Struggling over Rights of Romani EU Migrants

An Inquiry into Biopower in the Case of the Eviction of the Sorgenfri Camp in Malmö, Sweden

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Abstract

In 2015, local authorities in Malmö, Sweden, evicted an informal settlement, the Sorgenfri Camp, in which mostly Romani EU migrants were living. No housing alternatives were offered. Critics saw this as a human rights violation, but the municipality found that the people were not entitled to the rights in question. This thesis explores these different rights discourses by tracing their underlying power relations through a Foucauldian discourse analysis. Foucault’s understanding of biopower, rights, and subjectivity is applied. The findings suggest that the municipality saw the camp residents as not entitled to housing rights because they were seen as occupants threatening private property and foreign EU citizens burdening the local welfare system, while critics resisted such rights denial by highlighting the persons’ humanity and vulnerability as Roma people. All actors where thus concerned with the biopolitical responsibility of the municipality to protect the life of the population, but saw this realized either through denying or granting rights to the camp residents, depending on what kinds of subjects they were seen as. This study exemplifies the power struggle through which people’s entitlements to rights are constantly produced, reproduced, and challenged as they are placed into different subject positions.

Keywords: Roma, human rights, European Union, migration, Foucault, biopower, subjectivity, Sweden

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1. Introduction

1.1 Introduction to the Problem Area

Since the East enlargement of the European Union (EU) in 2007, there has been a steep increase in the migration of Roma people from Romania and Bulgaria to other member states of the Union. Facing large scale poverty in their home countries, many try to improve their situation abroad. Host countries often react to their arrival with social exclusion ranging from collective expulsions from France and Italy and active segregation and surveillance in so-called ‘nomad-camps’ in Italy to chains of forced evictions in most EU member states (Sigona & Vemeersch 2012: 1190, van Baar 2017: 222; Gould 2015: 25).

Roma communities, civil society, human rights monitoring bodies, and EU institutions are repeatedly complaining that states are violating some fundamental rights of Romani EU migrants, such as their rights to free movement and housing. The authorities usually justify their actions with reference to threats to public order, security and public health (O’Nions 2011: 362-380). They also commonly refer to EU law, claiming that EU citizens were only entitled to the rights in question if they did not overburden the host country’s welfare system. Arguing that the affected persons did not have the sufficient economic means to secure their living by themselves, it is then argued that they are not entitled to the rights in question (Parker & Catalán 2014: 379-393).

The eviction of the Sorgenfri Camp in 2015, an informal settlement in Malmö, Sweden, in which mostly Roma from Romania were living, is no exception to this pattern. The municipality argued that the camp had to be evicted because its low sanitary standards made it an environmental problem to its own residents and immediate surroundings (Malmö Stad 2017c). Opponents criticized that the affected people were not offered any alternative housing solution and were thus, considering their poverty and resulting lack of access to the housing market, forced into homelessness. They thus argued that the municipality violated the camp residents’ fundamental human rights to, inter alia, water, sanitation, and housing (Centrum för Sociala Rättigheter 2016). The municipality, in contrast, claimed that, as economically inactive EU citizens, they were not entitled to such rights in Sweden and that the right to housing did not even apply because of the camp’s illegal and short-lived nature (Malmö Stad 2015a).

The situation points towards Michel Foucault’s concept of biopower. He suggested that the focus of modern states was increasingly biopolitical, meaning their politics were more and more directed towards fostering the life of their populations. However, as certain groups were
perceived as a threat, there emerged the need to kill those groups or let them die (literally or symbolically) in order to secure the population’s survival (Foucault et al. 2004: 241-260). From this perspective, the debate on the rights of Romani EU migrants can be understood as a struggle between different biopolitical discourses. On the one hand, there are those claiming that Romani EU migrants are entitled to certain rights, thereby arguing that the state in question has the biopolitical responsibility to secure their lives. On the other hand, there are those denying them such rights because they see them as a threat to the security, health, or welfare of the population.

Several scholars have made use of the concept of biopolitics to address the image of the threatening Romani EU migrant and its use for exclusionary politics (see for example Marinaro 2009). How this logic is being challenged by more inclusive discourses on human rights has, however, been largely left untouched in research. The present thesis attempts to fill this gap and, to this end, examines the struggle between the contrasting rights discourses present in the case of the eviction of the Sorgenfri Camp.

### 1.2 Research Aim and -Questions

The overall aim of this thesis is to explore the clash between the divergent rights notions present in the discourses on the eviction of the Sorgenfri Camp. The interest lies thereby in tracing the underlying power relations that the actors’ discourses are invested in. How do exclusionary logics play out, and how are they resisted? A Foucauldian understanding of biopower is thereby employed as the theoretical perspective and a Foucauldian discourse analysis as the method through which to analyze this matter. On a purely theoretical level, this seeks to contribute to an understanding of how biopolitical power configurations produce, reproduce, and challenge certain rights notions. The main goal of this thesis is, however, to explore the debate on Romani EU migrants in the Swedish context, or rather that of the city of Malmö from the point of view of rights. The named theoretical and methodological perspective can therefore be understood as a tool through which to necessitate an investigation on that matter.

Out of the described aim, the following research questions emerge:

- **What different discourses did there exist on what rights the persons evicted from the Sorgenfri Camp in Malmö, Sweden, were entitled to?**
- **How can one understand the struggle between those different rights discourses if one traces their underlying biopolitical power relations?**
1.3 Relevance to Human Rights Studies

Since centuries, the Roma remain one of the most marginalized ethnicities in Europe. Nevertheless, their situation has provoked disproportionately little attention from human rights scholars. Especially the situation of Romani EU migrants can only be found at the margins of human rights centered research although their rights are repeatedly violated. Since the East expansion of the EU is no longer than ten years ago, the debate on the rights of Romani EU migrants is still relatively young (Bhabha et al. 2017: 1-14). While this might be a partial explanation for the scarce scholarly attention, it only makes it the more important to contribute to the growing yet marginal literature on the matter.

In the chosen case, very diverse understandings of rights were employed by different actors. The author is aware that the legality of certain claims is debatable. However, the question of legality is not relevant for this thesis. What is of interest is the political role of such claims as discourses. Therefore, the present study can be understood as a continuation of a growing trend to move the scholarly field beyond the orthodox understanding of human rights that treats the latter as mere legal facts whose problematization is reduced to their realization (Lundberg & Strange 2016: 2). Discussing human rights claims as discourses makes possible to see their political function and thus to show that they, too, are embedded in specific power relations.

1.4 Delimitations

The rights of Romani EU migrants have become a concern of national debate in various EU countries and have also gained attention at the regional level of EU politics (Barker 2017: 121; Sigona & Vermeersch 2012: 1190). However, it is the city level where most decisions affecting the lives of socially excluded Romani EU migrants are taken, carried out, and debated upon (van Baar 2017: 223). Here, divergent discourses on their entitlements seem to clash most vividly, making their workings especially visible and therefore easier to study. Delimiting the present study to the local level can furthermore be understood as another contribution to human rights studies, which are, despite a recent trend, predominantly occupied with national, international, and regional issues (Lundberg & Strange 2016: 2).

The eviction of the Sorgenfri Camp not only sparked a debate on the camp residents’ housing rights, but also on several other questions. Was the eviction inevitable from an environmental point of view? Was it necessary in order to protect the plot owner’s property? Did the municipality’s decision follow basic legal principles (Centrum för Sociala Rättigheter 2016)? The focus of this study are merely the different understandings of which rights the camp
residents are entitled to. Thus, questions on the necessity and overall legality of the eviction are irrelevant to this thesis and will be left out as they ask whether rights of the camp residents were respected, not whether they were entitled to them in the first place.

1.5 Terminological Considerations

The term ‘Romani EU migrants’ is meant to refer to Roma people residing in another EU country than that they were born in. It is often pointed out that not all those described as Roma do in fact identify themselves as such and prefer to be called, inter alia, Travelers, Sinti or Gypsy. However, in the chosen case and indeed in most cases where their rights are being debated, it is the term Roma through which the people in question choose to communicate their identity (Nätverket för Romers Rättigheter 2015b, Bunescu 2014: 11). Using the term that the people in question self-identify with seems the safest from an ethical point of view.

Using the term Romani EU migrants should neither be interpreted as a denial that there exist marginalized EU citizens of other ethnicities. It is rather that the focus of the present thesis lies on the discourse around those EU migrants who are Roma, so that an examination of the situation of other vulnerable EU citizens would need to be objected to a different research project.

1.6 Chapter Outline

Since the entirety of this study rests on its theoretical framework, the upcoming chapter firstly introduces and discusses a Foucauldian understanding of biopolitics in connection to rights. This foundation is then used to tailor the chosen method of a Foucauldian Discourse analysis to it. Thereafter, the selected material is briefly introduced and discussed. Afterwards, relevant background information will be introduced. The focus will thereby first lie on the general rights situation of Romani EU migrants and previous research on this matter and will then turn towards the eviction of the Sorgenfri Camp and a detailed description of the discourses around this event. In the core of this study, the case will be analyzed by applying the named theory and method on it. The findings of the analysis are then summarized, discussed, and concluded upon in the final chapter.
2. Theory

The theoretical framework of this thesis deals with a Foucault’s conception of rights from the perspective of biopower. To create a solid understanding, some underlying concepts will be explained first before they will be brought together into a coherent framework. Finally, the theory will be discussed critically.

2.1 Underlying Concepts

2.1.1 Power

At the heart of the chosen theoretical framework lies a Foucauldian understanding of power as being productive. To explain what this means, it is helpful to engage in a translation. The French term pouvoir is commonly translated into ‘power’, which carries a connotation of force relations with it. The French term, however, can alternatively be translated into ‘can’ or ‘be able to’. A Foucauldian understanding of power needs to be understood in this dual sense, i.e. as force relations that are enabling something or making something possible (Feder 2011: 55). For Foucault, power relations are enabling, or better producing, reality. He has thus a constructivist approach towards the social world, arguing that there was no pre-existing reality, and especially no pre-existing individuals and the societies they relate to. Those were produced through power. As power configurations change through time and space, they produce different kinds of individuals and societies (Rose 2001: 137).

For Foucault, power is furthermore relational. This means that it only existed through social interactions between the individual and its society. It was force relations that make people think or do something and thereby produce their reality around them. Power exists in every social interaction. Whenever something is said or done, this is an expression of power relations as it either reproduces or transforms our notions of who we are and what society we live in (Lynch 2011: 15).

That every social relation is powerful also means that power is not merely a repressive force. Even the very act of resistance is an expression of power as it strives to change social relations and thereby attempts to create new societies. In fact, dominant force relations are always accompanied by resistance and it is only in the interplay between the two that power can have any effect. It is the very struggles between dominant forces and their resistant counterparts through which power relations are constantly strengthened, weakened, or reversed. As such, power is not static, but in constant transformation. “Where there is power, there is resistance,
and yet, or rather consequently, this resistance is never in a position of exteriority in relation to power (Foucault 1990: 95).

2.1.2 Subjectivity

Foucault’s idea that power relations produce societies and the individuals that they relate to is central to his conception of subjectivity. The term ‘subject’ can here be understood as a human being belonging to specific constructed categories, such as the homosexual, the mentally ill, or the criminal. For Foucault, subjects did not exist prior to the exercise of power. Power relations produce subjects (Heyes 2011: 160). The subject of the mentally ill, for instance, only emerged with the rise of the psychiatry and the power relations that this institution was invested in (see Foucault 1989). As power relations are in constant change through the interplay between dominant and resistant forces, subject positions, too, are unstable and constantly challenged (Heyes 2011: 160).

2.1.3 Rights

Foucault rejected the idea of natural rights, which entails that certain rights are given to humanity by nature and as such universal and timeless. This kind of depoliticizing language would mask that rights are particular constructions that relate to specific subjects, which in turn result from and reflect historically and culturally changing power configurations. Foucault thought of rights as being the product of specific power relations, but also as instruments of political struggles that reinforce or transform power relations (Zembylas 2016: 388-392). Claims to human rights, for example, could be used to criticize state oppression. However, as they were claimed against a state, they acknowledged the very existence of the modern state and thus reinforced the power relations that those were embedded in (Golder 2011: 291).

Subjects and rights stood for Foucault in a mutual relationship. Rights can only emerge when there is a certain subject that they can relate to. Why would the right to vote, for example, exist if there were no citizens that could make use of it? It can, however, neither be said that subjects are pre-existent to the creation of their rights. The French Declaration of the Rights of Man, for example, has first given rise to and defined what it meant to be a French citizen. Subjects hence point towards specific sets of rights, and vice versa, rights point to particular kinds of subjects (Golder 2011: 289).
2.1.4 Biopower

For Foucault, the turn from pre-modern to modern society was tied to a shift in the kinds of power relations that were determining society. The type of power typical for pre-modern societies was the so-called *sovereign power*. Sovereign rulers, such as kings, exercised their power by deciding on whether to take their subjects’ life or letting them live. Taking life should here not be understood only in its most literal sense of killing a human body, but also in more symbolic ways of taking wealth, labor, and products. Thus, power was exercised to serve the interests of the sovereign and did so by subtracting resources from its subjects, for instance by collecting taxes and taking the life of those who constituted a threat to the sovereign. (Foucault et al. 2004: 240-241).

In the turn to modernity, society underwent certain major changes through processes such as the emergence of modern democratic states and the industrial revolution. Those transformations entailed new types of power relations that were concerned with controlling and regulating life itself, with fostering the life of individuals and populations (Foucault 1990: 136-139). This power evolved in two forms: disciplinary- and biopower. Disciplinary power is of no particular interest for this thesis and it suffices to say that it centers on the individual body and aims to increase its productive force, for example by optimizing its body functions through medicine (Foucault et al. 2004: 242). Of central interest is here what Foucault termed *biopolitics* or *biopower* (the terms are used interchangeably). This power operates on a more general level where humans are understood and treated as a population as a whole rather than as separate individuals. It seeks to regulate the random element inherent in the population in order to protect its life from internal threats. Biopower thus manages and administers phenomena such as birth- and mortality rates, public health, housing, migration, and the effects of the environment (Foucault et al. 2004: 243-247).

If modern power is mainly concerned with the fostering of life, how can one then explain the deadly effects that modern states have produced with their innumerable wars and genocides? Foucault explains this as a paradox where the sovereign’s right to kill enters the field of biopolitics. For him, every power that tries to combine these two will necessarily have to make use of racism. With race, Foucault does not only mean the common understanding of it in terms of ethnicity and skin color, but any sort of division of the human species, which can also be based on categories such as class or criminality. Racism thus draws a line through the population and thereby defines whose life to invest in and which to let die. The killing will thereby be justified by depicting the excluded group as a threat to the life of the population,
implying that their lives must be eradicated in order to ensure that of the superior race. A relationship is thus established between the life of the population and the death of others. The evolutionism developed in the nineteenth century, for example, identified certain groups as threats to the life of the superior race, which then justified colonizing genocides and later on Nazism. This phenomenon, which Foucault termed state racism, also takes more indirect forms than killing, where bodies are rather let die and lives disallowed, for example through social exclusion and denial of protection. In essence, biopower is exercised through the right to make life or let die (Foucault et al. 2004: 254-260).

2.2 Theoretical Framework: Biopolitics and Rights

How can all the above outlined concepts help to illuminate the central interest of the present research project, i.e. what do they tell us about the relationship between biopower and different notions of rights? Foucault himself only offered some scattered thoughts on this particular matter. However, through a systematic use of his concepts and interpretations offered by other scholars, a theoretical framework can be developed.

Central to the interplay between biopower and rights are the respective subjects that they relate to. As explained above, different power relations produce different subjects. Those in turn relate to specific sets of rights. Power relations thus determine who we are, and thereby what rights we are entitled to (Golder 2011: 287-289). For Foucault, the rights discourse of modern states was a product of biopolitical power relations. Liberal rights (meaning rights that can be claimed towards modern states, i.e. the kind of rights this thesis is dealing with), were norms that guaranteed that modern states would exercise their biopower, i.e. foster the life of the population and all its constituting individuals. Biopolitical power relations thus produced subjects such as the citizen who is entitled to economic, civil, and social rights and also the human entitled to human rights. To claim rights can therefore be understood as an act through which one demands to be included into the biopolitically governed population of the state (Foucault 1990: 145; Golder 2011: 296).

What Foucault did not address explicitly, but follows logically is that the denial of rights can be understood in terms of state racism. As certain groups become depicted as a threat to the population’s life, there emerges a need to remove this threat, i.e. kill the group or let them die (literally or symbolically). To be able to do that, the group is first excluded from the population, so that the state has no biopolitical responsibility for their life anymore (Foucault et al. 2004: 254-260). The denial of rights can then be understood as one such mechanism through which
groups become excluded from the biopolitical reach of states. An example for this is how contemporary politics have produced the subject of the bogus asylum seeker. States fear that certain groups of asylum seekers could become an extensive burden to the social system and thus a threat to the wellbeing of the population, which in turn justifies the denial of their right to asylum, i.e. their exclusion from the population whose life politics is concerned of.

Foucault’s notion of domination and resistance informs us that subjects and their rights are not only constructed, but also transformed. Dominant subject- and rights constructions are constantly challenged by resistant discourses with alternative ideas of who certain people are and what rights they should (not) be entitled to. Wherever such divergent discourses clash, existent rights notions are constantly validated or invalidated, reproduced or transformed (Golder 2011: 298). Debates about whether or not certain people have certain rights can thereby be described as a clash between state racist and biopolitical discourses, and more specifically as struggles between those discourses that try to include those people into the population whose life is safeguarded by politics and those who try to exclude them from it.

2.3 Theoretical Considerations

The theoretical framework of this study was selected based on its potential to fulfill the research aim. As noted above, the aim is to explore the workings of biopower, as understood by Michel Foucault, in the discourses of the chosen case, and more specifically to examine how the struggle between divergent biopolitical logics plays out through different notions of entitlements to rights. The chosen theory makes possible to go beyond a discussion of who was interpreting the law correctly or violating it, and instead suggests that it is important to analyze to what power relations the divergent notions are tied to. Do the actors try to include the Romani EU migrants into the biopolitically governed population? Or do they apply a state racist logic by arguing that they need to be excluded from the population due to a perceived threat? A Foucauldian understanding of the relationship between rights and subjects suggests here that the different rights notions can exist because these relate to different subject constructions, i.e. because they work with different ideas of who the camp residents are. In what relation do they stand towards the population; and are they depicted as a threat to it or not?

Foucault’s work, does, however, not stand isolated in the academic literature. One important writer in the scholarly field inspired by Foucault is Edward Said. In his book Orientalism (Said 1978a), he describes how the West had constructed certain kinds of representations of the “Orient” to describe places in Asia, the Middle East and Northern Africa and the people
inhabiting those places. Said argues that the very emergence of the category “Orient” was created by European colonizers and shaped by their interests, and was thus the product of imperialist power relations. Thereby, he shows how representations of “the other” are produced through specific kinds of discourses (Said 1978a: 17). Here, Said makes use of Foucault’s notion of subjectivity, showing how subject positions (in his case that of the “Orient” or the “other”) were produced by particular power relations.

Another relevant writer in the field is Giorgio Agamben. In his work *Homo Sacer* (1998), he recalls the ancient Greek division between two sorts of life: *zoe*, describing the “the simple fact of living common to all living beings” (Agamben 1998: 8), i.e. bare life, and *bios*, describing human life in the public political sphere. Sovereign power, in this framework, is the capacity to exclude lives from the political sphere and thus from the juridical order. The people affected by this suspension, who Agamben calls Homo Sacer, are in a state of exception, meaning that they are not protected by the law anymore. They are bare life that can be killed without it being murder (Agamben 1998: 52). This capacity to ban bodies into the sphere of bare life is, for Agamben (1998: 92-94) the biopolitical logic of modern states. Here, Agamben is relating to Foucault and his conception of biopower, where politics becomes more and more focused on the bare biological life of the population (Heyes 2011: 160).

Both Said and Agamben could find application on the case of the eviction of the Sorgenfri Camp. They are however, mostly focused on how groups of people are othered or excluded and do not theorize much on resistance. The chosen Foucauldian framework, however, stresses very much that power consists of force relations that can be both repressive and resistant. Since this thesis addresses also how mechanisms of exclusion are resisted in the case of the Sorgenfri Camp, the chosen theory appears more suitable. For the same reason, other theories dealing with exclusion, such as enemy images (Harle 2000), scapegoating (Petersson 2009), and stereotyping (Jones 2002) are disregarded for the present purposes.

The chosen Foucauldian concepts have, however, received criticism on several grounds. Some scholars have pointed out that they are merely descriptive, offering little explanations for *why* things are the way they are (Rose 2001: 162). The concepts used for the present study do indeed merely describe *what* kinds of power relations there are in society and *how* they stand in relation to their correlating subjects with their specific sets of rights, while not explaining the reasons for that. However, the aim of this thesis is to describe, map, and illuminate the power relations underlying the rights discourses of the chosen case, not to explain why they are in place. For the present purpose, the descriptive character of the concepts can thus not be considered a
weakness, but rather as specifically helpful in coming closer to an answer to the research question.

Others have criticized that Foucault’s conception of subjectivity lacks the possibility of agency. To see subjects as the product of power leaves no room for them to act independently and leaves thus no ability to resist. Such critique is based on an understanding of power as merely repressive, so that it follows that one needs to stand outside of power relations to be able to resist them. However, if one reads Foucault carefully, one notices that he understands power as being the interplay between dominant and resistant force relations. His understanding of power hence did give space to resistance, so that such critique can be disregarded (Heyes 2011: 167). Finally, the strong focus of this thesis on Foucault could create the impression that this study is written as an homage to his work. However, the intention is here not to celebrate his writing unreflectively, but rather to test whether and in how far it can help to create an understanding of the chosen case.

3. Method

The central method through which the presented theories will be applied on the material is a Foucauldian discourse analysis. The research strategy with which this method will be conducted is a case study. The following outlines these two methodological components in detail and discusses their strengths and weaknesses in general as well as in relation to the current study in specific.

3.1 Case Study

A case study can be defined as an “in-depth investigation of one or more examples of a current social phenomenon, utilizing a variety of sources of data” (Keddie 2006: 20). There is great disagreement about whether it should be considered a method in itself or rather a strategy through which to necessitate other methods, such as legal- or discourse analysis (Creswell 2013: 97). In the present paper, it is understood as the research strategy through which the Foucauldian discourse analysis will be conducted. This means that the discourse analysis will focus on a selected case, which is the eviction of the Sorgenfri Camp.

Researchers have criticized that the notion of what a case constitutes varies from study to study, making it hard to communicate what it entails (Ragin 1992: 3-4). For the individual researcher, this means that it needs to be defined how the term ‘case’ is to be understood. In the present
study, it is defined as a social phenomenon that delimits itself from other phenomena of the social world through aspects such as a given time frame, location, and/or social group (Creswell 2013: 98).

Conducting a case study comes with certain advantages and disadvantages. On the one hand, to concentrate on a delimited social phenomenon promises to explore the research problem in particular depth. On the other hand, it makes it hard to generalize from the case (Creswell 2013: 101-104). The policies of the municipality of Malmö concerning Romani EU migrants in the Sorgenfri Camp and the discourses that this has triggered have certain local particularities, so that generalizations to the greater context of Sweden or the EU can only be drawn very carefully. The present thesis does, however not attempt to create a universal description of the rights situation of Romani EU migrants, but rather to focus at a local case and thereby to produce knowledge from below, so that extensive generalizations of the findings are neither of great concern nor desirable.

3.2 Foucauldian Discourse Analysis

Considering that this thesis is interested in different rights discourses, the choice was made to conduct a discourse analysis. The latter can, in its most generic sense, be defined as a systematic exploration of relationships between the social world and discourses. There are a variety of ways to define ‘discourse’ and different approaches to analyzing it, depending on aspects such as the academic discipline, theoretical underpinnings, and used material of the respective research project (Potter 2008: 2-3).

The kind of discourse analysis that seems most suitable to the present study is a Foucauldian Discourse Analysis (hereinafter FDA), which orients itself on how Foucault conducted his analysis. His way of working changed throughout his academic work and he never defined it explicitly, so that his methodological legacy is complex and diffuse (Cheek 2008: 2). Nevertheless, scholars agree on certain basic characteristics. Most fundamentally, FDA works with a definition of discourse as “groups of statements which structure the way a thing is thought, and the way we act on the basis of that thinking” (Rose 2001: 136). Discourses are thus articulated not only through written and verbal texts and images, but also through the practices that these allow. What is of interest when conducting an FDA is to analyze how the concerned discourses have been socially produced and what effects they have. How do the discourses produce things and their meanings? And what social practices do they give rise to (Rose 2001: 136)?
A Foucauldian understanding of power, as it has been presented in the theory chapter, is informing this method. Discourse is powerful because it is productive. It organizes how a certain thing is thought of and thus produces particular realities, determining how people see and act upon the world. When conducting an FDA, subjects, objects, relations etc. are thus not looked upon as given. Instead, discourses are understood to “produce[] the world as it understands it” (Rose 2001: 137). As discourse is productive, it does not only have repressive effects. An FDA can therefore be concerned with both authoritative accounts and also with discourses that are contesting them (Rose 2001: 142).

In this regard, Foucault’s notion of power-knowledge (pouvoir-savoir) is important to keep in mind. In French, there exist two different terms for knowledge. Connaissance refers to what could be called book-knowledge while savoir describes the knowledge that counts as common sense. Savoir is the know-how that informs people’s daily thoughts and actions. It is thus more of a practical kind of knowledge dealing with social life and customs (Feder 2011: 55). The composite term pouvoir-savoir consequently refers to the relationship between this kind of social knowledge and power. On the one hand, power relations determine which ideas are rendered true or false and thus decide whether they are to count as knowledge or not. Power thus produces reality by determining what can or cannot be known. On the other hand, knowledges themselves produce a certain reality and therefore have the ability to either reinforce or transform existing power relations (Foucault 1977: 27). Discourses can then be understood as the instances at which this interplay between power and knowledge plays out. When analyzing the organization and effects of discourses, one thus explores how, in a chosen case, power produces knowledges about the world and how, through the application of particular knowledges, prevailing power relations are reproduced or challenged. Which underlying rules are determining what is considered true or false in the concerned situation? What views of the social world does this construct? What kind of power relations have given rise to such rules? How do these knowledges become visible through ways of speaking and acting and what power effects do those have (Lynch 2011: 18)?

To answer questions concerning the organization of discourses, it is helpful to look at how discourses are structured. Attention can here be paid to how the things they are concerned with (e.g. human subjects, places etc.) are described and categorized and which knowledges about them are emphasized or left out (Rose 2001: 150). When it comes to the effects of discourses, one needs to consider their social location. Who says what in which circumstances? Of particular importance is here the role of institutions, such as the police and prison. Their
discourses are often especially powerful as they embody a high degree of authority and very effectively serve specific social functions. Their practices are commonly organized around certain people and thereby turn those into particular kinds of human subjects, such as criminals and prisoners (Rose 2001: 164-169).

Despite these basic features, there is a high degree of flexibility inherent to Foucauldian discourse analyses. For the individual researcher, this means that it is of importance to define how the method will be applied in detail to not turn the flexibility into vagueness. As Cheek (2008: 4) put it, FDA “is about identifying, selecting, and using tools from those in the extensive tool box provided by Foucault's work”. In the present study, the tools are chosen on their ability to illuminate how biopolitical power relations play out in the discourses on the rights of the Romani EU migrants evicted from the Sorgenfri Camp. The following questions have been chosen to guide the exploration of this matter methodologically:

- **How do the actors structure their discourses around the camp residents, i.e. what can(not) be known about them and how are they described and categorized?** Short: As what kind of subjects are the camp residents dealt with?
- **What rights situation do these subject constructions point to?**
- **How can the respectively constructed rights situations be understood in terms of biopolitical power relations?**
- **How do the social practices of the divergent actors reinforce or challenge those power relations and what role do institutions play in this regard?**

### 3.3 Methodological Considerations

An alternative to the chosen method would have been to conduct a critical discourse analysis. The latter examines “the subtle ways in which unequal power relations are maintained and reproduced through language use” (Weninger 2008: 2). This approach would, to a certain extent, have suited the research problem as well. However, a Foucauldian discourse analysis was chosen instead because it fits best to the theoretical framework with its focus on the productivity of power relations in connection to the construction of subjectivities. Furthermore, the present study is interested both in texts and actions. Critical discourse analysis is, however, only looking at language and not at social practices. FDA, in contrast, is concerned with both (Rose 2001: 135) and therefore seems to be the better choice for the present purposes.
A Foucault inspired discourse analysis is furthermore beneficial for this thesis because it works with an understanding of power as being not merely repressive, but also as contested by resistant power relations. Thus, it “offers the possibility of illuminating the effects of power […] as being exercised from innumerable points within a given context” (Cheek 2008: 3). One central interest of the present study are the power relations embedded in the discourses of those resisting the dominant account of the municipality of Malmö, so that an FDA with its particular understanding of power seemed very suitable.

It should be noted that there exist several points of criticism voiced against the chosen method. First, FDA is said to have solely descriptive, not explanatory power (Rose 2001: 162). However, as already noted in connection to the theory, the motivation of this thesis is a solely descriptive one, so that this cannot be considered a weakness for the present purposes. Critics furthermore point out that FDA is too vague to serve as a fully developed method (Rose 2001: 139). However, the preceding sections, carefully defined the exact methodological steps to be followed in order to circumvent this problem.

Finally, it remains important to show a degree of reflexivity. With the underlying understanding of discourse as being tied to specific power relations, “it would be inconsistent to contend that the analyst's own discourse was itself wholly objective, factual or generally true” (Tonkiss in Rose 2001: 160). This might appear unsatisfactory since the findings cannot represent the only possible reading of the discourses. However, with a Foucauldian understanding of power-knowledge, research cannot possibly produce universal truth. What remains for the researcher is then merely the possibility to offer an alternative and systematic way of looking at the discourses in question while also inviting others to make the findings subject to revision (Rose: 2001: 160).

4. Material

The material was chosen according to its relevance to the present research project. As already noted, the interest of this thesis are the divergent notions about whether the Sorgenfri Camp residents had the right to be offered an alternative housing solution after their eviction. Any piece of discourse informing on this matter is of relevance. Interesting are thereby not only statements on the rights situation, but also description of the actions that these lead to.

The case is bound to a limited time frame. It starts in February 2015 when the municipality of Malmö initiated their first attempt to clear the camp and, as for now, ends in April 2017 with a
ruling by the Supreme Land and Environmental Court (Malmö Stad Miljöförvaltningen 2015, Svea Hofrätt Mark- och Miljööverdomstolen mål nr M 2407-17). As this is a comprehensible time frame, no further temporal limitations were made on the material.

The process of searching for the material was the following: First, a general overview over the matter was obtained and the involved actors identified, whereby anyone acting or speaking in the discourse of the chosen case was considered as an actor. Then, their means of communication were detected and from there the various pieces of discourses that they produced on the issue collected. Where webpages were concerned, the following search words were used in either Swedish or English: ‘Sorgenfri’, ‘Sorgenfri Camp’, ‘Brännaren 19’ (the official name of the plot on which the camp was located), ‘eviction’, ‘Roma/Romani (-migrants)’, ‘(Roma/Romani-) EU migrants’, ‘(Roma/Romani-) EU citizens’. Search results that did not deal with the camp residents’ right to alternative housing were sorted out due to their irrelevance to the present purposes. Finally, the most representative pieces of discourse were identified for each actor so as to reduce the amount of material.

The first actor that could be identified in this process is the municipality of Malmö, and especially the Environmental Board, which took the decision to clear the camp, and the Social Services, which was involved in matters concerning the camp residents’ social situation. A statement made by the Social Services to a local newspaper and a public letter by the Environmental Board addressed to the organization Civil Rights Defenders were chosen to represent their stance on the matter (Funke 2016, Malmö Stad 2015a).

Secondly, there is the Nätverket för Romers Rättigheter (Network for Roma Rights), which consists of local grass roots organizations who supported the camp residents. Their understanding of the rights situation is most clearly expressed in a petition to the municipality (Nätverket för Romers Rättigheter 2015a).

A range of human rights actors were also involved in the debate. Most visibly, there was the Malmö based Centrum för Sociala Rättigheter (Centre for Social Rights). They supported the camp residents in appealing the municipality’s decisions and stood in contact with other organizations. A report written about the rights situation was chosen to represent their views (Centrum för Sociala Rättigheter 2016). Also included is a public letter by the NGO Civil Rights Defenders (2015) and a report by the human rights organization Raoul Wallenberg Institute (2016). Furthermore, two governmental human rights monitoring bodies entered the debate. The Special Rapporteur for Minority Issues of the United Nation’s Office of the High Commissioner for Human Rights and the Human Rights Commissioner of the Council of
Europe both addressed their concerns in letters written to the Swedish government (OHCHR 2015, Council of Europe 2016).

The replies to those letters by the Foreign Ministry of Sweden (2015), and the Minister for Children, the Elderly and Gender Equality (Åsa Regnér 2016) are here taken to represent the views of the Swedish government, and are complemented with a media statement by Sweden’s Prime Minister Stefan Löfven (Aftonbladet 2015).

Since the municipality’s decision to evict the camp was appealed several times, three courts were also involved in the case. The decision of the County Administrative Board is hereby representative since the higher courts only upheld its ruling (Länsstyrelsen Skåne dnr 505-29988-2015, Växjö Tingsrätt Mark- och Miljödomstolen mål nr M 1806-16; Svea Hofrätt, Mark- och Miljööverdomstolen mål nr M 2407-17).

Furthermore, there are several voices outside the official discourse. This includes the views of individual politicians as expressed during a city council meeting of which there exists video footage, and complaints by private persons sent to the municipality by e-mail, which could be requested from the city administration as part of their public records (Malmö Stad 2015b, 2017a, b).

The most central actors in this case are, however, the camp residents themselves. Material that could be obtained from them includes descriptions of their protests outside the city hall and the appeals to the municipality’s decisions (Nätverket för Romers Rättigheter 2015b, Bomculescu 2015, 2016, 2017). These played a significant role in the struggle over their rights. They can, however, not be held to represent the discourse of all camp residents as a group. Only a share of them decided to protest and the appeals were filed by one separate individual. Such material will therefore not be used to make claims about the camp residents as a unified actor.

The choice was made to exclude statements by media commentators because they mostly recalled the views of the actors named above. Perhaps, a media perspective could have offered insights into the interests of the various media outlets. However, a media analysis comes with its own methodological considerations, which would have exceeded the scope of the present study while not adding much value to it.

Despite this limitation, a rather extensive amount of material has been selected. This might appear incomprehensible within the given scope of this study. To include all the different actors was, however, necessary since they represent different institutional functions that are all important to consider when analyzing how rights of certain groups are negotiated in society.
Also, as will be shown later, many actors argued in similar ways, so that they can be analyzed jointly, making the material comprehensible in the end.

5. The Rights Situation of Romani EU Migrants

In 2007, Romania and Bulgaria became member states to the EU. The countries’ populations became EU citizens and thereby acquired the right to move and reside freely within the Union. Especially Roma, many of whom are discriminated against in everyday life and reside in large scale poverty, made use of this new right, moving to other EU countries in the search for economic opportunities to improve their living situation. In the host countries, many experience difficulties to access the labor- and housing market, so that a high number of Romani EU migrants are living in informal camp settlements and try to earn money through begging (Coman & Rezeanu 2016: 81-82). Many countries are taking offense in their living situation. The camps are often seen as a security threat since they usually occupy private or public ground without permission and the conditions in the camps are not seldom interpreted as a problem for public health. Many are furthermore irritated by the begging, seeing it as an undeserving way of earning money, which would undermine the tax system. Moreover, Romani EU migrants are often perceived as a threat to national values, depicting them as inherently nomadic, dirty, or criminal, and thus as voluntarily choosing a life style that is incompatible with modern society (Bărbulescu 2012: 283-295; Mäkinen 2013: 202).

Such images have lead many states to treat Roma from other EU countries as undesired migrants. Most notably, Italy and France have repeatedly deported large groups of Romani EU migrants collectively out of the country without assessing their cases individually. Furthermore, many countries are trying to criminalize their begging and in almost every EU member state, homeless Romani migrants are being harassed by the police during night time and face endless chains of evictions, making it often close to impossible for them to exist in the cities (Bărbulescu 2012: 279; Marinaro 2009: 265; van Baar 2017: 223; Mäkinen 2013: 202).

States justify their measures with reference to the EU Directive 2004/38/EC, which allows expulsions on grounds of public policy, public security and public health, and sets out that EU citizens only have the right to stay in another EU country if they have sufficient resources so as to not become a burden to the host state’s social services. The threat allegedly originating from Romani EU migrants is then used to justify their expulsion, and their lack of formal jobs interpreted as burdening the social services, thus granting them neither the right to residence nor any rights tied to such residency (Parker & Catalán 2014: 379-393).
Roma communities, civil society, EU authorities, and human rights monitoring bodies at the European- and UN level are criticizing that states are violating the rights of Romani EU migrants to, inter alia, housing, water, and free movement. They argue that certain human rights are unconditional, and point out that expulsions are only permissible if it can be proven for each individual separately that they constitute a real and serious threat. The treatment of Romani EU migrants thus sparked a large debate about the correct interpretation of EU law, the conditionality of EU citizenship rights, and their relationship to human rights treaties (O’Nions 2011: 362, 380).

Since Romania and Bulgaria entered the EU no more than ten years ago, the academic literature on the rights situation of Romani EU migrants is somewhat limited although it is growing. Some scholars explore the issue from a legal dimension, discussing the correct interpretation of EU- and human rights treaties (Mahoney 2012). Others argue for the rights of Romani EU migrants from an ethical perspective (Mäkinen 2013). Most researchers, however, focus on the sociological dimension of the problem and analyze what the discourses and actions by various political actors tell us about society. Since the interest of this thesis lies in social power relations, only the sociological literature will be reviewed here.

The issue that most scholars address in their studies is that Romani EU migrants are perceived as a threat to public health, security, and the welfare system, and how this in turn is used by politicians as a reason to deny them certain rights, such as those to free movement or housing. This has mostly been addressed through the lenses of securitization theories, explaining how discourses have depicted the presence of Romani EU migrants as a security concern and how this in turn justifies otherwise unacceptable measures (Bârbulescu 2012, van Baar 2015). The notion of threat has also been addressed from the perspective of biopolitics, exploring how Romani EU migrants are depicted to threaten the life of the population, demanding their exclusion at the expense of their rights in order to secure the survival of the nation (van Baar 2017, Marinaro 2009).

Border scholars are dealing with the evictions and expulsions as social practices through which borders are being enforced in an otherwise territorially more and more united EU. Borders between EU states are being revived and local administrations are drawing ever harsher lines between desired and undesired migrants by denying certain groups access to social rights (Johansen 2016). In similar fashion, it is explored how Romani EU migrants are not fitting into the common EU citizenship narrative, which is usually defined through free movement and equal rights. As those rights are subjected to conditions, such as not threatening public health
or security and not burdening the social assistance system, a large share of Romani EU migrants is structurally excluded from enjoying those rights due to their poverty and the way they are perceived by others. Nevertheless, their high degree of mobility fits perfectly into the EU narrative, so that Romani EU migrants occupy an odd place between severe exclusion from EU citizenship rights and the very embodiment of the mobile EU citizen (Hepworth 2012, Dahlstedt & Olson 2016).

What is largely absent from scholarly debate is how exclusionary discourses and practices are being resisted by the Romani EU migrants themselves, but also by civil society, EU institutions, and human rights actors. Such forms of challenging the dominant discourse are mostly dealt with as an afterthought, addressed in conclusions to give an outlook into solutions to the problem. An exception is here O’Nions (2011), who analyzed how critics are claiming that states should stop their discriminatory practices. The author argues that the rhetoric of non-discrimination cannot tackle the mechanisms through which Romani EU migrants lose access to their rights, because politicians are usually employing a rhetoric of threat, which does not explicitly address ethnicity although the outcome is that it is Roma people who are affected. With O’Nions being an exception, more research is needed on discourses that try to tackle exclusionary practices and include Romani EU migrants into the community of rights. To create more systematic research on this issue would not only close a gap in the literature, but also serve a normative purpose as it could illuminate through which approaches the structural exclusion of Romani EU migrants could be tackled effectively. The present thesis aims to fill this gap in the literature by addressing not only how the residents of the Sorgenfri Camp have not been granted the right to housing, but also how different actors argued in favor of their rights.

Furthermore, most scholars have focused on the highly publicized collective expulsions of Romani EU migrants from France and Italy (Bărbulescu 2012, Marinaro 2009). Only a handful of researchers have addressed the situation in Scandinavian countries (see for example Barker 2017). In contrast to Italy and France, Scandinavian countries are said to host some of the most egalitarian societies in the world. The political landscape is thus a different one and to shed light on their practices could help to explore how mechanisms of exclusion are playing out in otherwise arguably more inclusive societies. As the present thesis focuses on a case in Sweden, it attempts to contribute to a deeper understanding on this matter. The case of the Sorgenfri Camp was then chosen because it received a high level of attention by the public, so that the divergent rights discourses became very visible, making the case easier to study.
6. The Eviction of the Sorgenfri Camp

In the following, the case that this thesis attempts to analyze will be presented. Events connected to the eviction of the Sorgenfri Camp will be described as well as the discourse evolving around them. As noted previously, only the debate on the camp residents’ right to housing is of interest to the present study, so that questions concerning the property owner, the behavior of the police and the necessity, proportionality and overall legality of the eviction will not be addressed.

In autumn 2015, the municipality of Malmö, Sweden, decided to clear an informal settlement commonly called the Sorgenfri Camp. It was built between 2014 and 2015 on a privately owned unused plot formally called Brännaren 19. In 2015, the settlement consisted of 100-200 individuals, mostly Roma from Romania, living in caravans, small makeshift houses as well as cars and vans. The living standards in the camp were low due to a lack of running water, electricity, and access to the municipality’s recycling system, which affected the camp residents’ health and safety.

Private persons soon started to complain to the municipality that the camp created problems for public health and the environment, polluting the air, attracting pests and creating conditions under which diseases would spread easily. The settlement thus became a concern to the municipality’s Environmental Board, which decided that the problem could only be solved by cleaning the plot, meaning that the camp had to be demolished and its residents had to leave. The Environmental Board’s first attempt to clear the camp in April 2015 failed due to an appeal by one of the camp residents. The municipality appealed the court’s judgment twice. While their second appeal was still pending before court in October 2015, a new decision was filed that made use of a special legal provision, which allowed the city to vacate the camp despite any appeals. The inhabitants were offered to sleep for five nights in an evacuation shelter and were informed of their right to apply for emergency support in order to get financial help for a bus ticket to their home country (Centrum för Sociala Rättigheter 2016, Malmö Stad 2017b).

The municipality’s decision was met with great criticism. A camp resident appealed the municipality’s decision with support by the Malmö based organization Centrum för Sociala Rättigheter (Bomculesscu 2015). The local support group Nätverket för Romers Rättigheter collected signatures for a petition, demanding “No eviction without a dignified alternative!”1 (Nätverket för Romers Rättigheter 2015a) and organized several protests. Furthermore, private persons, the organization Civil Rights Defenders, and the Special Rapporteur for Minority

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1 “Ingen avhysning utan ett värdigt alternativ!” [Own translation].
Issues of the UN’s High Commissioner for Human Rights expressed their concerns to the municipality (Malmö Stad 2017a, b, Civil Rights Defenders 2015, OHCHR 2015). A central point of all that criticism was that if the municipality wanted to evict the camp, it had to provide alternative housing to its residents so as to not force them into homelessness and thus violate their human rights. According to the Network for Roma Rights, the camp residents themselves demanded to be offered a piece of land on which they could camp legally and in accordance with environmental standards (Nätverket för Romers Rättigheter 2015b).

The critics all emphasized that the camp residents were human beings and as such entitled to certain universal rights. Those arguing from a legal perspective referred to rights manifested in international and European human rights treaties, such as the right to an adequate minimum standard of living arising out of article 11 of the International Covenant on Economic, Social and Cultural Rights, the right to respect for private and family life provided for by article 8 of the European Convention on Human Rights, and the right to housing protected through articles 16, 30, and 31 of the European Social Charter. That the camp residents obtained no residence permit in Sweden played no role for the critics. They either left this issue unaddressed or explicitly rendered it irrelevant, highlighting that every human, irrespective of legal status, was entitled to a minimum standard of living based on their inalienable rights to life and dignity (Bomculescu 2015, Civil Rights Defenders 2015, OHCHR 2015). This sense of humanism can also be found in non-legal argumentations, where the emphasis lied on the universality of values, such as compassion, solidarity, and equality. In the Facebook event through which the Network for Roma Rights organized their protests, a private commentator wrote for instance: “Nationality, which by the way is a constructed phenomenon, is totally irrelevant - in the first place, it is human beings we talk about”2 (Nätverket för Romers Rättigheter 2015b).

The critics furthermore all emphasized that the camp residents were Roma. They highlighted their special vulnerability as historically oppressed people experiencing systematic discrimination and social exclusion and thus lacking access to the housing market, and argued that this created special responsibilities for the municipality concerning their housing rights. Civil Rights Defenders (2015), for example, recalled Winterstein et al. vs. France, a case before the European Court of Human Rights, in which it was ruled that “[W]ith regard to the systematic discrimination that Roma are exposed to […] this group [should] never […] be evicted

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2 “Nationstillhörigheten, som för övrigt är en skapad företeelse, är skitsamma - i första hand är det medmänniskor vi talar om” [Own translation].
forcefully unless alternative accommodation is offered”³. In a more politicized manner, the Network for Roma Rights (2015a) argued: “We demand that the Swedish authorities do not repeat the history. We have a responsibility, both towards the Roma which are Swedish citizens and those Roma which today are coming to Sweden because they flee poverty, famine and racism”⁴.

Despite all the critique, the eviction was carried out by police forces on November 3rd, 2015 without the Social Services having offered any alternative housing to the affected persons. In the media and in a public letter, the municipality justified their behavior by arguing that the affected persons were EU citizens from Romania and did not obtain the right to residence in Sweden: “The occupants are neither registered nor citizens of Sweden. They are European citizens, mainly from Romania but reportedly also from Bulgaria” (Malmö Stad cited in Foreign Ministry 2015). For people of that group, any measures exceeding emergency support would not fall into Sweden’s, but instead into Romania’s responsibilities. According to EU legislation, every EU citizen had the right to apply for social support at the social services of their host country. Those having the right to residence should thereby be treated equally to the country’s citizens. The right to residence would, however, be tied to a certain condition: After an initial period of three months, one would need to have the sufficient resources to not become a burden to the country’s social assistance system. Those not fulfilling this condition would have limited rights and could only receive emergency support. The municipality thus argued that the camp residents could apply individually for support, but considering their economic situation, they would most likely only be entitled to a bus ticket to their home country (Malmö Stad 2015a).

National authorities supported this argumentation. Sweden’s Prime Minister Stefan Löfven, for instance, made a media statement in which he claimed that it could not lie in Sweden’s responsibility to solve the social problems of Romanian citizens: “[I]n the long run, it is their own countries’ responsibility to help them get work, education and housing in their country. That is not Sweden’s responsibility”⁵ (Aftonbladet 2015). In a letter to the UN, the Foreign Ministry (2015) also revoked the conditionality of EU citizenship rights.

⁴ "Vi kräver att de svenska myndigheterna inte upprepar historien. Vi har ett ansvar, både mot de romer som är svenska medborgare och de romer som idag söker sig till Sverige i flykt från fattigdom, svält och rasism” [Own translation].
⁵ “[I] det långa loppet är det deras egna länder som måste ta ansvar för att de får arbete, utbildning, och bostad i sitt land. Det har inte Sverige ansvar för” [Own translation].
Both municipal and national authorities highlighted, however, that although they could not provide for all social rights of vulnerable EU migrants, they nevertheless invested into social projects for their inclusion in both Sweden and Romania (Foreign Ministry Sweden 2015, Malmö Stad 2015a).

The municipality also found support in less official discourses, for example by certain individual politicians expressing their views during a city council debate and by private persons expressing their thoughts in e-mails addressed to the city (Malmö Stad 2015b, 2017a, b). The camp residents are here commonly referred to as “EU migrants” (EU migranter), a term commonly used in the Swedish public discourse to describe socially excluded EU citizens residing in Sweden, most of which are from Romania or Bulgaria and either identify themselves or are perceived as Roma (Spehar et al. 2017: 120, Malmö Stad 2017a: nr. 17, 19, 20, 28; 2017b: nr. 248). The tone in those speeches and communications is more outspokenly anti-immigrant and, at times, makes use of racialized stereotypes. The base line, however, remains the same: The municipality cannot grant certain rights to people like the Sorgenfri Camp residents because this would overburden its welfare system. A reoccurring theme is here the common anti-immigration claim that the city cannot help the entire world because its resources are limited and need to be used for its own population in the first place. Magnus Olsson, a politician of the nationalist party Sweden Democrats, for instance, argued: “[...] it seems like people think that our resources are infinite and that Malmö then should be responsible for the whole world, which, as I think everyone understands, is totally unreasonable [...]. We can hardly help our own Malmö residents”6 (Malmö Stad 2015b). Also frequently occurring is the notion that it would be unfair for tax payers if Romani EU migrants would receive social support from the municipality. As beggars, they would take tax free money from others and thereby prove that they are truly lazy and tend to “abuse the benevolence and good intentions of others”7 (Malmö Stad 2017a: nr. 23). A private person writes: “[N]ot a single penny of the tax payers’ money should be wasted on those so-called “tourists”, who are obviously only here to kick up a fuss and parasitize”8 (Malmö Stad 2017a: nr. 38). As the authorities, many private persons and individual politicians also showed their willingness to invest into a solution to the problem as long as the people remained excluded from the welfare system. A statement by Lars Johan

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6 “[…] det verkar vara så att man då anser att våra resurser är ju oändliga och att Malmö då ska ta ansvar för hela världen, vilket, jag tror att alla förstår, är ju fullständigt orimligt […]. Vi kan ju knappt hjälpa våra egna Malmöbo” [Own translation].

7 “utnyttja andras godhet och välmening” [Own translation].

8 “[…][N]inte ett öre av skattebetalarnas pengar ska slösas på dessa så kallade ”turister” som uppenbarligen bara är hår för att ställa till bråk och parasitera” [Own translation].
Hallgren, another Sweden Democrat, illustrates this attitude: “So the best for all involved parties would be if they just travelled back home to their respective EU countries and settled down where they once came from. And I don’t have anything against the idea that the municipality of Malmö helps economically to make this possible”\(^9\) (Malmö Stad 2015b).

Another theme brought forward to argue against the camp residents’ right to be provided with alternative housing was the illegality of the settlement. This point did not play a large role in the public discourse, but was of relevance for the legal argumentation by the city as well as the involved courts. In defense of accusations of human rights violations, the municipality argued the following way: The right to privacy and family life, as it arises from the European Convention on Human Rights Article 8, only applies if the place in question can be considered a home in its legal sense. Illegal settlements only fall into the definition of home if its inhabitants have established significant ties to the place. The Sorgenfri Camp, however, only existed since a relatively short period of time and would thus not fall into the definition of home, so that the article would not apply to this case (Malmö Stad 2015a). The County Administrative Board evoked the same argumentation in its ruling on the appeal by one of the camp residents, adding that the same assessment would apply to the right to housing manifested in Article 31 of the European Social Charter (Länsstyrelsen Skåne dnr 505-29988-2015).

Critics did not accept any of those argumentations. For several weeks, protestors gathered outside the city hall (Centrum för Sociala Rättigheter 2016) and in the following months, several more human rights actors criticized the city, among them the Council of Europe (2016) and the Raoul Wallenberg Institute (2016). In their reports and letters, they revoked the argumentations described above, focusing on the universality of certain human rights and the special vulnerability of Roma people. The Raoul Wallenberg Institute even brought in a new perspective, arguing that housing gives people access to water and sanitation, which everyone, regardless of migration status or legality of their home, is entitled to due to their basic function to secure human life and dignity. Furthermore, a former camp resident appealed the County Administrative Board’s decision (Bomculescu 2016, 2017). He did not accept the court’s claim that the camp could not be considered a home, arguing that it fulfilled important sheltering functions for the group of vulnerable Romani EU migrants, such as enabling them to build up a community that could provide them with safety and protect them from antiziganist attacks.

\(^9\) “Så det bästa vore ju för alla inblandade parter, det vore om de bara gå och resa hem till deras respektive EU länder och bosätta sig där de kommer där ifrån en gång i tiden. Och jag har ingenting emot att Malmö kommun hjälper till ekonomiskt för att mögiggöra detta för” [Own translation].
Despite ongoing critique, the municipality did not change its attitude and national authorities continued to support their decision (Malmö Stad 2017c, Funke 2016, Åsa Regnér 2016). Neither did the situation change in court, where both the Ground and Environmental Court and the Supreme Ground and Environmental Court upheld the County Administrative Board’s decision (Växjö Tingsrätt Mark- och Miljödomstolen mål nr M 1806-16, Svea Hofrätt Mark- och Miljööverdomstolen mål nr M 2407-17). According to the Centrum för Sociala Rättigheter (personal communication, July 13, 2017), the last decision will soon be appealed further to the European Court of Human Rights. The court is highly respected in European politics and its judgements are legally binding (Dixon 2013: 368), so that its ruling will shed further light on how the case of the Sorgenfri Camp can be framed from a human rights perspective.

7. Biopower and the Rights of the Sorgenfri Camp Residents

How can one understand those divergent rights discourses if one traces their underlying biopolitical power relations through a Foucauldian discourse analysis? The following explores this question by first focusing on the discourses of the municipality and its supporters and then turning towards how those were challenged by their critics.

7.1 No Housing Rights for Economically Inactive EU Migrants

As described above, the public discourse on the eviction of the Sorgenfri Camp was dominated by the idea that people like the camp residents could not be granted certain social rights in Sweden because the welfare system could not stem the burden. The perception that they constituted a threat to the welfare of the population was thus used to deny them certain rights. How does this logic evolve in the discourses of the municipality and its supporters?

The welfare argument is based on a particular understanding of who the camp residents are as a group. In Foucauldian terms, they are placed into a specific subject position. They are primarily looked upon as economically inactive persons who are citizens of another EU country. Whether they are called ‘EU citizens’, as the official voices of the municipality and the government did, or ‘EU migrants’, as preferred in less official discourses, the focus lies on their belonging to another EU member state (Funke 2016, Foreign Affairs Ministry Sweden 2015, Åsa Regnér 2016, Malmö Stad 2015a; 2017a: nr. 17, 19, 20, 28; 2017b: nr. 248). Neither the municipality nor the government claimed explicitly that the camp residents were economically inactive since this could only be assessed on an individual basis by the Social Services. Nevertheless, they repeatedly referred to laws applying to the situation of those EU citizens
who do not have the economic means to support themselves, implying an assumption that a significant share of the camp residents would fall into that category (Malmö Stad 2015a, Foreign Affairs Ministry Sweden 2015, Aftonbladet 2015, Åsa Regnér 2016). The more unofficial discourses of private persons were much more explicit in this regard as they defined the camp residents predominantly in terms of their begging activity and proclaimed laziness (Malmö Stad 2017a: nr. 17, 19, 23, 28, 35, 38; 2017b: 248).

The Sorgenfri Camp residents are thus placed into the subject position of the economically inactive EU citizen. The assessment of their rights situation made by those actors using such discourse must be understood behind the background of this subject construction. From this perspective, the city of Malmö was dealing with citizens from another EU country who were, despite their economic inactivity, demanding the municipality to provide them with housing. The dominating thought is thereby that if they were granted the right to housing, the municipality would spend the resources of its own social assistance system on a group of people for whom another EU country is responsible. What remains unaddressed, however, is that the Romanian government is failing to take up its responsibility to secure an acceptable minimum standard of living for them (Coman & Rezeanu 2016: 81-82). Their rights claims are thus primarily perceived as a potential and avoidable burden to the welfare system. The conclusion is then that, in order to protect the municipality’s social assistance system, the camp residents should not be entitled to support for their housing situation.

In official discourses by local and national authorities, this logic manifests itself in reference to the EU’s Free Movement Directive, which prescribes that those EU citizens who reside in a host country and do not have the economic means to support themselves are only entitled to emergency support (Malmö Stad 2015a, Ministry for Foreign Affairs Sweden 2015, Aftonbladet 2015, Åsa Regnér 2016). The underlying reasoning is here that EU citizens should be denied certain rights if they would otherwise become a burden to the host country’s welfare system. The same logic can be found in the stereotyped discourses of those private persons who argued that it would be unfair if the camp residents, as lazy beggars, would receive support from the Social Services, which tax payers financed through their honest labor (Malmö Stad 2017a: nr. 17, 19, 23, 28, 35, 38; 2017b: 248). The camp residents are here primarily understood as lazy subjects who undermine the local tax system. They are thus seen as undeserving, meaning that it would be unfair if they received support from the city’s social services. This logic of justifying the denial of rights with the fear of an overburdened welfare system can furthermore be found in anti-immigrant argumentations like that of the Sweden Democrat, who
argued that the city should focus on its own population since it would not have the resources to help the entire world (Malmö Stad 2015b).

The last example illustrates that it was not the Sorgenfri Camp residents as a limited group that are perceived as a threat to the social assistance system. The worry rather seems to be that if the camp residents would receive support for their housing solution, then all other economic inactive EU citizens could demand the same. The fear is then that this could encourage more and more people to come to Sweden and ask for support, which would sum up to an untenable burden to the local social assistance systems. It is thus the group that the Sorgenfri Camp inhabitants are seen to represent that is here perceived as a hypothetical threat. Not they by themselves are seen as the problem, but the subjects that they stand for. One person expresses this explicitly in an e-mail to the city administration, which was written when the camp was already evicted and many of its former inhabitants protesting outside the city hall: “If the municipality of Malmö decides to provide accommodation to the Romanians who sit outside the city hall, then all poor people from Romania, Hungary and all EU countries will settle down in Sweden”\(^{10}\) (Malmö Stad 2017a: nr. 17). The argument by another person that “Sweden IS NOT Europe’s welfare office”\(^{11}\) (Malmö Stad 2017b: nr. 21) also portrays this fear.

That many actors were nevertheless willing to invest into projects for poor EU migrants does not stand in contradiction to such reasoning. Although the inclusion programs at the municipal level, the government’s investments in Romania’s social infrastructure, and the resettlement program suggested by a Swedish Democrat are attempts to work on the social situation of the people in question, they do so without entitling them to social rights and thus without including them into Sweden’s local welfare systems (Malmö Stad 2015a, Ministry for Foreign Affairs Sweden 2015, Åsa Regnér 2016, Malmö Stad 2015b). What we see here is thus not a kind of racism that deprives people of their rights because of blunt hatred, but rather a conditional mechanism that excludes others from the community of rights if they are perceived as a threat. People’s entitlements to rights thus depend on the subject position they are placed in, and specifically on whether those subjects are thought of as a threat or not. In our case, the camp residents are not entitled to housing rights within Sweden because they are predominantly seen as economically inactive migrants from another EU country and thus as a potential burden to the welfare system.

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\(^{10}\) “Om Malmö kommun beslutar att fixa bostad till rumäner som sitter utanför stadhuset, då kommer alla fattiga människor från Rumänien, Ungern och hela EU-länder att bosätta sig i Sverige” [Own translation].

\(^{11}\) “Sverige ÄR INTE Europas socialkontor” [Own translation].
This logic is close to Foucault’s concept of state racism. As a reminder, the latter describes the mechanism through which groups of people are excluded from the biopolitical investments of politics. As certain groups are depicted as threat to the life of the population, they are excluded from the latter so as to secure the population’s survival. In their state of exclusion, their life is not of political concern anymore. Politics can let them die (Foucault et al. 2004: 254).

It is such biopolitical power relations that underlie the discourses of those who did not want to grant the right to housing to the Sorgenfri Camp residents. The affected persons were looked upon in terms of their biopolitical qualities, i.e. whether they enhanced or threatened the population’s life. The population is hereby understood as the legal residents of Malmö and their life as the welfare system that ensures their social security. The camp residents are hence primarily perceived in terms of their relationship to this welfare system. What matters from this perspective is that they are citizens of another EU country and economically inactive. They are thus seen as a group of people who make claims towards the Social Services although they should turn to their country of origin for such demands and/or although they could easily earn their own living if they were not so lazy. They are consequently understood as a hypothetical threat to the welfare system. The fear that many more people would come and follow their example strengthens this perception. Following the logic of state racism, the conclusion is then drawn that the life of the population, i.e. the welfare system, can only be protected if economically inactive EU migrants remain excluded from it. The thought is here that only if their claims to housing rights are denied can the social security of the city survive. To use Foucault’s terms, the perception that they constitute a threat to the life of the population justifies that the city lets them die (Foucault et al. 2004: 254). To let die should here not necessarily be understood in its literal and most ultimate sense, but rather as depriving them of their existence as bearers of certain social rights.

Making visible this logic behind the discourses of the municipality and its supporters reveals the biopolitical backbone of EU citizenship: equal rights for all EU citizens except those who make claims towards their host countries’ welfare system. By not offering a housing solution to the Sorgenfri Camp residents, the municipality of Malmö reinforced this logic and with it the power relations that exclude certain subjects form the European Union’s community of equal rights. In sum, tracing the power relations of this discourse reveals that a specific subject construction lies at its basis and informs how the actors perceive the camp residents’ rights situation. As they were categorized as economically inactive EU migrants they were primarily
perceived as a biopolitical threat to the population, which then pointed towards the conclusion that they would and should not be entitled to an alternative housing solution.

7.2 No Housing Rights for Short-Term Occupants

As described earlier, there was a second point brought forward by those arguing against housing rights for the camp residents: The Sorgenfri Camp could, due to its illegal and short-lived character, not be considered a home in its legal sense, so that any claims to housing rights would be ungrounded (Malmö Stad 2015a, Länsstyrelsen Skåne dnr 505-29988-2015). How can one understand this claim if one traces its underlying power relations through a Foucauldian discourse analysis?

The occupation argument was made in statements by the municipality and in the ruling of the County Administrative Board. Both institutions focused on that the Sorgenfri Camp was an illegal settlement that had not been accepted by the property owner and only existed since a short period of time, so that its inhabitants could not have built up significant ties to the place (Malmö Stad 2015a, Länsstyrelsen Skåne dnr 505-29988-2015). The camp residents were thus placed into the subject position of the short-term occupant of private property. What is left out in such an understanding of the camp residents are the circumstances that made them live this way. There is no mentioning of that their severe poverty is limiting their access to the housing market, leaving them few possibilities to create some kind of home within the city other than by occupying privately or publicly owned land (Coman & Rezeanu 2016: 81-82). Neither is it considered that the kind of homes poor Romani EU migrants live in are often short-term firstly because local politicians and the police subject them to endless chains of evictions, and secondly because many poor Romani EU migrants are constantly travelling back and forth between Sweden and their home country to earn money that they can use to improve their lives at home (van Baar 2017: 223, Coman & Rezeanu 2016: 81-82).

As the municipality and the County Administrative Board left out this perspective, they made the Sorgenfri Camp residents look like they had no significant ties to the place that they were evicted from. The authorities thus argued that, since the Sorgenfri Camp was not a home to its occupants, the right to housing was irrelevant to the case. The evicted persons could therefore not claim that they were entitled to alternative housing. It was thus, again, the subject position into which the authorities placed the camp residents, which constructed the latter’s rights situation: As the authorities defined the camp residents as short-term occupants without
significant ties to the place in question, they could claim that the affected persons were not entitled to alternative housing (Malmö Stad 2015a, Länsstyrelsen Skåne dnr 505-29988-2015). The legal claim motivating this argumentation is here that one does not have any housing rights in relation to a place that one cannot call one’s home (Malmö Stad 2015a). Such legal reasoning seems to be motivated by a fear for private property. The assumption appears to be that if people could claim housing rights when evicted from short-term occupations, then anyone evicted from occupied territory could demand alternative housing. There would thus be little to lose when occupying privately owned land, which would in itself be an incentive for people to do so. The fear is then that it would be increasingly hard for authorities to protect the property of private persons, so that property rights would be under serious threat. The argument goes then that to avoid such a development, occupants without significant ties to the place in question should not be entitled to the right to housing. The underlying logic thus seems to be that certain rights can be denied to those people who constitute a hypothetical threat to private property.

This is where parallels can again be drawn between the argumentation of the authorities and Foucault’s notion of state racism. The camp residents and all the subjects that they stand for (i.e. short-term occupants) are looked upon in terms of how they affect the life of the population. ‘Life’ should in this context be understood as private property. That this discourse considers the right to property as essential to an individual’s life is reflected in a statement by the municipality: “Under Article 17.2 of the UN Universal Declaration of Human Rights, the State is to provide the property owner with protection against being arbitrarily deprived of their property” (Malmö Stad quoted in Foreign Affairs Ministry Sweden 2015). Authorities, such as the municipality of Malmö and the various courts are thus seen to have the biopolitical responsibility to safeguard the life of the population, i.e. to protect private property. To this end, they need to eliminate possible threats. Occupants, such as the Sorgenfri Camp residents, are perceived as such a threat, and granting them housing rights in face of their eviction is believed to only increase this threat for other property owners. The conclusion is thus drawn that, in order to protect the population, subjects like the Sorgenfri Camp residents cannot be entitled to housing rights when evicted from occupied land.

Although this argumentation was not as present in the public discourse as the concerns for the welfare system, it was very powerful in effect since it was central to the ruling of the County Administrative Board and, after the latter’s appeal, also revoked by the two upper courts (Länsstyrelsen Skåne dnr 505-29988-2015, Växjö Tingsrätt Mark- och Miljödomstolen mål nr M 1806-16, Svea Hofrätt Mark- och Miljööverdomstolen mål nr M 2407-17). Due to their role
as judges over right and wrong, the courts ascribed a certain degree of truth to the discourse. The courts validated the municipality’s assessment of the rights situation and consequently their inaction of not offering alternative housing to the evicted Sorgenfri Camp residents. They sent the signal that the behavior of the local authorities was legally acceptable and thus right. Thereby, the rulings powerfully reinforced the camp residents’ placement into the subject position of the short-term occupant and with it the rights situation this points to.

7.3 Human Rights for Roma People

Critics from civil society and governmental human rights monitoring bodies accepted neither the welfare nor the occupation argument. They claimed that those were unfair because they did not take into consideration the precarious social situation of the camp residents as poor Roma people and argued that their basic human rights were violated. How could it be that the critics saw the rights situation so differently; and did their claims challenge the exclusionary discourses of the municipality and its supporters?

The critics placed the Sorgenfri Camp residents into the subject position of the oppressed Roma. As described above, their reports, statements, petitions, letters, appeals, and complaints, all stressed the Romani ethnicity of the affected persons. They drew a specific picture of what it means to be Roma, highlighting their long history of oppression and the ongoing widespread structural discrimination and human rights violations against them. Special emphasis lied hereby on their systematic disadvantage in realizing their human rights to inter alia housing and water, caused by social exclusion and poverty and a resulting lack of access to the housing- and labor market. Highlighted was thereby also that the camp inhabitants were, despite all other labels imposed upon them, human beings in the first place (Civil Rights Defenders 2015, Raoul Wallenberg Institute 2016, OHCHR 2015, Council of Europe 2016, Nätverket för Romers Rättigheter 2015a, Centrum för Sociala Rättigheter 2016, Bomculescu 2015).

As the critics placed the Sorgenfri Camp residents into the subject position of the oppressed Roma, they saw the situation through different lenses than the municipality. They saw a group of highly vulnerable Roma people being de facto forced into homelessness. They were evicted from their homes and not provided with alternative housing in return. Due to their severe poverty, they would not have the means to secure an appropriate alternative living space for themselves and, as they did not receive any support from the authorities, they would have few other choices but to live on the street. This would have very serious effects on their lives as they would be exposed to a situation determined by a worsened sanitary situation, little access to
water and protection from the cold, increased health risks and decreased personal safety. From this perspective, the inaction of the municipality of not compensating the Sorgenfrí Camp residents for demolishing their settlement was understood as a perpetuation of a century old history of Roma oppression (Civil Rights Defenders 2015, Raoul Wallenberg Institute 2016, OHCHR 2015, Council of Europe 2016, Nätverket för Romers Rättigheter 2015a, Centrum för Sociala Rättigheter 2016, Bomculescu 2015).

By highlighting the camp residents’ humanity, the critics placed them into the subject position of the human being and thereby pointed towards an entirely different rights situation than that which the municipality of Malmö proclaimed. Seeing them as human beings, they appeared to be entitled to certain fundamental human rights regardless of their migration status and illegality of their settlement. Those arguing from a legal perspective, as various NGOs, governmental human rights monitoring bodies, and the camp resident who appealed the municipality’s decision did, expressed this with reference to international and European human rights treaties. While they mentioned certain rights that are tied to nationality or residence status, such as those to housing, family life, and privacy, they frequently emphasized that a minimum standard of those rights was essential to the realization of basic human dignity and the right to life, which all human beings would be entitled to regardless of legal status (Civil Rights Defenders 2015, Raoul Wallenberg Institute 2016, OHCHR 2015, Council of Europe 2016, Centrum för Sociala Rättigheter 2016, Bomculescu 2015). The Nätverket för Romers Rättigheter and several private commentators expressed this rights situation in more political terms, appalling to a sense of shared humanity and defending the moral right to a better life (Nätverket för Romers Rättigheter 2015a, b). The base line, however, remained the same: No matter what legal status the camp inhabitants and their settlement had, they were in the first place human beings and as such entitled to certain basic rights. That the municipality did not offer them any housing solution for after their eviction was thus considered to violate some of their basic human rights. That the affected persons were of Romani ethnicity made such violations only the more alarming, considering their already precarious standing in society (Civil Rights Defenders 2015, Raoul Wallenberg Institute 2016, OHCHR 2015, Council of Europe 2016, Nätverket för Romers Rättigheter 2015a, Centrum för Sociala Rättigheter 2016, Bomculescu 2015).

As was the case with the welfare- and property argument, this discourse can be explained in terms of biopower because it appears to be motivated by an underlying political concern for the life of the population. ‘Life’ seems hereby defined as the fulfilment of certain basic needs that allow human life to exist, such as the need to water, health, and sanitation. The investment of
politics into such life is thereby expressed in terms of rights as they manifest that public authorities have the duty to guarantee a minimum standard of living to all individuals belonging to their population. Unlike the discourses of the municipality and its supporters, the human rights discourse worked with a much more inclusive understanding of the population, defining it as the human community. The municipality of Malmö is thus held responsible for the lives of all those persons residing on its territory simply by virtue of their humanity.

Such a conception does not allow for the kind of exclusionary power dynamics found in the other discourses. As everyone belongs to the human community, there is no group of people that can be excluded from the population and deprived of their most fundamental rights. Any such exclusion is from this perspective a rights violation and a failure of the authorities to carry out their biopolitical responsibilities. Whether the Sorgenfri Camp inhabitants had no right to residency and whether it would burden the welfare system to realize their rights mattered therefore in this discourse as little as that they were occupying private property. They were seen as human beings in the first place and their lives were ought to be protected on the basis of that humanity. As the municipality of Malmö did not prevent them from becoming homeless, this was hence seen as a violation of their rights and thus as a wrongful exclusion from the authorities’ biopolitical responsibilities.

The filing of appeals and petitions and the writing of public letters, reports, and complaint e-mails, through which the various actors demanded the city to respect the camp residents’ human rights, can from this perspective be understood as acts of challenging the exclusionary power relations found in the discourses of the municipality and its supporters. Highlighting that the affected people were human beings served here as a tool of resistance as it enabled an alternative understanding of rights to emerge. The stress on the camp residents’ humanity rendered irrelevant the subject positions into which the municipality had placed them and thus invalidated the rights situation that those subjectivities point to. In this discourse, it did not matter if they were short-term occupants or economically inactive EU migrants because they would always be human beings with human rights in the first place.

Framing the issue as a matter of Roma rights, they connected the case of the Sorgenfri Camp to a long history of Roma oppression and thus made the city’s exclusionary behavior especially alarming. It showed that the persons in question were subjects that belonged to an already structurally excluded group, so that the behavior of the municipality would have particularly serious effects on their lives. Applying the Roma oppression discourse, the critics highlighted the urgency to include the already vulnerable Sorgenfri Camp residents into the community of
rights. To emphasize the subject position of the oppressed Roma thus helped them to make a stronger case for their criticism against the local authorities.

This sense of urgency was furthermore amplified as concerns were even raised by powerful international and European human rights actors, such as the United Nation’s High Commissioner for Human Rights (OHCHR 2015) and the Council of Europe’s Special Rapporteur for Minority Issues (2016). As those are highly respected actors in the field of human rights, their involvement added a certain degree of authority to the discourse, subjecting the situation of the Sorgenfri Camp residents to an institutionally accepted and respected way of claiming and challenging human rights violations. Due to their institutional function to protect human- and minority rights, they enabled certain ways of speaking and acting upon the subjects. Because of their powerful standing in the field of human rights, they reinforced the placement of the camp residents into the subject position of the human being and the resulting emphasis on their human rights. Moreover, as the UN’s Special Rapporteur for Minority Issues raised her concerns, the camp residents became related to an institution whose purpose it is to promote the rights of marginalized groups, whereby the notion of the subjects’ vulnerability as oppressed Roma people and the subsequent sense of urgency concerning their rights situation was furthermore reinforced.

Nevertheless, the criticism was not powerful enough to challenge the exclusionary discourse of the local authorities in effect. Since the latter was backed up by the rulings of the involved courts, the municipality never offered alternative housing to the former Sorgenfri Camp inhabitants, and up to this point, the city claims to have respected all their rights (Malmö Stad 2017c). As mentioned earlier, there exists a plan to bring the case before the European Court of Human Rights (according to the Centrum för Sociala Rättigheter, personal communication from July 13, 2017). The court is highly respected in European politics and its judgements are legally binding (Dixon 2013: 368). If they should rule that the municipality had violated the camp residents’ human rights, this would effectively institutionalize their subject position as marginalized Roma and human beings and the entitlements to certain basic rights that those subjectivities are tied to. This would have a powerful effect not only on how the former Sorgenfri Camp residents in Malmö and their rights will be viewed, but would affect the way institutions all over Europe will assess the entitlements of Romani EU migrants.
8. Discussion and Concluding Remarks

This thesis aimed to explore the following research questions: What different discourses did there exist on what rights the persons evicted from the Sorgenfri Camp in Malmö, Sweden, were entitled to? How can one understand the struggle between those different rights discourses if one traces their underlying biopolitical power relations?

The findings suggest that there existed three main discourses: (1) The camp residents were not entitled to housing rights in Sweden because they were foreign EU citizens who would burden the welfare system. (2) They were not entitled to housing rights because they were occupants without significant ties to the place. (3) As human beings, the camp residents were entitled to certain human rights, such as those to water and life, that could only be safeguarded through basic housing. The protection of their rights was especially important since they were Roma people and as such already marginalized.

A Foucauldian discourse analysis was conducted and Foucault’s understanding of biopower and rights applied on the case. This revealed that all three main discourses can be understood as the product of biopolitical power relations since the central concern for all of them was that local politics should take charge of the life of its population (Foucault 1990: 136-139). Depending on what kind of subjects the camp residents were depicted as, the actors saw this biopolitical functioning either realized by entitling or not entitling them to certain rights. As the municipality and its supporters saw the camp residents predominantly as foreign EU citizens and occupants, their demands to alternative housing were associated with a burden to the welfare system and a threat to private property. They were hence seen as a potential threat to the life of the population, so that it was thought that the latter’s survival could only be safeguarded by not entitling them to the demanded rights. Portraying the camp residents instead as human beings and oppressed Roma, critics perceived the persons rather as marginalized subjects that were part of the municipality’s population and thus saw the latter’s life only safeguarded by ensuring their basic human rights.

From this perspective, the actions of the various involved parties can be understood as a biopolitical power struggle over the correct understanding of what kinds of subjects the former Sorgenfri Camp residents were and what rights they were consequently entitled to. As the municipality did not offer them an alternative housing solution and justified this with laws that are in place to protect property rights and the welfare system, it reinforced their placement into the subject positions of the economically inactive EU migrant and occupant and thus their resulting non-entitlement to housing rights. The subject position of the occupant and its related
The findings point towards Foucault’s notion that *rights are tied to specific power relations and as such not fixed, but in continuous negotiation* (Zembylas 2016: 388-392). Analyzing the case of the Sorgenfri Camp, this study illustrates the biopolitical power struggle through which people’s entitlements to rights are constantly produced, reproduced, and challenged. It showed that *this struggle does not play out at the level of rights itself, but at the level of subjectivity*. The employment of specific subject positions functions as a discursive tool to construct different rights situations. In line with Foucault, the study suggests that, in a persistent clash between dominant and resistant forces, various actors in society and politics struggle over people’s subject positions and thereby construct and deconstruct, validate and invalidate different understandings of their entitlements to rights (Golder 2011: 289).

As already noted in previous research, this study shows again how marginalized Romani EU migrants are systematically deprived of their existence as rights bearers. Their difficult economic situation is translated into a potential burden to the welfare system and used as a reason to deny them access to EU citizenship rights. The responsibility is referred back to their home countries although those fail to ensure them a basic minimum standard of living. In result, there is de facto no state taking up the responsibility for their rights. Furthermore, housing rights are denied to them as they are depicted as violators of property although an occupation is often their only opportunity to find some sort of shelter. This is especially alarming because such
politics do not solve the root cause of the problem and thus subject Romani EU migrants to endless chains of evictions (van Baar 2017: 223).

What this thesis adds to the existent literature is firstly that it emphasizes that this phenomenon is no exception to the prominent cases of Italy and France, but also plays out in Sweden, a country known for its social equality. Secondly, this thesis also addresses how the exclusionary discourses are resisted. In the chosen case, critics focused on the persons’ humanity and resulting entitlement to basic human rights and highlighted their Roma ethnicity to connect the case to a long history of Roma oppression. This shows how the subject positions, which Romani EU migrants are placed into by contemporary politics, and the rights situation that those subjectivities point to are no given facts, but can be resisted and challenged.

Due to necessary delimitations, several questions could not be addressed in this thesis. The proclaimed environmental reasons, for which the Sorgenfri Camp was evicted, were, for example, not analyzed. They can, however, be addressed in a variety of ways. Firstly, it could be analyzed whether they reproduced the image of the dirty Roma. Moreover, it is questionable whether the eviction solved the problems that it tried to tackle. After the eviction, many of the former camp residents lived on the streets, so that the conditions of the camp were simply dispersed into the city (Centrum för Sociala Rättigheter 2016). The question arising here is why the municipality took this measure nevertheless. Was it to demonstrate control over the situation in face of increasing criticism? Or was the motivation to solve the environmental problem a genuine one, but could not be addressed efficiently because of the institutional separation between environmental and social issues in local politics? Or were the actual problems less of a problem than their visibility? Did the presence of the Sorgenfri Camp maybe hurt a certain Swedish self-image of cleanness and social equality? Such questions will hopefully be addressed in future research projects.
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1. Academic Literature

1.1 Books


1.2 Book Chapters


1.3 Journal Articles


2. Encyclopedia Entries


3. Primary Sources

3.1 Official Decisions, Petitions, Public Records, and Reports


3.2 Official Letters


3.3 Online News Articles


3.4 Websites


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3.5 Video Footage


3.6 Court Rulings

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3.7 Appeals to Court Rulings