality, which is one of society's fundamental structures (Ibid.). Furthermore, legality itself becomes a reservoir of cultural schemas and resources that determine the possible meanings that individuals can use for attributing meaning to future mundane situations (Ibid.). Therefore, every single practice of legal meaning-making borrows from, and simultaneously reconstructs, legality, thus making legal consciousness a collective endeavor where one borrows from previously produced meanings and reproduces them with his or her consciousness (Ibid.). By being continuously used by individuals, these meanings are thus stabilized, objectified, and institutionalized, they grow into cultural schemas that "become part of the of the material and discursive systems that limit and constrain future meaning making" (p. 39). In the example above about property, Willa's decision to confine her house with a fence is a practice that, arguably, derives from the fact that in Willa's society the right to own a house has obtained the cultural meaning of fencing in houses. Therefore, Willa's decision to put a fence around her house is in line with her society's legality, and thus it displays Willa's legal consciousness. By putting a fence, Willa partakes in the social construction of her society's legality and, by doing so, she reproduces the existing cultural meanings of the law on property.

This point allows me to finally articulate the distinction between legal consciousness and legal culture. In Ewick and Silbey's theory, these two concepts cannot exist without each other. Legal consciousness is the label given to a process that constructs a society's legality, which is a social structure that contains this society's legal culture. Whenever Willa attributes legally relevant meanings to mundane situations, she borrows from legality certain cultural schemas, which become *her* legal culture. Legal consciousness is, therefore, the process through which a society's legality and its legal cultural schemas are produced and reproduced. Legal culture is thus the result of a process of legal consciousness, and legal consciousness is a process whose content is determined by a preexisting legal culture. To use computer science terminology, legal culture is both the input and the output of a legal consciousness process. Therefore, I will use the term "legal culture" to refer to the cultural schemas used by individuals to attribute meaning to social situations, and "legal consciousness" to refer to the broader process of the social construction of legality. It is however important to remember that one term inevitably implies the contextual deployment of the other.

Finally, Ewick and Silbey argue that legality does not bound individuals in one way only. Individuals in fact do not "process" legal culture in one univocal manner, as legal consciousness can take the shape of three distinct narratives: before the law, with the law, and against the law.

2.1. The three narratives: before the law, with the law, against the law.

Before the law.

The “before the law” narrative (BTL) refers to those instances when individuals defer to law’s authority (Ibid). This is the “law’s own story” (Ibid., p. 106), it is what the law aspires individuals to think of the law, that is a coherent body of logical rules characterized by objective rationality and impartiality. In this narrative, the law is reified, it is a timeless and spaceless institution detached from society, it is a set of rules that individuals consider to be the natural way the law should be. The BTL narrative emerges when individuals talk about the law as something abstract, which “extract[s] people from their historical and social contexts” (Ibid., p. 90). Consequently, people with a BTL consciousness consider the law to create universal rights that are equally granted to everyone. The BTL narrative is therefore the story of the equality before the law, a story where the law has been constructed with neutrality and it is blind to individual particularities. This aspect can be empowering for an individual because it allows one to escape social pressures and be normatively evaluated on the basis of impartial and neutral criteria (Ibid). However, another indicator of a BTL narrative is represented by those moments when individuals dismiss their daily problems in front of law’s authority. When displaying a BTL consciousness, in fact, people consider the law to be too important and authoritative to be bothered by the little trivialities of their everyday life. They regard their daily problems as exceptions that are not legally relevant, they consider personal experiences to be disconnected from a structural problem that may derive from the existing law. In other words, a BTL consciousness emerges when individuals consider personal biography to be detached from history (Mills 1959 as cited in Ewick and Silbey 1998, p. 234). Consequently, individuals with a BTL consciousness do not mobilize, criticize, or discuss the need of legal change because the law *is* already how the law *ought to be*. However, Ewick and Silbey point out that it is precisely by avoiding fighting a personal interest because it is considered partial and trivial, that the law eventually creates its temporal and spatial detachment from the real world.

With the law.

The “with the law” narrative (WTL) refers to instances when individuals talk about and use the law to pursue their self-interest goals. In the WTL narrative, individuals consider the law to be a tool that permeates everyday life, which can be used and manipulated by drawing on one’s resources and skills, for the purpose of achieving personal goals (Ewick and Silbey 1998, p. 224). In the WTL narrative, the law is therefore considered partial and open to acknowledge social differences. This is the “realist tale” of the law (Ibid., p. 164), where individuals understand the law “to be a socially constructed and social organized means for seeking a variety of ends or expressing a variety of

meanings in relation to, and typically in opposition to, others” (Ibid., p. 135). Individuals who display a WTL consciousness have understood that the law is flexible enough to accommodate one’s interests, by using personal capital, experiences, and resources (Ibid., p. 224).

In the WTL narrative, the law is considered as a game (Ibid., p. 136), namely a set of rules that provide the normative framework within which players’ action is meaningful. In a game, players must follow the relevant rules, but they have a certain degree of agency that allows them to choose between a set of possible meaningful actions. Similarly, in the WTL narrative, the law is considered like an essential skeleton of rules, within which individuals can move and act thanks to their personal resources, economic and social capital, and experiences. Seen in this light, the WTL is the opposite of the BTL story. While in the latter the law is seen as neutral, impartial, objective, and detached from everyday life trivialities, in the WTL story the law is at people’s disposal, and it is therefore manipulable for the purpose of achieving personal goals. Contrary to the BTL story, in the WTL narrative individuals do mobilize the law to promote their self-centered interests.

Against the law.

The “against the law” narrative (ATL) refers to those instances when individuals develop strategies to resist the law’s power. In the ATL narrative, people have understood that the law is not neutral (as the BTL narrative suggests) because it promotes its own ideology. They have also realized that it is not at their total disposal (as the WTL narrative claims), because they do not have gained sufficient experience or capital to use it for their own ends. In this story, individuals deem the law to be an arbitrary expression of power, which colonizes the world by creating roles and hierarchies among individuals (Ibid., p. 224).

Individual agency is very much present when people display an ATL consciousness, in both people’s stories and actions. First, while recognizing law’s arbitrariness, individuals recount their stories with sarcasm and humor, to mock law’s asserted grandiosity (Ibid., p. 219). Furthermore, resistance can also happen through individual practices, for instance by colonizing spaces where the law exercises its power, or where the law’s power is not sufficiently clear. Doing something which is not explicitly forbidden, masquerading, telling a white lie to a public official, these are all examples of moments of resistance that allow individuals to regain a certain degree of power in their relationship with the law (Ibid.). Finally, when acting against the law and therefore combating law’s power, individuals draw upon their “store of cultural and social capital, their experience and knowledge of alternative roles, and the likelihood that the performance will be accepted as genuine” (Ibid., p. 206). Accordingly, similarly to the WTL narrative, the way an ATL story is performed is dependent on one’s position in society, in terms of personal capital and experiences.

These are the three narratives of legal consciousness according to Ewick and Silbey (1998). In other words, these are the three types of “processes” through which individuals contribute to the social construction of legality. Before moving to the next section, one fundamental specification must be done. The BTL, WTL, and ATL narratives do not univocally correspond to three types of individuals (Ibid.). It is not that one person always stands before the law, another one always plays with the law, and another one always acts against the law (Ibid.). Ewick and Silbey are very clear in reporting that individuals can express each of the three types of legal consciousness, depending on the situation’s contingency. It is in fact the contextual existence of the three kinds of legal consciousness that allows law’s hegemony to be preserved.

2.2. Law’s hegemony and ideology.

Ewick and Silbey’s legal consciousness theory is informed by Gramsci’s concepts of cultural hegemony and contradictory consciousness (Ewick 2017). Gramsci argued that cultural hegemony is a condition whereby the subaltern class is governed by directing people’s ideas and culture (La Porta and Prestipino 2014). Hegemony is not achieved through active domination by the state or the dominant class but through the consent of the subaltern, by directing how individuals communicate and interact (Ewick 2017). In fact, individuals use a language that is not free-floating, but it is drawn from an existing discourse that is constituted by the “common language of social and political reality in which these beliefs are expressed” (Taylor 1971 as quoted in Ewick 2017, p. xv).

Analogously to Gramsci’s idea that cultural hegemony is achieved by directing people’s communication and interactions, Ewick and Silbey claim that the existing law and legality determine the scope of possible language and cultural schemas that people can use to attribute legal meaning to the world and act in it. Individuals are bounded by a limited range of cultural schemas, which have been constructed through a constant process of meaning-making where the structure (law and legality) determines the possibility of meaningful interactions. Nonetheless, individual’s agency plays a role too in this process, because individuals are not univocally bound to express one kind of legal consciousness, but three: BTL, WTL, or an ATL consciousness (Ibid.).

It is thanks to the contextual existence of contradictory accounts of legal consciousness (BTL and WTL) that law’s hegemony is produced and reproduced (Ewick 2017). If the law were to be only an abstract set of impartial values, unattainable by laypeople (the core of the BTL narrative), the law would become too abstract to be considered relevant and useful to address the particularities of human affairs (Silbey 2005). If, on the contrary, the law would simply be a mundane game that is flexible to any individual caprice (WTL narrative), where systematically “only the ‘haves’ come out ahead” (Galanter 1974), then the law would lose all its authority (Silbey 2005, p. 350):

if the only thing people knew about the law was its profane face of crafty lawyers and outrageous tort cases, it would be difficult to sustain the support necessary for legal authority. Conversely, a law unleavened by familiarity and even the cynicism familiarity breeds would in time become irrelevant.

Either way—as solely god or entirely a gimmick—it would eventually self-destruct.

Accordingly, it is the constant and repeated contradiction between the BTL and the WTL narratives that produces and reproduces law's hegemony. So where does the ATL narrative situate in this scheme? As I explained above, people display an ATL consciousness whenever they report stories and perform practices of resistance against the law, in order to regain a certain degree of power on their side. People engage in an ATL consciousness when they have understood that there is *something* about the law that makes it an instrument of arbitrary power that is neither fair (BTL) nor useful (WTL). This *something* is law's ideology, namely, the moral and political values that inform the law and that permeate everyday life through the hegemonic scheme outlined above. The ATL narrative, therefore, represents those moments when individuals engage in practices that break law's hegemony and reveal law's ideology. Silbey's (Ibid, p. 332-333) words are helpful again:

Although much of the time legal forms go unnoticed and cognitively disappear, they are imperfectly naturalized. At any moment, the stabilized, historical *legalfact* can reappear, perhaps becoming a matter of concern, debate, or resistance. The iceberg cracks and hits a passing ship. Hegemony is ruptured; the ideological force of law is apparent.

Hegemony and ideology are therefore two different concepts. Hegemony refers to the silent operation of the law through people's everyday interactions and practices (Ibid.). It is the result of the constant production and reproduction of the BTL and WTL narrative by individuals. Ideology instead represents the inner morality and political goals that permeate the law since its very inception. The law is indeed biased and partial, it is inherently ideological, but due to the constant contradiction between the BTL and WTL narrative, its internal partiality is constantly, repeatedly hidden. It is only when individuals deploy an ATL narrative, by engaging in small acts of resistance, that law's ideology resurfaces on the ground.

Ewick and Silbey's theory was developed to explain Americans' relationship with the law and, accordingly, it was constructed in relation to star-spangled American law only. In contrast, in the EU the concept "law" can take more nuanced instantiations, as at least two layers of laws are mutually intertwined, that is European and national laws. To account for this complexity, I now introduce the concept of interlegality.

3. de Sousa Santos's interlegality and Banakar's readaptation to the EU context.

The concept of interlegality was coined by de Sousa Santos (1987) to explain the mutual interplay between local, national, and world laws in a postmodern global society. Using the metaphor of law

as a map, de Sousa Santos argued that local, national, and world laws function analogously to world, national, and local maps, and he borrowed from cartography three mechanisms: scale, projection, and symbolization. Scale is the proportion between the map and reality, and a decision on scale turns into “a decision on more or less details” (p. 283). Likewise, de Sousa Santos argues that world law is small-scale legality because it regulates social issues in broad terms, defining ultimate goals to be achieved. National law is medium-scale legality, increasing the level of details and reducing the breadth of the political objectives. Local law is large-scale legality, tackling social issues in the most detailed way, although losing touch with broader socio-political issues.

Projection is the mechanism through which the spherical reality of the world is turned into a flat map (Ibid.). This procedure inevitably distorts reality, and the choice of what is distorted is never a neutral one, because it “is conditioned by precise technical factors but it is also based on the ideology of the cartographer and on the specific use intended for the map” (Ibid., p. 285). Therefore, some objects are put at the center of the map while others at the peripheries, hence privileging a faithful representation of the former over the latter. Similarly, world, national, and local laws all have different projections, namely, ideological choices that inform how they are drafted and what they plan to achieve. In other words, they all put different values at their core.

Symbolization is the technique through which features of reality become symbols in the map, by using, say, a tree to represent a forest or a square to indicate capital cities (Ibid.). Symbolization also differs depending on the law, as national law has a style of symbolization called “instrumental legality”, characterized by abstract legal terminology (such as “contracts” or “legal disputes”) which is preferred over a description of the concrete, material facts (Ibid., p. 295). Conversely, local and world laws embody an “image-based legality” (Ibid.), which privileges a description of the contextual features, culture, and informalities over instrumental abstractions.

While the three legalities differ in terms of scale, projection, and symbolization, they are interconnected with each other, they are in a relationship of “interlegality” (Ibid., p. 298). Interlegality entails that legal facts happening at one scale of legality have a legal meaning also at the other scales of legality, and such a legal meaning is rearranged in terms of projection and symbolization: “the fragmentation of legality is not chaotic. It is a social construction built according to the rules of scale, projection, and symbolization” (Ibid.). Accordingly, de Sousa Santos points (1987) out that interlegality is an expression of legal pluralism,² although it differs from the

² By deploying de Sousa Santos’s concept of interlegality, this thesis can also be considered a study of EU legal pluralism, although a necessary clarification is needed. Like de Sousa Santos, I do not conceptualize legal pluralism following the legal anthropology school (e.g., Griffiths 1987, Merry 1988, Pirie 2013), according to which the concept of law itself should be the object of empirical investigation. In this thesis, the delimitation of the concept of law is presupposed, and it follows Ewick and Silbey’s (1998) definition, according to which the law is any bill that was sanctioned by a relevant authority located at any geographical and political location, ranging from infra-state authorities

traditional legal pluralism developed by legal anthropologists in which different legal orders exist within the same space but remain distinct from one another. Interlegality is instead characterized by “porous legality” and “legal porosity” (Ibid.), that is a constant and recurring contamination among different legal orders that follow the rules of scale, projection, and symbolization. To further comprehend how interlegality functions, I introduce its readaptation in the EU by Banakar (2019).

Banakar argued that a relationship of interlegality exists between EU law, national laws, and EU citizens’ legal consciousness. EU law is small-scale legality, which sets the fundamental goal of the EU polity. Projection-wise, EU law puts at the center of its metaphorical map the four freedoms, which represent the ideological core of EU law (Ibid.), because what ultimately matters at the EU level is that people, capital, services, and goods move freely within the EU territory. Symbolization-wise, the EU interprets legal events happening at the other levels of legality through this wide lens, which means that, say, an EU citizen who returns to her home country because she was not able to register in the population registry of another MS is a potential threat to, or even failure of, the freedom of movement principles inspiring EU citizenship. National legality is medium-scale legality, which pertains to every MS. Its projection is nation-wide, and thus nationalistic are its ideological goals, such as protecting its welfare system and job market (Ibid.). Its symbolization is also nation-based, and therefore the rejection of an EU citizen’s residence application may be judged as a situation where national law successfully protected the state’s financial stability.

Finally, large-scale legality is constituted by EU citizens’ legal consciousness, namely, those instances where individuals engage in legally relevant experiences and practices. This kind of legality is everyday life legality, informed by people’s projection, that is, what political values they consider relevant, and their symbolization of mundane experiences and social interactions. In particular, at the large-scale of EU’s interlegality, EU citizens can attribute meaning to mundane circumstances with cultural schemas that can be borrowed from both EU’s legality and MS’s national legalities. In the above-mentioned example, for instance, the rejected EU citizen could symbolize her failure to reside in another MS as a shortcoming of EU’s policies, but could also blame it on the host MS’s discriminatory practices. This symbolization will be dependent on this EU citizen’s projection, that is, her political values, what she considers ideologically relevant.

In sum, Banakar’s EU’s interlegality equips one with a conceptual framework according to which, in mundane circumstances and social interactions, EU citizens may borrow legal terminologies and cultural schemas from both EU’s and MSs’ legalities. Their projection informs their legal consciousness, by determining how they symbolize these circumstances and, therefore,

to the state and to supranational authorities, thus making this thesis more relevant for current debates surrounding global legal pluralism (e.g., Berman 2012) and legal pluralism within the EU (e.g., Barber 2006).

which cultural schemas they choose. I now proceed to create the conceptual connections between Banakar's EU's interlegality and Ewick and Silbey's legal consciousness theory.

4. The conceptual and methodological adaptability of Ewick and Silbey's theory of legal consciousness and Banakar's concept of EU's interlegality.

In order to draw the conceptual links between the two frameworks, a preliminary clarification on the term "legality" is needed. In fact, this word is used by both Ewick and Silbey and de Sousa Santos (and Banakar, accordingly), but it does not always refer to the same concept. On the one hand, Ewick and Silbey define legality as a social structure that is constructed through laypeople's invocation of legal terminologies and cultural schemas in mundane circumstances (i.e., through laypeople's legal consciousness). On the other hand, following de Sousa Santos, Banakar uses the expression "legality" to refer to three distinct legalities: small-scale EU's legality, medium-scale MSs' national legalities, and large-scale EU citizens' legality (their legal consciousness). However, only the latter one (EU citizens' legality) coincides with Ewick and Silbey's conceptualization of legality. In fact, when Banakar refers to the small-scale EU's legality and the medium-scale MSs' legalities, he is referring to a technical legality, constructed by professionals (e.g., politicians, legislators, judges) who act at the level of European and national institutions. Arguably, this is the legality described in law textbooks or high-level political debates, but this is not Ewick and Silbey's laypeople's legality. The latter only coincides with the lower level of EU's interlegality, which is the large-scale legality of EU citizens' legal consciousness, characterized by those cultural schemas that are recursively used and practiced by laypeople in mundane events and social interactions. Therefore, henceforth, whenever I use the expression "legality", I implicitly refer to Ewick and Silbey's conceptualization of legality, which corresponds exclusively to the large-scale legality of EU's interlegality. Only in those circumstances where I need to refer to national medium-scale and EU's small-scale legalities, I specify in brackets that I am referring to a (technical) legality.

The conceptual bridge between Ewick and Silbey's theory and Banakar's EU's interlegality is therefore represented by the fact that both frameworks imply an analogous relationship between individuals' legal consciousness, legality, and the existing official law(s). In Ewick and Silbey's framework, legal consciousness is a process through which individuals attribute legal meaning to mundane circumstances by using words and terminologies that are ultimately drawn from the existing law, hence producing and reproducing a legal culture that, in its collective shape, constitutes the social structure "legality". In Ewick and Silbey's (1998) theory, therefore, individuals' legal consciousness is, at the same, shaped by the existing structure (official law and "lay" legality) and the fundamental component that constructs the structure itself. In Banakar's

(2019) EU's interlegality, EU citizens' legal consciousness, which is large-scale legality, is intertwined in a "flow of interlegality" (p. 80) with both EU's and MS's (technical) legalities. This flow goes both upward and downward: downward, EU citizens can draw legal terminologies from both EU's and MS's (technical) legalities, depending on their projection and symbolization of mundane interactions. By doing so, EU citizens construct the cultural meanings and schemas associated to both EU's and MS's legalities (here, I am referring to large-scale, nontechnical legalities). Upward, the collective expressions of individual EU citizens' legal consciousness can lead to changes to the higher levels of EU's and MS's (technical) legalities. Therefore, also in Banakar's conceptualization of EU's interlegality, EU citizens' legal consciousness is shaped by, and at the same time shapes, the existing structure (EU's and MS's technical legalities and laws).³

This point also demonstrates the methodological adaptability of interlegality and Ewick and Silbey's theory. Ewick and Silbey (1998) argue that official law is a reservoir of terminologies that affect how individuals speak and interact. Likewise, de Sousa Santos (1987) claims that interlegality emerges in "local vernaculars", because "different legal spaces [are] superimposed, interpenetrated, and mixed in our minds as much as in our actions, in occasions of qualitative leaps or sweeping crises in our life trajectories as well as in the dull routine of eventless everyday life" (p. 297-298). Both frameworks, therefore, entail an investigation of people's ordinary language and their life stories to comprehend how the social construction of legality (Ewick and Silbey 1998) and EU's interlegality (Banakar 2019) happen in mundane circumstances and social interactions.

5. A working framework to study EU mobiles' legal consciousness.

At the beginning of this chapter I argued that, to study EU mobiles' legal consciousness, one needs an analytical framework that accommodates EU law as a relevant factor that influences both EU mobiles' legal culture and the host MS's legal environment. After merging Ewick and Silbey's theory and Banakar's concept of EU's interlegality, I now have a working analytical framework to study EU mobiles' legal consciousness. When analyzing the empirical material, I will firstly assess how respondents symbolize (Banakar 2019) their life events, and thus identify the type of cultural schemas (EU's or MSs' legal culture) that respondents use to attribute meaning to daily events. This is the input information that enters respondents' legal consciousness process, which I will analyze through the BTL, WTL, and ATL narratives (Ewick and Silbey 1998). This analysis will help me identify the output information of this process, that is, how EU mobiles partake in the social construction of the surrounding legal environment, thus answering this work's research questions.

³ Banakar (2019) in fact argues that Brexit was the outcome of a legal consciousness process that went against EU's technical legality and official law, which ultimately led to a change of both EU and British legalities and laws.

CHAPTER FOUR: METHODOLOGY

1. A note on epistemology.

This study is grounded in critical realism, a theory of knowledge in the social science that accounts for the mutual interplay of structure and agency. Critical realism proposes a “stratified ontology” according to which the social world is divided in the real, actual, and empirical domains (Sayer 2000). The real domain is the structural dimension of the social world, which includes all the possible meanings and expressions that can emerge on the empirical surface (Ibid.). What emerges is a result of a struggle among power forces that happen at the actual level (Ibid.). Therefore, what can be “seen” in the empirical domain is not a necessary expression of the social world, but it is the result of a struggle between power forces that determines which ones ultimately emerged among the multiple potential manifestations of the social world contained in the real domain (Ibid.). Accordingly, a knowledge claim cannot solely derive from the raw data that appear at the surface level (as it is in positivism’s theory of knowledge), nor can it attribute unlimited power to individuals in crafting the social world, hence disregarding the ontological existence of the real domain (as it is in constructivist epistemology) (Ibid.). Knowledge claims must account for the role that structure, power, and agency have in determining how the social world is constructed (Ibid.).

In line with a critical realist perspective, I argue that knowledge about legal consciousness and legal culture is the result of a process where both structure and agency play a role. The structural part is composed of the official law and legality, which are reservoirs of terms and cultural meanings that individuals use when they attribute meaning and behave in the world (Ewick and Silbey 1998). The agentic part is represented by individuals’ consciousness, which is not univocally determined by the structure, but neither is it completely free to act without structural constraints, as in fact only three narratives (BTL, WTL, ATL) of legal consciousness exist (Ibid.). For instance, in this work the empirical domain of legal consciousness is represented by the answers that respondents gave during the interviews, and nearly all respondents have praised Swedish bureaucracy for its efficiency. However, in line with critical realism, I will not simply conclude that “Swedish bureaucracy is efficient” because respondents have all agreed upon so, but I will attempt to link those utterances to a structural domain, that is legality and respondents’ legal culture.

Finally, for a proper critical realist account of knowledge, power relations must be taken into account as well. In fact, one ought to delve into why, among the many possible manifestations of the social world contained in the real world, only some were activated in the actual domain and eventually emerged at the empirical level. This thesis will not present this analysis, but I will spend

a few words on this aspect in the conclusion and, at the end of this chapter, I will discuss reflexively how my power as a researcher may have impacted this thesis's inquiries and analysis.

2. Data collection, generalizability, and interviewing approach.

The empirical data of this study was collected by means of conversational interviews with 16 Italians who live in Sweden. This method well fitted this research's theoretical underpinnings, as both pillars of this thesis's analytical framework require an investigation of individuals' language and social practices to comprehend how legality (Ewick and Silbey 1998) and EU's interlegality (Banakar 2019) are socially constructed in mundane interactions. Since conversational interviews allow an in-depth investigation of participants' perceptions, understandings, and experiences of the research object (Bryman 2016), this method well served the objectives of this thesis.

Participants were found through a combination of a generic purposive and snowball samplings (Bryman 2016). I posted a message on a Facebook group of Italians living in a Swedish city, and then four of the respondents referred me to other four participants. Due to the limited scope of this research, I had to stop accepting participants, although several more people responded to my Facebook post. Considering the nonrandom approach chosen for data collection, the findings of this work cannot be generalized beside the population of this study (Ibid.). The 16 participants were 10 women and 6 men, all living in Skåne, a county in the south of Sweden. Participants' age ranged from 23 to 63 years old. The earliest to settle in Sweden arrived in 1987, the last two in 2020. Interviews were conducted in Italian and mostly on Zoom (in two cases on Skype and Facebook Messenger) but, when participants requested it, we met in person in compliance with the Swedish covid-19 rules and recommendations. I met in person with 5 participants. On average, interviews lasted around 1 hour and 15 minutes, with the shortest lasting 45 minutes and the longest a little more than three hours. Upon receiving consent to do so, interviews were recorded. All participants but one (see section 5 of Chapter five) agreed to be recorded.

Interviews were conducted following Ewick and Silbey's (1998) methodology, according to which legal consciousness researchers should not immediately disclose to interviewees that they are studying how the law affects their everyday life. Instead, researchers should have a "problem-based" approach, namely, ask interviewees to guide them through problematic situations in their lives, to see how legally relevant terms and practices spontaneously emerge in their stories. Following this approach, I had drafted an interview protocol composed of four parts: introduction, open conversation, detailed conversation, and wrap up (see Appendix A). After clearing the privacy concerns surrounding their participation, in the "introduction" section I presented the research topic in very broad terms, mentioning my generic interest in investigating Italians' adaptation to Swedish

society and its administrative infrastructure. Then, as a first question, I asked them to recount what brought them to Sweden and their occupation. At this point, all interviewees started to describe their story, explaining why they left Italy and what traits of Sweden attracted them or, in some cases, forced them to move. In this introductory section, interviewees generally mentioned very relevant information, and I took notes of key words or stories in order to further develop them in subsequent moments of the interview. In the “open conversation” section, I asked them to report problems, difficulties, and struggles they encountered in their daily lives in Sweden. In case interviewees did not know how to identify information to share, I made my question more specific by relying upon relevant topics that resulted from the literature review or that had emerged in previous interviews, such as dealing with local authorities, public agencies, or the health care system. In any case, during the first two sections my intention was to allow respondents to guide the conversation. I did not want to influence them, and so I avoided steering them towards discussing topics of strict relevance for my research goals, leaving them free to conduct the interview wherever they intended to.

Only in the third, “detailed conversation” section I took more control over the interview. I started to ask more specific questions about respondents’ experience in situations such as dealing with local agencies, finding a house, opening a bank account, voting in local elections, finding a job, dealing with a doctor. The aim of this third section was to obtain more detailed accounts of respondents’ legal culture in circumstances that are typically relevant for migrants and EU mobiles alike. Finally, in the “wrap up” section, I disclosed to respondents the actual topic of my research and, accordingly, the fact that they were interviewed not only as “Italians”, but also as “EU citizens”. Interviewees were thus given the opportunity to rearrange or rediscuss some of their prior responses. At this point, most of them shared their opinions surrounding the EU and evaluated how being an EU citizen may, or may not, have helped them transitioning and adjusting to Sweden.

At the end of each interview, I wrote personal thoughts in a notebook, where I kept memos during the entire research process. It was a useful exercise that allowed me to capture my fresh reflections about the conversation that I just had. They turned out to be useful not only to immediately process personal thoughts and feelings, but also because they represented valuable initial ideas on the analysis of the empirical material. Later on, when during the data analysis process I had doubts or confusions concerning the systematization of the data, I heavily relied upon them in order to remind myself about my first impressions over the raw empirical material.

3. Data analysis.

To begin with, interviews were entirely transcribed and then imported into the qualitative analysis software “NVIVO” for the process of data analysis. I used a qualitative content analysis method,

which benefited from the combination of a deductive and an inductive approach (Cho and Lee 2014). First, I read the interviews and coded them separately, hence creating a first set of 66 codes. These codes were then recoded and grouped together, hence leading to a final grouping of 4 parent codes. This was the inductive part of the data analysis, which helped me to generate relevant information directly from the set of interview data. This information was then analyzed and read through the lenses of my analytical framework, hence filtered deductively through the pre-determined concepts outlined in the previous chapter. More specifically, I looked for moments where respondents discussed their views, experiences, and practices associated to certain laws or regulations, in order to detect relevant information about their legal culture. Considering my commitment to follow Ewick and Silbey's methodology, and therefore to find law and legal culture in mundane interactions, I considered relevant information about legal culture any circumstance where a certain rule, even indirectly, regulated respondents' social interactions.

Since interviews were entirely conducted in Italian, they needed to be translated into English. I did the translation personally and I only translated the excerpts that I included in the final work, trying to avoid having cultural elements lost in translation. To this end, whenever respondents used common phrases or idioms, I searched for the cultural equivalent in the English language.

4. Ethical considerations.

Participation in the research was entirely voluntary, and no kind of compensation was given to the interviewees. At the beginning of each interview, participants were informed of their right to privacy and a written document was sent to them containing information to be provided to the data subject according to article 13 of the EU's GDPR, including aspects surrounding data security (see Appendix B). All participants' names have been replaced with other random Italian names. I asked respondents if they wanted to choose a specific name, in order to grant them control over the anonymization process. Some of them were willing to do so and have chosen their pseudonyms themselves. A copy of the interview transcript was sent to the participants, who were given the opportunity to read the conversation and, had they wanted to, to change responses as well. None of the interviewees wanted to amend his or her responses. Finally, I am aware that talking about struggles and difficulties in a host country could be particularly uncomfortable for a migrant, in light of the potential negative consequences to which he or she could be exposed at a social, political, or even legal level. Accordingly, I have avoided including any personal detail that was not strictly necessary for the purpose of making the exposition clear.

5. Reflexivity.

Reflexivity requires researchers to reflect on how their identity may impact the way they perform their inquiry (Jackson 2016). I am an Italian citizen who has lived in Sweden since August 2019. My transition to Sweden has been very smooth, because as a student I belong to a category of individuals who is given privileged access to Swedish society. I have come to this research topic because it merges two aspects of my life, namely, my pursuit of abandoning black-letter law studies and my genuine interest in the social, economic, political, and legal processes surrounding the European Union. I graduated law school several years ago and truly disliked a doctrinal approach to law. In the attempt to find an area of study where to tackle legal issues from a more realistic point of view, I have come to realize that the EU is the perfect laboratory for this enterprise, thanks to its internal open borders which allow continuous interactions among people and their legal cultures.

Accordingly, I approached this research mainly with the academic goal of conducting a study of legal culture and legal consciousness in the EU. Therefore, following Bourdieu (1990), I acknowledge that I conduct this research in a condition of “*skholè* [that is] an institutionalized situation of studious leisure” (p. 381). In other words, I am aware that my scholarly puzzles are, most likely, of no interest to the respondents and that I am in danger of manipulating their answers for my research goals. To temper this risk, I have tried to present the empirical data in the most intact form possible, avoiding cutting or omitting mumbling, laughs, utterances, and sentences. Unfortunately, sometimes it was necessary for space reasons. Moreover, it goes without saying that some information went lost in the process of synthesizing more than 250 pages of interview transcripts. Arguably, this was the key moment where my power as a researcher played a role in determining what made the cut to become a “knowledge claim” within the scope of this work.

Finally, I disclose that, while years ago I used to be a “die-hard EU fan”, the more I have studied issues surrounding the EU at the grassroots level, the more my love has tempered or, to put it another way, it has become “conditional”. While I witness a public debate that is composed of pro-European and anti-European factions, I acknowledge that I do not have the courage to position myself. I do not like nationalist outbursts because I do believe that nationalist identities are only “lies that bind” (Appiah 2019), but I am also struggling to comprehend how it will be feasible to fulfill Habermas’s project of “a European constitutional patriotism [that] would have to grow together from various nationally specific interpretations of the same universalist principles of law” (Habermas 1996, p. 507). Surely, these uncertainties of mine have impacted the way I have conducted this thesis.

CHAPTER FIVE: PRESENTATION AND ANALYSIS OF THE EMPIRICAL FINDINGS

1. Interviewing fellow Italians.

[...] because we, let's say it, we smell and recognize each other, we meet once and it's enough to ask each other out for a coffee, "come to my place!, yes I come over!, what do you need?, what are you doing?, what do you have?, I'm a carpenter!, cool, I'm a mechanic, ah! you know, my car..." and there you go! To meet an Italian abroad is just marvelous. (Rachele).

we have always helped each other, there is a sense of brotherhood, how can I put it, when you're here and you're from Naples, Sicily, Milan, all of this vanishes, you're just an Italian, you know, the difference between the North and the South disappears, how can I explain it, we're all, we're all Italians. (Diego).

Despite the covid-19 pandemic forcing most of the interviews to happen digitally, interviewing other Italians who live in Sweden was a fun and learning experience. While this is probably the same for every other culture or nationality, I agree with the way Rachele puts it: "we smell and recognize each other". For me, engaging in the interviews with that sense of recognition was essential. I did not have to spend much time proving myself about the whys and wherefores of my research: respondents already knew that it made sense to explore issues surrounding the adjusting process of an Italian who lives in Sweden. It made sense because respondents were the one who, in first position, acknowledged that their stories were worth researching about, and therefore they happily shared them with me. Many respondents told me that my thesis dealt with a relevant topic.

In the popular imaginary of a person who grows up in Italy, very few countries in Europe, if any, could be more distant than Sweden: Italians are chaotic, loud, touchy-feely, romantic, politically incorrect. Swedes are the polar opposite of any of these adjectives. But these are stereotypes, and therefore respondents were eager to share with me their experiences and explain their viewpoints on whether these broad characterizations are actually true or false. However, we all started from the presupposition that there is something about us, Italians, that make our transition to Sweden somewhat unique, and not in the sense that people of other nationalities just transition smoothly, but in the sense that only an Italian can experience it in the Italian way.

Interviews were full of phrases such as, "you know how we are in Italy right?": nothing more had to be added, because respondents were granting me that recognition. As an Italian myself, they implied that I had already understood what they were talking about. Fun fact was that this

phrase, “you know how we are in Italy right?”, was frequently used to refer to both positive and negative aspects: “you know how *messy and unorganized* we are in Italy right?”, but also, “you know how *helping and caring* we are in Italy right?”. In any case, I had the feeling that the *unspoken* was what granted me respondents’ trust. And while for a researcher of culture the unspoken is precious gold dust because it paves the way for new questions and inquiries into what was not told (which is, frequently, all about culture), whenever the unspoken arose during the interviews, those were the moments where I understood that the relationship with the interviewees was established. It was our common Italian heritage that allowed us to understand each other even without speaking outright.

In this chapter, I present several excerpts from the interviews, and their analysis in light of the heuristic device that I build in Chapter three. In particular, I group the excerpts under the four umbrella codes that emerged from the empirical material: equality of opportunity in Sweden, dealing with Swedish bureaucracy, the rigidity of Swedish procedures, and the relationship between Sweden’s societal values and individual freedom. These codes represent four macro-areas that respondents recursively touched upon when solicited to talk about their experiences in Sweden. As a guide for the reader, I include in following table the list of participants in alphabetical order, with some relevant data about them:

<i>Pseudonym</i>	<i>Age</i>	<i>Occupation at the time of the interview</i>	<i>Year of arrival in Sweden</i>
Chiara	31	Nurse	2018
Daniele	37	University researcher	2012
Diego	48	Self-employed	2000
Eleonora	30	Nurse	2017
Federico	46	Cook	2009
Flavia	23	Master’s student/intern at NGO	2020
Francesca	54	Unemployed/seeking job	2015
Lidia	28	PhD student	2017
Luciano	63	Social worker	2011
Margherita	29	Postdoc fellow	2020
Paolo	26	Master’s student	2019
Rachele	55	Self-employed	2013
Sofia	-	Medical doctor	2004
Stella	23	Waitress	2017
Teresa	23	Master’s student	2019
Tommaso	54	Self-employed	1987

2. Equality of opportunity in Sweden.

In a way or another, every respondent mentioned the fact that Sweden is a country that provides better life opportunities than Italy, a finding that confirms that Italy-Sweden is a relevant country-pair in the South-North axis of intra-EU migrations (Lafluer and Stanek 2017b). Many interviewees highlighted that Sweden provides equality of opportunities to everybody, namely, a prosperous and fair allocation of life chances regardless of one's role and position in society. Upon pondering her decision to apply to a Swedish university for a doctorate position, Lidia said:

[...] and overall doctorate students are paid, they are seen as state employees and they have a whole range of benefits that neither England nor Italy would give, and, you know, it was that overall, to be able to live in a decent way [...] that was a pivotal factor that pushed me to move to Sweden [...] the PhD system in Italy, you must know a professor, who shall put a good word for you and impose you what to study, I could never stand that, and then they simply don't pay you a salary [...]

Paolo, a master student, enthusiastically declared:

[...] and then I discovered this amazing thing, that both in Denmark and Sweden universities are free if you are European, and so I said damn, fantastic, great [...] and this is why I'm in Sweden now, I'm here because university is free, and it is one of the best in the world.

Along similar lines, Francesca, a mother of two, argued that in Sweden universities are "tuition free, which is something, not everybody in Italy can afford paying tuition for two children". Francesca had a stable job as a healthcare worker in Italy, but when both her daughter and son decided to enroll for university in Sweden, Francesca decided it was time for her as well to change life path. I asked her to tell me more about her decision to leave a stable life in Italy:

Look, I'd like to say that throughout my existence, all my life, with friends and in my work environment, I've always felt like a fish out of water, and I thought I was the weird one, that something was wrong, while eventually you realize that the place you live is simply not the one you want, and finally I've felt home here, because somehow one just belongs to another place, it's about rules, you know, to be recognized for your personal merits and knowledge.

When I asked Francesca what she meant by "rules", she referred to her work experience in Italy: in a hospital there are visiting hours, there are rules to follow, and you know, it was chaos, people were just not following one rule, [mocking an imaginary patient] "please I just want to enter because my husband...", or something else, but if there's a rule, why don't we follow it? I mean, we are doing our job... [mocking another patient] "uhm, please, you know...", I mean, they are so insistent, I am more like a German, I mean, a rule says that you cannot enter until midday? You cannot enter until midday, end of the story. People tried to enter all the time, so I used to lock the main door, and then they tried to enter from another door, I mean, no respect whatsoever, and I just can't stand any of this.

Francesca arrived in Sweden in 2015 and soon afterwards she managed to obtain a permanent job as a health worker. In 2020, she decided to take a leave from this job to start training as a kindergarten teacher. She then permanently quit her job as a health worker and, after having completed the training period, she started to send out job applications. At the time of our talk, Francesca was unemployed and was receiving state subsidy. Nonetheless, she told me she knew that soon she would have worked again. I asked her what made her feel so calm and safe:

Well, this is Sweden, it's a country where they don't care about your age, they look at your competences, they look at the CV, you don't need to be connected, your only connections are the references you have in your CV where you list your former employers, so that they can be contacted if they want to know more about me.

The idea that in Sweden only personal merits matter in distributing opportunities emerged also during my interview with Rachele, who came to Sweden with her husband Cesare in 2013 because they both had lost their jobs in Italy. In 2015, despite none of them having a permanent job position, they were able to obtain a loan to buy a car and a house. Rachele told me both stories with plethora of details, recounting with enthusiasm how they remained shocked when they learned they were granted loans. I asked Rachele what she thought in those moments. She responded:

It's one of those situations, you're like, what a country, we thought we were in the land of plenty, but in reality if you're a good payer all doors are open, it doesn't matter whether you're rich or not, uhm, here there's something like a leveling out, so we had our little salary [...] I don't remember how long our loan was, but he [the car dealer] was like, you'll be paying interests, so it doesn't matter to me.

Respondents in these excerpts symbolized (Banakar 2019) their circumstances through their Italian (Lidia, Francesca, Rachele) and European (Paolo) legal culture. Italian and European legalities are, therefore, the cultural sources from which respondents draw the “input information” of their legal consciousness process. The output is an understanding of Swedish regulations to exist in a place that is far from societal affairs and therefore blind to individuals' economic or social capital. In these stories, all four respondents pointed out that nothing about them either allowed them to or prevented them from entering Swedish law's province. Accordingly, they all displayed a BTL consciousness toward Swedish regulations because they all explained that in Sweden rules are objective and impartial (Ewick and Silbey 1998).

Francesca's excerpts are dense of relevant information. She “finally felt at home” in Sweden because, as a health care professional, she could not stand the way hospital rules were constantly breached in Italy. According to Francesca, Italian rules are too much at the disposal of one's needs. When she used to shut the main door of the hospital, an act that metaphorically represented her way of imposing a literal interpretation of the existing rules on hospital's opening hours, she explained that patients' relatives were relying on their social position (“please I just want to enter because my

husband...”) to force a different interpretation of the rules. For Francesca, the law in Italy is a mundane tool at the mercy of people’s needs, which people strategically craft to achieve their self-interested goals. For Francesca, people can play excessively with the law (WTL) in Italy, hence making it void of any “legal authority” (Silbey 2005, p. 350). Tired of being surrounded by these (legally relevant) behaviors, Francesca decided to migrate to Sweden to finally live in a place where she could stand right before the law (Ewick and Silbey 1998).

In other circumstances, however, respondents recognized that in Sweden too opportunities were not always fairly allocated to everyone. For instance, Rachele recounted a story when Cesare’s employer offered to cover the expenses for him to take the bus driving license test. Since at the time Cesare was not fluent in Swedish, they asked to have a textbook in Italian and an interpreter at the examination. Rachele told me they knew they had the right to obtain these services, but their request was denied. During that period, Rachele’s profession made her travel around Skåne everyday all day, using busses and trains, and she had become acquainted to many of the local bus drivers. One night she was chatting with one of them, an immigrant from outside the EU:

Late at night the bus was empty and so I used to chat with them, and with many I had to speak English because they did not speak Swedish, and I’m a very curious person, and so I asked him, “pardon me, but how did you obtain your driving license?”, “Well, I was given a *tolk*,⁴ a *tolk* came, everything was translated into my language”, and that’s when you get angry, damn it, why? Why shouldn’t we have the same rights? We too come from another country, we too are on the pursuit of luck, we too want to integrate here, why is it yes for them and no for us? And so you know, sometimes you have these thoughts and you get a bit angry, because you realize that maybe we’re not all equal before the law.

Rachele went further into explaining her viewpoint over this issue:

I’m sorry about it, and I’m sorry because as an Italian, like many other Italians, I haven’t received any kind of help, since we’re in the EU, uhm, we don’t have the right to be helped, we don’t have the right to social assistance, we don’t have the right...I mean we have the right, but there’s not enough money.

Rachele’s complaint about the difference of treatment between EU citizens and non-EU citizens, which confirms existing findings on Italians as EU mobiles (Lafleur and Mescoli 2018), was echoed by Francesca, who however attributed a different meaning to it:

They’re not going to help you here if you are an EU citizen, the priority is for the emigrants, people who come from countries at war, not us, we don’t have the right to anything [...] it’s not that you arrive here and out of the blue you are granted everything, absolutely not, because you come from Europe, you have many more resources than those who come from countries at war, so they help them first, and this is fair, I agree with it. I had a house back home, now I sold it, but I had some form of security that they don’t have, and this is because I come from Europe.

⁴ Swedish for “interpreter”.

In these circumstances, both Rachele and Francesca symbolized (Banakar 2019) their social interactions from their understanding of EU law. To begin with, Rachele acted upon a sense of injustice, the feeling that the rejection of their request for an interpreter was illegitimate (“we knew we had the right”) and asked a non-European immigrant who was not fluent in Swedish how he dealt with the language aspect at his license exam. This is an example of an ATL practice toward Swedish law, because Rachele felt that the law was arbitrarily applied, and therefore differentiated and classified people creating hierarchies and roles (Ewick and Silbey 1998). When she discovered that the bus driver was in fact granted an interpreter, Rachele argued that “we’re not all equal before the law”, ironically using a language that coincides within this research’s theoretical foundations. The input information was European legal culture, whose processing led to an ATL consciousness in relation to Swedish law, that is, it produced (and, perhaps, reproduced) a cultural schema within Swedish legal culture regarding the differential treatment of EU citizens and non-EU citizens.

Francesca too discussed this aspect, but her narrative was different. In fact, she claimed that Swedish selectivity in granting access to socio-economic resources was justified because Europeans have more economic resources than non-Europeans. Informed by her European legal culture, Francesca’s legal consciousness process leads to a BTL story about Swedish law, which emerges when she makes an equalization between “Europe” and “economic resources”. For her, the rationale behind the Swedish law on welfare distribution lies in the reification of the idea that Europeans are more well off compared to non-Europeans. In line with Ewick and Silbey’s theory, furthermore, she quickly dismisses her specific economic condition (the fact that she had an apartment in Italy) as a legally relevant condition. In her view, it is the fact that she is European that ultimately determines why she has more economic stability compared to non-Europeans. Where Francesca sees the Swedish law on welfare distribution as a natural and correct assessment of social issues (BTL), Rachele sees an ideological choice that she deems unfair (ATL): “Why shouldn’t we have the same rights? We too come from another country, we too are on the pursuit of luck, we too want to integrate here”.

3. Dealing with Swedish bureaucracy.

This code encapsulates those moments when respondents reported their experience with Swedish bureaucracy. This theme was touched upon in every interview, as all respondents had to deal with Swedish public agencies. Respondents tended to report very positive experiences about Swedish bureaucracy, using hyperbolic words, “I hated Italian bureaucracy, and Swedish bureaucracy is just fantastic in comparison” (Daniele), or images, “I’m reborn here, because everything is so much easier you know, nothing here is as complicated as it is in Italy” (Francesca). It is therefore evident

that respondents' approach toward Swedish bureaucracy was heavily informed by their prior experiences and feelings about Italian bureaucracy. The comparison between Italian and Swedish bureaucracy clearly emerged in Diego's story. Diego arrived in Sweden in 2000 and worked as a cook first and then as a social worker in schools. In 2019 he decided to start his own business:

It was super easy, they are so ahead when it comes to bureaucracy, I mean it, if you need to get any document, I rarely had to go to an office to obtain a document, bureaucracy here is fantastic, I believe that Sweden should be an example for the whole Europe, because when I started my activity and had to open a bank account, the lady at the bank, she never even saw me, everything was done over the phone and sometimes I wonder how this is possible, because I used to own businesses in Italy, with my dad's family, and you had to go to the bank, you had to know the bank director to open an account, uhm, and it seemed like they were doing you a favor, while I was the one who was depositing money.

Later in the interview, Diego articulated his idea of Swedish bureaucracy:

They're honest here, you know, at the beginning I was [skeptical], of course I was, I am from [Italian city], we say that every morning a gazelle and a lion wake up, and one day you're the lion and another day you're the gazelle, and in that case you can be cheated on, you know, and that's how we are born and grow up, and so I thought it was just like that here too, but then over time I have understood that when I ask something and they say that it's not allowed, I know it's not allowed, you know, I don't insist, in [Italian city] maybe [you would say][Diego pretends to cry] "ah, please!", right?, and you know that maybe there's a way out, while here a no is a no, and a yes is a yes, you see, you find honesty, they say things as they are, although even here if you're well connected it can be easier.

Diego had already explained that he had obtained his job as social worker in schools thanks to the fact that he knew a school's principal. When I asked Diego if he could explain what he meant by "well connected" in Sweden, he answered:

You can find it here, you see, but it's not for big things, stuff like corruption, it's not like this, let's say it's more because you, you know someone, it's not for obtaining a favor, like something in return, you know, not in that sense.

In these excerpts, Diego symbolizes (Banakar 2019) his social interactions via his Italian legal culture. On the one hand, Diego points out that in Italy it is only social capital (i.e., knowing the bank director) that allows you to open a bank account and thus start a business. On the other hand, in Sweden bankers did not even know how he looked, but that did not prevent him from opening an account. Just like Francesca, Diego too claims that laws and rules in Italy are too much at society's disposal, they are too mundane to be fair and authoritative. To phrase it in Ewick and Silbey's words, Diego thinks that people in Italy act too much WTL. Conversely, his narrative of Swedish law is permeated of a BTL consciousness, because in his experience, his social capital did not matter at all in granting him access to the job market as an entrepreneur.

His Italian legal culture also informs the way Diego frames “borderline events” in Sweden. Diego conceded that he was able to obtain a job in a school thanks to the fact that he knew the principal, but he did not believe that this episode made Sweden a corrupt country. During his experience of opening a bank account in Italy, Diego was socialized with the idea that corruption happens when a person in power (e.g., a bank director) arbitrarily prevents one from exercising a legitimate right (e.g., to open a bank account and thus start a business). Accordingly, none of the experiences he lived in Sweden fulfilled Diego’s conceptualization of corruption, and for this reason he considered them unimportant, namely, simple exceptions that are not legally relevant (Ewick and Silbey 1998). In this case again, therefore, Diego’s Italian legal culture pushed him to process his experiences in a way that crafted a BTL consciousness toward Swedish law.

Other respondents, however, had more troubled experiences with Swedish bureaucracy, characterized by a sense of unequal treatments and non-transparency, a finding in line with the existing literature on EU mobiles in general (Scheibelhofer and Holzinger 2018) and in Sweden (Fröhlig et al. 2019). Luciano, a social worker who has lived in Sweden since 2011, told me that the first Swedish verb he “learned was *kämpa*, it means fight, to fight, to combat, *kämpa*, God damn it, I fought, I lost 23 kilos, now I have gained some of them back”. I asked Luciano if could share stories about these fights with Swedish bureaucracy. While he was working as a trainee social worker, he had an experience with *Arbetsförmedlingen*, the Swedish Public Employment Service:

I had so many problems with, you know, with *Arbetsförmedlingen*, it’s like the employment agency but it doesn’t help anybody to work, nobody, do you know it? Well, it’s an office, an office!, it’s a lot of offices, you enroll and then you enter this system that helps you find possible jobs, and so one time I got a little heated up, because you know, and I told the lady “I’m sorry, you know, I’m an Italian, I’m warm-blooded [...]”, I told her, “look, I don’t speak good Swedish, I’m an idiot, but not 100% an idiot, all my friends here, Italians and non-Italians, they told me that during my training period you shall give me 3000 kronor per month”, and so she told me “uhm maybe, you can...”, [I responded] “hey, hey...”, my boss saw that I was getting angry, so he told me, “*vänta lite*,⁵ wait, I see what I can do”, so you know, if you’re ignorant because you don’t know the laws, if they can, they will definitely try to fucking take advantage of you.

Eleonora, a nurse who has lived in Sweden since 2017 with her partner, had a son in 2019 and here comes a story from her pregnancy:

So frequently, so many times I thought to move back to Italy, and not just to give birth, more in general, because, uhm, I felt insecure, uhm, and also I was unlucky as I was assigned three, three, how do you say, in Swedish it’s *barnmorska*, obstetricians? Yes, I was assigned three different obstetricians, one was fired, one got sick, and eventually another one arrived, and I didn’t understand

⁵ Swedish for “hang on”, “wait a minute”.

why I didn't have the right to have only one, I felt unsafe to always have a different one, so I asked a colleague if that was normal, to have a different obstetrician every time, and she told me it was not normal, but unless you ask nobody tells you that, and you end up with whomever [...] and so I called them, and they told me that yes, I was right, and eventually I was assigned one obstetrician, and yes, it ended up well but had I not been told, I would have continued to have a different one all the time...

In these circumstances, both Luciano and Eleonora pointed out that Swedish agencies are far from being neutral and impartial bodies. Luciano knew that as a trainee social worker he had the right to receive 3000 kronor per month because his colleagues had told him so. Eleonora knew she had the right to have the same obstetrician throughout her pregnancy, because her coworker had informed her about this right. These events had instilled in them information about Swedish law, which they both used to symbolize (Banakar 2019) their mundane interactions at *Arbetsförmedlingen* (Luciano) and the health care system (Eleonora). Since none of them was granted such rights automatically, they develop an idea of Swedish law to be arbitrarily applied, and so they both displayed an ATL consciousness (Ewick and Silbey 1998), in two different shapes. While Luciano used sarcasm ("I know I'm an idiot, but I'm not 100% an idiot", or "The first Swedish verb I learned was *kämpa*, it means fight") Eleonora reflected upon leaving Sweden, a thought that is informed by the understanding that Swedish rules are implemented so arbitrarily that, as a pregnant immigrant mom, she felt the law was too much out of her radar, something that made her feel unsafe.

Struggles with Swedish bureaucracy emerged also in relation to language, a finding that confirms the existing literature on EU mobiles and the law (Kramer et al. 2018), also in the specific case of Sweden as the host MS (Fröhlig et al. 2019). For instance, Lidia, a doctorate student, did not have a good experience the first times she visited *Skatteverket*,⁶ the Swedish Tax Agency:

[...] since these are important bureaucratic issues, I didn't feel like speaking my broken Swedish, and so I preferred to interact in English, I thought well, this is *Skatteverket*, they must have the competences to speak English with immigrants, and so I did this little social experiment, because the first time I went there and spoke English, the person who helped me was so rude, it was bad, bad, bad [...] and so my social experiment was to speak Swedish the next time, in order to see how they treated me, and I found the same person, and he was so cordial, so nice [...].

I asked Lidia what she thought after this episode:

it confirmed my intuition that you need to be able to speak Swedish to be part of the Swedish system, and they will look down on you if you don't, and I think this is sad, you'll never be a true Swede because they are obsessed with the pronunciation, so if you don't have a flawless pronunciation, you can be as fluent as you want, but you'll never be a true Swede, this is my experience at least and let's

⁶ *Skatteverket* is in charge of issuing the *personnummer*. Accordingly, all immigrants to Sweden must deal with *Skatteverket* upon arrival.

say, I think, it was confirmed by others' experiences as well [...] In all these social experiments, speaking Swedish truly helped, so now whenever I can I always speak Swedish.

After her "social experiments", Lidia decided to create a new rule of behavior for herself, that is, to speak Swedish in any of her future interactions. In this case, Lidia has internalized schemas about Swedish legal culture, namely that public officials treat citizens better if they speak Swedish. Accordingly, Lidia now symbolizes (Banakar 2019) her mundane future circumstances via her understanding of Swedish legal culture, which makes her speak Swedish instead of English. This behavior displays a WTL consciousness toward Swedish law. Lidia has understood that Swedish rules and regulations are not necessarily abstract and neutral, and that sometimes one's capital can truly determine whether personal goals are achieved (Ewick and Silbey 1998). As an immigrant in Sweden, Lidia wants to fit and integrate in society, and therefore she cannot simply consider her mundane negative experiences as irrelevant ones. In order to avoid future "bad, bad, bad" situations, Lidia learns from her experiences and strategically rearranges her behavior, thus engaging in a typical expression of the WTL consciousness. In this case, Lidia plays with Swedish law by relying on her cultural capital, that is her knowledge of the Swedish language.

Problems with Swedish bureaucracy can result in everyday life difficulties. In line with the existing findings in the relevant literature (Erhag 2016, Hyltén-Cavallius 2018, Scheibelhofer and Holzinger 2018, Fröhlig et al. 2019), one of the most diffuse issues occurs when Italians arrive in Sweden and realize that they do not qualify to obtain the *personnummer*. Due to its relevancy to enter and explore Swedish society, anecdotes about obtaining the *personnummer* were one of the most relevant circumstances in respondents' stories. Here is Flavia's, who was doing a master program in another EU country, came to Sweden for a curricular internship, and then obtained a job in the same organization. Frequently during our conversation, Flavia spontaneously mentioned that she felt a European citizen and that this status granted her many opportunities, such as living in Sweden. However, it took Flavia several months to obtain the *personnummer*, and this created some obstacles in daily interactions:

From August to December I didn't have the personal number, and I couldn't access everything that is connected to it, like the identity card, a bank account, so maybe I felt a bit excluded from a bureaucratic and legal point of view, but just tiny things you know, maybe it's very banal to say, but like Swish⁷ you know, now I play volleyball every Sunday and every time we have to pay with Swish, and I don't know how to do it so I always feel embarrassed and I apologize, I tell them that I don't have Swish because I haven't been here for a long time, these are trivial episodes, thankfully nothing bigger has ever happened to me.

⁷ Swish is a system of payments that works through an app on smartphones. To be activated, one needs to have a Swedish bank account, and to have a Swedish bank account one needs a *personnummer*.

Stella, who came to Sweden as an au-pair, then worked as a nanny, and now works as a waitress, lived for a long time in Sweden without a *personnummer* because none of her previous jobs allowed her to qualify for it. When she finally obtained a working contract as a waitress, she told me:

I ran to *Skatteverket*, but when I received my first salary I hadn't received a personal number yet, so obviously I didn't have a bank account, and she [the employer] told me she couldn't pay me on a foreign bank account, and so she used to send my money to my best friend, on my best friend's bank account, he had opened like another account in his own account, and all my stipends went there [...] I trust him blindly and he trusts me blindly, but I think about it now and I'm like damn, if he wanted to cheat me, he could have cheated me well! It turned out not to be a problem eventually, but I only received the personal number after five months, four months, so he got four or five of my stipends.

Despite the struggles to obtain official residency status in Sweden, Stella displayed a very high consideration of the possibilities to move around the EU and reside in other MSs:

It's super cool, really, it's super, super cool, I mean, despite of all the problems, I would have not been able to live in Sweden had I had to get a visa too, I would have not been able to live all these experiences, in my whole life, I mean, this is such an amazing thing, even when it comes to the health care, I do not believe that without the personal number I would have not been able to enter a hospital here, I just never needed to go during that period, but you know, when I was in Spain I was able to go to the hospital with my EU health card, no problem whatsoever.

Both Flavia and Stella symbolize (Banakar 2019) their stories through their European legal culture. They both point out that EU citizenship status is a source of personal opportunities that paved them the way to enjoy new life paths in Sweden. This understanding of EU law represents the input information of their legal consciousness process, which results in a BTL narrative of Swedish law. In fact, both Flavia and Stella do not consider their personal circumstances to be legally relevant (Ewick and Silbey 1998). Flavia described the fact that she could not pay with Swish as a "trivial episode", which was "very banal to say", because it should not be Swedish law's province to bother regulating how one pays Sunday night's volleyball. Stella too, even though she had to find several short-term solutions during her time in Sweden without a *personnummer*, did not explicitly connect her mundane challenges with broader legal issues. Their understanding of European law (i.e., their European legal culture), that is the feelings of thankfulness for being granted the opportunity to be in Sweden in first position, informs Flavia's and Stella's BTL consciousness toward Swedish law.

In contrast, two other respondents, Lidia and Margherita, were more prone to attribute their mundane difficulties to broader structural conditions. Lidia, now a doctorate student, came to Sweden before obtaining this position. During that time, Lidia worked as a waitress to make ends meet, a job that only allowed her to receive a temporary personal number, a precarious status that gave her problems in daily situations:

To put it shortly, it was a mess [...] I tried to get a mobile plan but you can't get it if you don't have the *personnummer*, and so I kept on going with *kontantkort*,⁸ that you know, it is not that big of a deal, but those are the little things that give you an idea, they give you an idea, it's not that there's true hostility, but you always have to find short-term solutions because you're not given the possibility to have a long-term plan.

When working as a waitress, Lidia also had difficulties opening a bank account:

They wanted an employment agreement because they wanted to be sure that I wasn't doing money laundering...you know, I was depositing big money! [...] and as far as I've understood, this is not even legal, I mean we, as European citizens, we shall have the same, let's say, the same rights Swedish people have, and Swedish people don't need to show an employment agreement to open a bank account, so why do I have to?

Obtaining the *personnummer* can be complicated even for those who come to Sweden through institutional ways. This was the case for Margherita, who was hired as a postdoc fellow by a Swedish university. Margherita explained to me that, under Swedish law, it is not clear whether postdoc fellows should be considered as workers or students, and this uncertain regulation generally creates problems for postdoc EU citizens to obtain a *personnummer*. Margherita, for instance, had to wait approximately four months, also due to the non-alignment of Swedish and Italian regulatory framework, a finding in line with the existing research (Fröhlig et al. 2019):

[...] and so you're in this kind of weird position, and I don't know why, because for non-Europeans this is not a big deal, I mean, they submit certain documents and after 2-3 days they receive the *personnummer*, but for the Europeans, this happened to, to another Italian guy, and others too, like a girl from Spain had the same problem, all Europeans do, uhm, there was some kind of glitch in the process so that, since we are neither workers nor students, this was not a clear situation, and the institutions just don't talk to each other, the university and *Skatteverket*, they just don't talk, so we received inconsistent communications, and the Spanish girl solved it one way, I solved it another way, the other guy another way as well, I also helped him so for him it was a bit easier. But I had to go to trial, because I was denied the *personnummer* at first and so I had to challenge the decision, I had to show an additional document, the Italian and Swedish bureaucracies had to speak to each other, God forbid!, it was crazy, like there was a document that I had to submit, it's called the S1 form, uhm, they wanted it here, but the Italian agency would have given me such a document only if I were a student, so here [in Sweden] with this S1 form they framed me as a worker, but in Italy I'm framed as a student, I had to tell [the Italian agency], "please, just frame me as a student, you know, I actually study when I do research!", and so you know, it was a bit random, with *Skatteverket*, you know, I had to talk to several people, and I never found one who really wanted to meet me halfway, I mean, although the system here is not perfect they will still follow to the letter what it's written on paper,

⁸ It is a pay-as-you-go plan.

while in Italy you can find a person who doesn't care, so you know, they end up just trying to help you solve your problem, because at the end of the day what matters is that it works.

Later in the conversation, when I had already disclosed to Margherita that the research dealt with the broader EU context as well, she added:

If I look at my experience with *Skatteverket*, [to be an EU citizen] it was more of a problem, and in fact we were joking about it all the time with that Spanish girl, I mean, we used to say, good thing we are Europeans! [...] the non-Europeans, they undergo a lot of controls, they have to submit a lot of documents, it's a lot of time, you have to go to the offices and so on and so forth, but it's history, it's written, it's there, while uhm, this idea of the EU, maybe because it's new, relatively new [...] it's not that they don't want me to come here because I'm European, but this is a problem nobody has taken care of yet, who should take care of this? We're still waiting, and we live in a university town, and we all have the same problem, just saying [...].

Both Lidia and Margherita symbolize (Banakar 2019) their issues in Sweden via their European legal culture. They both understand EU law as a tool that should put locals and EU mobiles on the same page, and therefore when they experience circumstances where this is not the case, they process them in a way that results in ATL practices towards Swedish law. Both Flavia and Lidia, in fact, engage in sarcastic storytelling: “they wanted to make sure I wasn't doing money laundering...you know, I was depositing big money!” (Lidia), “good thing we are Europeans!” (Margherita). Furthermore, their storytelling is also structured in very similar ways. While both Flavia and Margherita admit that their mundane struggles were not critical issues, they were quick in demonstrating their awareness of the existence of an underlying issue: “it is not that big of a deal, but those are the little things that give you an idea” (Lidia), “It's not that they don't want me to come here because I'm European, but this is a problem nobody has taken care of yet” (Margherita). In the space of two sentences, Flavia and Margherita move from a typical trait of the BTL consciousness, that is cutting ties between biography and history (Mills 1959 as cited in Ewick and Silbey 1998, p. 234) to an ATL consciousness, that is recognizing that Swedish law is actually informed by ideological values that pave the way for differential treatments. In this case, this was the case for EU citizens, who ended up being treated differently despite being in the same conditions, a finding that confirms the existing literature on this matter (Sampson Thierry and Martinsen 2018, Fröhlig et al. 2019). Accordingly, both Lidia and Margherita describe their problem as not just their problem. They both see an arbitrary choice behind Swedish law and, in Margherita's words, a normative vacuum as well: “who should take care of this?”.

4. The rigidity of Swedish procedures.

Margherita's story helps introduce another recurring code, that is, Sweden's commitment to procedural consistency. I start again from Margherita's words:

I had to rely mostly on the Italian bureaucracy, where I found people that tried to, how can I say it, they tried to find a solution to a problem that is not listed in any protocol, to go around the predefined pattern [...] here [in Sweden] there's a procedure, a very basic procedure, but as soon as you come across an unforeseen situation, here comes the chaos, and whereas in Italy chaos creates new chaos, but it's a productive chaos, here in Sweden, they're much more fatalistic, like you know, you'll figure it out somehow [laugh].

During her journey to obtain the *personnummer*, Margherita never found a flexible *Skatteverket* employee "who really wanted to meet [her] halfway", and therefore she understood that the only way for her to crack into Swedish procedural rigidity was to rely on the more flexible Italian bureaucracy. This opportunity arose when the Swedish and Italian bureaucracies had to establish a communicative channel over her case. Margherita took advantage of this moment to play with Swedish rules using her socio-legal capital and experience, namely her Italian citizenship and legal culture, which paved her the way to persuade the Italian bureaucracy to frame her situation in a way that would have finally given her a legal ground to obtain the *personnummer*. Margherita symbolized (Banakar 2019) this situation via her understandings of Italian law: in Italy "at the end of the day what matters is that it works", substance wins over procedure in Italy. Her Italian legal culture, the input information of her legal consciousness process, allowed her to be WTL in relation to Swedish law (Ewick and Silbey 1998), and achieve her goal of obtaining the *personnummer*.

Respondents struggled to comprehend the rationale behind this rigid commitment to follow procedures especially when such a behavior prevented meaningful real-life interactions. Teresa, a master student, explained this point quite well:

Only recently, for instance, I did my [Swedish] ID card, uhm, and before I used to show my identity card at a pharmacy and they told me there was no *personnummer*, your *personnummer*...and I said ok, yes, but it's me! That's my name and date of birth, and many of them didn't understand, or maybe they didn't want to, sometimes they even told me it was not a real document, and I said, it's my identity card, it's European, I don't understand what's the problem with it.

Teresa symbolizes (Banakar 2019) these social interactions with pharmacists via her European legal culture. As a European citizen, Teresa has understood that her national ID card should be a *partout* in other MSs. When such an expectation is broken, Teresa engages with a storytelling that suggests an ATL consciousness toward Swedish law (Ewick and Silbey 1998). Teresa acknowledges that formally her national ID card does not include a Swedish *personnummer*, but

that does not change the substance of the situation: “ok, yes, but it’s me!”, she added with sarcasm.

A similar situation happened to Luciano when he first visited the *Vårdcentral*, a health care clinic:

The first time I needed to go to the *Vårdcentral*, I didn’t know how it worked, so I told the lady that I needed to see a doctor, I don’t remember why I went, and she told me, “yes, you have to ring this number”, and I said, “pardon me, why do I have to ring this number? I’m here!”

This was only the first of a series of complicated events between Luciano and the Swedish health care system, so much so that he told me that “here [in Sweden] health care sucks”. One time, Luciano was prescribed a drug that he was supposed to take on a regular basis. When a friend of his, a doctor in Italy, told him that this medicine had been withdrawn because of potential carcinogenic effects, Luciano went to the health clinic to ask for clarifications:

I ran to the *Vårdcentral*, you know here to see a doctor you must be in horrible conditions, if you’re sick you’re better off trying to heal alone, I arrive and nobody was waiting, there was only a woman of color who was sick and she was moaning, she was so sick, and nobody was taking care of her, several people in gown were walking by, nurses or doctors, I don’t know, and nobody was looking after her, whatever, I noticed it, it was just me and her, and so I went to the reception desk and I asked to talk to a doctor for just five minutes, I explained them the reason, it’s not that I have a broken nail, this is serious stuff, [they responded] “uhm, they are all busy”, and then the doctor [the doctor who prescribed him the drug] entered the office, a Danish doctor who spoke Danish to me, think about it, I barely speak Swedish and he was talking to me in Danish, whatever, and he was listening to us but he didn’t bother saying “look, no worries, I can spend two minutes with you and explain”, no, nothing, he didn’t care. In the meantime this moaning woman fell from the chair where she was seated, foaming at her mouth, and people in medical gown were walking by and one asked the other, I clearly heard it, he/she said “I wonder who’s in charge of *akuten* right now?”, *akuten* means emergency, but why do you ask who’s in charge? You’re a goddamn doctor, help her! And so I went to that poor devil and I was rubbing her on the back, asking her how do you feel? You feel bad, how do you feel? She wasn’t answering, her eyes were twisting, saliva out of her mouth, God damn it!, nobody was taking care of her, I was mad as fuck, mad as fuck, and I changed *Vårdcentralen* eventually. I believe there’s too much bureaucracy here, in my *Vårdcentralen*, it’s crazy, I mean, you know every country has its own mentality, and every person too, but in Italy, we are used to something different in Italy [...]

During our conversation, Luciano reiterated several times that in Sweden it is not easy to see a doctor, and so I asked him if he had developed any strategy to cope with this rigidity. He told me:

You know, I thought about it these days, if I were to feel sick again, thus far I have only needed the ER twice, the last one, when was it?, not much time ago, one month ago more or less, anyway, uhm, I have come to think: I will go to the city center, lay down, and pretend I have fainted, so that they will hospitalize me! There must be someone who call the ambulance, come on, this is just absurd...

Luciano symbolizes (Banakar 2019) this situation via his Italian legal culture, which crafts his understanding that doctors' primary role is to provide aid to patients, regardless of possible existing procedures. Accordingly, Luciano does not understand why when he goes to the health care clinic to be visited, he must ring a number first. From Luciano's viewpoint, informed by his Italian legal culture, if a patient declares to feel unwell, the duty of a doctor is to visit the patient, end of the story. This symbolization of the situation also prevented him from understanding why the Danish doctor did not interact with him informally, and why doctors' first concern when they saw a suffering woman was to check who was in charge of the emergency care, rather than providing aid.

This accumulated experience of Swedish legal culture totally clashed with Luciano's "input information", Italian legal culture, leading to an ATL consciousness toward Swedish law: Luciano developed an understanding of Swedish rules to be completely detached from real life (Ewick and Silbey 1998), too distant to be grabbed and used by flesh-and-blood individuals. His ATL consciousness is displayed in two specific passages of his story. First, Luciano changed *Vårdcentral*, a landmark example of an ATL consciousness. By changing health clinic, Luciano did not do anything extraordinary, his decision did not formally challenge any existing rule. However, it represented Luciano's attempt to appropriate law's space for an instant, to exercise his agency in a manner that empowered him, even if it was just for a moment (Ibid.). Second, Luciano developed a plan – the next time he needed a doctor, he would fake-faint on the street, a plan which was ironically mirrored in one of Rachele's responses: "before you can see a doctor here, you must be dead already". Masquerading and sarcasm: two classic symptoms of an ATL consciousness (Ibid.).

Health care's procedural consistency was a source of struggles also for Chiara who, as a nurse, experienced it both as a health care professional and as a patient:

I remember when I started to work at the ER, the ER in Sweden works like this, a nurse must do the triage, and it is the nurse who decides if a patient must be seen by a doctor or not, and at first I did not have much experience, so I saw these patients, poor them, I always wanted a doctor to see them, whereas all my colleagues followed the guidelines, "no, you see, here in the guidelines it's written so and so, so the patient must go home", and maybe the same patient would come the next time feeling very bad, and so you know at first I, maybe I was so unexperienced, but I saw all these patients feeling sick and you know, in Italy we are, we work differently you know, uhm, I don't know how, how to explain it, but a nurse examines a patient for real you know, we don't look at the guidelines that much, we examine the patient [...] here they adhere strictly to whatever it is said, they can't close an eye like it happens in Italy with patients, for a particular case, I mean damn, think with your own head, we're working as nurses, I mean, we don't, I mean, we work with people not with robots, not with machines you know, but unfortunately we have to cope with this Swedish reality, I don't know, I mean either we accept this way, or their rules, or I don't know, I mean, we have to adjust [...].

I asked Chiara if she had a story where she experienced in a real-life situation this clash between the Italian and Swedish approaches to medical nursing:

Wait, let me think, so once a patient arrived and she was bleeding a lot, so basically I thought of putting a catheter on her, and administer her immediately, uhm, how do you say, something to make her feel better because she was bleeding so much that she was about to faint, and my colleagues were like, “no, no, before administering her this drug, maybe we should talk to the doctor, wait a second”, and I said, “wait a second? I mean this poor devil, the blood pressure is lowering, do we have to wait for the doctor?” This was one experience, maybe some others too happened and they don’t come to my mind now, but I mean there are really too many times when I’d like to say, damn hurry up for God’s sake, you have all this freedom, I mean, you can choose and think with your own head, you don’t have to follow these guidelines to the letter...

When instead she recounted her experience as a patient, Chiara shared this story:

Last year I had a very stressful moment, and I had some cardiac issues, and I had to insist with the doctor to undergo specific examinations, like an ECG, and eventually it turned out that I really had some problems, I didn’t dream about it, but nonetheless you have to insist, you have to insist, otherwise they just tell you that you’re stressed, to take a paracetamol and go for a walk.

I asked her what she meant by “insist”. Chiara responded:

You know, last year I had to invent some bullshit, say, like that when I was walking I was feeling my heart beating in a weird way, I mean, just for, and I see this behavior with my patients as well, maybe you know, sometimes they just lie or maybe, you know, they exaggerate the symptoms because otherwise here nobody listens to you. It is sad to say, but you really have to exaggerate otherwise the doctor doesn’t listen to you, doesn’t mind you at all, he/she checks the computer, checks whether the patient had similar symptoms in the past, and if it’s not, [he/she says] “don’t worry, it’s stress, go home”. It sounds awful, yeah, it sounds awful indeed.

Chiara received her nursing training in Italy, where she learned to give more importance to patients rather than to the nursing guidelines. Her Italian legal culture, therefore, characterizes how Chiara symbolizes (Banakar 2019) her relationship with the Swedish health care, leading to frequent frictions. It is striking to read Chiara’s behavior in comparison to her Swedish coworkers. For her coworkers, hospital guidelines are a reified abstraction, a naturalized order of things, they display a BTL consciousness in relation to the Swedish hospital guidelines. On the contrary, coming from another country, Chiara recognizes that these rules are in fact socially constructed, they mirror the Swedish way of administering health care, but Chiara knows that they are not a universal truth. By recognizing the partial, and therefore arbitrary, nature of these rules, Chiara engages in multiple ATL behaviors: “we work with people not with robots”, she says with sarcasm; as a nurse, when patients arrive, she tries to “think with [her] own head” and she examines the patient rather than simply following the guidelines; as a patient, Chiara exaggerates her symptoms in order to be able

to see a doctor. Sarcasm, control of an institutional procedure to promote her way of nursing, and a white lie: three typical instantiations of an ATL consciousness (Ewick and Silbey 1998).

In other occasions, however, respondents tried to use Swedish procedural rigidity in their favor, to claim personal rights. This was the case for Daniele, a university researcher who took advantage of trade unions' importance in Sweden during his salary negotiation:

[...] I understood right at the beginning that trade unions have a key role in Sweden, and that this gives you a lot of individual power against your employer [...] for example one time I had a little, I don't know whether to call it a labor dispute because it was more of a quarrel over formalities with the head of my department [...] from my viewpoint, I mean, from the formal standpoint that coincided with my viewpoint, certain procedures about my salary renegotiation had not been followed, and these procedures are an established practice [...] and they told me, "well you know, that's how it is done informally", and I said "no, you don't do it informally, if we didn't follow it, we didn't follow it, and so they told me "if you're not ok with it you can contact your union", and so I said "all right, I will contact the union, I mean, this is my right".

With the help of his union, Daniele challenged the department's decision and won the dispute. At that time, Daniele had been living in Sweden for many years already and had gained enough experience to know the importance of trade unions in the workplace. Daniele had thus internalized an understanding of Swedish law that allowed him to symbolize (Banakar 2019) the breach of procedural consistency during his salary renegotiation as a violation of Swedish legal culture. His internalized Swedish legal culture was the input information of a process of legal consciousness that crafted a WTL approach to Swedish law. Daniele relied on his accumulated experience to achieve a personal goal (Ewick and Silbey 1998), namely, to obtain the meeting for salary negotiation. Luciano too tried to commit to Swedish procedural rigidity, but with a different result:

Here every year they increase your monthly salary, so I thought that the minimum was 500 kronor, more or less 50 euros more each month, I had reached this conclusion because I had noticed that every year they were giving me 500 kronor more, so when I had an individual meeting with my old boss, I told him, "hey look, I have many debts, my car, my house, I'm the only one who works, could you please help me, is it possible to receive a bit more?", [Boss] "ah, everybody in Sweden has debts" he told me very unconcerned, it seemed like he was making fun of me [...] and so a few months ago we had a meeting for that, a meeting to discuss my salary, and so you know, all my bosses in the past used to tell me, "you never keep a proper documentation of your activities, you should do it", and so I told them, "you know I don't speak Swedish properly, how can I keep track of everything I do?". Whatever, so it's been two years, or even more, that I keep notes of everything I do every day, nearly every day, and so I was expecting to receive 500 kronor for sure, even something more than that, I'm not saying 600 or 700 like my coworkers, God forbid!, they are very skilled and I will never be like that, I'm aware of my limits, Goddamn it, they gave 480 instead of 500! [...] Look, 20 kronor is

nothing, it's two euros, but I mean, if it's nothing, give it to me, give me 20 kronor more rather than less, fuck!, she [his new boss] told me "this was your task", I said I know it was my task, it was my task even before, I used to never keep track of my activities and you gave me 500, now I do it and you give me 480, then go fuck yourselves!

Like Daniele, Luciano too had internalized some cultural schemas of Swedish legal culture. He had learned from his bosses' suggestions that a way for him to receive a higher salary increase, something he needed to pay back his debts, was to keep track of his working activities. Luciano engaged, therefore, in a behavior that showed a WTL consciousness toward Swedish law, that is, to capitalize one's experience to achieve personal goals (Ibid.). However, when he discovered that not only was it not enough, but it actually resulted in an economic loss, Luciano soon shifted to an ATL storytelling: "then go fuck yourselves!". Luciano tried to play with Swedish law, but he understood that Swedish rules were still too distant and therefore unattainable for him (Ibid.).

5. Swedish societal values and individual freedom.

This code encapsulates those moments when respondents discussed the relationship between Swedish societal values and their individual freedom. Tommaso, who has lived in Sweden since 1987 and has owned a restaurant since 2001, told me he was tired of living here. In particular, he reiterated the idea that since 2010 doing business in Sweden has become more and more complicated. I asked him why he mentioned that specific year, 2010:

Politics has changed, the social democrats, it all started from there, before you had the moderates, they governed for ten years and it was great, then I don't know, the social democrats, they have changed so many things, I mean, it has always been a socialist country, only those ten years with the moderates, before they were already socialists [laugh].

I asked Tommaso the difference between the social democrats and the moderates in Sweden:

Moderates' politics was based on businesses, on you, you wanted to start a business, you wanted to hire, while socialists don't care, they don't care if you want to start a business, or if you have a small business, they care about big enterprises and about those who stay home and are paid, those are the ones socialists care about, those are the ones they get votes from. I only have a restaurant with 3 people, they don't care, ten thousand restaurants, ten thousand votes, they don't care, they care about million votes.

Tommaso was also critical of Sweden's strategy during the pandemic. When I told him that in Italy, and outside Sweden in general, there was an impression that Sweden had a rather loose approach, he responded:

Yes, that was good, they allowed businesses to stay open, but then socialists go on TV and say to not go there, not go here, not go there, you can do whatever you want just make sure you don't go there

[sarcastic laugh] it's the same thing, people go to supermarkets and *Systembolaget*,⁹ no restrictions there, all the restrictions are imposed on restaurants and entertainment venues, they just cut them all.

Federico, a cook who has lived in Sweden since 2009, was also very skeptical about the decision to put restrictions only on restaurants' opening hours and not on *Systembolaget* and supermarkets:

Yes, you can go dine at a restaurant, with social distance of course, but then everybody goes to grocery stores, or gyms, everybody goes, and I don't see how it's fair, you must keep social distance in the restaurants, whereas in the supermarkets... [...] I believe that those with money have the power, so you cannot close Coop,¹⁰ it's millions, but you can shut down a restaurant, they say whatever, one goes and another one comes [...] They [the grocery stores] can close at 10 pm, 11 pm, look at ICA supermarkets,¹¹ whereas a restaurant must close at 8:30 pm, what's the difference? If the problem is social gathering, why do you allow grocery stores to be open until 11 pm, I mean they shall close at 8 too if that's the problem [...] I mean, to me this is a child's way of reasoning, you see, a child's way of reasoning, if the problem is social gathering, then restrictions should be drastic for everybody.

Due to the economic downturn caused by the pandemic, Tommaso had to fire seven of his former ten employees. I asked him how he dealt with the process of firing employees:

I had to fire them on the spot, otherwise how can I pay them? From one day to another, a socialist goes on TV and says "hey, there's a pandemic, stay home, don't dine at restaurants that you're getting the virus", and here they just follow to the letter what they watch on TV [...] there's a procedure with the unions, you fire, and the State, the socialist State, pays them to stay home, and that's what the State wants, because at the end of the day employees are happy because they get money without working and they will vote for the socialists whenever it will be the right time [laugh], but we, I, the restaurant owner, I will never vote for the socialists. But we're not many, so they don't care.

[Carlo]: do you vote here?

[Tommaso]: of course, of course, I have always voted for the moderates.

[Carlo]: you said you've never wanted to get Swedish citizenship, so you cannot vote at the national elections, right?

[Tommaso]: I can vote for the local ones, yes, not for the State.

[Carlo]: Haven't you ever thought, for example, to obtain Swedish citizenship so that...

[Tommaso]: My vote doesn't matter.

Both Tommaso and Federico have lived in Sweden for a time long enough to internalize traits of Swedish legal culture. These schemas inform the way they symbolize (Banakar 2019) the Swedish approach to the covid-19 pandemic. From Tommaso's viewpoint, the pandemic was just another opportunity for the socialist Swedish government to restrict individual freedom at the economic level. From Federico's perspective, it was another demonstration that the rich (e.g., the

⁹ *Systembolaget* is "a state-owned chain of shops that have exclusive rights to sell alcoholic beverages" (2021).

¹⁰ One of Sweden's supermarket chains.

¹¹ One of Sweden's supermarket chains.

supermarkets) control the content of Swedish law. This input information, their Swedish legal culture, crafts their legal consciousnesses which consist of ATL storytelling and practices (Ewick and Silbey 1998). Federico used sarcasm when he said that even a child would understand that it is unfair to allow only supermarkets, and not restaurants, to be open until 11 pm. Tommaso sarcastically pointed out that the pandemic was an ideal situation for the state, because by paying a subsidy to the fired employees, it will receive employees' votes at the next election, something Tommaso would never do. Moreover, Tommaso does not consider playing WTL and obtain Swedish citizenship to vote for the moderates at the national elections: his "vote doesn't matter". In more than 30 years spent in Sweden, Tommaso has internalized the idea that Swedish socialism is too far, naturalized, and reified to be scratched by his actions (Ibid.). When he votes for the moderates at the local elections, Tommaso is not hoping to change things, because he does not believe in legal, political, or social change in Sweden. His vote to the moderates is a practice of resistance against a hegemonic structure whose ideology he has come to know throughout his time in Sweden (Ibid.), and that now he wants to escape by moving back to Italy.

Finally, I report the story of Sofia, who is the only respondent who requested not to be recorded. Sofia in fact asked me to take notes and suggested to record the interview herself, to have more time to decide whether to send it to me. My notes were sufficient to reconstruct Sofia's story, and so I never asked for the recording. Instead, I sent Sofia a transcription of my notes, which she agreed for me to use. Therefore, Sofia's story is not told with her own words, although I was able to write down some of her utterances, which I report here verbatim within quotation marks. The conversation with Sofia lasted for more than three hours, where she reported with abundance of details her dissatisfaction about living in Sweden, under many profiles, such as work, culture, the school system, the legal system, and parenting. I report here some highlights from the interview.

Sofia is a psychiatrist who has lived in Sweden since 2004. Sofia used to be in a relationship with a Danish man, Niels, with whom she has two children, a boy and a daughter. When the children were toddlers, Sofia and Niels split, and Niels returned to Denmark where he started a new family. As Sofia kept the custody of the children, Niels requested a Swedish tribunal to declare his right to see them occasionally. To evaluate his request, the tribunal sent social workers to visit Sofia and the children, to assess their degree of attachment to Niels. Here a first problem arose, as Sofia asked for an interpreter to facilitate the interactions between the social workers and the children, who were still very young and therefore fluent only in Italian which was the language they spoke at home with Sofia. However, her request was denied, making Sofia wonder how social workers could have assessed the best interest of two children with whom they were not able to communicate.

Sofia recounted the first meeting with the social workers with plethora of details. First, she pointed out that social workers know nothing about children's psychology, something that, however, did not impede them from reprimanding her for not having sent her son and daughter to kindergarten when they turned one year of age. Sofia responded that she knew it was not her obligation under Swedish law, but social workers counterargued that everybody in Sweden sends children to kindergarten when they turn one year old, and therefore Sofia should have done the same. Moreover, the social workers told Sofia that the children had to spend more time with Niels, and when Sofia counterargued that it was the children themselves who asked not to go visit him (they were crying when they had to), the social workers responded that it did not matter, as a father's rights are more important than children's complaints. Nonetheless, Sofia decided to refrain from sending her son and daughter to see the father, and so Niels denounced it to a tribunal. Sofia, who was assisted by a Swedish lawyer, argued that, as an Italian psychiatrist, she felt a complete outcast inside a Swedish court room. She confronted her scientific knowledge as a psychiatrist with the knowledge of the "legal people" (verbatim), namely, the judge and "three dickheads" (verbatim) chosen by the political parties, who know nothing about the law.¹² Eventually, the court ruled in Niels's favor that the children had to visit him from Thursday to Sunday every week.

Sofia was very upset of the verdict, arguing that to travel back and forth between Denmark and Sweden every weekend was an unbearable and extremely tiring effort even for an adult. Accordingly, Sofia decided to refuse to send the children to Denmark anytime they felt unwell or showed unwillingness to visit the father. Niels reported this fact to the court, which established a 500-euros¹³ fine for any time Sofia would have breached the verdict. Sofia accrued a total of 5500 euros of fine, and to afford paying them she started to work two more jobs beside her ordinary one as a psychiatrist. Sofia also specified that one time it was her son himself who asked if she were willing to pay the fine, so that he could have skipped visiting Niels. Sofia also specified that, under Swedish law, if Niels decided not to see the children one weekend, no fines were imposed upon him, and in fact he had annulled the visits 19 times without any consequences.

One time, Sofia started a court dispute to report that the children were not happy when they were visiting Niels. As a counterclaim, Niels asked for their full custody, something which led to a new encounter between Sofia and the social workers. When they visited Sofia, the social workers immediately told her that Sweden is not a catholic country like Italy, implying that Sweden does not have specific gender roles according to which it is the mom (in this case, Sofia) who should raise

¹² Sofia is probably referring to the lay judges who are part of the Swedish judiciary.

¹³ Sofia reported the values of the fines in Euros.

the children. They were implying, in other words, that her behavior as a protective mom could have not find any support in a country characterized by gender equality like Sweden.

Sofia decided to report this episode to the head of the social workers, asking for a second opinion on the ground that, by making that comment about Italian culture, the social workers displayed a bias against her. However, after a brief investigation, her case was dismissed. Sofia brought her complaint to a “supreme entity” (verbatim), whose name Sofia did not remember.¹⁴ However, the “supreme entity” too rejected her complaint for discrimination. This event had consequences: the social workers reprimanded Sofia and stopped having any kind of communication with her. Sofia’s Swedish lawyer terminated the contract with her, mentioning that she was too hard to work with because she was always going against everybody. Eventually, the social workers suggested that the children should have gone to live with the father permanently, and that Sofia should have been granted the right to see them during the weekends. Nonetheless, Sofia and Niels agreed informally that Sofia kept full custody of the children and Niels was allowed to see them every other weekend. However, since the children never wanted to visit the father, the tribunal reprimanded the fines. The covid pandemic deteriorated the situation even more, as the Sweden-Denmark borders was closed, making the travelling across the border more complicated.

The covid pandemic also triggered a clash between Sofia and the local school. Both Sofia and her son belong to the risk group, and so when the Swedish state chose not to close the schools, she decided to keep her children at home. Consequently, Sofia was contacted by the school’s principal, the social workers, and the municipality, who all reminded her that she was obliged to send her children to school. During one call, the school’s principal told her that she was worried about the social growth of her children, but Sofia explained that, as a psychiatrist, she knew that such a statement did not have any scientific base. Nonetheless, Sofia told me that she had to “give up that war” (verbatim) and sent her children to school. She concluded this story commenting that the Swedish school system is terrible, and that her son has learned only two things so far: to take off his shoes when he enters a house and to call the social workers to denounce the parents.

Finally, Sofia mentioned that, as a psychiatrist, she can write health certificates that establish that a person has a mental illness and is therefore entitled to social security. These certificates can be challenged by a state’s agency (“what the fuck do they know!?”), and in this case a conciliatory meeting is held in the presence of Sofia, the patient, the state’s agency, and the patient’s employer. Sofia told me that, during these meetings, the state’s agency treats patients very harshly, and for that reason she tries her best to have her patients’ rights respected. Since nobody helped her when she

¹⁴ When I sent Sofia the transcription of my notes, she clarified that the “supreme entity” was IVO, *Inspektionen för vård och omsorg*, which is “a government agency responsible for supervising health care, social services and activities under the Act concerning Support and Service for Persons with Certain Functional Impairments (LSS)” (IVO 2021).

was deprived of her children's custody, she now wants to be a helping and powerful figure for her patients, so that they do not feel abandoned: "I am the mom of my patients", she said verbatim.

I now shift to the analysis of Sofia's story. Sofia has been living in Sweden for 17 years, during which she has had many disputes with the Swedish legal and administrative systems. These conflicts mostly centered around "how to parent children", a realm where Sofia's and Sweden's views clearly diverge. Sofia's view is informed by her Italian upbringing: during our conversation, she told me that as an Italian mom the more the children are with her, the happier she is. She also added that, although Italy may be struggling under many profiles, at least "we have a heart". All these understandings of Italian culture shape the way Sofia symbolizes (Banakar 2019) her relationship with Swedish law. Therefore, Sofia's is remarkably a story of a cultural and legal-cultural clash. It is a story where her attempt to be a mom "her way" was constantly challenged by the Swedish system, and vice versa. Sofia does not want to send her children to see Niels because she believes that he is not an adequate paternal figure and because she wants to respect her children's unwillingness to go. Such a decision is read in different terms by Swedish institutions and this chasm surfaces when the social workers tell Sofia that Sweden is not catholic Italy, and she cannot expect gender roles to exist in Sweden too. For Sweden, Sofia is behaving like a traditional Italian protective mom. In another circumstance, Sofia's Swedish lawyers terminates the contract with her, an act that speaks volumes, as it seems that the lawyer is saying, "Sofia, as a Swedish lawyer I know how to play with Swedish law and I know that I can no longer accommodate within Swedish law any of your requests. You're too out of Swedish legal culture to fit in Swedish law".

Sweden challenges Sofia's approach to parenting in multiple ways, through courts, social workers, or the school's principal. Sofia frequently loses, sometimes on purpose ("I had to give up that war"), but that does not prevent her from regaining agency in some moments. Sofia constantly used sarcasm during our conversation (Ewick and Silbey 1998). She labeled the lay judges in the courtroom "the three dickheads", she compared her medical knowledge to the unscientific blathers of the school principal or the social workers, she made fun of the Swedish school system by claiming that her son has only learned to take off his shoes at the doorstep and to denounce his mom to the social worker. Moreover, Sofia tries to project her way of being a mom in every sphere of her life, including her job. Sofia believes that, during the conciliatory meetings, her patients are treated very badly by the state's representatives, and for this reason she fights as much as she can to have her patients' rights protected. In her words, Sofia uses that moment too to be a mom: "I am the mom of my patients". The more Sweden prevents her from being "mom Sofia", the more Sofia behaves like a mom whenever and wherever she has the opportunity to do so, also within institutional channels. Typical ATL consciousness (Ibid.).

CHAPTER SIX: CONCLUSIONS

1. Limitations of the study.

As I previously noted, this thesis has epistemological and methodological limitations deriving from the fact that, since sampling was not conducted randomly, conclusions are not generalizable beyond the respondents. Consequently, answers to the research questions provided in this concluding chapter must be considered tentative answers. Further similar studies are needed to strengthen the generalizability of this thesis's empirical findings and its theoretical relevance.

Another limitation of this study lies in its narrow breadth. By deploying a socio-legal analysis, this thesis attempted to explain to what extent agentic and structural conditions played a role in crafting the adaptation process to the legal environment in the host country. However, the stories presented in this thesis portray very personal experiences that, it is important to clarify, cannot be explainable only through socio-legal lenses and a legal-cultural analysis. Other social scientific disciplines could supplement this thesis's findings with a more detailed and enriched explanations of respondents' behaviors and attitudes, perhaps in light of other sociological, economic, rational-choice, or psychological theories, to mention a few. These are fascinating and cutting-edge theoretical and methodological challenges, which can help develop a more comprehensive and integrated approach among social scientific disciplines.

2. Answering the research questions.

This work originated from the research question, drafted in empirical terms, *how do Italians who live in Sweden adapt to Sweden's legal environment?*, which was further nuanced in three sub questions that included more conceptual terminology: (1) How does the legal culture of Italians who live in Sweden influence the way they attribute meaning to and behave in mundane situations and interactions? (2) How does the multiple layers of official laws existing in Sweden (national and European) affect the legal culture of Italians who live in Sweden? (3) What implications does the study of Italians' legal adaptation strategies in Sweden have for the scholarly debates on legal consciousness/legal culture and mobile EU citizens? In the next subsection I answer the main research question by presenting the empirical findings of this thesis and considering them in comparison with the existing literature on EU mobiles and the law. Then, I answer the theoretical puzzles raised by this thesis, thus discussing the conceptual relevance of this work's findings.

2.1. The empirical findings.

Relevant issues regarding respondents' adaptation to Sweden's legal environment emerged in four macro-areas: when they discussed "equality of opportunity in Sweden", when they were "dealing with Swedish bureaucracy", when they confronted "the rigidity of Swedish procedures", and when they reflected upon "Swedish societal values and individual freedom". These are four circumstances that respondents recursively touched upon during the interviews.

First, the code "equality of opportunity in Sweden" confirms that intra-EU migrations along the South-North route are triggered by the appeal of prosperous and fair allocations of opportunities in the northern EU countries (Lafleur and Stanek 2017b). Moreover, this thesis's findings also validate existing research according to which EU mobiles' considerations surrounding the distribution of their rights and entitlements are frequently considered in comparison with non-EU citizens (Lafleur and Mescoli 2018). Second, the code "dealing with Swedish bureaucracy" corroborates existing research on EU mobiles and the law that shows that substantial struggles in a migrants' legal adaptation process derive from the local bureaucracies (Kramer et al. 2018, Scheibelhofer and Holzinger 2018, Burrell and Schweyer 2019, Guma 2020. For the Swedish context: Erhag 2016, Hyltén-Cavallius 2018). This thesis confirms that these struggles may also derive from the non-alignment of the legal regimes of the home MS and the host MS (Fröhlig et al. 2019), and that local bureaucrats end up having too much discretion that leads to EU mobiles sharing the same conditions being treated differently (Sampson Thierry and Martinsen 2018).

The code "the rigidity of Swedish procedures" was extensively developed in this thesis and it represents a new finding for the literature on EU mobiles in Sweden. Arguably, this code was heavily touched upon because respondents were used to a much more flexible and "substance-oriented" approach in Italy. Accordingly, I suggest that further research in the EU context could develop this code more extensively, by testing it with other legal cultures that are close to the Italian one (e.g., another Southern European country), or with other legal cultures that are more similar to the Swedish one (e.g., another Nordic EU country).

The code "Swedish societal values and individual freedom" confirms existing research according to which migrants' adaptation to the legal system in the host country is heavily influenced by ones' attitudes toward the local political culture and his or her social values. The same way Estonians did not want to take advantage of Swedish welfarist political culture as an act of rejection toward a Communist past (Fröhlig et al. 2019), several respondents (e.g., Tommaso, Federico, and Sofia) displayed a rejection of Swedish communal values when they clashed with their political, economic, and family values. This is a relevant finding that requires further investigation, and which has a theoretical relevance as well, as I discuss in the next subsections.

2.2. Theoretical discussion.

The findings of this thesis represent a useful contribution for the advancement of socio-legal theory in the EU context. This thesis in fact proposed an analytical framework to examine the empirical material, but further research is needed to prove the strength of this heuristic device built on Ewick and Silbey's (1998) theory and Banakar's (2019) reconceptualization of de Sousa Santos's (1987) interlegality. In the following, I discuss how this thesis's findings impact the existing socio-legal theory on migrants' adaptation to the law in the host country (Kubal 2013) and on legal consciousness (Ewick and Silbey 1998).

Kubal's "legal baggage".

The first theoretical clarification relates to Kubal's (2013) conceptualization of the "legal baggage" (p. 68). The findings confirm that migrants carry a "legal baggage" that includes their home country's legal culture, but the data also suggest that in the context of the EU the "legal baggage" includes European legal culture as well. In fact, respondents' way of making sense and attributing meaning to everyday life situations was also shaped by the fact that they were EU citizens. In some cases, respondents considered EU citizenship status to grant them entitlements (e.g., Paolo, Stella), while in other circumstances it was the basis for complaints and disappointments (e.g., Rachele, Lidia, Teresa). In any case, for several respondents it was an integral part of their "legal baggage" to Sweden. The other part was, of course, Italian legal culture. All respondents, in a way or another, made sense and attributed meaning to their mundane interactions by means of a comparison between Sweden and Italy. Italian legal culture was the privileged legal cultural lens to interpret these worldly experiences, and this point fully confirms Kubal's argument. It is also worth pointing out that, in some circumstances, respondents already displayed a certain degree of integration in Swedish legal culture. Lidia, Daniele, and Luciano, for instance, all learned aspects of Swedish society (the social significance of Swedish for Lidia, the role of trade unions for Daniele, the importance of documenting work activities for Luciano), to play with local rules and regulations to achieve a self-interest goal. While they achieved varied results, their stories are still an example of the "gradual nature of migrants' legal adaptations" (Ibid., p. 66).

EU mobiles' legal consciousness.

Ewick and Silbey's theory suggested that legal consciousness is a process whose input and output information is constituted by legal culture and that, in its collective shape, constitutes the social structure "legality". However, Ewick and Silbey's theory was crafted in the American context, and therefore their legal consciousness process is "monolegal", as it is informed only by American law

and legal culture. The empirical findings of this thesis confirmed that, in the EU's interlegal context (Banakar 2019), the input information of respondents' legal consciousness process potentially derives from three distinct legal cultures (European, Italian, and Swedish legal culture), which EU mobiles use depending on their projection and symbolization of their mundane interactions (Ibid.).

Accordingly, I argue that the output information of the process of EU mobiles' legal consciousness leads to the social construction of three legalities: host MS's legality, EU's legality, and the legality of the home MS. To begin with, respondents used EU, Italian, and/or Swedish cultural schemas to attribute meaning predominantly to mundane circumstances in Sweden, thus developing a legal consciousness in relation to Swedish law and constructing its legality. Several times, respondents produced and reproduced the existing cultural meanings associated to Swedish law (BTL, WTL), whereas other times they challenged them (ATL). Frequently these challenges were unsuccessful (e.g., Sofia), but when a challenge was successful (e.g., Margherita) it represented an Italianization or a Europeanization of Sweden's legality with Italian or European legal culture. In the broader EU context, successful challenges to other MS's legal cultures represent moments of encounters and, potentially, convergences too, between MS's legal cultures.

Moreover, I argue that EU mobiles' legal consciousness in relation to Swedish law will also have an impact on their legal consciousness surrounding Italian and EU law. In fact, whenever respondents used EU or Italian legal culture to attribute meanings to daily circumstances in Sweden, such a legal consciousness process resulted also in the social construction of European and Italian legal culture. For instance, it would be inaccurate to maintain that Margherita's experience obtaining a *personnummer* only impacted her legal consciousness of Swedish law. Margherita in fact also sarcastically commented "good thing we're Europeans". It seems therefore evident that such a *Swedish* episode left a trace in her understanding of European law, so much so that she protested, "who should take care of this?", pointing out the need for normative interventions to solve a struggle that unites all EU postdoc fellows in Sweden. Consequently, this thesis's findings suggest that EU mobiles contribute to the social construction of EU's legality because by referencing to EU legal cultural schemas they produce and reproduce what it *really* means to be a mobile EU citizen; they construct the real meaning of EU law.

Finally, I argue that EU mobiles keep partaking in the social construction of the legality of their home MS. In fact, respondents' stories were full of explanations of what Italian law is and what is not. By doing so, respondents kept on producing and reproducing cultural schemas of Italian legality, and frequently they did so in opposition to Swedish cultural schemas. In many instances, in fact, respondents displayed opposite types of legal consciousness depending on the law they were referring to: Francesca, for instance, argued that the law in Italy is not enough authoritative (it is

too easy to be played WTL) and therefore, by contrast, she develops a BTL consciousness toward Swedish law. Conversely, Eleonora criticized Swedish law for being too detached from reality to solve everyday life problems, so much so that she considered moving back to Italy where she felt it would have been easier for her to play with the law. In any case, I conclude that a particular trait of EU mobiles' legal consciousness seems to be the existence of a reciprocal relationship between the laws of the home MS and host MS, and the BTL, WTL, and ATL narratives. Accordingly, the processes of construction of these legalities by EU mobiles seemed to be interdependent upon each other, as legal cultural schemas deriving from one law were frequently used to make sense of circumstances that ultimately contributed to the social construction of another legality. This allows me also to raise a comment about law's hegemony and ideology in Ewick and Silbey's theory.

Law's hegemony and ideology in the EU.

This research's findings suggest a rearrangement of Ewick and Silbey's argument that law's hegemony is inescapable. Francesca, for instance, expressly attributed to Italian law the reason why she migrated to Sweden ("it's about rules"). On the other hand, many respondents strategized moving back to Italy because they felt that Swedish rules were too ideological (e.g., Tommaso) or applied so inconsistently that they had become too arbitrary (e.g., Eleonora). Either ways one looks at it, respondents seemed to display a willingness to take advantage of the rather loose freedom of movement in the EU to escape the hegemony of Swedish or Italian law. Accordingly, I maintain that EU mobiles have the possibility to exit the hegemony of a MS's law when they have "had enough" of its underlying ideology. While it is true that, overall, in the EU too law's hegemony is inescapable (EU citizens will never find a law-free zone in the EU territory), it is also true that in the EU, citizens who continuously display an ATL consciousness toward a MS's law have the possibility to escape from its hegemony by exercising their right as EU citizens to move and reside in another MS. While law's hegemony remains intact in general terms, EU citizens can engage in practices of *law-shopping* that grant them the freedom to escape a national law's hegemony by denouncing its arbitrary ideology. For many respondents, the fact itself of residing in Sweden was an expression of an ATL consciousness toward Italian law. Francesca's example displays this very well: she departed Italy to escape the lack of authoritativeness of Italian law. In Ewick and Silbey's terms, Francesca is in Sweden because she wants to be out of Italian law's hegemony.

Bridging legal and political consciousness?

Finally, following one of Banakar's (2019) argument, a fully-fledged theory of EU citizens' legal consciousness should also explain how the existing political discourses determine whether EU

citizens' legal consciousness is directed toward national law or EU law, that is, why in some circumstances EU citizens symbolize their social circumstances drawing on their understanding of EU law and in other circumstances they instead rely on national law. This is a relevant theoretical development that would provide a clearer description and examination of the power relations existing in the EU, hence also fulfilling the critical realist project of developing theories of the social world that account for structure, power, and agency. This theoretical development would bridge theories of legal and political consciousness, in line with an existing research trend developed by Hertogh and Kurkchiyan (2016). Furthermore, this development may lead to a further rearrangement of Ewick and Silbey's theory of legal consciousness in the EU. In fact, Ewick and Silbey argued that the three types of legal consciousness (BTL, WTL, and ATL) are not univocally expressed by a person, who instead can express them alternatively depending on the circumstances at hand. However, if a pattern between political and legal consciousness does exist, then one may argue that, within EU's interlegality (Banakar 2019), EU citizens may indeed express consistent types of legal consciousness depending on their political ideas (in de Sousa Santos's terms: their projection) surrounding MSs' national policies and the EU supranational political goals. This theoretical development is encouraged also by this thesis's empirical findings, where respondents' legal consciousness was affected by their considerations of political and social values (e.g., Tommaso, Federico, and Sofia).

4. A final note on policy arguments.

I would like to spend a few final words on the possible policy arguments one may draw from this thesis. Banakar's (2019) rearrangement of the concept of interlegality was developed in the paper "Brexit. A Note on the EU's interlegality", where he argued that the EU's (technical) legality was distorted when introduced in the UK. While the EU wanted to promote communitarian "democratic values and rights based on respect for difference and plurality" (Ibid., p. 71), in the UK these goals were projected and symbolized in a way that turned them into threats to the stability of Britain's job market (UK national law's symbolization) and to the preservation of British identity (Brits' legal consciousness's symbolization). This thesis showed that several respondents symbolized (Ibid.) their large-scale issues via their European legal culture, as they relied upon their understanding of EU law to attribute meaning to mundane interactions in Sweden. While sometimes respondents displayed satisfaction about their enjoyment of rights as EU citizens, in other occasions they also expressed complaints and frustrations. For those who support the EU's project of integration, I believe this is important information and fertile ground to solicit a different approach when it comes to EU law's enforcement at the national level.

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APPENDIX A: INTERVIEW PROTOCOL

1) Introduction.

- Get the respondent comfortable with the conversation, thank him/her, quick explanation of the project in broad terms. No references to theoretical ideas/the EU.
- Explain the privacy aspects and ask for their consent.
- Start with a broad, generic questions: how come you are in Sweden? What do you do?

2) Open conversation.

- Seek stories about their life, in particular asks them about problems they encountered and how they dealt with them.
- Keep the specific topic of the conversation hidden.

3) Detailed conversation (go into details that may have not been addressed).

- Ask about particular activities that EU mobiles must/could engage with:
 - Relationship with local bureaucracies to enroll in the population registry.
 - Health care/tax agency/employment agency, etc.
 - Vote at local elections.
 - Obtain Swedish citizenship.
- Have you developed a script to follow in case of problems? Who do you seek help with?
- Have you developed a web of social ties?
- Has Sweden kept up to prior expectations?

4) Wrap up.

- Explain the project more into details.
- Ask if there is anything the respondent would like to add, rearrange, anything that they were expecting or wishing to talk about.

APPENDIX B: CONSENT FORM

Please fill in with your demographic data, or leave blank if you prefer not to answer.

Full name:

Citizenship:

Place of Residence:

Age:

Gender:

Profession:

Marital status:

Date of participation:

Type of activity:

Information to be provided to the data subject according to article 13 GDPR

This document is drafted according to article 13 of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 (GDPR), which requires me to inform you that:

(a) the controller of this data is the undersigned Carlo Nicoli Aldini, born in Bologna (Italy), on 10 December 1990. I will control this data personally, hence no representatives will be deployed for any purpose whatsoever.

(b) The data I collect are your demographic data and a recorded interview. These data will be processed for the exclusive purpose of performing academic research, in particular the master thesis for the Sociology of Law program at Lund University in Lund, Sweden. The thesis is not supposed to be published, and in any case your data will be completely anonymized in the final work.

(c) the legal basis upon which I process your data is your consent, given according to this form.

(d) I do not intend to transfer your personal data to a third country or international organization in relation to which there not exist or exists a negative decision by the Commission. Your data will not be stored in a cloud software.

(e) I will store your data in my personal computer, in an encrypted folder that requires a password to enter. I am the only person who knows the password. I will keep your data for the time required to complete my research project. In case the need to keep them for more time arises, I will promptly inform you about the circumstances and ask for your new consent.

(f) you have the right to access, rectify, or erase your personal data, as well as restrict or object the processing, as well as the right to data portability.

(g) you have the right to withdraw your consent at any time, without any consequence, but without affecting the lawfulness of processing based on consent before its withdrawal.

(h) you have the right to lodge a complaint with a supervisory authority.

Consent release

By signing hereunder, I, _____, give my consent to treat my data, including my recorded voice during interviews and/or focus groups and/or any other research activity conducted by Carlo Nicoli Aldini, for the purposes outlined above.

Place, date

Signature