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# Language as a Ground of Discrimination: Example Swedish Finns

*A Critical Discourse Analysis of Swedish Minority Politics*

Kia Salmela

Division of Human Rights Studies

Department of History

Course Code: MRSM15

Semester: Spring 2022

Supervisor: Dan-Erik Andersson

Words: 19976



# Abstract

Language is a protected ground for discrimination internationally, but not in Sweden, although minority politics recognize language as a human right. This thesis focuses on Swedish Finns, one of Sweden's national minorities. As minority rights exist internationally, nationally, and locally, this thesis will analyze official documents from the Council of Europe, the Swedish state, and the Equality Ombudsman from the local case in Västerås Municipality. Using the theory of the Linguistic Human Rights Approach and the theoretical method of Critical Discourse Analysis, this thesis investigates the research problem in light of previous research on Finland-Sweden power relations, Swedish Finns, and language as a human right through the political and human rights discourses. The analysis identifies discursive and social practices, as well as how the Council of Europe, governmental investigators, and the Equality Ombudsman discuss minority rights in relation to human rights, language as a ground for discrimination, and the stakeholders' role views play in the discussion. The results show that language is not treated as a human right and that there is political resistance to extending prohibited grounds of discrimination to include language. Moreover, the results show that international human rights actors are powerless in the situation; ultimately, sovereign Sweden decides. Results confirm previous findings that political injustices towards Swedish Finns and broader national minorities are not taken seriously.

**Keywords:** language, language as a ground of discrimination, power relations, Critical Discourse Analysis, linguicism, linguistic human rights, human rights, national minority, Swedish Finns

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# Glossary

CDA: Critical discourse analysis

The CoE: The Council of Europe

The DO: The Equality Ombudsman (Diskrimination Ombudsmannen)

The ECtHR: The European Court of Human Rights

The JO: The Parliamentary Ombudsmen (Justitieombudsmannen)

LHRs: Linguistic human rights approach

MIN-LANG (2020) 4: The Council of Europe's report seventh report about Sweden

MIN-LANG (2021) PR 3: Sweden's 8th Report to the Council of Europe under the European Charter for Regional or Minority Languages

SOU: Swedish Government Official Reports (Statens Offentliga utredningar)



# 1 Introduction

This thesis investigates Swedish minority politics as a part of human rights commitments and the question of language as a ground for discrimination, using Swedish Finns as an example. Swedish Finns are one of Sweden's five national minorities. To understand the present, one needs to look back to history. History reveals society's values. Swedish nationalism has immensely impacted how national minorities have been treated in history. Swedish Finns were *finnjävlar* ('Finnish devils')<sup>1</sup> and working-class, but also part of the whiteness norm.<sup>2</sup> According to minority politics, Sweden should maintain and protect minority languages. However, language is not listed in the Discrimination Act as one of the explicit grounds for discrimination. Sweden has ratified human rights treaties that list language as an explicit ground for discrimination. Sweden recognizes that minority rights, language being one of them, are human rights. Language rights are based on fundamental human rights, non-discrimination being one of them.<sup>3</sup>

Minority rights are monitored and promoted internationally, nationally, and locally. This thesis will look at material from each level to get a comprehensive picture of how the different levels influence each other. The analysis will look into official political discourse, Council of Europe (CoE) investigations, governmental investigations, and the Equality Ombudsman's (DO) judgment on the local case in Västerås municipality.

The CoE periodically monitors the actualization of minority rights and gives recommendations for improvement.<sup>4</sup> Sweden has received critique from the CoE several times that Swedish legislation does not explicitly cover discrimination based on language. However, international conventions clearly state that language is a ground for discrimination. The CoE's investigator Aleksandra Oszmiańska-Paget, who is currently investigating

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<sup>1</sup> K. Borg (ed.), *Finnjävlar*, Stockholm, Verbal, 2016.

<sup>2</sup> Whiteness norm is explained in the following way: 'Whiteness is a socially constructed order of power with a political and historical background, (S. Beckman, *Vit men inte svensk*, MA diss, Södertörn, Södertörns Högskola, 2018, p. 19.)

<sup>3</sup> F. De Varennes, 'Language rights as an integral part of human rights' *International journal on multicultural societies*, vol 3, no. 1, 2001, p. 16-24.

<sup>4</sup> MIN-LANG (2020) 4,' Expertkommitténs rapport framlagd inför Europarådets ministerkommitté i enlighet med artikel 16 i stadgan. Sjunde rapporten: Sverige', Council of Europe, 2020, p. 2 & 5.

Sweden's commitment to minority rights comments that she is shocked that language is not one of the grounds for discrimination.<sup>5</sup>

At the national level, the government regularly investigates how the country implements minority rights in municipalities and regions and makes suggestions to strengthen the right of minorities.<sup>6</sup> Municipalities are closest to the people and are obliged to have guidelines on how they work to protect and promote minority rights defined nationally and internationally.<sup>7</sup>

There are barely any academic studies about language-based discrimination against national minorities in the Swedish context even though the question is something that minority groups keep bringing up. Language and human rights are politically sensitive topics closely connected to power relations. This thesis investigates how political documents from the three levels review topics such as language as a ground for discrimination and human rights and investigates soft power, which is present everywhere in society.

## 1.1 Motivation for Research and Research Questions

In her article Laura Nader discusses studying up instead of studying down; when we are talking about policies; we are talking about power. Instead of analyzing individuals, this study design will try to understand why inequalities exist in the first place and why things are the way they are. Nader does not say that studying "down" is not important, but only using it will lead to narrow results, including the hierarchical question. It is vital to study networks of power and raise awareness about that. Many people are not aware of power structures that affect their everyday behavior. Therefore, it is relevant to research the power behind the policies.<sup>8</sup>

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<sup>5</sup> V. Odenbalk, 'Euroopan neuvoston asiantuntija järkyttyi: Ruotsissa kieli ei syrjäntäperuste!', *SVT Nyheter*, 20 May 2022 <https://www.svt.se/nyheter/utiset/euroopan-neuvoston-selvittaja-jarkyttyi-miksi-kieli-ei-ole-syrjintaperuste-ruotsissa> (accessed 23 May 2022).

<sup>6</sup> SOU 2020:27, 'Högre växel i minoritetspolitiken - Stärkt samordning och uppföljning', Regeringskansliet, Kulturdepartement, 2020, p. 53, 91–104.

<sup>7</sup> SOU 2020:27, p. 53, 91–104.

<sup>8</sup> L. Nader 'Up the Anthropologist – Perspectives gained from Studying up', in D. Hymes, in *Reinventing Anthropology*, New York, Vintage Books, 1974, p. 289-290.

Sweden must protect the right to use minority languages in both the private and public sphere to protect human rights.<sup>9</sup> Language is not one of the protected grounds for discrimination, even though it is in the international conventions Sweden has ratified. Minority legislation, however, requires the state to promote national minority languages and cultures. There might be a persisting gap between legislation and political reality that this thesis investigates. That is why studying networks of power is essential and much needed.

I interned at Malmö City Office, working with national minority questions. The question of language as grounds for discrimination was constantly raised. The discussions with the Swedish Finns' minority representatives described situations where their right to language has been dismissed. For example, there was a case in Malmö in 2020 where preschool students' mother tongue lectures were taken away; even though Malmö is a Finnish language administrative area. The decision faced resistance from Swedish Finns, and the right to national minority languages in preschools returned in the fall of 2021. Even after clarifying what the law says about national minorities' language rights Swedish Democrats voted against returning the right to the mother tongue language. This shows a degree of ignorance and a gap in the understanding of national minorities' rights. National minority legislation clearly states that national minorities have the right to teaching in their mother tongue. Despite this, municipalities and officials decided to dismiss right.<sup>10</sup>

There is little research on language as a ground for discrimination in Sweden, even though the issue has been raised by both national minorities and official actors at both national and international levels.

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<sup>9</sup>Regeringskansliet, *National minorities and minority languages: A summary of the Government's minority policy*, Ministry for Integration and Gender Equality, 2007, <https://www.government.se/49b72e/contentassets/bb53f1cff8504c5db61fb96168e728be/national-minorities-and-minority-languages>, (accessed 14 April 2022).

<sup>10</sup> J. Markkula and V. Odenbak, 'Förskoleelever i Malmö kan börja läsa finska igen', *Sveriges Radio Finska*, 25 August 2021, <https://sverigesradio.se/artikel/forskoleelever-i-malmo-kan-borja-lasa-finska-igen>, (accessed 20 March 2022).

Minority rights are part of human rights, and non-discrimination is one of the cornerstones of human rights. Therefore, this thesis answers the following questions:

- How do minority politics relate to human rights in discourses?
- How is language as a ground for discrimination negotiated in discourses, and what role does the state's view play?



## 2 Political and Legal Context

In order to understand the context of the research problem, this chapter will give an overview of the political and legal context: the national minorities in a nation-state, minority politics, and how minority rights are protected at the international, national, and local levels. Lastly, it introduces discrimination legislation.

### 2.1 Nation-state, Nationalism, and National Minorities

The idea of a modern nation-state and nationalism emerged through social developments of modernization and industrialization. A nation-state separates a nation from external others, but it also constitutes internal divisions between a majority and others. Nation-states are also used to justify dominance within political relations. Sweden is a sovereign state with its territory and nation, the Swedish people. The majority has power over land, culture, language, and identity. The development of national citizenship and language is relatively recent, taking place in 18<sup>th</sup> - 19<sup>th</sup> century Europe. The nation-state system started to arise after the French Revolution. France has been cited to be the first nation-state. The modern nation-state is an institutionally developed bureaucratic state organization.<sup>11</sup> Language, territory, and ethnicity played an immense role while establishing and constructing the nation-state. The nation-state system has adopted monolingualism as an official language used in all official public domains.<sup>12</sup> The idea of 'Swedishness' was a political idealization, a product of nationalism. It promotes monolingualism and the thought that "in Sweden, was only spoken Swedish." The ideology of nationalism tried to erase a cultural, linguistic, and ethnic variety of societal differences.<sup>13</sup>

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<sup>11</sup> S. May, 'National and ethnic minorities', in S. Canagarajah (eds.), in *The Routledge Handbook of Migration and Language*, London, Routledge, 2017, p. 150.

<sup>12</sup> S. May, 'National and ethnic minorities', in S. Canagarajah (eds.), in *The Routledge Handbook of Migration and Language*, London, Routledge, 2017, p. 150.

<sup>13</sup> P. P. Poromaa Isling, 'Tornedalian Teachers' and Principals' in the Swedish Education System: Exploring Decolonial Pockets in the Aftermaths of "Swedification," in *Nordic Journal of Comparative and International Education*, vol 4, no. 1, 2020, p. 86-87.

Sweden has five national minority groups: Jews, Roma, Sami, Swedish Finns, and Tornedalers. Swedish Finns are the biggest national minority group. National minorities are recognized as a part of cultural history, having their language, history, and culture. National minorities are seen as a cultural heritage of the nation-state, where their culture and language must be promoted instead of integrated. National minorities have a long history of living among the majority population. National minorities have broader linguistic and cultural rights than other ethnic minorities in society.<sup>14</sup>

To get national minority status in Sweden, a group must have a pronounced affiliation, which can be distinguished from the rest of the population; have a religious, linguistic, traditional, or cultural distinctiveness, which it does not share with others; have a pronounced will to retain their identity and have historical or longstanding ties with Sweden.<sup>15</sup>

## 2.2 Minority Politics

National minorities were woven into political discourse in the beginning of the 2000s, but minority political work started earlier. Sweden passed the Immigrant and Minority Policy in 1975. The purpose of this act was to offer freedom of choice, provide an opportunity for minorities to preserve their linguistic and cultural identities, and help their re-integration back to their country of origin if they wished to travel back.<sup>16</sup> According to the home language reform, municipalities were obligated to offer mother tongue lessons from 1977.<sup>17</sup>

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<sup>14</sup> Folkhälsomyndigheten, *Om nationella minoriteter*, [website], <https://www.folkhalsomyndigheten.se/livsvillkor-levnadsvanor/halsa-i-olika-grupper/nationella-minoriteter/om-nationella-minoriteter/>, (accessed 12 April 2022).

<sup>15</sup> Folkhälsomyndigheten, *Om nationella minoriteter*, [website], <https://www.folkhalsomyndigheten.se/livsvillkor-levnadsvanor/halsa-i-olika-grupper/nationella-minoriteter/om-nationella-minoriteter/>, (accessed 12 April 2022).

<sup>16</sup> M. Tawat, 'The birth of Sweden's multicultural policy. The impact of Olof Palme and his ideas', *International Journal of Cultural Policy*, vol 25, no 4, 2019, p. 471–472.

<sup>17</sup> Institutet för språk och folkminnen, *Modersmålsundervisning*, [website] <https://www.isof.se/lar-dig-mer/kunskapsbanker/lar-dig-mer-om-flersprakighet/modersmalsundervisning>, (accessed 12 March 2022).

Minority politics has three main goals: protect national minorities; strengthen opportunities for influence and participation; and promote minority languages and culture so that languages stay alive, in other words, language revitalization. These goals are followed through three sub-areas: discrimination and vulnerability, influence and participation, and language and cultural identity. Minority politics has its ground in international and national law.<sup>18</sup>

Sweden has an obligation to protect and promote national minority identity through one's culture and language. Sweden is obliged to offer national minorities mother-tongue teaching in any of the five national minority languages regardless of whether the language is spoken at home.<sup>19</sup> The obligation to promote national minorities also means that the state must make national minorities and their needs visible within society and increase the knowledge about national minorities. Swedish minority politics follow the principle of the right to free self-identification of persons belonging to national minorities. This means the individual themselves decide whether they identify as one of the national minorities.<sup>20</sup>

There is a strong link between the rights of national minorities and fundamental human rights conventions. Nevertheless, even if they are part of human rights conventions, the rights of minorities must be protected with special legislation due to their sensitive position in society. Sweden has ratified The European Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. Sweden's National Minorities and Minority Languages Act was enforced in 2010. However, Sweden had already established the minority policy as a separate policy area in 2000.<sup>21</sup> In 2019, the law was strengthened that the municipalities and regions are obliged to have guidelines for national minority-related work and follow-up so that work is done to achieve the goals. The law highlights children's opportunities for influence should be promoted.<sup>22</sup>

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<sup>18</sup> SOU 2020:27, 2020, p. 52–53.

<sup>19</sup> Institutet för språk och folkminnen, *Modersmålsundervisning*, [website] <https://www.isof.se/lar-dig-mer/kunskapsbanker/lar-dig-mer-om-flersprakighet/modersmalsundervisning>, (accessed 12 March 2022).

<sup>20</sup> SOU 2017:88, *Nästa steg? Del 2 Förslag för en stärkt minoritetspolitik*, Kulturdepartement, 2017, p. 35.

<sup>21</sup> SOU 2020:27, p. 53–59.

<sup>22</sup> Kulturdepartementet, *En stärkt politik för Sveriges nationella minoriteter*, [website], <https://www.regeringen.se/4a623d/contentassets/90c989c7175b42a39469c6a38bf68349/faktablad-en-starkt-politik-for-sveriges-nationella-minoriteter.pdf>, (accessed 14 April 2022).

The Swedish government decided on national minority politics strategies, one for national minorities in general and one focusing on Roma people's inclusion. The strategy includes five points:

- Clarify the legal regulation of national minorities' rights through a coherent law that applies throughout the country and not only in a certain region of the country.
- Counteract discrimination and vulnerability.
- Ensure better compliance with the Council of Europe Framework Convention and the minority language convention and follow-up of those taken measures.
- Strengthen the autonomy and influence of national minorities.
- Promote the preservation of national minority languages.<sup>23</sup>

The law describes minorities' rights throughout the country and within the special administrative areas for Finnish, Meänkieli, and Sami. The definition of administrative area is that individuals have extended rights to use their minority language while dealing with officials, and they have the right to receive preschool education and elderly care wholly or partially in Finnish.<sup>24</sup>

## 2.3 National Minority Protection

This section provides an overview of how national minority rights are protected and monitored at intra-governmental, national, and local levels. At the local level, the focus is on the Västerås municipality since the case to be analyzed later took place in the municipality of Västerås. The material from these levels is analyzed later in the thesis.

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<sup>23</sup> SOU 2020:27, p.54.

<sup>24</sup> Regeringskansliet, *National minorities and minority languages: A summary of the Government's minority policy*, Ministry for Integration and Gender Equality, 2007, <https://www.government.se/49b72e/contentassets/bb53f1cff8504c5db61fb96168e728be/national-minorities-and-minority-languages>, (accessed 14 April 2022).

### 2.3.1 International: Council of Europe

The Council of Europe is an intra-governmental organization, which aims to promote human rights, democracy, and the rule of law. It monitors two treaties in Sweden concerning national minorities. One of them is *The European Framework Convention for the Protection of National Minorities*, which entered into force in 1998. It consists of obligations for states, and in order to fulfill these obligations, states must adopt legislation and policies to protect national minorities. The convention was meant to be a human rights instrument; for example, article 1 states that the protection of national minorities is an integral part of the protection of human rights. This means that national minority rights should be treated as human rights and be present within other human rights instruments.<sup>25</sup> *The European Charter for Regional or Minority Languages* was adopted in 1992. It is based on the thought that protecting and promoting minority languages promote cultural diversity and democracy. These two conventions constitute the protection of national minorities at the European level.<sup>26</sup>

These treaties include monitoring mechanisms where each state party must submit periodic reports. According to *The European Charter for Regional or Minority Languages*, the periodic report must be submitted every five years. The monitoring system works by the Committee of Experts reporting to the Committee of Ministers on how the state party is fulfilling its obligations, and the Committee of Experts will adopt its recommendations to the State Party.<sup>27</sup>

Regarding *The European Framework Convention for the Protection of National Minorities*, The Committee of Ministers of the CoE answers by examining the reports with the assistance of the Advisory Committee. Reports must be sent in within a year since

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<sup>25</sup> Pamphlet No. 8 of the UN Guide for Minorities, Pamphlet, The Council of Europe's framework convention for the protection of national minorities, <https://www.ohchr.org/sites/default/files/Documents/Publications/GuideMinorities8en.pdf>, (accessed 21 April 2022).

<sup>26</sup> Council of Europe, *About the European Charter for Regional or Minority Languages*, [website], <https://www.coe.int/en/web/european-charter-regional-or-minority-languages/about-the-charter>, (accessed 29 April 2022).

<sup>27</sup> MIN-LANG (2020) 4, p. 2 & 5.

the convention entered into force in the state and, after that, every five years. The system does not receive individual complaints.<sup>28</sup>

### 2.3.2 National: Official Governmental Investigations

The realization of national minority rights and policies are also followed at the national level. The government has given the County Administrative Board of Stockholm and Sami Parliament the responsibility to coordinate and follow minority policies and report yearly to the government. The yearly report gives the government an overview of the topical issues concerning national minorities. The government's official investigations analyze and suggest how the responsibilities should be shared and organized concerning coordination, development, and monitoring of minority politics. The purpose is to improve the implementation of minority policies. According to the government, monitoring national minority rights is part of Sweden's international commitment to human rights.<sup>29</sup>

Kommittédirektiv 2018:86 lists six essential points to coordinate, develop and follow up on minority politics. The first one is to ensure compliance of rights; the second is centralized responsibility, the third is the need for broad competence, the fourth is clarity and predictability, the fifth is efficiency, long-term perspective, and control, and the sixth is the responsibility of the Sami Parliament concerning Sami rights. The investigation uses a right-based approach, and the meaning of this is to give officials concrete ways to promote, fulfill, and protect the rights of national minorities. Kommittédirektiv 2019:7 lists that it shall analyze and propose how the responsibility for coordination, development, and follow-up of minority policies should be organized.

<sup>30</sup>

The National Minority Act was reviewed in 2019 due to the follow-up of policies as a result the edited law strengthens rights and obligations. For example, the municipalities and

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<sup>28</sup> Council of Europe, *Monitoring the implementation of the Framework Convention for the Protection of National Minorities*, [website], <https://www.coe.int/en/web/minorities/monitoring>, (accessed 2 May 2022).

<sup>29</sup> SOU 2020:27, p. 53, 91–104.

<sup>30</sup> SOU 2020:27, p. 287–295.

regions must have guidelines and goals for their work with minorities which shall be available for review upon request.<sup>31</sup>

### 2.3.3 Municipality's Responsibility: Case Västerås

There are approximately 20, 000 Swedish Finns in the Västerås Municipality. Västerås is a Finnish language administrative area, and hence it has a stronger obligation to fulfill, promote, and protect minority rights. In administrative areas, Swedish Finns even have a right to contact officials in Finnish if they wish to. They also have the right to receive preschool education and elderly care wholly or partially in Finnish. In addition, all municipalities must offer mother tongue education to children in national minority languages, regardless of whether the language is spoken at home. Children's development of cultural identity and language are core responsibilities.<sup>32</sup>

Västerås Municipality was contacted to ask whether they have guidelines for working with national minorities. They answered that they have ongoing work to develop goals and guidelines for work with national minorities.<sup>33</sup>

## 2.4 Discrimination Act in Sweden

Sweden has signed several discrimination laws at the international level. Discrimination is already mentioned in *the Universal Declaration of Human rights (UDHR)* in 1948 in article two at the international level. Sweden has also ratified the *UN Convention on the Elimination of All Forms of Racial Discrimination*, as well as *the International Covenant on Civil and Political Rights*, *International Covenant on Economic, Social and Cultural Rights*, *The Convention on the Elimination of All Forms of Discrimination*

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<sup>31</sup> Kulturdepartementet, *En stärkt politik för Sveriges nationella minoriteter*, [website], <https://www.regeringen.se/4a623d/contentassets/90c989c7175b42a39469c6a38bf68349/faktablad-en-starkt-politik-for-sveriges-nationella-minoriteter.pdf> (accessed 14 April 2022).

<sup>32</sup> Västerås Stad, *Sverigefinnar i Västerås*, [website], <https://www.vasteras.se/kommun-och-politik/tillganglighet-mangfald-och-jamstalldhet/nationella-minoriteter/sverigefinnar.html> (accessed 14 april 2022).

<sup>33</sup> A. Pajuvirta, [email to K. Salmela], 18 May 2022, (accessed 18 May 2022).

against Women, Convention on the Rights of the Child and Convention on the Rights of Persons with Disabilities. Sweden has signed the European Convention on Human rights at the regional level, which defines discrimination in article 14, including language as an explicit ground for discrimination.<sup>34</sup> The Swedish Discrimination Act entered into force on 1 January 2009.<sup>35</sup>

DO is a state official responsible for reviewing reports of discrimination and harassment and ensuring that education officials, like schools, prevent discrimination.<sup>36</sup> The definition of discrimination, according to DO, is *when a person is treated disfavouredly or when a person's dignity is violated.*<sup>37</sup>

Discrimination can be both direct and indirect. The Discrimination Act does not cover language and instead defines discrimination through seven grounds: sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation, and age. The national discrimination act has two main goals: to prohibit discrimination and require employers to take preventive means against discrimination. This law seeks to give individuals protection against discrimination.<sup>38</sup>

The current national Discrimination Act states that language is treated as a part of ethnicity, which justifies that it is missing from the prohibited grounds. The DO describes discrimination based on ethnicity in the following way:

*The term ethnicity refers to an individual's national or ethnic origin, skin color or other similar characteristic. National origin means that people have the same national affinity, such as Finns, Poles or Swedes. Ethnic origin means that people have a relatively uniform culture. As an example may be mentioned that a person belongs to one of the national minorities such as Sami and Roma.*<sup>39</sup>

According to the DO, language falls under the category 'similar characteristics'.<sup>40</sup>

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<sup>34</sup> SOU 2021:94, *Ett utökad skydd mot diskriminering, Ett utökad skydd mot diskriminering*, Arbetsmarknadsdepartementet, 2021, p. 59–64.

<sup>35</sup> SOU 2021:94, p. 96.

<sup>36</sup> Regeringskansliet, 'Diskrimineringsombudsmannen, DO' [website], <https://www.regeringen.se/myndigheter-med-flera/diskrimineringsombudsmannen-do/>, (accessed 5 March 2022).

<sup>37</sup> DO, 'What is discrimination?' [website], <https://www.do.se/choose-language/english/what-is-discrimination>, (accessed 9 March 2022).

<sup>38</sup> DO, 'What is discrimination?' [website], <https://www.do.se/choose-language/english/what-is-discrimination>, (accessed 9 March 2022).

<sup>39</sup> DO, 'Protected grounds of discrimination', [website], <https://www.do.se/choose-language/english/what-is-discrimination/protected-grounds-of-discrimination>, (accessed 9 March 2022).

<sup>40</sup> DO, 'Protected grounds of discrimination', [website], <https://www.do.se/choose-language/english/what-is-discrimination/protected-grounds-of-discrimination>, (accessed 9 March 2022).



# 3 Literature Review and Previous Research

This chapter will look into the historical context and the relationship between Finland and Sweden. Furthermore, it will introduce previous research on Swedish Finns and language as a human right.

## 3.1 Finland-Sweden relations

There has been extensive research on general Finland-Sweden relations, not the least because Finland was under Swedish rule for over 600 years, starting from Birger Jarl's crusades to Finland in the 13<sup>th</sup> century. Leena Huss, professor Emeritus in Finnish, has written about Finland-Sweden relations. Finland was a vital resource and the Eastern part of the kingdom. The poor treatment of people was not based on language and geographical local but on caste order. The upper castes were Swedish speakers in Finland. Swedish was the language of civilized people. However, the Finnish language was seen as necessary for the Swedish Kingdom, and even Gustav Vasa wanted his sons to learn Finnish to be able to communicate with people from the Eastern Kingdom.<sup>41</sup> Finnish people had the same rights and responsibilities as Swedish people in many ways. In the 16<sup>th</sup> century, Finns moved to work in Mälardalen and Bergslagen, and Karlskrona. At the end of the century, there was Finnish immigration from Savolax to mid-Sweden and upper Sweden, who became skogsfinnar ("forestfinns"). In the 18<sup>th</sup> and 19<sup>th</sup> centuries, Finns moved to the Stockholm area when they were running from wars. After 1809 when Sweden lost Finland to Russia, many Finns were on the Swedish side. They became a linguistic minority among the Swedish speaking majority. In the beginning, they were even Finnish-speaking classes and worships in villages at the Swedish-Finnish border in the Tornio Valley, but later, when Swedish nationalism

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<sup>41</sup> L. Huss, in 'Sverigefinnar och finska språket' in M. Darwishpour and C. Westin, in *Migration och etnicitet: perspektiv på mångfald i Sverige*, Lund, Studentlitteratur, 2021, p. 182.

became stronger, only Swedish language teaching received governmental aid, which led to the cessation of Finnish-speaking classes.<sup>42</sup>

Professor Emeritus of History Arnold Barton writes about Finland's time under Russian rule when Finland got autonomy regarding its constitution and administration. The Swedish language was the language used in administration and higher culture until Finland gained autonomy as the Grand Duchy of Finland, and Finnish started being used increasingly in the public spheres.<sup>43</sup>

Suvi Keskinen, professor of ethnic relations, writes about intra-Nordic power and Finnish history. According to Keskinen, Sweden and Denmark have had a regionally dominant role. In her article, Keskinen discusses Sweden's and Finland's role in colonial history and how Finland's involvement in colonialism played a role in becoming "Europeans." Keskinen further discusses the racial hierarchy and taxonomy, both based on biological characters and linguistics. Keskinen points out that there is a gap in research regarding the racial hierarchies within the Nordic region and that the Sami question is discussed in academia, but the racial hierarchies in scientific racism are lacking in most parts.<sup>44</sup>

## 3.2 Swedish Finns

Christina Johansson, professor in International Migration and Ethnic Relations, writes about work-related immigration after the World Wars. The first big wave of immigrants was recruited to Sweden in the 1950s to work from countries such as Finland. Swedish recruiters traveled to countries to recruit workers into Sweden, in an attempt to expand the economy when Sweden did not have enough workers. The aim was that workers would stay permanently

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<sup>42</sup> L. Huss, in 'Sverigefinnar och finska språket' in M. Darwishpour and C. Westin, in *Migration och etnicitet: perspektiv på mångfald i Sverige*, Lund, Studentlitteratur, 2021, p. 182–184.

<sup>43</sup> A. Barton, 'Finland and Norway, 1808–1917', *Scandinavian Journal of History*, vol 31 no. 3/4, 2006, p. 221-227.

<sup>44</sup> S. Keskinen, 'Intra-Nordic Differences, Colonial/Racial Histories, and National Narratives: Rewriting Finnish History,' *Scandinavian Studies*, vol. 91, no. 1-2, Nordic Colonialisms, 2019.

and integrate into the Swedish system. Many Finnish people moved to Sweden to work during the 1950s and 1960s.<sup>45</sup>

Historian Lennart Lundmark discusses one of the greatest names of the race biology doctrine, Swede Carl von Linné. Linné's doctrine categorized people into classes based on their external physiological factors. The race-doctrine was governmentally funded and existed until the 1950s, which shaped the racial power relations and picture of "the other." The doctrine listed Finns as lower in the hierarchy based on skulls, not belonging to the "European race," and less intelligent. Study trips were made to Finland to photograph the "Finnish race" to have proof that they were "kortskallar" ("short skulls"), not Europeans.<sup>46</sup>

Pia Laskar, Ph.D. in intellectual history, also writes in her research about Swedish Finns' role in Swedish racial biology research and Swedish nation-building. She argues that race and whiteness in Sweden are changing factors and that in history, Swedish Finns were not part of the Swedish whiteness ideal.<sup>47</sup>

Emeritus professor in history Lars Elenius discusses minority politics in Nordics and focuses on reviewing Finns and Sami. Elenius describes losing Finland to Russia as a national trauma for Sweden. After the separation in 1809, the Finns were increasingly described as eastern, primitive people who no longer had a place in Swedish society, and they were othered. This was done to promote and strengthen Sweden's nationalism and to create a picture of a Swedish identity that Finns did not represent. The other needed to be controlled, and this was done through stereotyping and making "Swedishness" the norm. From 1809, the border separated Finland and Sweden from each other, and there were Finnish-speaking people on both sides of the border. People near the border in Torneo Valley experienced the most Swedification, but Swedification happened across the country. Swedification refers to Swedish being preferred over other languages, for example, by encouraging

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<sup>45</sup> C. Johansson, 'Svensk invandrings- och flyktingpolitik', in M. Darwishpour and C. Westin, in *Migration och etnicitet: perspektiv på mångfald i Sverige*, Lund, Studentlitteratur, 2021, p. 246–250.

<sup>46</sup> L. Lundmark, 'Allt som kan mätas är inte vetenskap', *Forum för levande historia*, Skriftserie # 4, 2007, p. 11.

<sup>47</sup> P. Laskar, 'Att pussla med finska kranier', *Ord & Bild, Norden & Kolonialismen*, no 2, 2008 &

P. Laskar, 'Den finska rasen och görandet av svenskar.' in T. Hübinette (eds.), in *Ras och vithet. Svenskar rasrelationer i går och i dag*, Studentlitteratur, 2017.

people to stop speaking Finnish.<sup>48</sup>

Huss also describes the same phenomenon, lasting from the 19th century until the 1970s. There were schoolbooks until the 1960s which described Finns' as another race.<sup>49</sup> According to Huss, many Finnish immigrants changed their names and stopped speaking Finnish to hide their Finnishness. They did not teach their children Finnish because they wanted to protect them from negative attitudes. Finns who lived in Sweden were encouraged to stop using Finnish in public from the 19th century until the 1970s.<sup>50</sup>

Through conducting interviews, Kai Latvalehto, Ph.D. in Swedish-Finnish cultural identity, researches how Swedish Finns construct their identity, the factors that affect the identity process, how their Finnish background is revealed, and how it affects them. Latvalehtos findings show a will to retain Finnishness in the family. There is a desire to teach children Swedish in the first place due to the worry over experiencing the problem of multilingualism that previous generations experienced. According to Latvalehto, the Finnish name for many second-generation Swedish Finns is one of the few or the only identity markers that shows that they belong to 'the other.' Latvalehto describes that although the picture of Swedish Finnishness has improved during the years, the history of exclusion, social difficulties, discrimination, and alcoholism still affects today's identity processes.<sup>51</sup>

The Swedish Public Health Agency published a study in 2019 describes that even though the situation has improved, the poorer socioeconomic status of Swedish Finns has impacted their long-term health as they are less healthy than most of the population today. Long-term illnesses such as high blood pressure, asthma, chronic pain, a higher suicide risk, and stress are more common among Swedish Finns than Swedes. Additionally, Swedish Finns use more alcohol and drugs than the majority of Sweden's population. There was also a difference between educational levels, with fewer Swedish Finns having a higher education degree than the general

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<sup>48</sup> L. Elenius, *Nationalstat och minoritetspolitik: samer och finskspråkiga minoriteter i ett jämförande nordiskt perspektiv*, Lund, Studentlitteratur, 2006, p. 110–118, 122–136.

<sup>50</sup> L. Huss, 'Sverigefinnar och finska språket' in M. Darwishpour and C. Westin, in *Migration och etnicitet: perspektiv på mångfald i Sverige*, Lund, Studentlitteratur, 2021, p. 181–184.

<sup>51</sup> K. Latvalehto, *Finnish Blood, Swedish Heart? Examining Second Generation Sweden-Finnishness*, Ph.D. diss., Turku, Åbo Akademi University, 2018.

population. Swedish Finns are also more likely to struggle economically than the majority.<sup>52</sup> To compare the Swedish-speaking Finns situation, a study done by Fredrika Nyqvist et al. argues that Swedish speaking Finns have better structural and cognitive social capital compared to Finnish speaking Finns.<sup>53</sup>

Furthermore, writer and historian Maja Hagerman wrote about the role of language in the Swedish race biology hierarchy. Speaking Finnish, a Finno-Ugric language, was characteristic of not being "European" because it was not an Indo-European language.<sup>54</sup>

Lotta Weckström whom has a Ph.D. in linguistic and migration studies researches multilingualism and young people's identities with Finnish backgrounds in Sweden. Weckström emphasizes people's role in choosing their ethnic identity freely and that Finnish identity has an optional and voluntary character because one cannot see it on the outside. Participants of Weckström's study had faced devaluation based on their Finnishness. Her findings highlight that language and identities are more of a private matter for young people than ensuring protection in society. Participants saw language as an essential part of describing Finnishness; however, some emphasized that it is not the core. Weckström notes that this contradiction *simply reflects the intense and difficult nature of defining something as intimate and yet as public as ethnic identifications.*<sup>55</sup> Weckström writes that the Swedish Finn question gained political attention in the 1980s and became a controversial topic. She argues that several research questions do not receive enough attention: for example, whether research should confirm existing beliefs about minorities, and if yes, whose beliefs should be considered, and should the political injustices experienced by Swedish Finns as a minority be pointed out?<sup>56</sup> This thesis aims to fulfill the existing gap in those questions, focusing on the essence of language to the minorities.

The topic has been discussed in non-scientific literature as well. Journalist Christian Catomeris's book 'Det ohyggliga arvet: Sverige och främlingen genom tiderna'

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<sup>52</sup> Folkhälsomyndigheten, 'Hur mår personer med finländskt ursprung? – Delarbete inom Folkhälsomyndighetens uppdrag om Sveriges nationella minoriteter 2019', Folkhälsomyndigheten, 2019.

<sup>53</sup> F. Nyqvist et al., 'The effect of social capital and health; The case of two language groups in Finland,' *Health & Place* vol 14, 2008, p. 347- 360.

<sup>54</sup> M. Hagerman, 'Käraste Herman. Rasbiologen Herman Lundborgs gåta', Stockholm, Norstedts, 201, p. 23.

<sup>55</sup>L. Weckström, *Representations of Finnishness in Sweden*, Helsinki, Finnish Literature Society, 2011, p. 155.

<sup>56</sup>L. Weckström, *Representations of Finnishness in Sweden*, Helsinki, Finnish Literature Society, 2011, p. 149–161.

discusses, for example, how 19<sup>th</sup>-century race biologists categorized Finnish people as a lower, non-European race.<sup>57</sup> Writer Susanna Alakoski has written books about Finns who moved to Sweden to work and seek a better life. She writes about their class struggle as working-class people in Swedish society. Kristian Borg, a journalist, gives in the book 'Finnjävlar'<sup>58</sup> a postcolonial perspective on Swedish Finns' questions. It is the self-biography of 15 Swedish Finns telling their view on discrimination in class society and their social mobility in society. Writer Mikael Niemi's book 'Populärmusik från Vittula' handles instead the marginal position of Torneo Valley during the 1960s. It is a story of Torneodalers, who suffered from a lack of identity as inhabitants of a remote minority and felt inferior to the people of "real Sweden."<sup>59</sup>

### 3.3 Language as a Human Right

Professor and international authority on language rights, Stephen May argues that language is a human right. He argues that human rights theory insufficiently recognizes language as a fundamental human right. He further contends that states, as well as supranational organizations, should recognize language rights.<sup>60</sup>

Tove Skutnabb-Kangas who holds a Ph.D. in philosophy argues that linguistic human rights are needed to protect individuals against linguisticism. Linguicism refers to *ideologies and practices used to legitimate, regulate and reproduce an unequal division of power and resources defined on the basis of language.*<sup>61</sup> According to Professor Emeritus Robert Phillipson, overt linguisticism is an open and visible while covert linguisticism is hidden and can even be unconscious.<sup>62</sup>

Professor of law Fernand De Varennes points out that the 1990 *Charter of Paris for a New Europe* already states that the rights of persons belonging to national minorities

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<sup>57</sup> C. Catomeris, *Det ohyggliga arvet : Sverige och främlingen genom tiderna*, Ordfront, 2004, p. 38, 79-82.

<sup>58</sup> K. Borg (ed.), *Finnjävlar*, Stockholm, Verbal, 2016.

<sup>59</sup> M. Niemi, *Populärmusik från Vittula*, Stockholm, MånPocket, 2001.

<sup>60</sup> S. May, 'Language Rights: The 'Cinderella' of Human Rights'', *Journal of Human Rights*, vol. 10, no. 3, 2011.

<sup>61</sup> T. Skutnabb-Kangas, 'Multilingualism and the education of minority children,' in T. Skutnabb-Kangas & J. Cummins (eds.), in *Minority Education: From Shame to Struggle*, Clevedon, Avon: Multilingual Matters, 1988, p. 13.

<sup>62</sup> R. Phillipson, 'Linguicism: Structures and Ideologies in Linguistic Imperialism,' in T. Skutnabb-Kangas(eds.), in *Minority Education: From Shame to Struggle*, Clevedon, Avon Multilingual matters, 1988, p. 339-341.

must be fully respected as part of universal human rights. He argues that this promotes tolerance and pluralism in society. He argues that currently language rights are considered less deserving and less important. De Varennes argues that, *To put it simply, most – if not all – of what are called today's language rights derive from general human rights standards, especially non-discrimination, freedom of expression, right to private life, and the right of members of a linguistic minority to use their language with other members of their community.*<sup>63</sup>

Language rights are, in other words, based on fundamental human rights, non-discrimination being one of them. It is not restricted to just national minorities but any individual because fundamental human rights apply to every human being. Understanding that language rights have originate in human rights can help one overcome misunderstandings regarding the importance of language.<sup>64</sup>

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<sup>63</sup> F. De Varennes, 'Language rights as an integral part of human rights,' *International journal on multicultural societies*, vol 3, no. 1, 2001, p.16-17.

<sup>64</sup> F. De Varennes, 'Language rights as an integral part of human rights,' *International journal on multicultural societies*, vol 3, no. 1, 2001, p.21-24.

# 4 Theoretical Framework

This chapter will introduce the theoretical framework, critical discourse analysis (CDA) and linguistic human rights approach (LHRs). CDA and LHR approaches are used to analyze the material.

CDA is more than just a method; it is a theory-heavy methodology that can be used to analyze the inequalities in society. Michael Foucault's on disciplinary power has influenced a lot of CDA's theoretical foundation.

LHR approach combines the study of language and human rights and argues that language is a fundamental human right.

## 4.1 Disciplinary Power and CDA

Philosopher and historian Michael Foucault's theories on power structures and disciplinary power have been influential for CDA.

Foucault divides power and punishment into two types: Sovereign power, physical bodily punishment, and disciplinary power. Disciplinary power exercises social control with minimum forced means: training, exercising, and supervision; it regulates behavior. It is done through disciplinary mechanisms instead of physical coercion. It makes people act how they do and preserves the status quo.<sup>65</sup> Foucault argues that:

*Power and knowledge directly imply to one another; that there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time power relations.*<sup>66</sup>

In other words, power is based on knowledge and gives knowledge use, which reproduces knowledge. Power is invisible and subjects are visible to assure that

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<sup>65</sup> M. Foucault, *Discipline and Punish: The birth of the prison*, 2nd edn., New York, Vintage Books, 1995.

<sup>66</sup> M. Foucault, *Discipline and Punish: The birth of the prison*, 2nd edn., New York, Vintage Books, 1995, p. 33.



power is exercised over them.<sup>67</sup> Foucault described discourse as a social system that produces knowledge and meaning, and discourses are *practices that systematically form the objects of which they speak*.<sup>68</sup>

A language is a form of social practice. It is a socially conditioned process. According to Emeritus Professor of Linguistics at Department of Linguistics and English Language Norman Fairclough, there is no external relationship between language and society. Discourses involve social conditions and social order. Social order and orders of discourse exist through society and social institutions.<sup>69</sup> CDA also relates to different classes. According to Fairclough, *The state is the key element in maintaining the capitalist class's dominance and controlling the working class*.<sup>70</sup> State and other power holders constitute a so-called dominant bloc. Social institutions, the law, education, and the media maintain this dominance of the capitalist class.<sup>71</sup>

Fairclough argues that there is power behind discourse and relations between social actors' structure discourses. Every discourse builds on existing discourse, as they shape each other. This hidden power exists in written language, for example, in mass media.<sup>72</sup> Discourses include ideologies, and CDA tries to reveal that discursive practitioners maintain social hierarchies and unequal power relations.

## 4.2 Linguistic Human Rights Approach

Linguist and professor Tove Skutnabb-Kangas and Professor Emeritus Robert Phillipson developed the LHR approach, arguing for linguistic rights and highlighting the recognition of linguistic rights as a human right. This approach brings together politically sensitive topics, and language and human rights, which are closely connected to power relations. LHRs are connected to other rights;

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<sup>67</sup> M. Foucault, *Discipline and Punish: The birth of the prison*, 2nd edn., New York, Vintage Books, 1995, p. 201.

<sup>68</sup> M. Foucault, *Archaeology of Knowledge and the Discourse on Language*, New York, Pantheon Books, 1972, p. 135-140 and 49.

<sup>69</sup> N. Fairclough, *Language and Power*, 2nd edn., Harlow, Longman, 2001, p. 18-26

<sup>70</sup> N. Fairclough, *Language and Power*, 2nd edn., Harlow, Longman, 2001, p. 27.

<sup>71</sup> N. Fairclough, *Language and Power*, 2nd edn., Harlow, Longman, 2001, p. 26-30

<sup>72</sup> N. Fairclough, *Language and Power*, 2nd edn., Harlow, Longman, 2001, p. 41-46.

people who are deprived of their LHRs might lack access to other human rights, such as access to information, fair trial, or fair political presentation. The lack of such rights directly causes injustice in society. LHRs are needed at both national and international levels. If people do not have access to their language, there is a threat to the cultural and linguistic survival of minority groups. According to the LHR approach, both individual and collective rights are linguistic human rights. Individual linguistic rights handle, for example, non-discrimination, access to language, right to use it, and continuity from one generation to another. Collective rights aim to bind together a group linguistically and culturally.<sup>73</sup>

The state must create conditions that provide and protect human rights. LHRs aim to protect language rights, both individual and collective rights, as they *are so basic for a dignified life that everybody has them because of being human; therefore, no state (or individual) is allowed to violate them.*<sup>74</sup>

The LHR approach introduces a scale of the promotion continuum, which begins with the prohibition of assimilation of linguistic minorities to the dominant language and tolerance of minority languages. After that comes “non-discrimination prescription,” which refers to the situation that discrimination based on language is forbidden in society. Overt protection is when discrimination is explicitly prohibited to avoid the difficulties that arise with legal interpretations, and covert protection means that it is a part of general discrimination legislation but is not explicitly stated. After that, promotion continuum refers to the permission of the use of minority languages, and at last, promotion of minority languages through different measures.<sup>75</sup>

Negative LHRs refer to non-discrimination, and positive LHRs mean that the state has obligations beyond non-discrimination to affirm and promote minorities' access to their language. Without positive rights, minority languages would be assimilated into the

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<sup>73</sup> T.Skutnabb-Kangas, R. Phillipson, M. Rannut, 'Introduction,' in T.Skutnabb-Kangas, R. Phillipson, M. Rannut (eds.), in *Linguistic Human Rights: Overcoming Linguistic Discrimination*, Berlin/New York, Mouton De Gruyter, 1995, p. 1-14.

<sup>74</sup> T. Skutnabb-Kangas, 'Human rights and language policy in education,' in S. May and N. Hornberger (eds.), in *Language policy and political issues in education*, Volume 1 of *Encyclopedia of Language and Education*, 2nd edn, New York, Springer, 2008, p.109.

<sup>75</sup> T.Skutnabb-Kangas and R. Phillipson, 'Linguistic human rights, past and present,' in T.Skutnabb-Kangas, R. Phillipson, M. Rannut (eds.), in *Linguistic Human Rights: Overcoming Linguistic Discrimination*, Berlin/New York, Mouton De Gruyter, 1995 p. 79.

majority language which would negatively affect to right to one's minority identity. LHRs can be seen as expressive tools and markers of identity.<sup>76</sup>

According to the LHR approach, linguistic human rights should be legally binding, incorporated into international and national legislation, and rights should be formulated in detail. These laws should specify who is responsible for monitoring and financially ensuring the implementation of LHRs.<sup>77</sup>

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<sup>76</sup> T. Skutnabb-Kangas, 'The Role of Linguistic Human Rights in Language Policy and Planning,' in C. A. Chapelle(eds.), in *The Encyclopedia of Applied Linguistics*, Malden, MA: Blackwell, 2011/2012, p. 1-2.

<sup>77</sup> T.Skutnabb-Kangas, R. Phillipson, M. Rannut, 'Introduction,' in T.Skutnabb-Kangas, R. Phillipson, M. Rannut (eds.), in *Linguistic Human Rights: Overcoming Linguistic Discrimination*, Berlin/New York, Mouton De Gruyter, 1995 p. 17.

# 5 Methodology

This chapter introduces Norman Fairclough's Critical Discourse Analysis as a tool to analyze discourses, political discourse, and human rights discourse. This chapter will also discuss material and data collection as well as ethical concerns and research limitations.

## 5.1 Method

Language is used to maintain power relations in society. CDA explains how language maintains power relations in society.<sup>78</sup> CDA pays attention to the relation between power and language as well as the relation between relations. Power is practiced in discourses that aim to govern individuals. Critical discourse analysis focuses on the social structure of power and language and how these things are connected.<sup>79</sup> CDA analyses the relation between discourse and other objects. CDA's primary focus is to understand and expose unequal power relations that produce social wrongs.<sup>80</sup>

A three-dimensional analysis is an analytical approach to research communication in society. The framework combines three levels of analysis to analyze authority and power:

- 1) At the micro-level, the object of analysis is the text itself. Attention is paid to the text's production, distribution, and use. It shows the attitude.
- 2) At the meso-level, the focus is on the discourse. It interprets the context and processes of production as well as the producers and consumers.

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<sup>78</sup> N. Fairclough, *Language and Power*, 2nd edn., Harlow, Longman, 2001, p. 1-14

<sup>79</sup> R. Wodak, 'What cda is about – a summary of its history, important concepts and its developments', in R. Wodak and M. Meyer(eds.), In *Methods of critical discourse analysis*, London, SAGE Publications, 2001, p. 1-10

<sup>80</sup> N. Fairclough, *Language and Power*, 2nd edn., Harlow, Longman, 2001, p. 1-14

3) The macro-level focuses on the socio-historical processes, structures, and hierarchy in relation to the micro- and meso-level.<sup>81</sup>

The first dimension focuses on the text's modality, which means wording and attitudes towards the object of the text. There are different types of modalities, such as permission, or truth, where the producer is fully committed to the statement and presents it as a fact.<sup>82</sup>

The second dimension looks into formality, access to discourse, and who has it and who does not.<sup>83</sup> According to Fairclough, formality is *common property in many societies of practices and discourses of high social prestige and restricted access*.<sup>84</sup>

The text is analyzed within the discourse; language is not neutral but always subject to interpretation and contains values, opinions, and social relationships. The analysis is still on the text through analyzing transitivity which refers to how processes are connected with subjects and objects.<sup>85</sup>

After that, the analysis looks into the contextualization of the text, it looks at the broader societal context of discourses. CDA is a trans-disciplinary research framework combining different theories and social practices.<sup>86</sup>

The conclusion is reached by analyzing discursive practice and the broader social context, of which previous research is also a part of. The conclusion addresses the discussion on ideological consequences. For example, does the discourse maintain the status quo in society, or does the practice strengthen existing power relations?<sup>87</sup>

CDA's intentions go well together with researching minority policies, as there is a majority-minority power dynamic. Discourse analysis is applicable because it focuses

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<sup>81</sup> N. Fairclough, *Language and Power*, 2nd edn., Harlow, Longman, 2001, 21-23; Sage Research Methods, *Data Analysis and Interpretation: What Is Discourse Analysis?*, 2017, <https://methods.sagepub.com/base/download/StageSection/569>, (accessed 2 May 2022).

<sup>82</sup> M. Jørgensen, and L. J. Phillips, *Discourse Analysis as Theory and Method*, London, SAGE Publication Ltd, 2002, p. 83-85.

<sup>83</sup> N. Fairclough, *Language and Power*, 2nd edn., Harlow, Longman, 2001, p. 52-57.

<sup>84</sup> N. Fairclough, *Language and Power*, 2nd edn., Harlow, Longman, 2001, p. 54.

<sup>85</sup> M. Jørgensen, and L. J. Phillips, *Discourse Analysis as Theory and Method*, London, SAGE Publication Ltd, 2002, p. 83.

<sup>86</sup> M. Jørgensen, and L. J. Phillips, *Discourse Analysis as Theory and Method*, London, SAGE Publication Ltd, 2002, p. 86-87.

<sup>87</sup> M. Jørgensen, and L. J. Phillips, *Discourse Analysis as Theory and Method*, London, SAGE Publication Ltd, 2002, p. 86-87.

on analyzing the social realities produced through discourses. It acknowledges both concrete events and abstract social structures as a part of reality.<sup>88</sup>

The thesis looks into political discourse. The language of political discourse shapes society and reproduces power relations. CDA reviews the relation between language, power, and ideology. Political discourse consists of all kinds of political texts: speeches, documents, investigations, et cetera. It is made by those who have the power to influence those who do not have power through the discourse. Political discourse consists of ideological differences, meaning that there are different arguments inside of the political discourse, depending on the actor, as the material will show. Some of the discourses are dominant, like political discourse, and some are dominated.<sup>89</sup>

An example of dominated discourse is human rights discourse. The non-discrimination principle is a core element of the UDHR, and due to its position as a milestone document of human rights, non-discrimination is at the core of human rights discourse.<sup>90</sup> Human rights discourse is essential both at the national level and international, and inside of the discourse is the discussion of questions relating to universality and how to respect, fulfill, and protect human rights in the first place. It is tied to political discourse, but it goes beyond it due to its other aspects, such as its legal, historical, and ethical nature. Human rights issues are central for both states and international actors. Although human rights have become a central question to policymakers, there are several views on how to implement the rights and which rights are human rights. That is the reason why the paradox of human rights discourse remains.<sup>91</sup>

## 5.2 Material and Data Collection

The primary material in the analysis is the CoE's recommendations and Sweden's eighth periodic report to the CoE on the implementation of the European Charter for Regional or Minority Languages; the following government's official investigations

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<sup>88</sup> N. Fairclough, *Critical Discourse Analysis*, 2<sup>nd</sup> edn, New York, Routledge, 2010, p. 74-75.

<sup>89</sup> N. Fairclough, *Language and Power*, 2<sup>nd</sup> edn., Harlow, Longman, 2001, p. 71-75

<sup>90</sup> Universal Declaration of Human Rights 1948.

<sup>91</sup> M. Assadi, 'Discourse on human rights; narratives beyond "political,"' *The Indian Journal of Political Science*, vol 72, no. 2, 2011, p. 377.

SOU 2020:27, SOU 2017:60, and SOU 2017:88; and DO's judgment about the Västerås case. The analysis is separated into three levels: international, governmental, and local. The international level focuses on the CoE's material. The official investigations are analyzed at the governmental level. The local level analysis focuses on the DO's investigation of the Västerås case.

The analyzed material was chosen to be able to look at minority questions on a larger scale. Minority rights are considered human rights, but the protection of the rights differs from actor to actor. If one wants to look at power relations and social realities comprehensively, one needs to consider the international level and how it affects national and local actors and vice versa.

The data was collected by first locating relevant material. There is a lot of material available, so it was important to focus on which questions the study wanted to find an answer to in the material. The next step was to read the documents, recognize which part is vital to analyze the research problem, and recognize the discourses. There were hundreds of pages of material in total, so it was crucial to choose a specific question, in this case, language as a ground of discrimination and human rights, to perform the analysis.

### 5.3 Ethical Concerns and Research Limitations

CDA as a methodology comes with limitations: there is a risk of confirmation bias and lack of subjectivity as it begins with a social wrong. CDA lacks methodological rigor, so it is relatively easy to fall into the danger of becoming an “activist thesis,” which can impact reliability and credibility.<sup>92</sup>CDA is not “hard science” because meanings are never fixed but are open to interpretation and negotiation.<sup>93</sup> CDA criticizes and gives possible

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<sup>92</sup> R. S. Frantz, ‘In Defense of Critical Discourse Analysis,’ *Studies in Applied Linguistics & TESOL*, vol. 3, no. 2, 2003, p.1-2.

<sup>93</sup> T. Mogashoa, ‘Understanding Critical Discourse Analysis in Qualitative Research’, *International Journal of Humanities Social Sciences and Education (IJHSSE)*, vol. 1, no. 7, 2014, p. 105, 111.

recommendations for social change. Therefore, CDA is not an entirely politically neutral analysis.<sup>94</sup>

The policies deal with the authority over others and minorities, and the policies have long-term effects on their lives. It is essential to keep in mind a no-harm policy: even though the intentions would be “doing good,” the impacts can be harmful. Something worth considering is the political aspect. Reviewing societal issues includes a political aspect. It is vital to reflect on the beneficiary principle: what are the expected benefits of the research and whether it is too political or partial. This links to the danger of moralism, the belief that other values other than truth should be the research goal. This research aims to produce knowledge.<sup>95</sup> However, science is always partial. A writer’s views will impact the research, what matters is the reflexivity and openness and producing as neutral knowledge as possible. Despite this, finding some truths has positive impacts and benefits to the field.

When studying networks of power, it is essential to find as neutral material as possible. If one only chooses material that supports its hypotheses and ideas, the reflexivity and academic reliability can be compromised, leading to partial and biased results.

The material this thesis uses is intra-governmental material, governmental investigations, and the DO’s judgment. Working with this kind of data is safe because it is published and available and does not consist of bigger ethical considerations. The material is available in Swedish and English. Because the analysis of texts will be carried out in English, there is a danger that some meanings get lost in translation.<sup>96</sup>

The central ethical consideration is that I am a Finnish immigrant living in Sweden, sharing the same linguistic background as Swedish Finns. I did an internship in the municipality of Malmö, where I worked with minority rights questions. Being personally involved with the thesis can be both good and bad: I certainly have biases and ways of looking at the issue. Nevertheless, I also have an insider perspective and deep knowledge about the topic, which gives me a great advantage when writing about this topic.

<sup>94</sup>M. Jørgensen, and L. J. Phillips, *Discourse Analysis as Theory and Method*, London, SAGE Publication Ltd, 2002. p. 73-74.

<sup>95</sup> A. Traianou, ‘The Centrality of Ethics in Qualitative Research,’ in P. Leavy, In *The Oxford Handbook on Qualitative Methods*, Oxford, Oxford University Press, 2020, p. 69-70.

<sup>96</sup> O. Nesterova et al., ‘Responsibility Development as Academic Integrity Tool for Translation and Public Administration Students,’ *Cypriot Journal of Educational Sciences*, vol 14, no. 3, 2019, p. 437-438.



## 6 Analysis

CDA starts from the assumption that there is a social wrong, in this case, that language has not been incorporated into national laws as a ground for discrimination.

Linguistic human rights exist at the international, national, and local level, and there is the primary material from all these levels. This chapter is divided into the three levels of Fairclough's model: text, discursive practice, and social practice. The textual analysis will focus on modality. The discursive analysis focuses on formality; access to discourse, who has it and who does not, and transitivity; how processed are connected. There are two discourses relevant to the topic: political discourse and human rights discourse. The societal analysis looks at the social practices behind the discourses. The international and regional levels of analysis look more broadly into national minorities, whereas the local level analysis focuses on the case where the complainant represents the Swedish-Finnish minority.

### 6.1 The European Charter for Regional or Minority Languages

This section analyzes the CoE's seventh report about Sweden, MIN-LANG (2020) 4, and Sweden's 8th Report to the CoE under the European Charter for Regional or Minority Languages, MIN-LANG (2021) PR 3.

#### 6.1.1 Text

Language as a prohibited ground for discrimination is one of the central themes of MIN-LANG (2020) 4, and the recommendation and discussion around this is the focus of this textual analysis. MIN-LANG (2020) 4 states that it has received information from several sources where people have been forbidden to speak their national minority

language in public places. It states further that no means have been taken because the Discrimination Act does not consider language as an explicit ground for discrimination.<sup>97</sup>

Analyzing the modality of MIN-LANG (2020) 4, it prioritizes the role of extending prohibited grounds of discrimination and presents the fact that the current situation is not in line with international law. The producer tries to use its position as an international human rights authority to prove a point. The core problem concerning discrimination and language rights lies in the fact that language is not grounds for discrimination in the Discrimination Act. The text states that the issue has been raised in the past by both the expert committee and the County Administrative Board of Stockholm in 2017.<sup>98</sup>

MIN-LANG (2020) 4 introduces a table that evaluates Sweden's compliance with its commitments under the European Charter for Regional or minority languages to protect and promote Finnish. Of 57 points based on the Charter articles, 26 are fulfilled, 15 are partially fulfilled, and four of them are not fulfilled. From 12 of them, there was not enough information or no information at all.<sup>99</sup>

The first point which is not fulfilled handles eliminating any unjustified distinctions, exceptions, restrictions, or preferences that apply to the use of Finnish. The second point handles making wholly available a substantial part of technical and vocational education in Finnish. The third point is about establishing a monitoring body to follow the progress made in teaching Finnish and periodically issue public reports on its results. The last point handles the regional authorities publishing their official documents in Finnish.<sup>100</sup>

The Committee of Ministers, with the information obtained by the Committee of Experts, made six recommendations:

1. Take measures to include language as a ground for discrimination in the Discrimination Act

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<sup>97</sup> MIN-LANG(2020) 4: p. 4-7.

<sup>98</sup> MIN-LANG(2020) 4: p. 4-7.

<sup>99</sup> MIN-LANG(2020) 4: p. 18-20.

<sup>100</sup> MIN-LANG(2020) 4: p. 19.

2. Strengthen the education of or in all minority languages by adopting a comprehensive and structured approach based on the needs of the speakers and according to the situation of each of the minority languages
3. Ensure that “mother tongue” education meets the requirements of the Charter and offers adequate language tuition, enabling pupils to achieve mature literacy in the languages concerned
4. Increase the amount of bilingual education available in Finnish and Sami, and establish bilingual education in Meänkieli
5. Develop a system of teacher training according to the needs of the speakers and the situation of each of the minority languages
6. Extend the practice of the Sami language centres and establish similar language centres for all regional or minority languages<sup>101</sup>

The first recommendation of the CoE, to include language as a ground for discrimination in the Discrimination Act, is the focus of this analysis.

Sweden's response, MIN-LANG (2021) PR 3, is divided into parts, the first deals with Swedish Finns. The beginning of part one gives a short introduction to the historical context of Swedish Finns as a part of cultural heritage.<sup>102</sup>

MIN-LANG (2021) PR 3 highlights how language and culture are central principles for minority politics. However, the modality and state's position are shown in the following sentence:

*Ultimately, it is the Riksdag that takes a position on questions about which languages should constitute national minority languages in Sweden.*<sup>103</sup>

Although this quotation handles another question regarding the status of Elfdalian as a minority language status, it is a great example of Sweden's attitude present in the text. The statements consist of the attitude that the Swedish government gets to decide, not international experts. It admits that it is up to Riksdag that Elfdalian is not a minority language even though it is a recognized as a language internationally.<sup>104</sup>

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<sup>101</sup> MIN-LANG (2020) 4, p. 38.

<sup>102</sup> MIN-LANG (2021) PR 3, Sveriges åttonde rapport till Europarådet under den europeiska stadgan om landsdels- eller minoritetsspråk, Kulturdepartement, 2021, p. 2.

<sup>103</sup> MIN-LANG (2021) PR 3, in 'Inledning', in Swedish: 'Ytterst är det riksdagen som tar ställning i frågor om vilka språk som ska utgöra nationella minoritetsspråk i Sverige.'

<sup>104</sup> MIN-LANG (2020) 4, p. 8.

In the preface, Sweden's culture- and democracy minister Amanda Lind states:

*As elsewhere in Europe, minorities in Sweden also notice a harsher debate climate and greater vulnerability. It is necessary to continue the fight against racism and discrimination, as the risk of being exposed to threats, hatred, and violence must not be an obstacle for persons belonging to a national minority to be open with their identity, language, and culture.*<sup>105</sup>

Lind's position as a culture- and democracy minister, holding political power, establishes credibility towards the text. This statement mentions language protection and the fight against discrimination. Sweden states that language is not one of the explicit discriminatory grounds, and Sweden has no plans to investigate it more or extend the grounds of discrimination. The statement is strong, contains a decisive tone, and does not explain why they see the question differently from international conventions. The text states that discrimination linked to language requirements can be protected under the category "discrimination on the grounds of ethnicity" but says nothing about those situations in which national minorities were forbidden to speak minority languages.

Concerning the other recommendations, Sweden is positive it will fulfill its positive obligations concerning national minorities. It is planning to take measures concerning mother-tongue teaching, teacher training, language centers, and various studies already carried out, and more investigations are planned.<sup>106</sup> Lind's words highlight that Sweden takes its obligations seriously, welcomes the investigations, and cooperates. Lind is used to increase the credibility of the report. The tone is positive and cooperative, except for the discrimination question and the questions it disagrees with.

### 6.1.2 Discursive Practice

It is essential to recognize the producer and the consumer of the text. In this case, we have two opponents, the CoE and Sweden. The CoE was founded to promote human rights, democracy, and the rule of law. Both texts are produced in political discourse. Political actors write them, and officials are the most often the targeted consumers. Text handles the political area of national minorities. However, the texts are not written for minorities in the

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<sup>105</sup> MIN-LANG (2021) PR 3, p. 2, in Swedish: *Som på andra håll i Europa märker även minoriteter i Sverige av ett hårdare debattklimat och större utsatthet. Det är nödvändigt att fortsätta bekämpa rasism och diskriminering eftersom risken att utsättas för hot, hat och våld inte får vara ett hinder för personer som tillhör en nationell minoritet att vara öppna med sin identitet, sitt språk och sin kultur.*

<sup>106</sup> MIN-LANG (2021) PR 3, p. 31–35.

first place, this is demonstrated in the languages in which the documents are available. The availability of national minority languages is even part of the critique presented by the Expert Committee. The texts are only available in Swedish and English.

The dominance of the state is present in the text; Sweden decides which groups are defined as a national minority and which national minority languages the state and other official actors promotes.

The second analyzed discourse is the human rights discourse. MIN-LANG (2021) PR3 lets the reader interpret that Sweden considers minority rights as human rights.<sup>107</sup> The text considers minority politics as an integral part of Sweden's commitment to human rights. The report acknowledges a risk that minority languages might disappear from Sweden, and officials are especially concerned about the transmission of languages between generations. MIN-LANG (2021) PR3 talks about the promotion of understanding, inclusion and tolerance between linguistic groups.<sup>108</sup> Language and the right to one's minority identity are treated as human rights until the debate turns to negative rights. Language does not get the same protection as many other human rights in Sweden because it is not considered an explicit ground for discrimination. MIN-LANG (2021) describes that Sweden has no plans to investigate the issue and is decisive that the matter has been settled.<sup>109</sup> This sends a message to political officials that the matter is not so important.

### 6.1.3 Social Practice

MIN-LANG (2021) PR 3 recognizes importance of language for one's identity. It describes the historical context of Swedish Finn's history, that Finnish has been spoken in Sweden for over 1000 years, and that there have been structures for language care since the 1970s.<sup>110</sup> However, the obstacle to addressing the real problems is insufficient legislation.

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<sup>107</sup> MIN-LANG (2021) PR 3, foreword.

<sup>108</sup> MIN-LANG (2021) PR 3, p. 18

<sup>109</sup> MIN-LANG (2021) PR 3, p. 16.

<sup>110</sup> MIN-LANG (2021) PR 3, p. 2.

There is a lack of knowledge about national minorities, their rights, and the history of Swedish race hierarchy and taxonomy. This is not taught enough in schools. The education system holds power in regard to what information is taught and what is excluded. The lack of teaching about national minorities is a conscious choice, that can be linked to nationalism. Nowadays, teaching has been added, but it does not help to repair the damage that has already happened.

It is pointed out that, in theory, one can seek legal remedies by referring to language discrimination through the classification as ethnic discrimination.<sup>111</sup> According to the LHR approach, this is covert non-discrimination protection.<sup>112</sup> However, there is no case law proving linguisticism is discrimination based on ethnicity, even though there are several reported cases. Discrimination has happened in history, and it still occurs today. It is not enough to have positive rights to promote national minority languages if there is no way to prevent discrimination and follow up the realization of national minority rights. The state should follow through with discrimination protection and explicitly prohibit language discrimination within national laws, without leaving unnecessary room for interpretation.<sup>113</sup>

Minority politics looks good on paper but in reality, they are powerless. The CoE has no executive power, and it can only recommend that Sweden has to do better. It is the state who decides which questions are prioritized, and for example, who receives national minority status.

In the same way, it holds power to not include language as an explicit ground for discrimination. There is a lack of sanctions, and the division of responsibilities is unclear; the state puts the responsibility on regions and municipalities', even though it is the state who has the final responsibility. The fact that Sweden has signed all the treaties looks good, but what happens, in reality, is another thing. Even though there are many positive rights, there is a lack of efficient language protection.

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<sup>111</sup> MIN-LANG (2021) PR 3, p. 16.

<sup>112</sup> T.Skutnabb-Kangas and R. Phillipson, 'Linguistic human rights, past and present,' in T.Skutnabb-Kangas, R. Phillipson, M. Rannut (eds.), in *Linguistic Human Rights: Overcoming Linguistic Discrimination*, Berlin/New York, Mouton De Gruyter, 1995 p. 79.

<sup>113</sup> T.Skutnabb-Kangas and R. Phillipson, 'Linguistic human rights, past and present,' in T.Skutnabb-Kangas, R. Phillipson, M. Rannut (eds.), in *Linguistic Human Rights: Overcoming Linguistic Discrimination*, Berlin/New York, Mouton De Gruyter, 1995 p. 79.

The importance and effect of language on one's minority identity is extensive. The othering practices in society promotes the language change process described in the texts. 'Swedification' has left its mark and the legacy of which is still visible today. The texts describe how important it is that national minorities continue to speak their mother tongue as there are fewer individuals that still speak their mother tongue language. There is a risk that Sweden's national minority languages will die in the future. Many of the problems are acknowledged, but the tools to change are powerless. It raises the question as to why Sweden is so reluctant to extend grounds for discrimination, even though international legislation and monitoring systems as well as the County Administrative Board of Stockholm recommend doing so.

## 6.2 Governmental Investigations

The following section analyzes the government's official investigations SOU 2017:60, specifically pages 249-251, SOU 2017:88, focusing on pages 122-126 and SOU 2020:27 specifically pages 86-87. Due to the length of the documents, the focus is on the question of language as grounds for discrimination.

### 6.2.1 Text

SOU 2017:60 notes that minority politics has failed in protecting the basic rights of all five national minorities.<sup>114</sup> It assists that if language were an explicit ground for discrimination, it would positively impact national minority rights. It suggests that the government should consider introducing language as a ground for discrimination. It further states that the state has legal obligations according to article 14 of the European Convention and The European Framework Convention for the Protection of National Minorities article 10, that *person who belongs to a national minority has the right to freely and without intervention use their minority language privately and publicly, both orally and in writing.*<sup>115</sup>

The text describes the positive effect of national minority, for example:

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<sup>114</sup> SOU 2017:60, *Nästa steg? Förslag för en stärkt minoritetspolitik*, Kulturdepartement, 2017, p. 15.

<sup>115</sup> SOU 2017:60, p. 249–251.

*The more visible the national minority languages become, the higher their status will be.*<sup>116</sup>

The modality leaves the impression that it is open to adding language as a ground for discrimination and recognizing its importance.

SOU 2017:60 states that a ground for discrimination regarding language may be needed and that *the Government should, in an appropriate context, consider the question of introducing language as a ground for discrimination in the Discrimination Act.*<sup>117</sup>

In SOU 2017: 88, the modality is a bit different. It still acknowledges that further investigation is needed, but it has a more critical tone. The text brings forth the case of the DO's investigation of the Swedish Public Dental Care language policy and determines whether it was indirect discrimination or not. The language policy prohibited people from using any other language than Swedish at work, only having the exception if the patient does not speak or understand any Swedish. The ban was in force during working hours as well as during breaks. An interesting side note herein, is that the text states "any Swedish," so if a patient can speak some, should it be interpreted that it is more suitable to use Swedish? Should it not be patients who decide which language they want to use? The DO concluded that the language policy was incompatible with any prohibited discrimination grounds, so it was not discrimination.<sup>118</sup> SOU 2017:88 further clarifies this complex controversy:

*DO's decision illustrates the complexity of the assessments that need to be made to determine whether one language bans constitute direct or indirect discrimination.*<sup>119</sup>

The DO acknowledges the complexity and states that the policy was neutral and acceptable but could be particularly disadvantageous for people of certain ethnicities. However, the fact that someone has been disadvantaged is not sufficient for discrimination to be considered to have occurred; it must be related to some of the grounds of discrimination.<sup>120</sup>

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<sup>116</sup> SOU 2017: 60, p. 249, in Swedish: *Ju synligare de nationella minoritetsspråken blir desto högre status får de.*

<sup>117</sup> SOU 2017: 60, p. in Swedish: *Regeringen bör i lämpligt sammanhang pröva frågan om att införa språk som diskrimineringsgrund i diskrimineringslagen.*

<sup>118</sup> SOU 2017:88, p. 122–126.

<sup>119</sup> SOU 2017:88, p. 126, in Swedish: *Utredningen konstaterar att DO:s beslut illustrerar komplexiteten i de bedömningar som behöver göras för att ta ställning till om ett språkförbud utgör direkt eller indirekt diskriminering.*

<sup>120</sup> SOU 2017:88, p. 126.



The text continues addressing the discrimination question. SOU 2017: 88 states that: *The DO stated, regarding a ruling from the Labor Court, that the term "certain ethnicity" could refer to all persons other than Swedish as a mother tongue.*<sup>121</sup>

It acknowledges the problem that there must be a link between language and the ground of discrimination against ethnicity. It even states that national minorities often speak Swedish as their mother tongue when the DO's category for "certain ethnicity" does not apply. SOU 2017:88 handles national minorities, but the introduced case does not fall under that category. A scenario where an individual from a national minority, who speaks Swedish as their mother tongue, has not been subject to the state's official investigations.<sup>122</sup> SOU 2017:88 summarizes the key problem of language discrimination by stating that it is difficult to comment on it general in light of the lack of case law.<sup>123</sup> SOU 2017: 88 concludes that there are doubts about whether the Discrimination Act can correspond to the requirement in the minority charters and that there is a need for a systematic investigation of language prohibition.<sup>124</sup>

SOU 2020:27 states that in the case of national minorities, the relevant grounds of discrimination are "ethnicity" and "religion or other belief." Language is not an explicit ground for discrimination, but it can be considered discrimination based on ethnicity. It does not further elaborate on where SOU 2017:60 left the conversation about lacking case law. The question of language as an explicit ground for discrimination is ignored. The text focuses instead on describing how the DO is currently working for the benefit of national minorities.<sup>125</sup>

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<sup>121</sup> SOU 2017:88, p. 125, in Swedish: *DO konstaterade, med hänvisning till en dom från Arbetsdomstolen, att begreppet "viss etnisk tillhörighet" kunde avse alla personer med annat än svenska som modersmål.*

<sup>122</sup> SOU 2017:88, p. 126.

<sup>123</sup> SOU 2017:88, p. 126.

<sup>124</sup> SOU 2017:88, p. 136.

<sup>125</sup> SOU 2020:27 p. 86–87.

## 6.2.2 Discursive Practice

The documents are produced by political producers, which is why political discourse is considered. The full text is only available in Swedish, and only SOU 2017:60 includes a separate summary translated to English and national minority languages.<sup>126</sup>

The investigations analyze the relation between ethnicity and language. The SOU 2017:60 states that it would be strange if the state gets to decide a person's ethnicity, and so identify them.<sup>127</sup> To speak a different language than Swedish does not necessarily mean that person identifies themselves as having a different ethnic background, especially in the case of national minorities, who have lived in Sweden for hundreds of years. Many who belong to the national minority say they have a double identity; they belong to the national minority but are also Swedish. With this, the DO takes away people's agency. SOU 2020:27 ignores the question. It only refers to an earlier investigation SOU 2017:88.<sup>128</sup> It gives the impression that the producer is trying to get attention away from this question.

Analyzing the human rights discourse, SOU 2017:60 admits that minority politics have failed in protecting the basic human rights of all five national minorities. The tone is humble, and it summarizes that minority politics needs to focus on the transfer of language and culture from generation to generation and that language might be needed to include in the Discrimination Act to provide better protection.<sup>129</sup> SOU 2017:88 notes that language-based discrimination is a complex question because language is not considered an explicit ground in the Discrimination Act, and because there is a lack of case law, the question cannot be considered further.<sup>130</sup> However, the SOU 2020:27 gives the impression to the reader that Sweden is doing well in general with the promotion of minority rights, but at the same time, totally dismisses the conversation about language-based discrimination.

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<sup>126</sup> summary available on the website: Regeringskansliet, Nästa steg? Förslag för en stärkt minoritetspolitik SOU 2017:60, [website], <https://www.regeringen.se/rattsliga-dokument/statens-offentliga-utredningar/2017/06/sou-201760/> (accessed 13 May 2022).

<sup>127</sup> SOU 2017:60, p. 251.

<sup>128</sup> SOU 2020:27, p. 86.

<sup>129</sup> SOU 2017:60, p. 251.

<sup>130</sup> SOU 2017:88, p. 126.

### 6.2.3 Social Practice

This question goes beyond the discrimination question; it also includes the question of whether the national minorities are heard in society. To refer to minority politics' sub-goal, "influence and participation,"<sup>131</sup> means that the state shall give national minorities an opportunity to raise questions and participate in decision-making.<sup>132</sup> Minority officials have stated that to follow up on national minority policies, serious gaps must be filled. Minority languages are protected by Chapter 1, Section 2, 6 points [2] of the Constitution, in the Minority Act, the Language Act, in the Education Act, in the Library Act, and with administrative areas of national minority languages, however, language is not one of the grounds for discrimination.<sup>133</sup> It should be adequately investigated whether the Discrimination Act can be extended to include language as an explicit ground. Currently, the state only provides investigation about cases, which is not suitable considering national minorities. The national minority representatives believe that extending grounds for discrimination would help them access their rights and decrease the stigma of speaking other languages. There is a conflict between the political reality and minority political goals, for example, language revitalization. As official investigations stated, there is an ongoing problem where languages are not passed down from one generation to the next.<sup>134</sup> The state wants to keep minority languages alive in Sweden, but is reluctant to include language as a ground for discrimination.

The recognized obstacles are incomplete legislation, lack of sanctions, lack of understanding of minority rights as human rights, and the general attitude towards minority rights. Sweden is making a 90 million kronor extra investment to promote national minority languages.<sup>135</sup> Nevertheless, it is not enough that the state only implements positive

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<sup>131</sup> For example, SOU 2017:60, p. 50.

<sup>132</sup> MIN-LANG (2020) 4: p. 4-7.

<sup>133</sup> J. Altenstedt, 'Krönika, Språket en grund för diskriminering' Krönika, minoritet.se artiklar, 3 April 2022, <https://www.minoritet.se/7324> (accessed 15 April 2022).

<sup>134</sup> SOU 2017:60, p. 15–16.

<sup>135</sup> Regeringskansliet, *Regeringen presenterar satsning på nationella minoritetsspråk*, [website], <https://www.regeringen.se/pressmeddelanden/2022/04/regeringen-presenterar-satsning-pa-nationella-minoritetssprak/> (accessed 2 May 2022).

rights to fulfill the right to language and cultural identity; the negative ones are also needed.

Sweden has signed treaties to protect national minorities' rights, and it is national minorities' will to include language as a prohibited ground for discrimination because they believe it would positively impact the realization of their rights. Moreover, it is not that Sweden would be unique if they were to include language in the Discrimination Act, as several countries have language listed as a prohibited ground for discrimination. Should Sweden not listen to what its national minorities are trying to say?

### 6.3 The Västerås Case

It is good to recall what SOU 2017: 88 says about a lack in case law.<sup>136</sup> The Västerås case concerns Finnish-speaking children being prohibited by school staff from speaking Finnish in class, during breaks, and on school trips. They were only allowed to use Finnish during Finnish language lessons. According to parents, children were kept separate from others and punished for not speaking Swedish. The DO investigated it and stated that no discrimination had happened.<sup>137</sup> Justitieombudsmannen (JO) did not accept the DO's decision, which led to the case being tried in the European Court of Human Rights (ECtHR) without exhausting national means first. In June 2020, Sweden was referred to the ECtHR due to discrimination against Swedish Finnish children in Västerås.<sup>138</sup> However, the case was declared inadmissible by the ECtHR.<sup>139</sup> The case was taken to Västmanlands district court,<sup>140</sup> from where it was pulled back due to economic reasons in spring 2022.<sup>141</sup>

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<sup>136</sup> SOU 2017:88, p. 126.

<sup>137</sup> Språkpolicy på skola I Västerås, TIL 2018/6.

<sup>138</sup> L. Klingberg, 'Sverige anmält till Europadomstolen för brott mot sverigefinska barns rättigheter' *HBL*, 10 July 2020, <https://www.hbl.fi/artikel/sverige-anmalt-till-europadomstolen-for-brott-mot-sverigefinska-barns-rattigheter/>, (accessed 23 March 2022).

<sup>139</sup> WordPress, Sverigefinska föräldrar fick avslag från Europadomstolen, *Stellan Beckman*, [web blog], 22 November 2020, <https://stellanbeckman.wordpress.com/2020/11/22/sverigefinska-foraldrar-fick-avslag-fran-europadomstolen/>, (accessed 2 May 2022).

<sup>140</sup> Västmanlands Tingsrätt T 2317-21.

<sup>141</sup> Västmanlands Tingsrätt Återkallelse av stämningsansökan i mål 2317–21 och mål 2318–21.

The analytical focus is on the DO's investigation of the case; however, due to the complex nature of the progress, the legal processes and news coverage around the topic are also viewed through a social practice analysis.

### 6.3.1 Text

TIL 2018/6 examines whether the school violated the Discrimination Act with reported incidents where students were banned from speaking their national minority language, Finnish. First, TIL 2018/6 introduces the background, how the case came to the DO, then what parties have to say. The school presented their side first and then the complainant. In the report, there are 1,5 pages describing how the school interpreted the situation and hardly half a page from the family's side.<sup>142</sup>

The school describes the event following way:

*The principal informed the teacher concerned that the children have the right to speak their mother tongue to each other, as long as it does not disturb anyone else or there is a risk of conflict.*<sup>143</sup>

One can interpret that in many ways, but one can say this comes across with a loaded attitude. What does disturbing someone else mean?

The conflict is further explained by the school that the children were prohibited from speaking Finnish in specific situations because other students did not understand what they said and questioned it.<sup>144</sup> The complainant claims that the teacher said they could not talk Finnish because the teacher did not understand what they were saying to each other. On the other occasion, according to the school, children were prohibited from talking Finnish to each other to avoid misunderstandings and unnecessary violations.<sup>145</sup>

The decision states that:

*Given the difficulties that exist in terms of investigation regarding the staff's actual motives, and since DO therefore lacks a basis for putting the complainants' tasks before the municipality, DO 7 (7) also has no*

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<sup>142</sup> TIL 2018/6, p. 1–4.

<sup>143</sup> TIL 2018/6, p. 3, in Swedish: *...informerade rektorn den berörde läraren om att barnen har rätt att tala sitt modersmål med varandra, så länge det inte stör någon annan eller finns en risk för konflikter.*

<sup>144</sup> TIL 2018/6, p.2-3.

<sup>145</sup> TIL 2018/6, p. 2-3.

support to state that the municipality has violated the prohibition in ch—§ 5 DL concerning the notified situations.<sup>146</sup>

The DO judged that the school's motives were justified, and no discrimination occurred. The school wants to present the matter in its own interest, and therefore what the complainant says treated as irrelevant.

The text states that the decision is not subject to appeal, it is not legally binding, and the case can still be taken to the district court. The DO, in a way, evades responsibility for going against the municipality.<sup>147</sup>

In general, the DO's modality is a little hesitant. They emphasize that language is not an explicit ground for discrimination and, as such they do not have the power to prioritize what the complainant says, thus they cannot condemn the school's action as discrimination.

### 6.3.2 Discursive practice

The DO's judgment is produced in political discourse. The DO is a state authority, is the producer of the text, and reviews the issue from an official perspective. The DO's judgment is only available in Swedish, limiting the potential consumers to those who only speak Swedish.

The first sentence of the DO's judgment states that language is not an explicit ground for discrimination.<sup>148</sup> Through emphasizing this, the DO highlights that this is an essential fact. The DO judged that no discrimination occurred based on ethnicity. The judgment takes us back to whether language is not one of the grounds for discrimination or not. The DO's judgments are used in other governmental contexts for example, official governmental investigations refer to them. In SOU 2020:27, it is stated that language is not an explicit ground for discrimination. It is not referring to the case, but it uses a similar statement.<sup>149</sup> Governmental actors received the DO's statement that no discrimination occurred. So, what the DO states is consumed in political discourse, but in return the political discourse affects what the DO decides.

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<sup>146</sup> TIL 2018/6, p. 5–6, in Swedish: *Mot bakgrund av de svårigheter som finns i utredningshänseende vad gäller personalens faktiska bevekelsegrunder, och eftersom DO därför saknar underlag för att sätta anmälnarnas uppgifter framför kommunens, har DO7 (7) inte heller stöd för konstatera att kommunen faktiskt har överträtt diskrimineringsförbudet i 2 kap. 5 § DL vad avser anmälda situationerna.*

<sup>147</sup> TIL 2018/6, p. 6-7.

<sup>148</sup> TIL 2018/6, p. 5–7.

<sup>149</sup> SOU 2020:27, p. 86.

This scope of politics is written in relation to human rights discourse; the question here is the right to non-discrimination. The principle of non-discrimination is one of the cornerstones of human rights. The producer, the DO, has a crucial role in protecting human rights; the DO's words matter. They are listened to and respected at the governmental level. The consumers of the case are working to promote human rights in Sweden. The DO's judgments are also considered in international human rights discourse, for example, MIN-LANG (2020) 4. It states that there were several cases where national minorities were prohibited from using their language, for example, in schools, and that no means were taken because language is not an explicit ground for discrimination.<sup>150</sup>

It was minority representatives who raised the question; they tried to bring light to a social wrong. Because the judgment touches upon issues faced by national minorities and the issue was raised by a national minority representative, Swedish Finns and other national minorities were the consumers of the text. The DO's judgment was not well received among national minority groups, and as a result the case was tried until local legal remedies were exhausted. This illustrates that when a minority group is trying to prove a social wrong, the state does not listen.

### 6.3.3 Social Practice

The position of power that the DO holds is crucial. If the decision had been different, could this case have been used further in the government's official investigations, and could it have led to a change in the law? The DO's vision is that they are working for a society free from discrimination.<sup>151</sup> However, when the case contains a contradiction between the school and minority representatives, the hands of the DO are tied.

The power relation is quite apparent here; it is the municipality vs. individual families. Västerås municipality decided to join the Finnish language administrative area and take more responsibility to live up to national minority language rights. That means that Västerås, as a duty bearer, has a greater responsibility to see that the rights of national minorities are realized.

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<sup>150</sup> MIN-LANG (2020) 4: p. 4–7.

<sup>151</sup> DO [website], <https://www.do.se/> (accessed 2 May 2022), in Swedish: *Vi arbetar för ett samhälle fritt från diskriminering.*

Västerås municipality has been doing great work with its national minorities, and it was even nominated as municipality of the year by the Swedish Finnish Delegation in 2016.<sup>152</sup> One can ask if one of the most progressive municipalities faced this kind of situation, how is it in other municipalities? Once again, we come to the question of the lack of sanctions.

Interestingly, while looking at the media coverage about this case, it is mainly minority media in Sweden and some articles from Finland that reported about the Västerås case. Is this not a question that should be raised in broader discussions? The lack of information represents a lack of knowledge. The media plays a role in regulating individuals' behavior.<sup>153</sup> If the majority of the population is unaware of such cases, how can they even have an opinion about it? On the other hand, while reflecting on the history of national minorities and how little awareness there still is today, this is not surprising. It follows the same trend as many other things; national minorities are invisible.

The uneven distribution of power affects the identity of minority groups. The Västerås case negatively affected the identity of the minority representatives'. According to one of the complainants, the school officials spread derogatory untruths to damage her reputation.<sup>154</sup> The atmosphere was not conducive to one's minority identity, although Västerås municipality's website recognizes the obligation to support the national minorities in their efforts to preserve and develop their culture and language as a part of Sweden's history.<sup>155</sup>

Power regulates the behavior of individuals through knowledge.<sup>156</sup> Swedish society has repeatedly not considered the question of language rights; it is seen as a secondary right. The fact that language rights are treated as a secondary right and are not a protected ground of discrimination shows Sweden's attitude toward the question. The SOU 2017:88 talks about how there is no case law about language as discrimination, and that is why it is so difficult to judge.

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<sup>152</sup> 'Västerås årets Sverigefinska kommun' *Sveriges radio P4 Västmanland*, 24 February 2016, <https://sverigesradio.se/artikel/6376013> (accessed 24 April 2022).

<sup>153</sup> Fairclough, *Language and Power*, 2nd edn., Harlow, Longman, 2001, p. 41-46.

<sup>154</sup> T 2317–21.

<sup>155</sup> Västerås Stad, *Sveriges nationella minoriteter*, [website], <https://www.vasteras.se/kommun-och-politik/tillganglighet-mangfald-och-jamstalldhet/nationella-minoriteter.html>, (accessed 2 May 2022).

<sup>156</sup> M. Foucault, *Discipline and Punish: The birth of the prison*, 2nd edn., New York, Vintage Books, 1995, p. 201.



discrimination based on language.<sup>157</sup> The Västerås case could have become a landmark case; however, it faced much resistance. The JO did not want to take the case, arguing that it is not in the scope of their work, although their work is to monitor that the municipalities follow the law, and the ECtHR declared it inadmissible. It could be because national means were not exhausted before taking it to the European level. The case's lawyer Johanna Parikka- Altenstedt believes that it might have been due to the documentation submitted not being sufficient. According to Markku Fredman, Attorney at Law and Associate Professor of Procedural Law, this is not surprising: approximately 95 % of cases are declared inadmissible.<sup>158</sup>

After that, the case was taken to Västmanlands district court, from where it was pulled back due to the threat of economic expenses. The family did not get legal aid, and in the case, they would have lost the case and would have needed to pay 440,000 kronor in legal costs.<sup>159</sup> The district court holds invisible power over the family. In theory, they can provide the opportunity for the case to go further; however, it is a considerable risk for a family with children to risk their economy, knowing the resistance and political discourse around the language-discrimination issue. If the DO had judged differently in the first place, the situation could have looked different today.

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<sup>157</sup> SOU 2017:88, p. 126.

<sup>158</sup> WordPress, 'Sverigefinska föräldrar fick avslag från Europadomstolen', *Stellan Beckman*, [web blog], 22 November 2020, <https://stellanbeckman.wordpress.com/2020/11/22/sverigefinska-foraldrar-fick-avslag-fran-europadomstolen/>, (accessed 2 May 2022).

<sup>159</sup> J. Parikka Altenstedt ' [email to K. Salmela] 21 April 2022 ( accessed 29 April 2022).

## 7 Discussion

The LHR approach brings together language and human rights, which are closely connected to power relations.<sup>160</sup> There is no doubt that there have been uneven power relations that has affected the situation of Swedish Finns. It is the nature of CDA to look at broader societal context; minority politics and language questions cannot be discussed without acknowledging their history. The question of Swedish Finns is complex, and it is often forgotten. According to Laskar, Swedish Finns played a role in Swedish racial biology research and Swedish nation-building;<sup>161</sup> and according to Elenius, Swedish nationalism created a picture that Finns did not belong to Sweden despite their long history.<sup>162</sup> According to Hagerman, because Finnish is a Finno-Ugric language, it was considered non-European, and it caused ‘othering’.<sup>163</sup> Elenius further discussed that Swedification policies lasted until the 1970s. Until that, it was common to prohibit national minorities from speaking their mother tongue. Does it not sound a bit familiar, referring to the analysis-chapter. Lundmark notes that the doctrine of racial biology has deep roots in Swedish society and was state-funded until the 1950s.<sup>164</sup> In the 1970s, the climate turned more positive, and municipalities started to offer mother-tongue teaching,<sup>165</sup> and minority politics were later adopted in the 2000s to improve the situation of national minorities who had suffered from the race doctrine’s impacts. Covert linguisticism is hidden and unconscious. The analysis confirms that linguisticism exists through attitudes and the reluctance to include language as an explicit ground for discrimination.

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<sup>160</sup> T.Skutnabb-Kangas, R. Phillipson, M. Rannut, ‘Introduction,’ in T.Skutnabb-Kangas, R. Phillipson, M. Rannut (eds.), in *Linguistic Human Rights: Overcoming Linguistic Discrimination*, Berlin/New York, Mouton De Gruyter, 1995, p. 1–2.

<sup>161</sup> P. Laskar, ‘Den finska rasen och görandet av svenskar’ in T. Hübinette (eds.), *Ras och vithet. Svenskar rasrelationer i går och i dag*, Studentlitteratur, 2017.

<sup>162</sup> L. Elenius, *Nationalstat och minoritetspolitik: samer och finskspråkiga minoriteter i ett jämförande nordiskt perspektiv*, Lund, Studentlitteratur, 2006, p. 110–118, 122–136.

<sup>163</sup> M. Hagerman, *Käraste Herman. Rasbiologen Herman Lundborgs gåta*, Stockholm, Norstedts, 201, p. 23.

<sup>164</sup> L. Lundmark, ‘Allt som kan mätas är inte vetenskap’, *Forum för levande historia*, Skriftserie # 4, 2007, p. 11.

<sup>165</sup> Institutet för språk och folkminnen, *Modersmålsundervisning*, [website] <https://www.isof.se/lar-dig-mer/kunskapsbanker/lar-dig-mer-om-flersprakighet/modersmalsundervisning> (accessed 12 March 2022).

De Varennes argues that national minority rights must be fully respected as part of universal human rights.<sup>166</sup> It appears as if Sweden is doing a great job with national minority rights as a part of human rights, and the attitudes seem positive at first glance. However, the analysis shows that even though Sweden has legal obligations to respect, protect, and fulfill minority rights, the situation in practice tells a different story. The CoE keeps recommending that Sweden adopts some changes, but Sweden does how it wishes since there are no sanctions. Referring to Skutnabb-Kangas and Phillipson's discussion on negative and positive rights,<sup>167</sup> positive obligations without negative ones does not work. Although Sweden is doing many good things, human rights cannot be realized without negative and positive obligations.

May argues that both states and supranational organizations should recognize language rights as a part of human rights.<sup>168</sup> The CoE highlights the role of language as a ground for discrimination and recommends that Sweden includes this in their legislation to align with international human rights conventions. However, when Sweden gets critique from the CoE and other actors like the County Administrative Board of Stockholm, the response is that they have no plans to investigate language as a ground for discrimination and that it is up to them to decide about their policies. This shows the superiority of the state.<sup>169</sup> As the analysis has shown, national minorities have mentioned several times that they experience language-based discrimination. National minorities are trying to use their legally defined right to influence and participate in societal issues, but they are ignored when they raising a social wrong. That is very interesting. It seems that the government only gives them influence on the things where the political environment agrees, which is clearly not language as a ground for discrimination. As Fairclough argues, social order and orders of discourses exist through society and social institutions<sup>170</sup>: which maintain the status quo. It is the disciplinary power that opposes taking the language issue seriously.

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<sup>166</sup> F. De Varennes, 'Language rights as an integral part of human rights,' *International journal on multicultural societies*, vol 3, no. 1, 2001, p.16-17.

<sup>167</sup> T. Skutnabb-Kangas, 'The Role of Linguistic Human Rights in Language Policy and Planning', in C. A. Chapelle(eds.), In *The Encyclopedia of Applied Linguistics*, Malden, MA: Blackwell, 2011/2012, p. 1-2.

<sup>168</sup> S. May, 'Language Rights: The 'Cinderella' of Human Rights,' *Journal of Human Rights*, vol. 10, no. 3, 2011.

<sup>169</sup> N. Fairclough, *Language and Power*, 2nd edn., Harlow, Longman, 2001, p. 27.

<sup>170</sup> N. Fairclough, *Language and Power*, 2nd edn., Harlow, Longman, 2001, p. 18-26.

Language protection must be realized on all levels, as the national and local levels are closest to people. As the previous research shows, there is confusion inside of human rights theory about the importance of linguistic rights, so on the other hand, the problem is broader than just Sweden and Swedish Finns. Multilingual societies must take their obligations to respect all people's rights. Sweden must fully understand linguistic human rights as a part of human rights and not just in documents handling minority politics. That is why studying up is needed. As Nader concludes, when we talk about policies, we talk about power.<sup>171</sup> The policies behind minority politics significantly impact national minorities' lives and the realization of human rights.

The analysis shows a lack of case law, despite several reports about alleged linguisticism. Reports suggest that there might be a need to extend grounds for discrimination to include language explicitly, and there is a doubt whether the current Discrimination Act can protect the status of minority languages, but in the absence of case law, not much can be done. SOU 2020:27 does not further elaborate on where SOU 2017:88 left the conversation about lacking case law but decisively states that language discrimination is part of ethnic discrimination. It is not like there would not have been potential landmark cases. The reason why the Västerås case was pulled back from the Västmanlands district court is the state executing power; in principle, there is an opportunity to continue, but practical reasons prevent the legal process from continuing. The family's decision is understandable in light of all previous decisions. The lack of language as an explicit ground for discrimination comes up time after time in the texts, but officials seem reluctant to decide on landmark cases.

Linguistic rights are connected to other human rights; people who deprive LHRs might lack access to other human rights, causing injustice in society.<sup>172</sup> Access to knowledge is one example of this. One of the political goals of minority groups is to promote access to information. None of the documents were fully translated into national minority languages, and only the summary of SOU 2017:60 was translated into English and other

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<sup>171</sup> L. Nader, 'Up the Anthropologist – Perspectives gained from Studying up,' in D. Hymes, in *Reinventing Anthropology*, New York, Vintage Books, 1974, p. 289-290.

<sup>172</sup> T. Skutnabb-Kangas, R. Phillipson, M. Rannut, 'Introduction,' in T. Skutnabb-Kangas, R. Phillipson, M. Rannut (eds.), in *Linguistic Human Rights: Overcoming Linguistic Discrimination*, Berlin/New York, Mouton De Gruyter, 1995, p. 1-14.

national minority languages. One would think that at least governmental investigations which handle minority politics would have been translated into national minority languages. As many of the self-biographies in Borg's book show, first-generation Swedish Finns are not always fluent in Swedish.<sup>173</sup> It would certainly be easier to read complex bureaucratic documents in their mother tongue. It is interesting why it is only the welcoming of investigation of language as the ground for discrimination considered something that is wanted to be translated to national minority languages, but not the statements that due to the lacking case law, language is not an explicit ground for discrimination and that question cannot be considered further? Disciplinary power invisibly impacts the accessibility to knowledge, which is closely connected to power.<sup>174</sup>

Having a minority identity is also a human right. Västerås's case shows that the minority identity suffered during the legal processes and that the school officials spread derogatory untruths to damage the family's reputation.<sup>175</sup> Latvalehto discusses that there is a divided opinion on retaining Finnishness in the family. There is a will to prioritize Swedish because of the problems with the multilingualism that previous generations have experienced.<sup>176</sup> If one feels discriminated against based on language and seeks legal remedies, and then the reception is this, how much does it motivate one to keep their native language alive in the family? Language revitalization is one of the biggest challenges of minority politics. Taking language as a ground for discrimination would also be a symbolic gesture to show that language revitalization is taken seriously and there is room for all languages in Sweden.

Interestingly, the first analyzed governmental investigation states that it would be weird if the state would define one's identity, and the next part of the investigation refers to the DO's judgment which states that a different ethnicity refers to people who do not speak Swedish as a mother tongue. SOU 2017:88 acknowledges that national minorities can speak Swedish as a first language, so this definition does not work very well.

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<sup>173</sup> K. Borg (ed.), *Finnjävlar*, Stockholm, Verbal, 2016.

<sup>174</sup> M. Foucault, *Discipline and Punish: The birth of the prison*, 2nd edn., New York, Vintage Books, 1995, p. 33.

<sup>175</sup> Västmanlands Tingsrätt T 2317-21.

<sup>176</sup> K. Latvalehto, *Finnish Blood, Swedish Heart? Examining Second Generation Sweden-Finnishness*, Ph.D. diss., Turku, Åbo Akademi University, 2018.

Defining someone's ethnicity defines someone's identity. According to Weckström, identity is a private matter, not something the state should define.<sup>177</sup> Also, minority politics advocates for self-identification, meaning that it is up to the individual to identify themselves. That almost reminds one of racial doctrine where one that does not speak Swedish as their mother tongue one is not Swedish. One could interpret this that language is used to categorize people as Swedish and other ethnicities by the DO, an organ that works against discrimination and promotes equal rights and opportunities.

The Västerås case is complex as it is the minority's word against the power holders. The school argued that it is okay for the children to speak their mother tongue as long as it does not disturb anyone else or risk conflict. This is a vague statement as who defines what is disturbing to anyone else? The DO highlights that language is not one of the discriminations grounds, and due to the difficulties of knowing the staff's actual motives, and since the DO lacks a basis for putting the complainants' tasks before the municipality, it judged that discrimination did not occur. The Västerås case deals with the evasion of the responsibility to other actors and shows the clear power imbalance between the minority group and stakeholders. This case confirms Skutnabb-Kangas's point: linguistic human rights should be incorporated into national law and formulated in detail. Without specifying language discrimination in law, powerholders interpret the situation how they wish.

Not to say that it is completely the DO's fault. As May points out, there is an insufficient understanding within human rights discourse to recognize language as a fundamental human right<sup>178</sup>, and acknowledging that nationalism has a long history in attempting to ~~tried long to~~ reduce the knowledge of national minorities as a part of Sweden, it is not surprising that there is lack of understanding.<sup>179</sup> Knowledge reproduces power and injustice practices. The officials who make the judgments are also influenced by their limited knowledge. Foucault describes how invisible power exercises power over subjects/individuals.<sup>180</sup> According to Foucault, discourse is a social system that produces knowledge and meaning, and

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<sup>177</sup> L. Weckström, *Representations of Finnishness in Sweden*, Helsinki, Finnish Literature Society, 2011, p. 155.

<sup>178</sup> S. May, 'Language Rights: The 'Cinderella' of Human Rights,' *Journal of Human Rights*, vol. 10, no. 3, 2011.

<sup>179</sup> L. Elenius, *Nationalstat och minoritetspolitik: samer och finskspråkiga minoriteter i ett jämförande nordiskt perspektiv*, Lund, Studentlitteratur, 2006, p. 110–118, 122–136.

<sup>180</sup> M. Foucault, *Discipline and Punish: The birth of the prison*, 2nd edn., New York, Vintage Books, 1995, p. 201.

discourses are *practices that systematically form the objects of which they speak*.<sup>181</sup> How can one practice or speak something if they do not understand?

During the thesis writing process, the use of theory brought forth different opinions between scholars. There is an ongoing discussion about whether there are postcolonialism features in the history of Swedish Finns. Not to argue that Finland and Sweden are colonial states in this context, but that there has undoubtedly been an uneven distribution of power concerning race biology theory, for example, which still affects today in people's mindsets. When Finland and Sweden were the same country it came with some benefits, but Finland went through many vital reforms during the 100 years under the Russian rule, for example, getting autonomy and Finnish language higher education and culture.<sup>182</sup> To prove a point about power relations, let us conclude some observations during the thesis-writing process: Finland did not come with race biology theory, in which Finnish people were researched as a "lower cast" by Swedish biologists.<sup>183</sup> Swedish has existed in Finland for probably around as long as Finnish in Sweden. When Finland and Sweden were the same country, the official language was Swedish, and there was hardly any literature in Finnish and no university-level teaching in Finnish. Since independence, Swedish has been an official second language in Finland, and everyone is still obliged to learn it. The Finnish language in Sweden has suffered from 'Swedification' policies. Swedish people were not recruited to work in Finland to look for a better life; Finns left post-war Finland to work in Sweden,<sup>184</sup> and often have to contend with a lower salary than Swedes. Swedish Finns were and still are suffering, for example, Swedish Finns experience poorer health outcomes,<sup>185</sup> whereas Finnish Swedes have higher social capital than Finnish speakers in Finland. There is a Finnish-Swedish party but no Swedish Finnish party, even though there are more Finnish speakers in Sweden than Swedish speakers in Finland. The postcolonial theory was considered to investigate power relations between Swedish Finns and the majority, but in the end,

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<sup>181</sup> M. Foucault, *Archaeology of Knowledge and the Discourse on Language*, New York, Pantheon Books, 1972, p. 135-140 and 49.

<sup>182</sup> A. Barton, 'Finland and Norway, 1808–1917', *Scandinavian Journal of History*, vol 31 no. 3/4, 2006, p. 221-230.

<sup>183</sup> L. Lundmark, 'Allt som kan mätas är inte vetenskap', *Forum för levande historia*, Skriftserie # 4, 2007, p. 11.

<sup>184</sup> L. Huss, in 'Sverigefinnar och finska språket' in M. Darwishpour and C. Westin, in *Migration och etnicitet: perspektiv på mångfald i Sverige*, Lund, Studentlitteratur, 2021, p. 183.

<sup>185</sup> Folkhälsomyndigheten, 'Hur mår personer med finländskt ursprung? – Delarbete inom Folkhälsomyndighetens uppdrag om Sveriges nationella minoriteter 2019', Folkhälsomyndigheten, 2019.

I decided to go a different way for several reasons. The discussion confirms that the Swedish Finn question stays controversial in society, as Weckström concludes.<sup>186</sup>

There is a need to investigate more intra-Nordic relations, as Keskinen suggests.<sup>187</sup> The writing of this thesis left more questions open than what was at the beginning. First, one could continue where this thesis leaves the study. This thesis argues that in order for language rights to be treated like human rights, legislation should include negative rights, positive rights are not enough. This means that language should be included as a ground for discrimination. One should look further at why Sweden is so reluctant to include language in the Discrimination Act, look deeper into structures, and look at the heritage of race doctrine in Sweden.

Another topic for further research is the Elfdalian question. Elfdalian, which has existed for many hundred years and has around 2000 speakers, is considered a dialect in Sweden, even though it is internationally recognized as a language. They have applied for minority language status without getting it. Without this status, Elfdalian cannot get protection either. Minority politics are, in that way, exclusive, leaving groups outside. This should be looked in for further research about minority politics.

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<sup>186</sup> L. Weckström, *Representations of Finnishness in Sweden*, Helsinki, Finnish Literature Society, 2011, p. 149–161.

<sup>187</sup> S. Keskinen, 'Intra-Nordic Differences, Colonial/Racial Histories, and National Narratives: Rewriting Finnish History,' *Scandinavian Studies*, vol. 91, no. 1-2, Nordic Colonialisms, 2019.



## 8 Conclusion

On the basis of this thesis, it can be said that Swedish minority politics do not live up to international human rights standards, although Sweden is committed to human rights work at the international, national, and local levels. Non-discrimination is the cornerstone of human rights, and language rights are human rights, despite human rights discourse sometimes having difficulties recognizing it. Sweden highlights that minority rights are part of human rights work, but the political reality looks different. Linguistic human rights are connected to other human rights, like access to information, which is important for democracy. As the findings show, barely any documents are translated into national minority languages. Another right related to the question is minorities' right to influence. As the findings show, minority groups are trying to demonstrate that they continually experience social wrongs, but Sweden does not listen. The Swedish Finn question is seen as controversial in political discourse: they are Swedish Finns; they cannot really experience discrimination in Sweden, right? International human rights actors disagree and think that Sweden goes against human rights standards.

Minority rights exist internationally, nationally, and locally. However, the international authority, the CoE, is more of a political organ in this case; it cannot make Sweden follow its recommendations. It can only keep recommending as it has done with the discrimination question. Swedish minority politics highlight the importance of language revitalization. Holding that thought, one would think that extending grounds of discrimination to include language would be in the state's interest as well. Despite that, Sweden is reluctant to look into the issue, referring to a lack of case law. No wonder there is no case law considering all the resistance the Västerås case faced. There is a lack of sanctions at the national level. One can ask why Sweden has signed treaties if the state is not ready to commit to all the human rights within the treaties? Ultimately, sovereign Sweden decides which questions are important and what kind of policies they practice. Although, it is essential to mention that individuals making decisions on these issues are also influenced by hidden power relations. There is not enough knowledge about national minorities or linguistic human rights.

People who do not experience what it is like to live as a national minority group do not understand the difficulties of the social reality of belonging to a national minority group.

The issues national minority groups faces are real, and the evidence is everywhere. That is why working together with national minorities to promote minority policies is important.

National minorities are part of Sweden's cultural heritage. Sweden has always been multilingual, although the race doctrine tried to discard that part of history. Multilingualism is a strength that should be made more visible and should be understood in society. Society has never solved the problem of unequal practices; it just changed its shape. The focus should be on looking into the issue from a broader scale, studying up, and how politics creates unequal practices. Extending grounds of discrimination to include language is crucial if Sweden wants to treat minority rights as human rights. Understanding language rights fully as a part of human rights and the importance of negative rights would be a major step forward for Swedish minority policies and national minorities.

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