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Everybody dance now?

- a socio-legal study of the Swedish dance permit law

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Abstract

Since the 1930s, a dance permit regulation has been in effect in Sweden. The dance permit is required for public dance events in Sweden, and police may take photographic evidence of patrons moving in sync with the music in a dance-like fashion if they believe that 'illegal' dancing has transpired in an establishment that may not have filed for a dance permit. If such is the case, then this evidence may serve in proving that a crime has occurred and that the establishment does not have the required permit. In 2016, the Swedish Riksdag voted unanimously to abolish the dance permit requirement, however, the law is still in effect and exists as of writing this thesis.

Therefore, this study aims to examine how the permit is perceived by individuals who are either affected by it or responsible for its regulation and enforcement. For this purpose, ethnographic fieldwork has been conducted in March 2022. In addition to this, participant observations and unstructured interviews have been carried out as well.

Thus, this study finds that the dance permit is regarded in a negative manner by individuals who are affected by it and those who enforce it. It further argues that the dance permit is still enforced due to a disparaging dichotomy in how the law is written in contrast to how it is actually carried out and that this has to do with a 'bureaucratic laziness' to not update/change outdated legislation, but re-use it so as not to draft new time/energy-consuming legislation. Simoultanisly, this study claims that the longevity of the permit results in the contrast between 'living law' and legal law. The study concludes by arguing further examination and research have to be made in order to fully be able to stipulate a concrete decision on the dance permit's continuation.

Keywords: dance permit, regulation, living law, narrative, dance ban, spontaneous dancing

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*

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*

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1. Introduction

“I have no desire to prove anything by it. I have never used it as an outlet or a means of expressing myself. I just dance.”¹

- Fred Astaire

Dance is subjective. As with most art forms, it too is an interpretation that has changed and evolved over the years to fit societies' and cultures' liking. The above-mentioned quote is a statement of this, as it pertains to the fact that dance can both be with or without meaning depending on who one might ask. To a professional and acclaimed performer such as Fred Astaire, the art of dance was nothing more than an outlet for doing what he enjoyed. It reached no further than that and was not an extension of any personal beliefs to be shared with his audience. He just danced.²

However, this way of thinking might be of an individualistic kind, as there are examples throughout history that would argue against Astaire's claim. While his experience surrounding the joys of dance was rather personal and nothing more than a way of movement that he derived pleasure from, there are those who would claim that dancing is an act of physical expression for a political movement, civil disobedience, and other forms of civil unrest.

Beginning in the 1930s, dance permits (danstillstånd) have been issued as a requirement for public dance events in Sweden (2 kap. 4 § ordningslagen 1993:1617).³ If the said permit has not been issued, a fine of 700 SEK could be issued for the establishment that has failed to comply with the directive.⁴ In such a case, police may take photos and videos of individuals who are moving in a specific way to music, i.e what constitutes as dancing. However, this way of moving in rhythm to the music is not concretely established and could be defined in any manner that a police officer may

¹ Astaire, Fred, “*Steps in Time*”, Harper & Brothers, 1959, p. 325.

² *ibid.*

³ Ordningslag (1993:1617), accessed: 03/03-2022.

⁴ *ibid.*

deem fit.⁵ Thus, any photos and films that police may present as evidence could lead to complications and would be considered up to debate.⁶

The lack of concrete definition has also led to complaints and arguments that the law ought to be abolished and removed. Subsequently, the Riksdag (the national legislature and the supreme decision-making body of Sweden), voted unanimously in 2016 to abolish the law and remove the requirement of having a dance permit when attending a public dance event/performance/act. Despite this, the dance permit law remains still and has as of the writing of this thesis not been removed. The argument for this has most prominently been that the law is there to prevent disorder in public events and protect security officers when doing their job in large events and public gatherings that may turn to disorder and/or protest. This way of thinking is not a unanimous argument for the justification of the law but stems probably from the days when the law was introduced and harkens back to the fears and concerns that public disorder through dance may lead to.

In the following chapters and subchapters, this thesis will try to understand and examine the perceptions of the individuals who are in some shape or form affected and/or tasked with maintaining this legislation.

1.1. Significance

Based on the searches made for this study, no previous research has assessed the Swedish dance permit and spontaneous dancing restriction in Sweden from a socio-legal perspective. Further, no extensive research on this particular issue in Sweden was found during the searches. Therefore, this becomes a highly relevant and interesting topic to examine from a socio-legal viewpoint and in a Swedish context.

The relevance of applying a socio-legal perspective to this matter relies mainly on the transgressive and ‘undefined’ premise of the Swedish dancing regulation. While dancing as a whole

⁵ Wikén, Johan; “*Polisens bildbevis: här dansar kroggästerna*”, Gefle Dagblad, 25/11-2014, <https://web.archive.org/web/20201111203335/https://www.gd.se/artikel/polisens-bildbevis-har-dansar-kroggasterna>, accessed: 03/03-2022.

⁶ Gunnarsson, Carola; “*Ska det vara olagligt att dansa?*”, VLT, 09/08-2018, <https://www.vlt.se/2018-08-09/ska-det-vara-olagligt-att-dansa>, accessed: 03/03-2022.

is legal in Sweden (or at least is not stated as being a crime - whether or not one finds a person's dancing bad or not), there is no real explanation as to why it stops being such (unless one has a permit of course) when conducted in certain establishments.⁷

And as will be mentioned and explained in the upcoming chapters and sub-chapters - the understanding and/or awareness of the permit does not appear to be frequent among individuals who could be affected by it nor by the ones who are supposed to enforce/regulate it. Simultaneously, the permit also raises significant worrying issues for the people it affects.⁸ Certain establishment owners with an alcohol permit, could potentially- in addition to paying a large fine - lose said permit if found guilty of not having a dancing permit.⁹ At the same time, the permit as a whole has been heavily criticized and even voted to be removed.¹⁰ Despite all the levies against it, the permit still stands.

This showcases an interesting disconnect between written law and how the law is actually practiced.¹¹ It thus also becomes relevant to examine the perceptions and reflections made by those who are directly affected by this permit (bar owners for example) and/or tasked with enforcing it (police officers and/or security guards). With this in mind, one could argue that this study is merely repeating something which might already be known - i.e. that the permit is unfavored, and thus not necessary to be conducted.

⁷ Hassler, Karin; "*Dans i protest mot danstillstånd*", Norrköpings Tidningar (NT), 21/09-2012, <https://nt.se/nyheter/norrkoping/dans-i-protest-mot-danstillstand-7954271.aspx>, accessed: 03/03-2022.

⁸ Wälsten, Lydia; "*Regeringens dubbelspel om danstillståndet*", Svenska Dagbladet, 08/08-2020, <https://www.svd.se/a/b5ylAA/regeringens-dubbelspel-om-danstillstandet>, accessed: 03/03-2022.

⁹ Svensson, Mattias; "*Kravet på danstillstånd är emblematiskt för en stillastående ekonomi*", 13/08-2020, <https://www.dn.se/ledare/mattias-svensson-kravet-pa-danstillstand-ar-emblematiskt-for-en-stillastaende-ekonomi/>, accessed: 03/03-2022.

¹⁰ da Silva, Tali; "*Fortfarande förbjudet att dansa utan tillstånd*", Sveriges Radio, 24/02-2017, <https://sverigesradio.se/artikel/6639131>, accessed: 03/03-2022.

¹¹ Svensson, Måns; "Norms in Law and Society: Towards a Definition of the Socio-Legal Concept of Norms" in Baier, Mattias, (Ed.); "*Social and Legal Norms*", 2013, p. 48; Pound, Roscoe; "*Law in books and law in action*", American Law Review, 1910, p. 12–36.

However, sociology of law is a discipline that has been developed to study the correlation between society and law (how one affects the other).¹² It is a discipline that focuses on how laws direct a society through norms, traditions, and other societal factors.¹³

Therefore, by observing the reflections made by the participants of this study, and by analyzing their statements through the use of relevant socio-legal theories, one is able to present a useful aspect of how this particular law is affecting parts of society. And even if one as a researcher believes that the permit may be of an unfavorable kind to society, it is still the responsibility of the socio-legal researcher to examine if that is the actual case or not. Academic disciplines do not solely exist to search for new truths but to also question what is presumed to be true or false - which is the case for this study.

1.2. Research aim

Given the lack of research on this topic, its high socio-legal relevance, and the fact that there exists - during the writing of this thesis - a possibility for the legislation to be altered/edited/removed, the findings of this study, therefore, become important and could be the spark which evokes further research/examination into the matter.

Hence, the aim of the study was to investigate the perceptions and experiences of those who are affected by this dance permit. Given the fact that the reasoning for this permit revolves primarily around it being a protective measure for the public and for the police/security guards, it thus becomes interesting to see if this is actually the case. And this becomes even more important when one remembers the fact that no previous research has been conducted on the matter, nor are there any vital cases to investigate further regarding the dance permit.¹⁴

¹² Svensson, 2013, p. 43.

¹³ *ibid.*

¹⁴ Having searched several known Swedish databases on crime statistics and cases pertaining to the dance permit, no results were shown other than how the legislation is to be carried out. There appears to not be any known (or presented) statistics of how many arrests and/or fines have been issued in regards to the permit, nor have there been any relevant case studies on the matter. Whatever the reasoning for this lack of data may be is quite unclear.

Therefore, this study cannot take on questions - such as why the permit has yet to be removed - when there is no useful material to use to answer said question. It is a much more useful scientific addition to actually lay down a vital foundation on which further research can be built, something which has been expressed by some members of the Swedish Riksdag.¹⁵ That can only be achieved by looking at the experiences and reflections made by those who are affected by the permit in whatever capacity.

1.3. Research questions

Since this law is still in effect, and has been so without proper examination of the implication and consequences made on the people who are subjected to and/or tasked with maintaining this law, this study aims to find out more about that. Further exploration follows in terms of exploring how it affects people, and how it is perceived by individuals. Two main questions will therefore be posed, with two sub-questions aimed at explaining why that is, by making use of the theory and previous research to do so.

Thus the research questions read as follows:

- ***How are individuals, who are subjected to and/or tasked with maintaining this law in Sweden, affected by it?***
 - *And what is the reasoning behind that?*
- ***How do individuals, who are subjected to and/or tasked with maintaining this law in Sweden, perceive it?***
 - *And what is the reasoning behind that?*

¹⁵ Nilsson, Dan; “*Ett moralkonservativt synsätt som inte passar vår tid*”, Besöksliv, 11/01-2022, <https://www.besoksliv.se/nyheter/ett-moralkonservativt-synsatt-som-inte-passar-var-tid/>, accessed: 01/09-2022.

2. Background

In order to be able to answer the research questions posed in this thesis, some context is necessary regarding this matter. This section will cover the history, progression, and current status of the Swedish dance regulation, from the 1920s all the way into the 2010s.

2.1. Cheap thrills

In Sweden - during the 1920s and 1940s - debates around certain types of dance and certain kinds of music (such as swing music and jazz, to mention a few) were seen as being immoral and viewed close to almost being characterized as an infectious disease.¹⁶

Certain descriptions from witnesses of the dance scenes at the time had explained how dance was essentially seen as a drug, both in a rather literal sense due to people 'losing a sense of time and space while engaging in the act of dancing, but also in the sense of leading to actual drugs such as ecstasy in order to keep up with the activity.¹⁷

At this time, rising concerns for 'promiscuity' were occurring, in due part to contraception becoming legal in 1939 and how that could have an effect on 'premarital' activities in combination with more 'lewd' physical acts such as dancing. It was at this time that even the sobriety movements turned on what they possibly had hoped would be their salvation from drugs and alcohol, due to dancing being perceived in a similar fashion. As such, the media narrative at the time pertained to dancing as being a 'vicious act' that led to nothing but lewdness and danger.¹⁸ This in turn led other organizations and movements to rally against dancing. The labor movement, for instance, voiced their concerns that dancing was a distraction for the youth from working and investing in the future, something which many a clergy piggybacked on and claimed that dancing was nothing more than a 'cheap pleasure'. Dancing was slowly but surely being perceived as a 'gateway' into

¹⁶ Frykman, 1988, p. 92.

¹⁷ Frykman, 1988, p. 63.

¹⁸ Frykman, 1988, p. 80.

crime and lawlessness, with many assuming that first steps onto the dancefloor were also the first steps towards a life of crime.¹⁹

2.2. Please ~~Don't~~ Stop the Music

In 1956, requirements for a dance permit came into force.²⁰ Even though dancing could be regarded as both a personal as well as a social act, a dancing permit was issued in the same requiring manner as a permit for public gatherings and events would be, i.e. a dancing permit is regarded as pertaining to the Swedish Public Order Act of 1956, where demonstrations, sporting events, party trains, markets, and fairs as well as events of other kinds - which are organized for the public - are in requirement of a permit.²¹

However, with the unfolding of several massive historic events from 1939 onwards, the dance scene(s) was bound to be affected in some capacity by the societal change around it. If the dance scene had indeed changed with its music styles and forms of dancing, then so had the criticism against it. During the 1990s, the rave movement (was often times a form of a dance party at a semi-private or even open gathering. Everything from partying in warehouses, clubs, or some other types of venues is a common association with a rave.²²

It started dominating the dance scene of the 1990s due to its semi-illegal fashion, and due to the new and popular music types which were dominated the events) started gaining traction and managed to evoke the same, or at least a similar, discussion which occurred during the 1930s surrounding dancing, especially in relation to drug use.²³ The raves conducted during the 1990s were often also conducted without any massive supervision and/or extensive planning but were rather 'underground' (both literal and figurative) ways of partying that sparked concerns with

¹⁹ *ibid.*

²⁰ Allmän ordningsstadga (1956:617), accessed: 05/03-2022.

²¹ The Public Order Act is the translated name of the Swedish *Ordningsslagen* 1993. However, the official name of the legislation which was installed in 1956 (*Allmänna ordningsstadgan*) has no official English translation in the Glossary for the Courts of Sweden..

²² Svensson, Mattias; "*Glädjedödarna*", Västerås: Timbro, 2011, p. 51.

²³ Svensson, 2011, pp. 51-53.

politicians and legislators regarding the ‘psychedelic theme’ that seemed prevalent in most raves, and how that could be connected to various substance abuse and affect on the dance scene.²⁴ It was also in 1993 that the current Public Order Act came into force.²⁵

2.3. “They’ll be dancing, dancing in the street”

A dance permit is thus required, according to Ordningsslagen (1993: 1617), for public dance performances, ie “dancing events and/or performances which are organized for the public or that the public has access to”. In the Public Order Act, Ordningsslag in Swedish (1993:1617), says that; “An event to which access is restricted by invitation, membership in one certain association or other condition is, however, to be regarded as an event held by the public access to, if the event is clearly part of a business whose activities exclusively or essentially consists of arranging events of this kind.”²⁶

The complete list of types of public events covered by the Public Order Act are:

- ”1. competitions and performances in sports, sports, and aviation,
2. dance performances,
3. amusement rides and party trains,
4. markets and fairs, as well
5. other events which are not to be regarded as public gatherings or circus performances.²⁷

This is where the main issue arises. Since the Public Order Act does not pertain to an official definition of what constitutes a dance performance, the very definition thus can be either very broad or very limited.²⁸ And since it is not further explained, this opens the definition up to

²⁴ *ibid.*

²⁵ Ordningsslag (1993:1617), accessed: 05/03-2022.

²⁶ *ibid.*

²⁷ *ibid.*

²⁸ Brandt, Per, “*De dansar mot “tramset”*”, Mitt i, 14/09-2012, <https://www.mitti.se/nyheter/de-dansar-mot-tramset/Ldelin!VY14vA3F0@acSUCA@FTbA/>, accessed: 05/03-2022.

interpretation. As stated a bit earlier, dance is subjective and the very interpretation of what constitutes dance is quite broad, not to mention that dance as an art form encompasses many genres and forms.²⁹ Everything from professional stage dancing, competing dancing, ballroom dancing, or even just a spontaneous joyous movement to an absolute banger of a song that plays in one's headphones, or 'busting a quick move' while listening to songs in the car.

It is therefore also fascinating to note that dance performances as an art form do not appear to fall into the category of dance performance, for whatever reason. This, in turn, would mean that 'old' dance styles such as the twist, disco, foxtrot, and many others, including even more modern ones, such as tango, salsa, and hip-hop, could be either seen as falling in the realm of a dance performance or not. The line appears to be quite blurry in the legal context. The same applies to various dance courses and other forms of dance instructions, such as certain types of dancing exercises and/or dance therapy for instance.³⁰

These types of dance activities also typically involve a lot of people, which in turn also raises the question of how many individuals have to be involved in a public dance event for it to be recognized as a dance event in a legal sense? As of writing this thesis, there is no specific limit as to how many people have to be involved. Simultaneously, if a dance occurs spontaneously in a 'non-dance floor' establishment, for instance in a restaurant that happened to have good music blasting through the speakers at a time of cleaning when the floor would be temporarily cleared from tables and chairs - would this be perceived and understood as a dance event taking place? Dancing in private contexts as well as during a personal party is not directly covered by the law itself, nor are the specific boundaries of what is perceived and seen as being public and/or private. This in turn could cause unnecessary difficulties and complex situations in legal cases that deal with dance permit issues.³¹ Or it could potentially lead to a master thesis with a social legal perspective being conducted on the topic.

²⁹ *ibid.*

³⁰ Lilliestam, Lars; "*Musikliv*", Uddevalla: Bo Ejeby Förlag, 2006, pp. 113-114.

³¹ Farran-Lee, Lydia; Ljung, Rebecca; "*Fler politiker vill slopa danstillstånd*", Sveriges Radio, 26/11-2014, <https://sverigesradio.se/artikel/6029441>, accessed: 05/03-2022.

2.4. Socio-legal relevance

As will be mentioned further in the literature review, there is essentially no previous research on this issue (apart from one very short essay from Lund University, more specifically from a course about cultural administration, where the author goes more into depth about the history and background of the dancing rather than an in-depth examination of the dance permit).³² The only previous research to harken back to would be to look into other countries' aspects of prohibition within other areas of art and/or dance specifically.

And while there are some works to be referenced in such cases, they usually revolve around examples of prohibition where the legislation has ended and/or has been researched to some extent. Neither can be said about the Swedish dance permit regulation, which is why there is a need, and predominantly a socio-legal one, for further knowledge to be produced on this matter, as it may lay a solid academic foundation for further research to be conducted on this issue, and may also thus affect a possible outcome for the dance permit's potential removal and/or justification to remain.

More in-depth research on this issue may shed some light on why it has yet to be removed, and provide an understanding as to who this permit benefits/inconveniences, and what the potential ramifications for it may be. This study is still not in the scope of a national investigation that would lead to grand change, but as socio-legal research on the Swedish dance permit regulation, it could offer new perspectives on this matter and definitely serve as the bedrock on which to develop further research where there was practically none before.

2.5. Delimitations and potential challenges

The original premise of this study was to investigate the question of why this dance permit is still in place despite it having been voted to be abolished. However, very early on during the investigation,

³² Sjölin, Celeste, "Rör dig inte! Om danstillståndet som symtom på bio-makt och förmynderi", LUP Papers, 10/08-2015, <https://lup.lub.lu.se/luur/download?func=downloadFile&recordOid=7695634&fileOid=7695637>, accessed: 05/03-2022.

it became clear that such a question could not be answered by a smaller study, as the answers, primarily depended on the individuals who chose not to remove it.³³ The premise was therefore changed to investigate the perceptions of individuals who are in some capacity affected by the permit. As this is a study that specifies an issue in a particular country, in this case, Sweden, the delimitation part of this study will primarily be based on the fact that this investigation will be limited to a specific region of Sweden, namely Lund. It will also not be able to incorporate a larger and more varied group of participants for the data gathering.

The reasoning for this lies primarily in the fact that the scope of this study is in itself partially limited, and an examination on a national scale is not possible due to time limitations. And in all fairness, this does cause certain limitations in the study. For example, the original purpose of the study was to interview a larger variety of individuals who dealt with implementing/enforcing the dance permit and their experiences with it. Due to the chosen method being, in part, informal interviews, the range of the participants was limited, as some chose not to, or could not participate in the study.³⁴

However, this study argues that this does not lower the quality or reasoning of this study, as Lund is a student town with a strong dance culture occurring in its clubs and student nations.³⁵ Thus providing the researcher with a crowd of individuals who in some fashion deal with the dance permit on a recurring basis (security guards, dancers, bar owners).

Simultaneously, the findings of this study are not to be ignored simply because the variety of interviewees is not greater. They are all individuals who in some fashion deal with the regulation/implementation of the dance permit. Their statements provide a solid foundation on which to build further research where there previously has been a great lack.

³³ The answer to the original question of this study - of why the dance permit has not been abolished, has been posed by Riksdags parliamentarians to Sweden's Minister of Justice and Interior Affairs - Morgan Johansson. When contacting the office of Morgan Johansson, I was told to refer to the office of the Minister of Culture, Jeanette Gustafsdotter. When reaching out to Jeanette Gustafsdotter's office, I was instead referred to the office of Morgan Johansson.

³⁴ For instance, jurists, most club owners, and many dancers, chose not to participate in the study for whatever reason. While some club owners and dancers did participate, the number could have been higher.

³⁵ A nation in Lund is a social club that offers a range of varied activities, reasonable priced lunches, housing, and festivities such as balls and festive dinners (sittnings).

Additionally, the lack of cases and statistics regarding the permit even before and after it was chosen to be abolished, may provide the researcher with a challenge in analyzing the data.³⁶ However, any data pertaining to this very topic is scarce, which means that the focus is to provide new and relevant material by looking at cases from other countries, for example, which are similar in nature.

3. Literature Review

In order to research something where one's work is contributing a large aspect of the information and knowledge regarding a previously unexplored topic, one has to adapt a literature review that works in relation to the topic and subject at hand. In this case, this study will make use of a traditional and narrative review (which will be elaborated on more in the following sub-chapter).

In order to do so, this chapter will be divided into two parts - the first being illustrating the choice of literature review, which search words were searched, and the criteria for said searches. And in the second part, this literature review will highlight any former research found on this topic and showcase how it can be used in relation to this study. In that part, some specific themes - which had been recognized and identified during the searches - will be emphasized as being of importance and relevance when reviewing former works on dance regulation/legislation.

3.1 Traditional literature review

As stated previously, this study will make use of a traditional and narrative literature review. The reasoning for this lies primarily in the fact that this study is examining a topic that has not been subjected to a lot of previous research, thus comprehensive and detailed a review can be, the better.

³⁶ The only data to be found is in a summary from 2018, where it briefly highlights the consequences of the permit on establishment owners, the police, the prosecutor's office, and the courts. It does not go into greater detail, nor does it present an extensive amount of data or statistics to be used, but rather just provides the reader with a brief overview, which in turn only looks at an approximation of the percentage of individuals who will be affected *after* the legislation has been removed/changed - Tillstånd till offentlig danstillställning Ds 2018:20; https://www.regelradet.se/wp-content/files_mf/1539254622RR_2018_226.pdf, accessed: 01/09-2022, p.85.

In this sense, by combining the traditional with the narrative aspect of a literature review, one is presented with a comprehensive, critical, and objective analytical tool to highlight research and knowledge on a given topic. It becomes an essential part of one's research and maintains the foundation on which to establish a theoretical framework on, all the while showcasing patterns and inconsistencies in the literature in order for one to provide research that is backed up and justified by empirically proven former work on the matter.

In the article, *'So You Want to Write a Narrative Review Article?'*, by Mark. A. Chaney, the author talks about the concept of a narrative review and the strengths of using such a tool when gathering data and when conducting research where there has not been an abundant amount of specific former research conducted on the topic.

Chaney pertains to the fact that the positives of a narrative review consist primarily of a sort of highlighting or strengthening of previous research work, a relatively strong summation, and "identification of omissions or gaps".³⁷ This, in turn, manages to provide the researcher with gaining new understanding by "identifying previously unknown, non-obvious connections, thus developing fresh conceptions."³⁸

In the sense of the topic chosen for this thesis, a narrative review strategy might be a good course of action when conducting the literature review, which entails that relevant literature in relation to the chosen topic will be discussed. As previously mentioned, not much research has been done on this topic in a Swedish context, meaning that this thesis will be able to include literature that is in form based on other texts on similar prohibitions regarding dance in other countries/states in combination with literature and articles with a socio-legal narrative or simply touch upon the dance permits in some fashion.³⁹ From a global perspective, there appear to be more articles and studies available on dance permits as a whole, even though they do not appear to cover the Swedish one in particular, which will lead to this thesis having to limit the searches and sum up the relevant results.

³⁷ Chaney, Mark, A; "So You Want to Write a Narrative Review Article?", *Journal of Cardiothoracic and Vascular Anesthesia* 35, 2021, p, 3046.

³⁸ *ibid.*

³⁹ Even though the research concerning this topic is relatively lacking, there are some news articles that have covered this issue, and will in some way be incorporated into this thesis, as evidenced in the previous chapters.

In order to collect any form of previous research, the focus will be on conducting a literature review that is based on former relevant articles and prior investigations in relation to the area of this thesis' chosen subject. This is done in order to gather as large quantities of research within the area of prohibition and permits in relation to dance (a very specific area) as possible, both on a national and international scale, in order to form concrete and summarized material that could be used in the analysis of this thesis. In order to do this and gather enough relevant material and data, the focused search of information has been targeted from peer-reviewed articles from databases of LUB-search, Google Scholar, and other relevant sources.

3.1.1 Searching for the right words

Much like sailing on a sea of ignorance, a vast library (or any sort of large database of information) becomes an island on which to find comfort in. In this case, one is researching an unexplored topic, where a large database of information is the first thing to turn to in one's quest to gather further knowledge.

To find relevant literature on the topic, applying useful search words on databases such as LUBSearch and Google Scholar, is the first step to take when conducting a literature review on this topic. However, navigating any large content of information is bound to produce 'excess' data or information that simply might cover topics such as dancing, but are of no relevant use for this study. In such a case, certain criteria will have to be set in place when conducting the search; peer-reviewed content, written and/or conducted in English or Swedish, and published after 2010.⁴⁰ The usefulness of using a database such as LUBSearch, means that literature and content found there has been assessed and reviewed and is ready to be used to researchers. These were the search words that were used on LUBSearch:

<u>No results/no relevant results</u>	<u>Relevant results</u>
"dance + permit"	"dance ban"

⁴⁰ Usually the practice is to use as current and relevant content as possibly, but given the lack of former work on this topic, the time-span for the search had been extended so as to cover a broader range.

“spontaneous dancing”	“dance regulation”
“dance permit + law + ban”	
“Swedish dance permit”	
“dance permit”	

Conducting a search on Google Scholar provided a fairly larger amount of results than the searches made in LUBSearch. However, the extensive quantity of data to choose from did not provide any further or different results than the ones found on LUBSearch, thus resulting in a rather disappointing and less fruitful showing than LUBSearch. The same criteria from the LUBSearch searches were used in order to facilitate an equal and same search method between the two platforms. These were the search words that were used on Google Scholar:

<u>No results/no relevant results</u>	<u>Relevant results</u>
“dance ban”	“spontaneous dancing ban”
“dance permit”	
“dance permit + law + ban”	
“Swedish dance permit”	

3.2 ‘Footloose’ - the real-life experience!

By using the search criteria in LUBSearch and Google Scholar, relevant results were found to be reviewed. While no specific research has been found on Swedish dance regulation, in particular, several articles and works on dance bans/regulations from different corners of the world have been identified and will be presented in this chapter to showcase what kind of narrative regarding this topic has been discovered.

In this section of the literature review, former research on dance bans/permits/regulations will be presented. It will be done in such a manner that this chapter will be divided into three parts, with two themes presented in the first two parts, and then briefly summarized in the third.

3.2.1. Fear

The overarching theme of all the articles and works found on dance bans, appears to be some form of fear or worry about dancing being a tool for immorality and lewdness. This becomes the main factor upon which the other two themes are in some sense based.

In all of the articles found, the premise of control/regulation over a supposedly joyful (and potentially artistic - if one is skilled at it) form of expression, is categorized as being something of which to be concerned about. In works pertaining to the dance ban of Mumbai, for instance, the research mentions that the regulations of the Indian city stem not only from a fear of lewdness, but also a religious concern, as well as a societal system in which certain members of a particular gender, class, and/or nationality are regulated by norms and standards that are based on fairly archaic practices and beliefs.⁴¹

The Mumbai dance ban targeted dance girls in bars specifically, and was designed as a means to stop prostitution, hinder human trafficking, and save girls from exploitation. However, although these were the 'official' designations for the ban, the articles pertain to the notion that the real reason behind the ban was due to certain outdated notions regarding controlling women and imposing 'purity' and 'decent behaviour'.⁴² They also argue that this harkens back to the colonial ideology and thinking that was imposed during British rule, where specific classes and individuals were targeted for discrimination. Ultimately, the ban was overturned due to it being argued against as an outdated and rights-imposing practice.⁴³ It also showcases a perception of how law can be

⁴¹ Pan, Anandita, "*Mapping Dalit Feminism: Towards an Intersectional Standpoint*", SAGE Publishing India, 2020, pp. 116-117.

⁴² Mazzarella, William; "A Different Kind of Flesh: Public Obscenity, Globalisation and the Mumbai Dance Bar Ban", in *South Asia: Journal of South Asian Studies*, 38:3, 2015, pp. 481-483.

⁴³ William, 2015, 483.

twisted to favor a particular notion and narrative of the individuals who are enforcing it (more on this in the theoretical chapter).⁴⁴

By understanding that fear of lewdness, immorality, and/or exploitation of any kind could stem from not prohibiting dancing, then one can begin to see a pattern of how that shapes and affects society and culture-making in certain countries.

Going through several works on various bans in different countries, it does become prevalent that in addition to fear or worry of what dancing could do to a society, there appears to also be a simple want to enforce regulation of any kind so as to control or navigate a large group of people or steer society in a specific direction.

For instance, the New York City Cabaret Law that was enacted in 1926 and the Japanese dance ban (or ‘Businesses Affecting Public Morals Regulation Act’ as it is actually referred to, but which this thesis finds to be far too long and will be making a creative and more fitting choice to refer to as the Japanese dance ban).⁴⁵

Not only do the characteristics of these laws and restrictions resemble that of the Swedish one, but the history is also relatively similar in that the Cabaret Law was enacted during the Prohibition era, a time of rigorous banning and prohibiting of manufacturing, importing, and transporting, alcoholic beverages.⁴⁶ Whereas, the Japanese dance ban was basically a product of the US occupation of Japan, where the law in turn was enacted as a measure to quell rapid concerns of “the relatively liberal social attitudes of the Americans were corrupting Japan’s youth” and as a measure to curb prostitution.⁴⁷

⁴⁴ Herklotz, Tanja; Peter de Souza, Siddharth; “*Mutinies for Equality: Contemporary Developments in Law and Gender in India*”, Cambridge University Press, 2021, pp. 156-168.

⁴⁵ Chevigny, Paul, “*Gigs: Jazz and the Cabaret Laws in New York City*”, Routledge, 2004, p. 13.

⁴⁶ Lerner, Michael A.; “*Dry Manhattan: Prohibition in New York City*”, Harvard University Press, 2008, pp. 165-166.

⁴⁷ “*It’s finally legal to dance after midnight in Tokyo*”, 17/06-2015, <https://www.businessinsider.com/its-finally-legal-to-dance-after-midnight-in-tokyo-2015-6?r=US&IR=T>, retrieved: 28/04-2022.

Other works pertain to the fact that one of the primary reasons that restrictions, such as the Cabaret Act, can occur revolves primarily due to ‘creative destruction, which in turn is linked to the environment, economy, and culture of certain parts of a community and/or society.’⁴⁸

It pertains to the fact that these restrictions do not just happen out of the blue, but are rather results of intentional or unintentional targeting of particular societal areas in which the objective is to culturally and creatively destroy or obstruct advancement. Now, while it is made clear that the dance permit is not specific to any area as it is national legislation, it could be fascinating to examine if the legislation specifically obstructs certain individuals' advancement in any matter or targets anyone specific.

However, with some research having been done in regards to the Cabaret Act, there does not appear to be as much in terms of the Japanese dance ban. The only research to be found in this area appears to be a paper by Ryan Hartley, where the author is interested in the politico-economic structures that underline the restrictions, bans, and crackdowns conducted in regard to dancing without a permit. As scarce as research may be on topics such as dance bans, this article, while being just one, manages to provide an extensive amount of information and data concerning the Japanese dance ban. Hartley focuses on providing the reader with a conceptual lens of this specific topic, rather than focusing on the ‘weirdness’ of banning dancing, which Hartley pertains to is predominantly the case in media articles regarding the topic.

His focus is therefore to have Japan almost be a starting point for a more global understanding of mitigating and controlling dance life, night-spaces, parts of society and culture, and ultimately also controlling human bodies through dancing (or not dancing in this case), by policing an act which would otherwise be perceived as mundane and regularly practiced by most people. In this fashion, the article even makes comparisons to the Cabaret Law, linking the two in their concepts.⁴⁹ Such a link could even perhaps be made to the Swedish dance permit in the following chapters of this study. This article evaluates both the crackdown and the ensuing

⁴⁸ Hae, Laam, “Dancing in New York City: The Cabaret Law, Alternative Cultures and Neoliberal Urbanism”, in *The Intersection of Rights and Regulation: New Directions in Sociolegal Scholarship (Markets and the Law)*, Morgan, Bronwen, (ed), 2007, pp. 133-139.

⁴⁹ Hartley, Ryan. “Nightclubs, Dancing, and Reforms to Japan’s Sex-Industry Laws (*Fueihō*): Lessons in Shifting Global Politico-Economic Trends from the ‘No Dancing’ Country”, *Japan Forum* 32, 2019, p. 10-13.

reforms, to reveal the global politico-economic structures underlying them. Hartley mentions his research as follows; “Nightclubs are a sociological ‘canary in the coalmine’ portent of wider trends, as is Japan’s relationship with them”.⁵⁰

In the case of the Cabaret Law, it was repealed in 2017, which means that its ‘story’ is complete and can thus be used as a perfect foundation for analysis in a case and topic that is, as of the writing of this thesis, still ongoing.⁵¹ The same could be said for the Japanese dance ban, which saw a change in the legislature in 2016 to alter the more archaic nature of the ban and advance the Japanese dance culture by ‘relaxing’ the rules and restrictions of the ban.⁵²

3.2.2. Killing joy

Another theme that emerged during the literature was something which this thesis will dub ‘killing joy’. This is a theme that pertains to the notion that various social activities are used as prohibitions tools or objectives on what not to do. For instance, one could make the argument that video games enforce violence due to the contents of said video games. But this is to paint with a broad brush and to frame a social activity as a negative demeanor simply to avoid talking in detail as to the many aspects that may actually lead to violence being perpetrated in society.

By using things that are considered ‘fun’ or relatively ‘forbidden’ to do in social activities, such as drinking, partying, or in this case, dancing, one can present a ‘solution’ to a complex and nuanced problem. In the case of the dance permit, the focus was to hinder drug use and lewdness in society, and by ignoring the various issues behind drug use in general, dancing was issued as a common gateway into taking drugs.

And this concept of ‘killing joy’ is something which is further discussed in the work, ‘*Glädjedödarna: en bok om förmynderi*’ (or ‘*Killjoys: a book about guardianship*’ in English), by

⁵⁰ Hartley, 2019, p. 1.

⁵¹ Correal, Annie; “*After 91 Years, New York Will Let Its People Boogie*”, The New York Times, 30/10-2017, <https://www.nytimes.com/2017/10/30/nyregion/new-york-cabaret-law-repeal.html>, accessed: 05/03-2022.

⁵² Coultate, Aaron, “*Japan’s cabinet approves changes to no-dancing law*”, Resident Advisor, 28/10-2014, <https://ra.co/news/26953>, accessed: 05/03-2022.

Mattias Svensson, where the author discusses how politicians and various authorities exercise bans and regulations on, what Svensson describes as - ‘everything that makes people happy, pertaining them to be killers of joy.’⁵³

He goes on to mention that for individuals with the power to exercise control and regulation, threats are seen in all facets that may ‘bring joy’, whether it be on the dance floor or in literature, or within various other media - the primary solution is to bring about strong regulation and/or complete ban of the medium.⁵⁴ Svensson explains that the main form of coercion for regulation is through misinterpreted statistics and moral cues, which harkens back to the genesis of the Swedish dance permit law and the scare of drugs in relation to dance.

3.2.3. Short summary

As stated in prior chapters, finding research specific to the Swedish dance permit law is challenging, as any former research in regard to the chosen topic is practically non-existent. It is referred to in some texts and writings that deal with and/or highlight the history of dance as an art form and/or cultural phenomenon in Sweden, but any distinct research concerning the themes that this study is interested in is hard to be found.

This poses both a challenge and a relative relief for a thesis such as this one, as working on such a topic does not open up the possibility to a lot of former work to draw upon, but simultaneously also presents the researcher with finding relevant material that is in relation to the chosen research topic and can help in answering the research question(s).

Simultaneously, trying to focus the scope of the search for relevant material by assessing only articles and studies, and excluding bachelor and master theses (not that there were particularly any theses to exclude exactly), posed an arduous task as there is not much research to go on. What is prevalent to note, is that the majority of the research found is using qualitative methods of gathering data, through the means of interviews, observations, analyzing various documents, and

⁵³ Svensson, 2011, p. 17.

⁵⁴ *ibid.*

other important and relevant data. And while they do not specifically pertain to the Swedish dance permit, they are valuable resources nonetheless, as they share characteristics and qualities that could be applied in relation to the theme of the Swedish dance permit.

It is also worth noting that there is a 'knowledge gap' regarding this topic and the lack of relevant studies on the matter, highlighting the relevance and need for this study.

4. Theoretical framework

It was mentioned before that the findings of the literature review could be regarded as an island on which to seek comfort when lost in a vast sea of ignorance and confusion. Well, the theoretical framework could thus be seen as the boat on which to partake such a journey. In this case, the questions that this study aims to answer are;

- ***How are individuals, who are subjected to and/or tasked with maintaining this law in Sweden, affected by it?***
 - *And what is the reasoning behind that?*
- ***How do individuals, who are subjected to and/or tasked with maintaining this law in Sweden, perceive it?***
 - *And what is the reasoning behind that?*

With that in mind, appropriate and relevant theory ought to be applied to be able to understand the traditions and systematic ideology behind the Swedish dance permit. For that very reason, this study will make use of three theoretical themes - the legal theory of Roscoe Pound, the concept of living law by Eugen Ehrlich, administrative theory by Henri Fayol, hierarchy theory by James D. Thompson, and bureaucratic theory by Max Weber.

4.1. Lost in translation

The very core premise of Roscoe Pound's theory is the notion that what makes 'law in action' be given credit to the 'written law' but rather to the actions and practices executed by specific people - most often jurists and judges (however, this study will also make use of the implementors or maintainers of the law, such as security guards or the police). Pound reasons in this manner as these are the individuals who usually control the institutions, such as the courts, which are responsible for executing the law in books into practice and action.⁵⁵

In essence, these people could be seen as the 'translators' of the law, and their actions and practices determine if the actual definition of the law - as it is written in the books - will be translated into action or be reinterpreted into their own accord. Additionally, the interpretations of these individuals are also determined by personal perceptions, values, and opinions.⁵⁶ In an issue where the law could be ignored, misconstrued, and/or misinterpreted, Pound's theory becomes a highly reasonable tool in understanding why that is.⁵⁷

In the context of the Swedish dance legislation, Pound's theory serves as a useful analytical tool to understand the dynamics between what kind of law is written, and what law is actually practiced. As Pound himself noted, the law is not to be pursued for its own sake, but to be a tool and assistance for the needs and interests of any society.⁵⁸ By applying Pound's theory in this study, one is able to see if the dance legislation is actually in service of society, or if something else is in play. It will also serve to answer the second sub-question - why individuals, who are subjected to and/or tasked with maintaining this law in Sweden, perceive it in the manner that they do.

Pound's theory also shapes the formation of the way in which the analysis will be conducted, as well as how to interpret the data gathered. Since his theory pertains to the notions of

⁵⁵ Banakar, Reza, "Who Needs the Classics? - On the Relevance of Classical Legal Sociology for the Study of Current Social and Legal Problems, in *RETSSOCIOLOGI*, Ole Hammerslev, Mikael Rask Madsen, eds., Copenhagen: Hans Reitzels Forlag, 2012, pp. 2-4.

⁵⁶ Banakar, Reza; Travers, Max; "Law in Action", in *Law and Social Theory 2nd Edition*, Banakar, Reza; Travers, Max (ed), 2013, pp. 161-162.

⁵⁷ A. Gardner, James; "The Sociological Jurisprudence of Roscoe Pound (Part I), 7 *Vill. L. Rev.* 1", 1961, pp. 1-6.

⁵⁸ Banakar, Reza; Travers, Max; "Law and Social Theory", Bloomsbury Publishing, 2013, p. 36.

legal authority, and narrative making through law-bending, will be the aspects on which to focus to examine the interviewees' statements in relation to the Swedish dance permit.

4.2. 'It's alive!'

Harkening further on the premise of understanding law in the written form and law in action, one could turn their attention to the notion that legal law is not always the definitive advocate for order and legality. Thus, one could turn to the theory stipulated by one of the primary founders of modern sociology of law - Eugen Ehrlich.

Ehrlich proposed a theory that he called 'living law'. He noted that living law regulated the social life within a community and managed to differentiate itself from 'legal law'. Ehrlich pertained that this notion coordinated the lives of people, in sometimes greater respect, than legal law did or could hope to.⁵⁹ With specific norms, regulations, and values, living law attracts followers based on formed social relationships between people, which worked off on moral and emotional commitments and understandings.⁶⁰

However, Ehrlich also noted that when used 'properly' (which is a very broad term) in accordance with legal law, living may create values and norms that are in some part synonymous and shape a community in combination with moral understanding and emotional commitment.⁶¹

When applying this theory to this particular study, the premise behind it serves to answer the first sub-question surrounding why the dance permit affects people in the way that it does. How does living law affect the implementation/protection/execution of the dance legislation, or does it even affect it at all? With such an unexplored topic as the one this study aims to answer, one is bound to start somewhere. Ehrlich's concept of living law provides a useful lens when

⁵⁹ Banakar, 2012, pp. 3-7.

⁶⁰ Ehrlich, Eugen; A. Ziegert, Klaus, "*Fundamental Principles of the Sociology of Law*", Taylor & Francis Group, 2001, pp. 486-506.

⁶¹ It is an example of legal pluralism (a set of multiple legal systems within one society and/or geographical area) that shows how cultural norms and values are interacting with a legal law; Banakar; Travers, 2013, p. 214; Banakar, Reza, "*Normativity in Legal Sociology: Methodological Reflections on Law and Regulation in Late Modernity*", Stuttgart: Springer, 2015, pp. 219-220.

showcasing the disparaging dichotomy between those who choose to follow the dance permit and those who do not. And simultaneously also explains why that could be.

4.3. It's all about paperwork!

When taking into account the statements provided by the interviewees and the individuals from the ethnography, one central aspect emerged - bureaucratic laziness. And while this concept will be further developed and explained during the analysis, this section will cover the theoretical tools used to do so.

Thus, several different relevant theories in relation to the chosen topic and the concept of bureaucratic laziness have been selected, such as institutional theory by W. Richard Scott, hierarchical theory by James D. Thompson, bureaucratic theory by Max Weber, and administrative theory - found in the works, '*General and Industrial Management*', by Henri Fayol, '*Organizations in Action Social Science Bases of Administrative Theory*', by James D. Thompson, and '*The Public Administration Theory Primer*', by H. George Frederickson, Kevin B. Smith, Christopher W. Larimer, and Michael J. Licari.

Administrative theory can be summarized best through its original concept - an analysis "concerned principally with achieving the 'most rational' organization for coordinating the various tasks specified within a complex division of labor".⁶² Now, while the theory's creator, Henri Fayol was mainly interested to use the theory to mainly deal with business management, he did note that the practicality of the theory could be applied to "all formal organizations, including political and religious undertakings".⁶³

In the case of the topic of this study, administrative theory serves as a useful addition to the previously mentioned theories by Pound and Ehrlich and manages to provide an insightful perspective and understanding relating to the concept, that was mentioned by the interviewees, of bureaucratic laziness.

⁶² Scott, John; Marshall, Gordon; "*A Dictionary of Sociology - 4th edition*", Oxford University Press, 2014, p.6.

⁶³ *ibid.*

It should also be mentioned that while there are various forms of administrative theory, the chosen form of this study will be of a normative kind. As highlighted in '*The Public Administration Theory Primer*', the normative kinds of administrative theory "form the bridges among public administration, political science, and philosophy".⁶⁴

While Ehrlich's theory presents the lifeworld of the interviewees, and where Pound's theory highlights the gap between the law in the books and the law in action, the administrative theory, goes into greater depth as to how the gap may have emerged, and why it has indeed led to the perceived lifeworld of the interviewees.

Simultaneously, this theory will be used in addition to two other theories, thus strengthening its validity and use in this study. Additionally, personal experiences of the dance permit are to a huge extent what this study aims to present and analyze, so the theory fits in that regard.

Simultaneously, the theory of bureaucracy laid forward by Weber is also a useful addition, as it describes "the salient characteristics of enduring large-scale organizations", something which Weber noted as "ideal types" - a notion for which to strive towards.⁶⁵ However, Weber also wanted to research the rational side of goal-oriented behavior and ideal-type striving, which is what led him to examine how an organizational mechanism of several different individuals achieves this.

Much like Fayol and the other theorist in this chapter, Weber was focused to see how his reasoning could be incorporated into administrative mechanisms, and thus proposed his theory of bureaucracy. And while it will be explained further during the analysis, it should be noted that much like the other theories pertaining to administration, Weber's theory can be incorporated to examine any large-scale organization, even governments.

The same goes for Scott and Thompson's theories, as Scott observes the creation and evolution of an institution through the means of economy, norms and values, laws, and other

⁶⁴ Frederickson, H. George; Smith, Kevin B.; Larimer, Christopher; Licari, Michael J.; "*The Public Administration Theory Primer*", Routledge, 2018, p. 7.

⁶⁵ Frederickson; Smith; Larimer; Licari; 2018, p. 104.

aspects.⁶⁶ Thompson, on the other hand, looks at the hierarchies within the institutions and how they are affected, and subsequently the purpose they serve within the institution.⁶⁷

Since the permit has been put to use by the government, it does become an interesting aspect to examine how the rules and norms of this particular institution are affecting its members through its bureaucratic practices.

5. Methodology

To investigate the phenomenon of dance permits through a socio-legal narrative, discussions with security guards, police, dancers, and others, who frequent places where dancing is performed and where one would have to require a permit will be conducted, through the use of ethnography and informal interviews.

This is to understand how those who are subjected to and/or tasked with maintaining this legislation, perceive it as well as to note how they are affected by it. Therefore, interviews with police officers, security guards, and case managers (Swedish: handläggare) will also be used as this provides a broader understanding given the fact that this investigation is relatively limited in its timeframe and overall scope.

It should be noted that the premise of this study was to interview a larger variety of individuals, primarily those who are responsible for drafting/changing this legislation. But having asked seven jurists - five turned the offer down to participate in an interview, one referred me to the Swedish Penal Code for more info, and one did not even reply back.

Notably, most dance establishments also did not bother replying or answered that they did not want to participate, which in turn is a shame as they are predominantly the group that is affected by this permit the most.

⁶⁶ Frederickson; Smith; Larimer; Licari; 2018, p. 74-75.

⁶⁷ Frederickson; Smith; Larimer; Licari; 2018, p. 75-77.

However, the interviewees gathered are all in some capacity either affected by the permit or responsible for enforcing it. Their answers showcase an interesting framework of which further research on this matter could be conducted and on a large scale and scope.

5.1. Qualitative research

This in turn means that the research will be of a qualitative kind rather than quantitative, as the point of the study is to investigate the perceptions and understanding of the dance permit regulation by individuals who are in some aspect affected by it. Now, qualitative research is, like many scientific methods, an evolving and changing concept based on who it is used. This arguably fits the narrative of this study, as further research could and should be conducted on this issue, meaning that the theoretical foundations of this study could potentially change with further research.

However, qualitative research is at its core a rather useful tool for data sampling when trying to avoid randomness in one's study. It should be noted that randomness is not something to completely disregard, but in this case, the primary individuals who are 'interested' in this study to conduct interviews with, are primarily people who in some capacity are involved with the dance permit. Thus, randomness cannot be a prevalent factor. This does pose a dilemma if the case study in question would be conducted with a larger group of interviewees or in a larger capacity than this study aims to do. However, the data found by this rather smaller study can still provide fruitful and enlightening results in combination with in-depth analysis.⁶⁸

To analyze the data derived from the interviews and ethnographic fieldwork, this study will make use of a thematic analysis.

⁶⁸ Silverman, David; "*Doing Qualitative Research: A Practical Handbook*", SAGE Publications Ltd, 2000, p. 56.

5.1.2 Ethical Considerations

In terms of ethical considerations, this study has been conducted with the four ethical principles for research. They are derived from the research conducted by *Forskningsetiska Rådet* and detail the requirement for gathering information and data in the context of consent, confidentiality, and utility.⁶⁹

As this is student research, this study is not legally obliged (as an exception) to follow the requirement put forward in Swedish law, but does so in great capacity anyhow, as these requirements are useful guidelines when gathering information through the use of ethnography and interviews, and maintain an ethical treatment for the participants of the data gathering.⁷⁰

In order to maintain the requirement for information gathering, the interviewees were to be informed of the purpose of this study and how the information they gave would be used. They were also made aware of the fact that their answers would be anonymous and that their involvement was voluntary - meaning that they withdraw their consent to the interview at any point if they felt like it. Simoultanisly, the interviewees were made aware that they could also 'skip' certain questions that they might not want to answer, and that no further asking would be made in that case (however, this was not the case for any of the questions or the interviewees).

Additionally, there is the aspect of confidentiality to take into account, where all personal information that could be linked to the interviewee is anonymized, changed, and/or altered for their confidentiality. And while partaking in this study should hopefully not pose any form of danger to anyone, allowing a person to speak through the means of anonymity opens them up to speak more freely without any potential form of concern. The interviewees have therefore been given 'pseudonyms' from types of dance forms (because if false names are to be used, why not make them more relevant and fun?). The pseudonyms are as follows;

1. *Ballet* - **security guard #1**
2. *Tap dance* - **security guard #2**
3. *Salsa* - **security guard #3**
4. *Tango* - **security guard #4**

⁶⁹ Forskningsetiskrådet, 2002, pp. 7-14

⁷⁰ (SFS 2003:460), (SFS 2003:460 §2).

5. *Ballroom* - **police training supervisor**
6. *Swing* - **Visita employee**
7. *Rumba* - **bartender/hobby dancer**
8. *Moonwalk* - **case manager at the police**
9. *Twist* - **a member of Sweden's Riksdag**

Finally, the material gathered from the interviewees can only be used for this study and will not be shared, distributed, or in any way used other than that.

5.2. Ethnography

This study will also focus on using the ethnographic methods presented in some of the chapters of *'Theory and Method in Socio-legal Research'*, by Reza Banakar and Max Travers. Specifically, the parts will be derived from points 1.2. *'Socio-Legal Ethnography'*, by John Flood, and 2.6. *'Using Ethnography as a Tool in Legal Research: An Anthropological Perspective'*, by Anne Griffiths.

As John Flood pertains in his section of the book - where he details the fundamental aspects and importance of ethnographic research - ethnography is a tool that bases itself on the very foundation of social interaction and provides the researcher a way of understanding an issue or a question in greater depth.⁷¹ He goes on to mention that out of the many social methods of gathering data and furthering one's research, only ethnography is truly capable of providing one with insight and understanding of what is actually occurring within a social sphere. That is primarily, as Flood puts it because ethnography manages to have the researcher simultaneously be in and outside of the examining sphere. As Flood mentions, ethnography "is both a literary and scientific endeavor without privileging one over the other".⁷²

In addition to Flood's regard for ethnography, Anne Griffiths provides additional reasoning for the use of the data gathering method. As a method for socio-legal researchers, Griffiths writes of

⁷¹ Flood, John; "Socio-legal Ethnography", in *Theory and Method in Socio-Legal Research*, Banakar, Reza & Travers, Max (ed), Bloomsbury Publishing, 2005 pp. 36-39.

⁷² *ibid.*

ethnography - through the comparison of ethnographic methods in her own original study - as being a way of understanding and highlighting the relationship between social interactions and conditions in contrast to the law.⁷³ She pertains to the notion that ethnography manages to move beyond the conventional legal discourse through a means of providing contextual perspectives, stories, and experiences that individuals may have and equips the researcher with the possibility of an extensive socio-legal study of a particular topic and/or issue.⁷⁴ It is a method, as Griffiths puts it, that situates law in relation to other bodies and agencies that construct social relations”, and it manages to initiate discussions and examinations on aspects of legal discourse that are yet to be addressed, explored, and understood, whatever they may be.⁷⁵

In the scope of this study, ethnography will serve a useful purpose as it is a way of gaining an understanding of the perceptions of the Swedish dance permit from non-specific individuals. It allows one to participate in an informal setting, such as a bar or nightclub, and use the data gathered from it to try and answer the questions that this study poses. With such an informal setting, the very presence of a researcher and interviewer may not appear to be as ‘intimidating’ or unknown, as it perhaps can be when an interview is being conducted. In combination with the interviews that this study aims to do, ethnography presents a more general and non-specific perception of the dance permit, which serves only in favor when dealing with an unexplored topic such as this one.

5.3. Interviews

As previously mentioned, this study will make use of interviews in order to gain an understanding of the relevance of the Swedish dance permit, and to answer the posed research questions. In order to conduct the interviews, this study will pertain to the interview methods presented primarily in the works, *InterViews: An Introduction to Qualitative Research Interviewing*, by Steinar Kvale, and

⁷³ Griffiths, Anne; “Using Ethnography as a Tool in Legal Research: An Anthropological Perspective”, in *Theory and Method in Socio-Legal Research*, Banakar, Reza & Travers, Max (ed), Bloomsbury Publishing, 2005 pp. 101-103.

⁷⁴ *ibid*, pp. 105-107.

⁷⁵ *ibid*, pp. 113-114.

‘*Doing Qualitative Research: A Comprehensive Guide*’, by David Silverman and Amir Marvasti, and in ‘*Sambällsvetenskapliga metoder*’ (or translated, ‘*Methods of Social Science*’), by Alan Bryman.

In the latter-mentioned work, Bryman pertains to the fact that research of a qualitative kind serves primarily to understand the experiences of individuals, in this case, the interviewees, and thus to be able to assign relevant meaning to their experiences. Qualitative research then becomes the tool for which one can highlight the details and nuances of a given perception and/or understanding. It in turn presents a more broad and fleshed-out understanding of a studied topic or issue.⁷⁶

With that being said, one can adopt the idea of ‘life world’, a notion that pertains to the everyday experiences and reflections of an individual. Peter D. Ashworth describes the concept of the ‘life world’ as being an idea that can be applied rather broadly and generally in terms of qualitative research, thus being a useful application and tool within any social scientist’s research. With the interviewees in mind, this research has to take into account their understanding as it will ultimately provide an answer to the research questions that this thesis poses.⁷⁷

Thus, this research will pertain to an epistemology of an interpretive kind, in the sense of trying to understand how individuals perceive this regulation of prohibiting people from dancing without a permit.⁷⁸ This in turn means that the data collection of this study will not specifically be of an objective kind but also of a subjective one, due to the answers to the research questions being influenced by the responses given by interviewees, which in turn pertain to an individualistic and subjective perception of the research topic. This also means that there are different ways of understanding the data that has been collected and that it simultaneously invites and opens up the possibility for further and more expanding research to be conducted on this matter.

As mentioned previously, in addition to the interviews, this study will make use of a qualitative ethnographic approach as it is a valuable inclusion of additional data gathering. Bryman highlights the usefulness of managing to combine different data collection strategies, as it provides

⁷⁶ Bryman, Alan; “*Sambällsvetenskapliga metoder*”, Stockholm: Liber, 2018, p. 479.

⁷⁷ Ashworth, Peter D.; ‘The lifeworld – enriching qualitative evidence’, in *Qualitative Research in Psychology*, 13:1, 2016, pp. 21-23.

⁷⁸ Mason, Jennifer, “*Qualitative Researching - Third edition*”, Los Angeles: Sage Publications 2019, pp. 8, 226.

more perspectives and understandings of an issue.⁷⁹ Simultaneously, interviews are rather dependent on the interviewees' time and schedule, which means that in research that is conducted within a limited timeframe, the expected amount of interviews may differ from the interviews that have actually been managed to be conducted. This means that an additional method, such as ethnography, provides the researcher with additional data that may not have been able to gather solely from the interviews.⁸⁰ It is a common sociological method that provides one with the advantage to study the behavior and conduct, both intentional and unintentional when in a collective setting, such as on a dancefloor.

Additionally, interviews are also an interplay of data collection, and potential trading of information, as the interview should not solely be seen as a method of getting answers but rather an opportunity to understand and affect one's perceived unconscious biases of a case. For instance, Kvale mentions in his work that interview-making is a phenomenon of gathering information on an individual's perceptions, experiences, and everyday life.⁸¹

This in turn provides the researcher with the framework of understanding and analyzing the given statements in regards to the research that is being conducted and questions in need of answering. Kvale highlights that interviews may produce strong and useful data on the chosen research topic, in terms of descriptiveness of an event or an experience, specified emotions at a given time, rich understandings and perspectives of an issue - things which in turn may illuminate the research overall and provide one with a solid foundation to conduct an analysis upon.⁸²

It should also be noted that this method is particularly chosen as a result of the literature review of this study. The lack of previous specific research on this topic has led to interviews being the primary source of data gathering as this entails that new perspectives, understandings, and notions regarding the Swedish dance permit can actually be put to paper for the first time in academic research.

⁷⁹ Bryman, 2018, p. 481.

⁸⁰ *ibid.*

⁸¹ Kvale, Steinar; "*InterViews: An Introduction to Qualitative Research Interviewing*", SAGE Publications Inc, 1996, pp.10-16.

⁸² Kvale, 1996, pp. 10-16.

5.3.1. The interview process

As stated previously, nine interviews were conducted, all to a huge extent informal in their execution due to the context aim of the study being interested in understanding the perception and reasoning behind this legislation. The potential difficulty with conducting interviews is that you cannot go into the process with absolute certainty that everyone will accept your proposal for an interview. You have to be prepared to have ‘backups’ and mold your study in accordance with the people you wish to interview. Thus, the people who you thought might be suitable to answer your questions might not also be the ‘right’ ones or even the ones available.

For instance, the premise of this study was primarily to ask individuals who worked with dance, i.e. folks who were to be mostly affected by the permit requirement, and to see how they felt about this dance permit being enacted in Swedish legislation. And to gain the perspectives of the individuals who enforced and maintained the legislation, i.e. jurists, police, and politicians. However, when calling most dance studios, for example, the answer oftentimes given was that they had nothing to do with the dance permit and that one had reached the wrong establishment to contact.

Likewise, many other groups which I felt could be linked to this area of research - such as certain security companies or exercising dance studios, were quick to dismiss the idea of participating in an interview or even giving their opinion on this matter. The most likely answer to this probably revolves around the fact that not many see the benefits and time-spending of talking about dance permit legislation.

Such is perhaps the reason why the office of the Minister of Justice, Morgan Johansson, declined an invitation for a short interview. Likewise, the office of the Minister of Culture, Jeanette Gustafsdotter, also declined an invitation. Ironically enough, both parties suggested that I contact the other instead and that the other was primarily in charge of such an issue and could thus give a more resounding and clear answer.

The decline from both offices was a particularly disappointing aspect of this study, as it would have provided a concrete answer and understanding to the question - why is this legislation still active? But at the same time, this may also be a form of blessing in disguise, as an answer from

both parties, or even just one, would have given a concrete answer and might have shortened this thesis down a couple of pages, but it may have also shortened the room for speculation and analysis. Thus, the answers given by people who are directly affected by this or who have to put up with this dance permit regulation are those which ought to be at the forefront when analyzing anyone's perspective and understanding, and perhaps their testimonies could result in the offices of these two ministers making time to hear the people's experiences with this dance permit which they refuse to remove.

As previously stated, interviewing is in great part a factor in adapting to the situation at hand. For instance, there were no professional dancers that were interviewed, but students interested in dancing and planning on doing so during a fun night out were rather only present during the ethnography. Only one club owner responded to the request of joining an interview. However, they answered that they could be reached via e-mail at lunchtime on a specific date. But when contacting said individual, no response was given, either via telephone or via e-mail.

This meant that the questions posed could not be 'rigid' nor the same, but rather in a similar fashion to the ethnography process of posing questions in reference to the situation.⁸³ For instance, when interviewing a security guard about their reflections regarding the permit, the questions posed focused more on their perceptions of safety in their line of work and if this permit actually provided safety measures for them or not. When comparing this to the interview conducted with the representative for the company Visita (an industry and employer organization for the Swedish tourism industry. Their main line of operation is to sign the industry's collective agreements), the questions were more focused on gathering info as to why this permit has yet to be removed, as Visita is known for having lobbied against the dance permit regulation.

At the same time, every interview affected the outcome and drafting of the other one, especially the one that succeeded it. As an example, one of the interviewees was a politician and member of the Riksdag, who has shown a particular interest in removing the dance permit legislation. Their line of argumentation revolved around the fact that this permit serves no one and that it instead creates more difficulties and hardships for small business owners, rather than showcasing real change and effect. Having conducted an interview with this individual, I was

⁸³ There were a couple of standard questions which were posed to everyone, with follow up questions being asked in dependence of the situation/interviewee. These can be found at the appendix of this thesis.

recommended by them to turn my attention to Visita, who I was told was rather against the dance permit, and had fought long and hard to have it removed. I was told by the Riksdags member that I ought to ask them in more depth about their stance on this issue and if they would be willing to provide some more information on this matter.

Thus my questions for Visita were in part influenced by a perception of them having a negative outlook on this matter and I could focus on asking questions that were specifically interested in knowing who benefits from this permit. Their answers came in the form of an e-mail specifically highlighting the same points made by the Riksdags member who had suggested that I reach out to them. This in turn also made me realize the importance of asking if there is someone else who I should speak to. But also that my findings from one interview could potentially influence the other.

So the answers given from Visita about this permit not really affecting anyone positively, and that it ought to be scrapped, led me to focus more on the 'safety' aspect of this permit. Having looked into the history of this permit, my focus changed to asking people if they found that this gave any sort of reassurance in their line of work - if it actually served the purpose it had originally been advocated as pertaining to - safety and order. Naturally, the main focus group for such a question was people in clubs and individuals who were trying to dance, but also guards and officials who had to make sure that the regulations set forth by these permits were followed (case managers of the police, police officers, and others).

What was imperative then was to make sure to ask relatively neutral questions, and not showcase any specific opinion. Do not get me wrong, this is the case when conducting the interviews with everyone else involved - it is not the job of the case manager to make a stance on this issue, nor was it made with the other interviews. But both Visita and the individual who recommended that I speak with them (the Riksdag member) had openly shared a disliking of the permit, thus their stance was very clear from the get-go.

With security guards and the police, one has to make the assumption that they are for the legislation they are employed to protect and enforce. And so the questions posed started off with a very neutral stance - "how familiar are you with the Swedish dance permit?", or "have you come across a lot of cases involving this permit?". Thus giving them the opportunity to showcase their

perception of this matter without coming across as too strong or giving them the false sense of me having taken a stance on the matter.

5.4 Thematic analysis

To analyze the data, a thematic analysis was used. In such a case, the analysis makes use of predetermined themes (found in the theoretical parts and the literature review) and manages to generate new ones as well (showcased in the analysis part). By using the data program, Nvivo, the program 'expedited', what could be perceived as large quantities and/or complex forms of data into practical forms of 'coding' to be analyzed.

As stated by Alan Bryman, coding is a means to find the 'patterns' within the data that is being examined.⁸⁴ By making use of codes, one can organize their data into a coherent and understandable fashion, so as not to be lost in their own findings and to make their research much more structured and organized. In order to achieve this, the first step taken was to transcribe the interviews.

Now, transcribing anything that does not involve more than a couple of words could be a time-consuming task, but in this case, having the interviews 'laid out' in the written text was the first step in the organizing, structuring, and coding of the data.⁸⁵ Simoultanisly, none of the interviews were conducted in English, so a translation was to be made. And while it would have been much easier and more coherent to have the original data in the language in which one's study is being conducted, being able to translate the data is also a favorable option.

However, this does mean that there may pose a risk of losing the potential original meaning and/or essence of the statements provided by the interviewees. That is why one has to carefully interpret every statement and make sure to not just translate the statements verbatim, but to translate the context and effect of a quote so that it is still coherent in another language without losing its meaning.

⁸⁴ Bryman, 2018, p. 690.

⁸⁵ Bryman, 2018, p. 577; Kvale, Steinar; "*Doing interviews*", SAGE, 2007, p. 94.

By using the themes found through the statements given by the interviewees, each question can be separately answered. For instance, the theoretical framework was structured using two different themes, *fear*, and *killing joy*, that were found when conducting the searches. The analysis will have two distinct themes, *status*, and *tradition*, as these were the primary aspects brought up by the interviewees.

The themes were in due part generated with the research questions in mind. They were found by noting patterns of what was repeated by the interviewees. By taking a larger amount of data and ‘condensing’ it into relatively smaller themes or categories, one is able to present the data in a rather more coherent way than one would otherwise. It is a bit when watching the final cut of the movie in relation to how it looked like during the first drafting of the script. The movie is not going to put up a large text on the screen that dictates emotion, actions, and the like, but rather show it through the acting, cuts, music, and other factors that showcase what to feel and relate to in that setting. The premise is relatively the same in this aspect - taking large quantities of information and turning it into a coherent and understandable summation.

However, it should be noted that an analysis of this kind should not just be conducted during and after the interviews, but also before.⁸⁶ While this might seem like a hindrance that enables one to gain new perspectives by forming pre-conceived ones before the actual interviews, it should be noted as the opposite. As Kvale notes, this matter of conducting an analysis makes sure that there are in fact no determined notions until the research is actually complete, as one cannot make a definitive stance until the end, and has to take into account one’s own perceptions and interpretations to gain a greater understanding of a context.⁸⁷

⁸⁶ Kvale, 2007, p. 102.

⁸⁷ *ibid.*

6. Presentation and analysis of empirical findings

At the very start of conducting this study, the initial thought was to visit bars, dance studios, nightclubs, and maybe even an aerobics class to gain a varied perception of where and how dance is conducted. However, as with most research, one has to adapt to the circumstances which occur at the given time. In this case, a large workload and the annoyance and confusion of the asked participants combined into a small reduction of potential places to conduct fieldwork at. At establishments that were primarily centered around dance, the first instinct appeared to be that of confusion as to why someone would be interested in examining such an issue, followed by a courteous, albeit visibly annoyed indication that one ought to leave the establishment and/or speak with someone else.

6.1. Perceptions of the dance permit

These reflections are from the locations in Lund (two student nations, where a sittning was held at one - Helsingkrona Nation, and an afterparty at the other - Sydsånska Nation) - the notes were primarily written after the visit to the establishment. The ethnography itself was conducted during a sittning on the 12th of March 2022 and led to visiting another nearby student establishment for an afterparty. The primary use of ethnography served as a basis to gain an understanding of the perception of the dance permit by those who could potentially be affected by it. It was also a measure to gain data in case of the interviewees declined to participate at the last minute, as a person's schedule might change depending on a variety of different reasons. Therefore, the ethnography was simultaneously a useful addition to the interviews, in that it managed to provide data in case the interviewees declined to participate but also lay out a perception of the permit for me to proceed with when conducting the interviews and what questions to pose.

Discussions with individuals were had when standing in line, during the dinner of sittning, or a chance when someone would take a break from dancing at the afterparty and stand in line to grab a drink. As the event at the establishment was organized and held by an organization with members from different national ethnic backgrounds, the answers to the questions posed very

quite varied as it meant that different perspectives and understanding of this issue could be incorporated.

Prior to conducting this investigation, I was quite unsure as to what to expect from people when asked about the Swedish dance permit. If I am to be completely honest, my expectations for many people's familiarity with the permit would be fairly low, not just for individuals who are visiting Sweden for studies but also for native Swedes. This is because it is not specifically something that I personally heard a lot about growing up, and assumed was something that a lot of other native Swedes were quite unfamiliar with.

However, the concept of the permit appeared to be well known, even among many international students. When asked how they would know about this, they would explain that their Swedish friends would inform them about the regulation or that they found about it on a website (studyinsweden.se) which detailed useful information about the country in which they were about to spend their upcoming years studying in.⁸⁸

“My roommate told me about this when we went to a club for the first time in Sweden. She mentioned it in passing and I thought that she was kidding but apparently its a thing.. and people are even doing research on it. (laughs and points at me)” - *answer from a student in Lund*

The establishments filled up rather quickly and students with the urge to relax and have fun for a couple of hours were eagerly waiting to get to the dance floor. While waiting in line, I asked some individuals who were standing near me in the queue waiting to enter what their perceptions regarding the dance permit were.

“Sweden does things accordingly, which has its pros and cons. Taking time with ‘obvious’ things like removing this (permit) seems like a con. But I’m sure someone would argue against that.” - *a student attending a nation sittning in Lund*

⁸⁸ This is the article which many pointed to when detailing the website. It details primarily several things which are illegal in Sweden, one of whom is spontaneous dancing; Anita, “*5 things that are illegal in, Sweden*”<https://studyinsweden.se/blogs/2018/02/20/5-things-illegal-sweden/>, Study in Sweden, 20/02-2018, retrived: 15/04-2022.

These individuals were all international students who had some understanding that dancing without a permit was illegal in Sweden. They did not however particularly enjoy the concept nor did they understand the backstory behind the legislation as it is a quite unique concept. One person claimed that it “infringed on basic rights and decency to demand such a thing”, while another motioned that the ban ought to be eliminated altogether as it was hard to see what kind of purpose it serves.

“I’m from Mexico, where we know how to dance and do it often. So this does not make any sense to me. But maybe it’s the law in Sweden because I haven’t seen a lot of good dancing here.” - *answer from a student in Lund*

When asking individuals if they knew the background and reasoning for the dance permit legislation, only two individuals guessed right, with one making an estimated guess and the other actually knowing due to one of their family members have worked in a dance club in Sweden. However, not all agreed that this was a valid reason for maintaining the law and figured that further investigation into this legislation ought to be done if people feel that it should be maintained.

“I guess more work needs to be done. Like most people have never heard of this and could risk paying fines for it, so like the government or whoever, should look into if this is necessary to keep.” - *answer from a student in Lund*

While the night progressed, the dance floor was starting to fill up with people waiting to make use of their alcohol intake and not worry about how their dancing looked in front of other people. With such an entertaining night meant to be a harmless event for people to enjoy themselves, one could not ignore the security guards parading the parameters of the club every so often. But the criminal element never sleeps. And one cannot help but wonder if these guards took notice of any spontaneous dancing whilst looking for other illegal activities such as drug use, illegal flasks being carried in, etc. So I asked one of the guards while waiting to get in line, if the people in

the queue who sporadically moved in rhythmic fashion to the humming of famous tunes in a false key, could be seen as conducting criminal activity.

With, what I would only categorize as bewildered confusion, the guard answered that spontaneous dancing was not their priority during the evening events. I wondered why this guard chose to ignore this illegal activity and if it was a conscious choice. It was, and specifically something which the guard did not consider prior to me asking about it. I asked if they would consider it now that they had been made aware of the potential of unlawful activity, but the guard said that the focus would not be put on spontaneous dancing as it posed no threat to the safety of the people inside the club or outside.

“Our attention is directed more towards if people are drunk or are trying to carry things with them into the club, like small bottles or dangerous objects. I don’t think me or my colleagues will be concerned about how you dance or not.” - *answer from a security guard that worked at a student nation in Lund*

Granted, this was a sense of relief to know that a professional had deemed the situation as being secure, but I couldn’t help but wonder if the same sentiment extended to the people inside the club? Were the individuals who participated in the dancing inside the club worried that their moves towards the rhythm of ‘*Dancing Queen*’ could potentially get the owners in trouble if they lacked to acquire a dance permit? Out of roughly ten people who asked, not a single of them said yes. Five said no, two proclaimed that they did not know but guessed that they did not feel any worry or shame, and two others mentioned that they would if they actually thought that I was being serious - i.e. I am guessing not believing that what I was asking them about was actually a real thing, and one person asked if I was under the influence. I assured them I was not, at which point they shook their head and walked away.

At this point, I felt that the answers given were starting to repeat themselves and that I potentially would be getting the same answers no matter who I asked in the establishment. Additionally, as the night progressed, so did the alcohol intake and any answers given to me from people in the club at that point on would potentially not be substantial for any coherent reasoning

or useful for this investigation. I decided to end the ethnography and move forward with the interviews.

6.2. Answers from the interviews

This section of the study will be divided into two parts that are aimed at presenting the statements of the interviewees and the themes found when conducting the analysis of the data gathered through the interviews. This will in turn be used in chapter 7, ‘*Conclusion*’, where the research questions will be answered.

6.2.1. Status

The first theme that emerged during the analysis, revolved around the concept of *status*. Now, granted, this was not a theme that I expected to emerge within the interviews, but it is one worth noting as it showcases the disparaging nature of the legislation. As one interviewee put it:

“It feels as if they don’t have a grasp on who suffers the most. Like it’s an attack on working people trying to make a living. That’s what it is if you want an answer, that’s what it is - a class attack.” - *Ballet*

And the concept of status is one which can be regarded rather broad, as it could in this case refer to a class status more specifically, but also statuses amongst restaurateurs, dance establishment owners in relation to legislators or public officials.⁸⁹ If one observes this issue through the lens of administrative theory, then one could also apply the concept of W. Richard Scott’s institutional theory.

To reiterate, Scott’s theory differs from basic organizational theory, in that it looks at organizations from a more sociological point of view, incorporating elements such as behavior,

⁸⁹ Simply put - those affected by the dance permit v. those who enforce/regulate it. Should be noted that security guards and the police could be excluded from the latter mentioned, as will be made clearer in this sub-chapter.

established routines, socio-economic factors, and a range of other components.⁹⁰ It looks at how institutions (governments, for example), create structure, hierarchy, and other elements that are based on economy, values, traditions, and other factors. Scott treats this theory as a lens that showcases the changes made in an institution, whether intentional or not.⁹¹

In this case, one can view the dance permit as creating new structures and social statutes, simply by existing. As mentioned by Lynne G. Zucker, “institutionalized elements can ‘infect’ other elements in a contagion of legitimacy”, which means that rules or laws in society can oftentimes result in completely different things than they were intended to. In the case of the dance permit, it was designed as a protective measure in large social gatherings but had diverged into being an arbiter that created different social statutes.⁹²

This stems from the statements made by the interviewees, in which they detail how the permit has affected their business, both on a personal but also socioeconomic level.

“I have a friend who owned a bar in Gothenburg and got issued a fine because he failed to get a permit for dancing. It messed him up, it made life more difficult for his family - he has two daughters - and it just added to his worries. Honestly, I took it kinda personally too” - *Rumba*

Now, with Scott’s theory, it is not quite clear if this is an intentional practice or simply a ‘by-product’ of the dance permit. However, applying the hierarchical theory by James D. Thompson, shows that any organization/institution requires hierarchy not only because of establishing who is in charge but also as a means of control.⁹³ By having a centralized group or authoritative figure leading an institution, one is able to establish given rules, and norms and essentially shape a society in one’s own desired way. This also means that one is in a position of ‘hiding one’s own shortcomings by blaming another group or presenting measures that are

⁹⁰ Frederickson; Smith; Larimer.; Licari; 2018., pp. 74-75.

⁹¹ *ibid.*

⁹² Zucker, Lynne G.; “Institutional Theories of Organization”, in *Annual Review of Sociology Vol. 13*, 1987, p. 446.

⁹³ Frederickson; Smith; Larimer.; Licari; 2018., pp. 77-78.

supposedly designed to fix a societal problem, but is in fact just ‘sweeping the problem under the carpet.

What this means is that a government could view a problem, such as the potential dangers of lewdness, or the more current worry of crowd-control in large gatherings, as being solved through a rather populist measure - by introducing a ban on spontaneous dancing. In such a manner, specific groups of people will be targeted and affected by such legislation (in this case dancers, establishment owners, for example), and it will create a dichotomy that will disrupt the financial, and perhaps thus also the social status of certain individuals who are affected by this ban.⁹⁴

And targeting a specific group of individuals is not uncommon in these types of regulations. Harkening back to the Mumbai ban, the Cabaret Law, and the Japanese dance ban, the premise of all three was to target practices that were deemed immoral.⁹⁵ However, the standard of practice in such cases always seemed to pertain to doing that through populist means and notions, such as the fact that dance would be the gateway into lewdness and depravity.⁹⁶ The Swedish dance permit started out in quite a similar fashion, as mentioned in previous chapters. And while the statement of the interviewee notes that certain members of society are being affected by this legislation, it is not quite clear if that is an intentional targeting (as it was with the three mentioned dance bans in Mumbai, New York, and Japan).

What is quite clear, however, is the fact that most interviewees mentioned a disparaging nature between the legislation and the intended target which it is supposed to serve/regulate. They talked about the fact that the individuals who write the legislation are so out of touch with reality, that they believe that such a law could in practice not harm anyone - something that they argued was not the case.

⁹⁴ For instance, it can be concluded that establishment owners would not have to pay a fee of 700 kr to apply for a dance permit. Now while one might regard this as being a relatively ‘low’ fine, such an opinion is relative, as not all establishment owners are garnering a large revenue stream and/or are simply asking to host a small dance gathering. Not everyone has the financial means to spend 700 kr on a onetime fee everytime they want to dance - Tillstånd till offentlig danstillställning Ds 2018:20, p. 86.

⁹⁵ William, 2015, 485-486; Lerner, 2008, pp. 165; Hae, 2007, pp. 133.

⁹⁶ William, 2015, 485-486.

“People think it’s a silly law - and it is - but people are out here losing their livelihood over a ‘silly’ law, and that is not right at all. It affects people in an awful way” - *Tango*

With any law, there has to be a purpose and a meaning to continued enforcement of said law - i.e. it has to serve society in some capacity for it not to be replaced/removed.⁹⁷ For instance, one could argue that stealing is a criminal and thus also a punishable offense. However, most would agree that law has changed so that most stealing charges would be punishable with a particular length of being detained or imprisoned (or even sometimes with just the payment of a small fee being sufficient). What most of us, hopefully, would not argue for, would be to adopt the death penalty for stealing or involve legislation that would enact bodily mutilation for a stealing charge. Such archaic and old laws have been removed and altered in favor of some more modern brand of justice, and should only be found in long historic musicals. And while it may not be perfect, and in constant need of upgrading and evolving, the very tenets of modern legal institutions ought to be to favor the benefits of the people the legislation is there to serve.⁹⁸ As one interviewee puts it:

“I respect it because I work with this every day. And it is not up to me to decide what kinda laws are practiced, okay? I just make sure to enforce them and make sure that I do my job correctly. Do I like it personally? No, not really. It feels outdated” - *Ballroom*

Such is specifically the case for a law that was only ‘dusted off and ‘refurbished’ once in its long history. With the concept of preventing lewd behavior due to a scare of dancing being seen in the manner of most hardcore drugs, one has to ask if this is still the case - does the law prevent people from actually ‘getting high from busting a move?’

If one harkens back to the theme, *killing joy* - as mentioned in the literature review, then one sees the concept of introducing strict legislation that prohibits ‘innocent’ and ‘harmless’ activities for the means of ‘protecting’ or ‘sheltering’ society.⁹⁹ This legislation appears to primarily be a version of that. And by looking at it through the lens of Pound’s theory on legal action, it

⁹⁷ Banakar, 2012, p. 6.

⁹⁸ Banakar, Reza, “*On Socio-Legal Design*”, Lund University, 2019, p. 3.

⁹⁹ Svensson, 2011, p. 17.

becomes quite clear that the purpose of this legislation has been ‘twisted’ from what it originally was supposed to be (a means of safeguarding against drugs - now its a measure of crowd control in large gatherings. So why has it changed from one to the other, and why do the interviewees still not see the value in it?).

Pound describes this as a means to uphold legal authority, and that law can be twisted and bent to favor one’s own particular interests and notions.¹⁰⁰ In this case the narrative is to perpetuate that the legislation is there to enforce a sense of security during large gatherings. However, as one of the interviewees notes, this legislation does not solely refer to large gatherings but also to dancing in smaller establishments.

“People can be issued a fine when dancing in a small bar or club. What kind of gatherings does that specifically refer to if an individual is alone, huh? I still have to do something as it falls in my line of responsibilities, but why should I do that? It doesn’t make any sense.” - *Salsa*

Now, granted, law and order in a given society only work if the people responsible to protect and enforce it are ‘keen’ on doing so. Usually, that happens through the use of relatively underfunded pay (depending on who you ask and in which country/state you ask them that), and/or the solemn belief that being a protector of law and order is an honorable task. However, one interviewee answered the question of who does this law actually protect?

“Currently - no one as I see it” - *Swing*

Well, the original point of the legislation was to protect the safety of the people. However, by looking at it more closely, the question arises of *which* people are we talking about here. As stated earlier by another interviewee, the premise of the regulation in this day and age could be seen as being nothing more than a ‘class divider’, resulting in this being a law that would predominantly target small businesses, which are usually owned by the working or middle classes.¹⁰¹ This would

¹⁰⁰ Svensson, 2013, p. 48; Pound, 1910, p. 12–36.

¹⁰¹ Bergh, Andreas; “The Middle Class and the Swedish Welfare State: How Not to Measure Redistribution.” in *The Independent Review*, vol. 11, no. 4, 2007, pp. 533–546.

also mean that this law would thus predominantly be harmful to those who would not be able to afford to lose their liquor license (a large factor of their revenue stream), and would be forced to pay a substantial fine in the process.¹⁰² As the social classes go, the more wealth one is in possession of, the easier it would be to cover certain hardships that one may come across. Again, meaning that this law would thus specifically target one individual societal group. Which in fairness would not be so far off from the law's original premise.¹⁰³

“The requirement for a dance license imposes unnecessary burdens on companies, while there are no compelling reasons to maintain it. A regulation that requires permission from the Police Authority to let people dance simply lacks legitimacy. We see it as self-evident that people who want to dance should be allowed to do so without the police having approved it in advance and without the business owner risking fines or imprisonment as well as having the company's serving permit questioned” - *Swing*

In relation to, for instance, the New York City Cabaret Law, one is thus able to make a comparison with the Swedish dance permit. In both cases, the origin of the regulation revolved around fear concerning lewdness and not being able to maintain order in society through frivolous social activities. However, the Cabaret Law has ceased to exist because of an evidently apparent understanding that regulating all social activities in any free society will be met with criticism and judgment. Especially if they are ‘evaluated’ as being safe to perform and execute in any event.¹⁰⁴

This is not to say that organizing general events with huge crowds is permissible without a permit just because the Cabaret Law has been abolished, but that dancing in large groups and crowds needs to be more defined than it appears to be in the definitions of the Swedish dance permit. If the meaning of the dance permit is to regulate lewdness and chaos concerning large social gatherings, then one could argue that the primary notion as to where the problematics may arise, is to be found in the very definitions (or lack thereof) that the dance permit presents.

¹⁰² Svensson, Mattias, “*Istället för hopplöshet*”, SvD, 26/06-2022, <https://www.svd.se/a/7dr8kv/mattias-svensson-istallet-for-hopploshet>, accessed: 06/07-2022.

¹⁰³ It was designed to target drug users and drug pushers, as dancing was regarded as a drug.

¹⁰⁴ Hae, 2007, p. 151.

“The fact that owners are called in for police questioning and investigated for crimes because guests have moved to the beat of the music in a restaurant without a dance permit - perhaps the ‘spontaneous dance’ has arisen within a good atmosphere - does not appear to be reasonable.” -

Swing

Because as mentioned, primarily by the guards interviewed and the Riksdags member (not to mention several of the people asked during the ethnographic fieldwork), spontaneous dancing is not specifically considered a high-stakes crime.

“Just this notion of ‘when is a dance a dance?’ How long does it have to be done to be called a dance? Like, these are all questions that police officers should not have to worry about or even ask.” - *Twist*

However, if it indeed is not considered an important factor then the question remains of why it is a criminal offense to dance without a permit and in a spontaneous manner. As evidenced by the empirical data collected - the disadvantages outweigh the benefits, in that more people risk losing their income to what could be considered a technicality.

It is here where one can make use of the theory by Eugen Ehrlich, namely the concept of living law. Erlich’s description of society can be seen as a series of social groups with internal directives.¹⁰⁵ Internal directives are thereby an extension of how social norms are observed within a social group. Ehrlich maintained that there was a dichotomous division of law, i.e. law created by the state and law created as organizational imperatives within various formal or informal social groupings, which in turn constitutes the concept of living law.¹⁰⁶

In order for any group setting to function properly, no matter the group’s size or scale, rules of conduct need to be implemented and seen as a binding force of unity. Erlich believed that this could showcase how patterns of behavior emerge within a social group simultaneously unite, differentiate (from other social groups) and strengthen identities within a group.

¹⁰⁵ Urinboev, Rustam, “Everyday Corruption and Social Norms in Post-Soviet Uzbekistan” in *GLD Working Papers*, 19 edn, The Program on Governance and Local Development at the University of Gothenburg, 2019, p.11.

¹⁰⁶ Banakar, 2012, p.17.

In order for said norms/rules to be implemented and followed successfully, they must be social tools that the individuals in the group highly depend on for survival.¹⁰⁷ This means that a legal norm must have such high value and validity for a social group (of which it is intended, for example - the culture of 'snitching' in prison is regarded as highly dangerous and wrong by the inmates).¹⁰⁸ By considering this matter, living law becomes a socio-legal tool on which one can understand how legal norms are implemented in a climate where subcultural norms reign.¹⁰⁹

In the context of the Swedish dance permit, one is able to surmise the concept of living law with some of the interviewees. Most notably, this comes across when looking at the answers given by the security guards. Their answers showed that they chose in some cases to overlook the illegal act, as it might have resulted in a bar owner or a guest in the establishment having to pay fines or risk losing their alcohol license. As one of the guards mentions;

"I'm not gonna bother with it. If someone is being a disruptive or violent person in a bar, that's when I intervene, not when someone's trying to dance." - *Tap dance*

With this answer in mind, the concept of living law becomes more prevalent here. Especially when one considers the theme presented in the analysis - status - as being a key aspect in this matter. Ehrlich described living law as an unofficial contract between members of a social group.¹¹⁰ With the guards mentioning societal status, or class status, in their statements, one could argue that issuing fines would be to violate a social agreement with other members of one's social group (in this case one's social status). It thus becomes clear that security guards, for instance, might overlook this criminal activity as it does not benefit them or other people, and hold no legitimate moral value in their social group.

¹⁰⁷ *ibid.*

¹⁰⁸ Dror, Yehezkel; "Values and the Law.", *The Antioch Review*, vol. 17, no. 4, 1957, pp. 440-54.

¹⁰⁹ Banakar, 2012, p. 18-20.

¹¹⁰ *ibid.*

“I have friends and family members who work in this industry. How would I like it if they lost their livelihood because a guard or cop made sure of it? I would hate that.” - *Ballet*

The individuals charged with maintaining and enforcing the regulation are tasked with more work and duties, especially during times of celebration when dancing is required and wanted. To have to require a permit in such a case is also indicative of waiting for paperwork to be filled out and definitions to be defined as to what constitutes spontaneous dancing and such.

“There’s so many unnecessary papers to fill out and so much hassle to do something which nobody is for. If that’s the case, then why do it? This is not something which the people will stand behind you on, quite the opposite actually” - *Twist*

At the same time, the owners of various establishments are in a tricky position of being at risk of losing their alcohol license if caught providing illegal dancing. Thus also losing one of their main sources of income.

With this information in mind, one can argue from many different perspectives as to why this law is still in place. From the perspectives made poignant by Mattias Svensson, legislation of this kind is designed either act as a ‘killer of joy’ and/or means of penalizing aspects of society (most easily through cultural and artistic factors) in order to maintain control or safety. Or one might argue, as a relative extension to that, that the state favors regulation of this kind - not just to maintain order - but as a means of gaining payment through fines.

“Are you seriously gonna penalize and jeopardize a person’s livelihood because of this silly law? Why do that? They could lose their alcohol license, their business, and why continue with it even after the restaurant business has lost so much after the pandemic?” - *Twist*

Now, granted, not everyone will follow the law, and the reasoning for this can vary for multiple different reasons, from legal pluralism to simple deviant behavior and disregard for any

rules and regulations being put forward.¹¹¹ Or it can be a combination of a lack of clear definition and thus understanding, which results in people not actively trying to break the law, but not doing anything to stop it.

“I think that if you want more people to respect this then you also need to understand it. This as a rule does not make sense to me. Stopping someone from stealing or killing does. This does not.” - *Salsa*

This appeared to be most prevalent with the answers given by the guards when mentioning that they did not consider illegal and spontaneous dancing a high-risk offense worthy of devoting their time and resources to. Of course, not every single guard may feel this way, as examples of guards enforcing this regulation have occurred. But given the findings of the collected data, there appears to be a prevalent and resounding opinion that the law itself is not effective nor valuable to society.

“Take a walk down the street and ask people if they like it. Most will either tell you no, or that they’ve never heard of it. And when you do tell them what it is, they’ll also say no to it.” - *Tango*

The fact that this topic is so unexplored also means that removing the permit would in fact not be the best thing without actually conducting an evaluation on it and understanding whether or not it needs to be removed. As mentioned by Ryan Hartley in his research, the work done in Japan concerning the dance ban provided valuable understanding that the mitigation of the restrictions on the social nightlife is something which undoubtedly is required, but is also to be explored and researched in order to do it correctly and so that everyone favors from it.¹¹² Hartley goes on to say that the Japanese dance ban was not completely lifted as was the case with the

¹¹¹ Svensson, Måns. “The Concept of Norms in Sociology of Law.” , in *Scandinavian Studies in Law, Vol. 53*, 2008, p. 18.

¹¹² Hartley, 2019, pp. 22-23.

Cabaret Law, but has rather been ‘eased up’ in order to fully understand the consequences and factors surrounding the nightlife of Japan.¹¹³

In the case of the Swedish dance permit, it appears to rest somewhere in limbo between the actions conducted in the Cabaret Law and the actions done with the Japanese dance ban - i.e. considered to be completely removed but not without proper investigation and understanding.

“One thing to note is that this is outdated legislation. The other thing is that the consequences are so dire for something so... so wrong. And that this has been brought up in the Riksdag in 2016, I believe, and yet nothing has been done. And there is no time limitation on when to deal with these things, so either they are waiting for more info on this or... well, I don’t really know.

” - *Twist*

And arguably more information seem to be the preferred course of action because it would provide a better understanding of the law itself, and thus see how it affects establishment owners, dancers, and the cultural sphere in general, something which this study argues heavily for no matter if the Swedish dance permit is to be continued. Because this legislation causes a dichotomy between legal law and living law, while also creating a misunderstanding or not providing enough validity or reason for the legislation itself.

6.2.2. Narrative

The second theme that emerged is one that will be referred to as ‘*Narrative*’. I chose to refer to it as such since most of the notions that the interviewees brought up during the interviews seemed to revolve around the dance permit representing a false narrative (i.e. not representing maintenance of safety and order in society).

As referenced in sub-chapter 3.2.1. *Fear*, the Japanese dance ban legislation, and the Mumbai bar ban were enacted due to a cultural perception that lewdness could stem from various

¹¹³ *ibid.*

places of entertainment and enjoyment, such as dance clubs and bars.¹¹⁴ In both Japan and Mumbai, the ban seemed to remain due to a cultural perception that certain norms and values in terms of pornography or dance, were corrupting factors in society.¹¹⁵ In Sweden, the narrative resembled that to a large degree but seemed to permeate from a solution to hinder drug use into being a factor in hindering disorderly conduct in large gatherings. This can be seen as shifting from one narrative to the other.

“I don’t really see what this protects. Like, in the beginning, it was supposed to be there to stop drug use or whatever, right? Yea, and now it’s in place to ensure safety and order for people in large crowds. But why you do need to hinder dancing? Like you’re just repackaging one thing into the other so that you don’t need to do more work.” - *Rumba*

The ‘repackaging’ comment was particularly interesting to note, as it does bring up a fascinating point. Does this legislation exist simply as a means to not put in more work and examination into drafting a proper means of safety regulation and crowd control during large gatherings? Or is it solely a repackaging of outdated legislation?

As Henri Fayol mentions, the purpose of any given order is to find causality and successful execution between discipline and definition. However, Fayol mentions that this is the recipe for successful order, but maintains the stance that order in any given form can be achieved even in the most chaotic of fashion.¹¹⁶ While this may seem paradoxical, Fayol relates it to the premise of trying to organize papers lying around on the floor. If one is unfamiliar with said papers, then simply putting them together in a neat pile is sufficient to avoid clutter on the floor - thus creating order. But if one knows what each paper is designed for, then simply rearranging them in whatever way creates clutter for that person.¹¹⁷ This appears to be what the permit is doing.

¹¹⁴ Pan, 2020, pp. 116-117; Hartley, 2019, pp. 2-5.

¹¹⁵ Herklotz, 2021, pp. 156-160, Hartley, 2019, p. 4.

¹¹⁶ Fayol, Henri, “*General and Industrial Management*”, Pitman, 1949, p. 37.

¹¹⁷ *ibid.*

While it seems to be an ‘order-maintenance’ on paper, it appears to act more as a societal disrupter. And this appears to be achieved primarily by simply repackaging outdated legislation - i.e, putting the papers together in a neat pile without any given thought.

Now Fayol explained this as being a result of trying to maintain absolute perfect order but not really being able to. He noted it as being a ‘mirage’, meaning that it is easier to present a narrative, rather than it is to actually facilitate real change and action.¹¹⁸

“I mean just take the fact that we stand in line like it’s the law or something. We take unimportant stuff like that very seriously (laughs). That’s why I understand - not accept - but understand that this law can happen in Sweden because we are the only people on this planet who would take this seriously even though it’s completely ridiculous. We go along with any story the government pedals to us because of our trust in them.” - *Ballet*

As the interviewee noted, this was not something on which the public insisted on staying in Swedish law, but rather elected officials. This kind of tradition had more to do with the concept of adhering to the rules. It was more of a strict rule-following from the government's side until more evaluation had been conducted. And even if it involved the people being dissatisfied with the legislation still being in place, it was going to be done by the book rather than swiftly being removed. As one interviewee mentions;

“It is probably a bureaucratic thing that is taking a longer time than usual, which is not uncommon in Sweden. And don’t get me wrong - I love that we do things accordingly and that we evaluate it right, but it can still be frustrating that things like this law might not be removed simply because we have such optimism for details” - *Salsa*

This ‘attention to detail’ -aspect of it all is quite interesting, as it showcases a potential answer even as to why this legislation has lasted for so long. It also showcases the disparaging dichotomy which was brought up in the previous sub-chapter and provides a reason as to why that may be. If one were to apply Roscoe Pound’s theory of law, where Pound pertains to the fact that

¹¹⁸ Fayol, 1949, p. 37.

jurists often might regard law in books as being detached from reality, or unpractical to execute in reality, then it might shed a light as to how the dichotomy emerged in the first place. He mentions that this might stem from a worry that the law might be perceived as “immoral” and could result in people no longer respecting the court of law.¹¹⁹

This in turn means that jurists will try their best to find ‘loopholes’, or twists and reimagine the law in a desired perception/viewpoint. While this could be a way of bending the law to fit one’s own moral facts, it is still a twisting of legislation to fit a certain narrative. For instance, Pound mentions that jurists could potentially do this to a certain statute or legislation which they believe ought to exist simply because it fits their viewpoint but serves no practical matter. Examples of this can be seen in the Mumbai bar ban and in the Japanese dance ban.¹²⁰

Pound believes that this is primarily to uphold legal authority, and is what substantially creates the disparity between law in books and how that law is carried out in reality.¹²¹ With the Swedish dance regulation in mind, when applying Pound’s theory to the topic, one is presented with the notion that the law has in fact been twisted and bent in some fashion to fit some sort of narrative (as mentioned in the previous sub-chapter, the narrative of safety and order in society). However, some did not seem to agree with this, as this interviewee states:

“There’s probably the notion that there are so many more important things to deal with instead of this, and so it gets ignored. Yea.. that would probably be the main reason actually. And that’s not something which you want to present to the public - that some laws are more important than others” - *Twist*

In this case the way in which the narrative is maintained for so long, might just be through the narrative of safety. For instance, Pound notes that in order for a narrative to be kept, a strong sense of legal authority has to be introduced.¹²² And in one of the strongest democracies in the

¹¹⁹ Pound, 1910, pp. 12-15, 21-22.

¹²⁰ William, 2015, 483; Hartley, 2019, p. 4.

¹²¹ Pound, 1910, pp. 12-15, 21-22.

¹²² *ibid.*

world, a rather undemocratic and dictatorial authority seems a bit unlikely.¹²³ Therefore, one is reminded of the notions made evident at the beginning of this subchapter, namely the concept of tradition and the role that it plays in society.

In this particular case, the concept of safety is what is being pushed as the concept behind the dance permit, despite most of the interviewees stating that a lack of examination into the dance permit in combination with bureaucratic laziness seemed to be the problem. However, even during the interviews, only one person (with the exception of the case manager, who claimed that they understood the concept and arguments behind it, but would not argue against its removal if so had been decided) agreed that this legislation was relevant for the safety of the public.

One has to note that these are both individuals who work within the police and whose jobs directly involve work regarding the permit in some fashion (as one is a case manager and the other a police training supervisor) and to enforce the permit and the concept behind it. Their responses correlated rather heavily in regards to their views on the permit, with the supervisor advocating that change had to be made if the permit would stay (but that they saw no direct worry if there were no changes made to the permit, or if it was not abolished), and the case manager claiming that further research needed to be conducted if the permit ought to still exist. They also mentioned that the permit came quite in handy during the COVID-19 pandemic and that it managed to create social distancing in social gathering areas. This was primarily the biggest advantage of the permit.

“There appears to be an advantage in certain situations which require regulation in using the permit. More recently in times of the pandemic.” - *Moonwalk*

And this way of thinking appear to somewhat be prevalent among other interviewees. Because although they were relatively unified in their perception of the permit, one of the interviewed guards mentioned that they understood the reason why the permit existed, but saw no need for it to remain in effect to this day. In a similar fashion as the case manager felt that more work needed to be done in order to actually improve the legislation of maintaining social order and stability when larger social gatherings were held.

¹²³ Economist Intelligence Unit, “*Democracy Index 2021 The China challenge*”, The Economist, 2022, <https://pages.eiu.com/rs/753-RJQ-438/images/eiu-democracy-index-2021.pdf>, accessed; 06/07-2022.

They mentioned that in dire times and situations, such as during the COVID-19 pandemic - when social distancing was enacted, legislation that maintained the social distancing rules was necessary.¹²⁴ However, the case manager noted that their opinion did not matter fully in the end, as this was the law that they needed to follow, and that without further examination they could not do anything other than obeying the law.

“There appears to be an advantage in certain situations which require regulation in using the permit. More recently in times of the pandemic. However, my personal opinion differs from my professional one, and that is that we are required by law to enforce it, so in the end, that is all that matters” - *Moonwalk*

The case manager also mentioned that there is a clear separation between what they personally feel when stepping onto the dance floor in relation to what their line of work demands of them, and that can provide a broader perspective. They went on to say that in the end, it does not matter what they personally feel about this legislation, as it is now a part of their work and it is something which primarily needs to be done and enforced.

However, they did note that removing this would change their workload and provide more time to focus on other matters. Simultaneously, they advocated that in order for this to be done, further research, in true “Swedish fashion”, as they recalled, has to be done to see the benefits and negatives of this permit and what it would mean to change it/remove it, as it currently stands a measure to minimize risk and maintain order in social gatherings.

“If you remove it completely - I’m thinking in true Swedish fashion a proper investigation ought to be conducted to see what the consequences are, what are the risks when removing it, and - as you yourself said - who benefits from this staying or being removed” - *Moonwalk*,

¹²⁴ “Mikael Dambergs hårda coronasvar till SD-politikern”, Expressen, 18/03-2020, <https://www.expressen.se/tv/nyheter/coronaviruset/mikael-dambergs-harda-coronasvar-till-sd-politikern/>, accessed: 06/07-2022.

However, when asked about who this permit protects, only the case manager and police training supervisor answered that it was designed for the general public and their safety. They explained that the permit was put in place to ensure that no mass organizations would go out of hand and get, pardon the pun, disorganized. But when pressed on if this was worth the uncertainty and non-specificity of the regulation, the answer was somewhat hesitant.

“I don’t like it personally, but I get why it’s there and it’s not up to me to decide because then it would be gone. But like it’s.. look, all I’m saying is that there must be a reason for this law existing this long, right?” - *Ballroom*

Perhaps this had to do with the fact that both individuals were employees of the police, and thus adhered to the statutes and regulations enforced by their place of work. Before the interviews were started, the interviewees were made aware that their identities could be kept private and anonymous if they felt that they wanted to speak more openly and freely. And while both individuals were made aware of this, there can always be an inkling of hesitance as to what and how someone may speak when mentioning their current employer or the regulations that they have to adhere to.

There could also be the potential that both individuals were in favor that the permit ought to be removed and felt that they could not share it with me (they might have felt that my immediate disposition towards this case, given that I am investigating why it exists, is of a negative kind) - that possibility exists no matter how much you as an interviewer might try to come across as neutral and open to all opinions.

One could reason by looking at this through the bureaucratic theory by Max Weber. His theory stipulates that the objective of many organizations is to strive for an ideal type. Now, the ideal-type may vary, but in this case, it could be to maintain order and stability in society.¹²⁵ But Weber also pertained to the fact that in order to achieve this, tasks and responsibilities have to be ‘clear-cut’ and make sense. The reasoning for this is that any bureaucratic mechanism operates best when in some capacity being automated without questioning. The questioning occurs due to what

¹²⁵ Frederickson; Smith; Larimer; Licari; 2018, p. 104.

Weber referred to as the ‘humanistic’ factor - needing a reason as to why a task or duty is to be carried out.¹²⁶

This appears to be what occurred in this particular case. The Swedish government noted that the permit appeared to be effective in a particular scenario - i.e the COVID-19 pandemic, and wanted to continue the measure even after.¹²⁷ However, the automation of this particular mechanism stopped, as people wanted started to question why this measure which was voted against was still in play after the pandemic. The ‘humanistic’ element, as Weber referred to it, kicked in and disrupted the automation of this mechanism.

It showcases why it might be hard for even the individuals who are tasked with maintaining the permit to give a clear and definitive answer. As probably the most prominent members of this mechanism, they are the ones who are supposed to follow the bureaucratic directives to ensure that the mechanism functions properly. However, they’re questioning (no matter how small) of the practice shows a clear dissonance between the reasoning behind this permit and how it is executed in society.

It pertains to Pound’s notion of law in theory and law in practice, and how there needs to be a coherent (at least not completely weak) connection between the two for legislation to be respected and followed. This is also reflected in what Scott mentions in his institutional theory - i.e that legitimacy is the strongest form of foundation for drafting an institution/organization/group.¹²⁸ If a member of a group is to adhere to a particular set of norms and rules within a group, then they have to make sense, at the very least for the person who is following them.¹²⁹

“People need protecting from creepy drunk dudes who decide to disturb someone’s good time in a bar, or from violent individuals who decide to ruin everyone’s evening. Know who they

¹²⁶ *ibid.*

¹²⁷ As Fayol noted - repackaging a bygone narrative.

¹²⁸ Frederickson; Smith; Larimer; Licari; 2018, p. 74-75.

¹²⁹ Look at it as buying a subscription for a streaming service were you agree to the terms and conditions when you buy it. But suddenly the service decides to push for ads during their streaming - something which you did not agree with. This causes an upset and lack of trust for the service and may lead to you unsubscribing to their services, due to the rules no longer being agreeable and making sense to you.

don't need protecting from? Folks who want to dance awkwardly in a bar (laughs). Never seen someone who does that to be a disturbance. Have seen plenty of creepy older guys though who need to be thrown out of a bar, and they usually aren't dancing." - *Rumba*

Such statements showcase that there does not appear to be a favorable perception surrounding the permit. And as evidenced by Pound's theory (and by Fayol's notion), it might have to do with the fact that the narrative does not fit with reality. It also goes to show that the longevity of the permit may actually lie on the premise of simply not wanting to update outdated legislation but rather keep using it, as updating or drafting new legislation takes time, energy, and resources.

"I think it has to do with not wanting to draft new legislation when you have this that you can use. Like not wanting to buy a new bike when your friend has an old one that they can lend you. But older bikes are in more need of changing and upgrading than new ones, so why not upgrade instead of pushing the old outdated one?" - *Twist*

This furthers the line of reasoning that the narrative that is being pushed here might revolve around a very simple notion - bureaucratic laziness. As the representative for Visita mentions, the permit not only has no real function in today's society but actually creates more difficulties and problems than it manages to produce real advantages. When pressed on whether or not the permit safeguarded anyone, Visita's representative mentioned that not only did it serve no function, but it created unnecessary fines for establishment owners.

"It simply should not continue to be a police task to check if people are dancing and intervene if it is happening without permission. Management of possible disturbances and the like can be handled within the framework of other legislation and there is, as we see it, no compelling reason in reality to maintain the requirement for a dance permit" - *Swing*

On top of that, if the owner did not have a permit for dancing, then they could also lose their alcohol license, which would mean that establishments which primarily gained their income

through alcohol sales would basically lose a large portion of their income and could potentially face bankruptcy.

This causes not only a lack of legitimacy in the claim that the permit is there to protect the public (as it is directly leading to many businesses having to shut down, thus actually being a threat to their livelihood), but it also creates a fraction among those working in the service business, and those that who are in charge to enforce the law. Most of the time, the people who enforce the law are also individuals who work in the establishment, at least part-time. Security guards have shifts and contracts between different establishments and have a chance to form working relationships between individuals in said establishments. Having to thus enforce a regulation that could potentially ruin their colleagues creates this unnecessary dichotomy and fraction.

This is something which Fayol also recognizes as being one of the most prominent aspects not to cross in any given administrative setting - “personnel must not be split up”.¹³⁰ He pertains to the fact that “Union is strength”, and that this is the key for any organization in moving forward.¹³¹ This cannot happen if some members of an organization (the establishment owner, or the staff, for example), believe that other members (the security guards, for example), are working against them, and/or could still keep their job while they potentially risk losing theirs.

“Like we in the service business have paid our dues during this period and we do not need further fines for just trying to do our job. I should not have to face losing my job because someone was bad at dancing and decided to take it out on everyone else (laughs)” - *Rumba*

In lieu of the pandemic being mentioned in the previous subchapter, many nightclubs or dance clubs, in general, had to shut down completely due to their establishment having to rely on social gatherings, a factor which would have contradicted the very premise of social distancing during a global pandemic. Thus, many establishments lost a large portion of their income, and had to rely on welfare and social help through various donations and loyal customers.

To enforce the permit during a pandemic when most establishments had to shut down - even in a country such as Sweden which did not shut down everything during a global pandemic -

¹³⁰ Fayol, 1949, p. 40.

¹³¹ *ibid.*

would be seen as counterproductive. To enforce it *after* many of the establishments had opened and relative ease in the restrictions was seen, could only be construed as “cruel”, as one interviewee put it.

“It is simply a horrible practice. Like, imagine if you invite a neighbor over and they start dancing and this leads to you losing your right to live in your house unless you’ve procured a dance permit. Well, we’d never have allowed that, and yet this law exists” - *Twist*

And if one harkens back to the notion of not establishing a clear definition as to what constitutes spontaneous dancing, then it becomes hard for owners of establishments to keep up with the law. Perhaps one does not have an open dance floor, thus not providing a clear opportunity for dancing to take place. However, the music played in the establishment is certainly making folks there feel like they want to start moving rhythmically to the beat.

Does this constitute spontaneous dancing? If yes, then the owners are in trouble, and as such could face a potential fine for not having procured a permit. Now, one might argue that no officer would actually be called in for such an issue, let alone actually do anything about it. When asking the interviewees what they felt a police officer should do in such a scenario, seven out of nine said that they did not see any need for the officer to intervene. The police training supervisor and the case manager were the only ones who felt differently.

“It’s the law. I mean as weird as I or you perceive it, it is still the law, and has to be obeyed. That’s just the way it is” - *Moonwalk*

But even being aware of this, their answers showed no interest in maintaining this legislation. Nor did they feel that it served any function in actually making their life and workload any easier. As one guard mentions, “scrap the shit”. This appeared to be the predominant perception of the permit. And the majority of interviewed guards appeared to focus more on the actual cultural significance of the permit than the personal influence it had on their workload.

“Scrap the shit. Why does something so pointless exist? We have enough problems in the world and now people can’t even be happy without paying for it. What country in the world has a fine on dancing? And what are they gonna do - judge us like those judges on TV to see who dances?” - *Salsa*

One of the guards mentioned the fact that this was something which was quite embarrassing when mentioned to non-Swedes, and that they could not quite understand the significance it had in combination with spontaneous dancing, something which they felt was non-existent in any other democratic and “free country”.

“I’m embarrassed when my friends from other countries show up and I take them to a club or whatever, and they start making fun of Sweden, saying stuff like; “ahh, you need a permit to dance”. Yea, we do, and it sucks.” - *Tap dance*

If one were to imagine that, for instance, the Cabaret Law would still be in effect today, then so would its definition and primary reasoning - that dance is a dangerous and regulatory means of getting ‘high’. Essentially labeling it a drug. If this were true, then dancing, in all its aspects and forms would have to be evaluated and examined whether or not they are actually contributing to intoxication and substance abuse. Now, one could write an entire article about whether or not dancing is technically a drug or not (even though it clearly is not, especially if you are bad at it, and where the purpose of a drug is to provide the experience of being high and simultaneously make one lose track of their auditory sense - something which is not typically found when individuals dance alone, for example. Meaning that dance cannot be a drug as it does not fulfill this very basic criterion of what constitutes intoxication), but for simplicity’s sake, one could stipulate that it is not and that in order for dancing to be categorized as a high-inducing drug, it would need to be combined with alcohol or actual drugs.

Now, the issue arises from the fact that dance is a very broad and encompassing term, with many different styles and ways of performing it. Simultaneously, if it indeed were a drug, then children would not be encouraged to perform it, it would be banned from any aerobics or yoga class, and dance studios across the nation would have inquired about specific regulatory permits

and approvals from Livsmedelsverket and Läkesmedelverket (translated: Swedish Food and Health Agency). So far no such inquiry has been made, despite the dance permit being in effect. Which showcases very simply that the original premise of the permit is being ignored. Which begs the question - what is it enforcing then? Well, the only thing that seems to appear, is the ‘maintenance of order and stability in society.

“I understand that there ought to be ways in which to control and regulate safety from the side of the police, the fire brigade, and other services which regulate these kinds of things when in dealing with safety and control in a dance establishment. But there could also be an ‘update’ of what that means” - *Moonwalk*

With that in mind, try to be a bit imaginative for a minute and picture the notion that this law is simply there because nobody really cared to update it. It is the equivalent of not really wanting to install the latest update on your computer because you do not want to sit and wait for it to load for an hour and a half. So you ignore it. And ignore it. And you do this for some time until your computer catches up to you and demands that you update the software or else it will not be able to function properly.

But in such a case, the update is there to protect and serve the computer’s software. In the case of the dance permit legislation, it ought to be in service of the people in Swedish society. Is this the case though? Or is it simply a forgotten software update?

If one takes into account the themes and notions presented in this analysis, then the concept of continuing and upholding ‘outdated’ legislation becomes more clear. Through the viewpoint of the interviewees, one is able to distinguish the fact that the premise behind this lies primarily in a bureaucratic failure to examine the consequences and affects of the legislation, and thus not bothering to change/remove it until such an examination had actually been done. And Pound’s philosophy of law adds to that by explaining how jurists would go about achieving such a matter, presenting the legislation as posing a threat to people’s safety in large gatherings (despite this not being perceived as such by the interviewees).

“If you have a law which hurts peoples’ businesses, their livelihood and is completely ridiculous, and you don’t do anything to remove it - then you are either doing one of two things. One, deliberately keeping it and ignoring the effects it has on people and what it means for them. Or two, you just don’t care because it’s a ‘silly’ law.” - *Twist*

It showcases a bending of the law to favor a particular narrative/notion. In this case, that notion appears to be, in reference to a quote by one of the interviewees - ‘pushing an older bike instead of bothering to change/upgrade it’. And while only the people responsible for its current prolongment and non-removal know if that is the truth, it appears to be the only plausible answer so far.

7. Conclusion

The first research question that this study poses, is; *How are individuals, who are subjected to and/or tasked with maintaining this law in Sweden, affected by it?* Given the statements by the interviewees, all of them detail that the dance permit puts a strain on establishments such as bars, clubs, and/or restaurants that if failing to acquire a dance permit, could face serious hefty fines and/or lose their alcohol permit - which in some cases could be one of their main income sources.

If one then turns their attention to the individuals tasked with maintaining this law, i.e. security guards and the police, the responses were also fairly negative towards the dance permit. Most of the interviewees in that category claimed that enforcing the permit seemed like a negative standard, as it meant putting a strain on someone's business and livelihood over legislation and practice that they did not believe in or thought made any real contribution towards safety and order in society. With this in mind, one can move on to answering the sub-question of the first question - *And what is the reasoning behind that?*

With Ehrlich's theory on living law in combination with data gathered from the interviews, the effects of maintaining the legislation are presented as creating a disparaging dichotomy between people (i.e. certain professions, such as security guards and police officers, not believing that enforcement of this legislation would benefit other members of the working social status - establishment owners, for instance). This line of reasoning is enforced with the use of theories from Scott and Thompson, that deal with institutional creation through norms, values, and hierarchy.

Providing a sense of clarity in the drafting of legislation is a necessity, as one cannot have laws that are so openly undefined and unspecified as the restriction towards spontaneous dancing. No matter the scope, magnitude, or importance of legislation - it is still a measure on which one shapes, directs, and affects society.

It thus has to be sound and reasonable to follow. Granted, not all individuals choose to follow laws, but that does not mean that laws should not be made coherent enough for the ones that do make the decision to be law-abiding citizens. A law could primarily be seen as a pillar in certain central aspects of society.

If there are cracks in said pillar then one ought to repair them with solid material that will hold and look presentable at the same time. The solution is not to put 'duct tape' over it and pretend as though that has solved the issue. The duct tape might be a strong adhesive on which the pillar will endure, but it should be a temporary solution, not a long-lasting fix - as primarily explained by Fayol's administrative theory.

The Swedish dance permit appears to be a quick solution (or duct tape over a broken windshield) in the quest to regulate and maintain order. It showcases a lack of examination into what ought to be done actually to protect people during large gatherings and instead has simply been an extension of legislation from a by-gone era that focused on emotional, superficial, and populist 'reasoning' as opposed to concrete solutions based in research, evaluation, and rational understanding.

With that in mind, one can move on to answering the second question - *How do individuals, who are subjected to and/or tasked with maintaining this law in Sweden, perceive it?* As mentioned previously, one of the focal points that appeared in the statements made by the interviewees, was that this affected businesses in a negative manner. The reasoning behind this appeared to be a perception that the dance permit legislation had endured for such a long time,

simply because of bureaucratic laziness since they felt that the premise and ‘mission’ of the permit did not correlate with its actual use in society.

Some stipulated even that further research and evidence ought to be made in order to understand and decide upon the dance permits used in the future. While others maintained that the way that it was used now simply disrupted and failed the very people it was supposed to protect and safeguard.

With this in mind, one can move on to answering the sub-question of the second question - *And what is the reasoning behind that?* Well, here one can primarily make use of Pound’s legal theory, in order to be able to see why this legislation may have endured as long as it has despite the critique and unfavorable regard of it by the general public.

To reiterate, Pound’s theory talks about the disparaging dichotomy between law as it is written and law as it is practiced/carried out. But it also gives reason as to why this is and notes that legal authority could be seen as a primary reason as to why this dichotomy might emerge in the first place. And that could in turn be viewed as a viable reason as to why this legislation has been kept in place for so long.

This can be further explained with the use of Ehrlich’s theory on living law in combination with the statements made by the interviewees, where one could argue that the legal authority verges on ‘bending’ legislation in order to maintain a certain narrative - a narrative which the interviewees stressed as being false (the narrative of safety and order) in relation to reality, and also negative towards establishment owners and their workers.

However, as showcased by Pound’s theory on legal action, this creates a disparaging difference between the law as it is written and the law as it is exercised and carried out. Thus in need of being updated in order to remove and/or decrease this disparaging difference as much as possible.

And that is perhaps the reason why the Swedish dance permit has remained and endured up until now. Such a ‘small’ and perceivably ‘insignificant’ law, could potentially be ignored or forgotten, and thus not changed. Additionally, a sense of bureaucratic comfort and laziness led to this law not being altered or changed, as removing it would open up the possibility of having to draft new legislation in its place. In the end, the only people who really know why it is still in place, are the ones who have not opposed it or removed it.

This study thus provides reasonable answers and potential reasons as to why and how individuals are affected by this legislation and how they perceive it. It invites further and more extensive research to be conducted on this specific issue as the dance permit is still ongoing, as of writing this study, and perhaps its findings may shed some light and value in its final determination.

The main purpose of this study is to lay a solid foundation on which further examination can be conducted, by primarily focusing on the experiences and perceptions of those affected by the permit, providing a first insight and record as to the effects of this permit on society. It showcases how this permit is being executed in practice as opposed to how it is written and imagined to be.

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9. Appendix

Interview guide (Open-ended questions):

(Starting question to ease the interviewee)

- Can you claim to be innocent of spontaneous dancing?

- What do you know about the Swedish dance permit?

- Do you feel, in your professional role, that the dance license should be removed or does it fulfill an important function in society?

- Who benefits from the dance license?

(If the answer is none to the previous question, then a follow-up question is posed)

- Who does it disadvantage?

- Should the permit remain?

- Why do you think this permit has remained in place for so long?

- Will it ever be removed or changed?

- Is this a question that you have thought about in your work before this interview?