

# (De-)legitimation of migration: a critical study of social media discourses

‘She is old and sick and will not live for many more years, you have to be humane by letting her stay and not be so damn bureaucratic (two angry smileys)’.<sup>1</sup> The quote comes from a comment adding to a discussion on Facebook about the case of Sahar, a 106-year-old woman whom the Swedish Migration Agency denied a permit to remain in Sweden.<sup>2</sup> The Agency argued that despite Sahar’s old age and poor health, there was no reason for her not to return to the province of Kunduz in Afghanistan, which used to be her home. According to the Agency, this province was safe for Sahar to return to. That she was blind, partly paralysed, unable to speak, and had no one who could look after her in Afghanistan did not make her a ‘particularly vulnerable person’<sup>3</sup> in need of refugee protection on humanitarian grounds, in the eyes of the Agency. The decision of the Agency was later overturned by the Migration Court, who argued it would be objectionable from precisely a humanitarian perspective to deport Sahar and that the deportation would amount to an inhumane and degradable treatment in violation of Article 3 (the right to life) of the European Convention on Human Rights. Instead, the court granted Sahar a temporary permit to remain in Sweden for 13 months. As this chapter reveals, the case of Sahar and the court’s decision came to be much debated by the public in Sweden, especially on social media.

The chapter provides a critical analysis of the debate about this particular asylum case, using Van Leeuwen’s analytical tool for analysing discursive (de-)legitimation, which is inspired by Habermas’ understanding of public discourse and legitimacy. The aim of the analysis is to explore how social media users (de-)legitimised the decision of the court while they were discussing it on the Swedish evening paper *Expressen*’s Facebook page. The collection of data followed recommendations on collecting data online by Sveningsson et al. (2003). Firstly, a broad search was conducted, followed by a progressive limitation of the material. The keywords used when searching on Facebook were the Swedish word for ‘Migration Court’ (*Migrationsdomstol*) and ‘Migration Court of Appeal’ (*Migrationsöverdomstolen*).

The search results were then filtered by choosing posts from some of the most recognised and largest newspapers in Sweden within the time frame 2015–2017. When searching for Migration Court cases that are discussed on social media, the case of Sahar had considerably more comments than similar cases discussed on established newspapers' commentary fields. The article about Sahar was posted by *Expressen* on 4 October 2017 and the comments were posted 4–7 October 2017. At the last date of data collection (18 December 2017), the article had 84 comments (74 of relevance for this study, 10 off topic), 21 shares and 1022 reactions.

As our study is set in Sweden at a time when it is increasingly difficult to be granted asylum, and many unsuccessful applicants are deported to unsafe situations and places (see chapter 5), the findings of our analysis are addressed while taking into account the inclusion/exclusion dichotomy that nation state borders imply (Fauser et al., 2019). This means that the discourses analysed correspond to either the inclusion or exclusion of asylum seekers like Sahar. In the analysis, we interpret the dichotomy of inclusion/exclusion through the conceptual lens of discursive violence; that is, when 'groups or persons' (in this case asylum seekers), through discourse, 'are cast into subaltern positions' (Jones et al., 1997, p. 394). Much like how borders are always violent (Jones, 2017), discourses on the (unwanted) crossing of state borders inevitably contain forms of violence (see also chapter 2). By adding the notion of discursive violence to the analysis, it becomes more relevant to both critical migration research and socio-legal studies. The application of discursive violence as the guiding concept illuminates how discourses subordinate and dehumanise migrants, making it legitimate to exclude them from the nation state.

While scholars have devoted considerable attention to the discursive legitimacy and political discussion generated by the authorities with top-down approaches (see e.g. Joormann, 2019), as well as to how traditional media (Strömbäck, 2009; Callaghan and Schnell, 2011) and courts affect the public discourse (e.g. Ura, 2014; Clark et al., 2018), they have paid relatively little attention to bottom-up discourses on legitimacy in civil society, particularly on social media. The growing importance of social media in the political landscape, however, makes it an important area to study (Bruns and Highfield, 2015). By focusing on one particular case at the micro-level, that is by going into the specificities in the discourses on the case of Sahar, we gain a novel insight into some of the processes that dehumanise asylum seekers and refugees.

According to Habermas, the 'deliberative legitimation process' (2006, p. 415) encompasses political discourses on three levels, affecting each other top down and bottom up: institutionalised discourses, mass media discourses and civil society discourses. Although this study focuses on the level of civil society, these levels are not isolated from each other, with the discourses in civil society being affected by the discourses on the other levels

and vice versa. By adding a contemporary layer to the Habermasian understanding of public discourse, inasmuch as it takes place in social media, we argue that social media is potentially more inclusive when it comes to discussing and ultimately (de-)legitimising migration law and policy. In this sense, the chapter fills a gap in the literature of socio-legal research on discourses about legitimacy and legality in contemporary (civil) society.

### **Public discourse as grounds for law's legitimacy**

Habermas, having published extensively on the rule of law and its roots in the process of democratic will formation in Western liberal law contexts (Habermas, 1996), views the concept of public discourse as a fundamental part of legitimacy, rather than understanding the law's legitimacy in terms of legal correctness (Alexy, 2000, p. 138f.) To Habermas, it is the consensus achieved through a reflective public discourse that establishes what is considered as fair and good (Habermas, 1997). Thus, in order to understand legitimacy, one needs to turn to the discourses that emerge in the public sphere. It is here that critical discussions on law are to be found (Habermas, 1996, p. 42). Consequently, like in the case of Sahar, many discussions among citizens in the public sphere serve to legitimise law (Jacobsson, 1997). Moreover, it is not just the discourses that occur in the incipient stages of the law-making process that legitimise law. Habermas argues that 'Deliberative politics acquires its legitimating force from the discursive structure of an opinion- and will-formation that can fulfil its socially integrative function only because citizens expect its results to have a reasonable quality' (Habermas, 1996, p. 304). The implementation of law, and the outcome of such, is critically reviewed in the public discursive formation of opinion (Habermas, 2006). Public opinion in the singular 'only refers to the prevailing one among several public opinions' (Habermas, 2006, p. 417). Habermas suggests that both media and everyday conversation form such opinions in this phase of the legitimisation process (Habermas, 2006).

In our analysis, this means that it is equally important to analyse the discourse about the court's decision as part of the discourse on migration policy and legislation (such as the regulations of the Swedish Migration Agency or the national Alien's Act 2005: 716). In the context of migration research, a strictly Habermasian understanding of gaining legitimacy through public discourse is problematic, however, since the participants within such discourse are, first and foremost, full or 'native' citizens (Fraser, 2007). The people that are most directly affected by immigration policies – asylum seekers, in the context of this study – are normally excluded from critical discussions about the legitimacy of these policies. Nonetheless, when public discourse takes place on social media, anyone with a stable internet connection, a registered user account for the respective social media

platform, and sufficient command of the language in which the discussion happens can partake. Arguably, this makes social media a more inclusive platform than those of traditional public debates. Yet this inclusion is not unproblematic. Whilst it enables potentially anyone, including asylum seekers themselves, to have a say, social media today also hosts an important share of far right and racist discourse.

### The case of Sahar

Our analysis of the discourse in the case of Sahar is carried out by using Van Leeuwen's analytical tool, which is comprised of four discursive categories (e.g. Van Leeuwen and Wodak, 1999; Van Leeuwen, 2007). These categories can be used separately or combined. Thus, several categories can be identified in the same comment. This is also evident in our analysis, where some categories overlap at times. The four categories are: authorisation, moral evaluation, rationalisation and mythopoesis. The latter category only figures briefly in the analysis and involves (de-)legitimation through narrative, with cautionary tales being one subcategory (Van Leeuwen, 2008, pp. 117–118).

Our analytical work started with organising the comments into those who legitimised and those who de-legitimised the court's decision. Although there are many more legitimising comments than de-legitimising ones (forty-six legitimising, twenty-six de-legitimising and two indifferent), there is no consensus. After organising the comments into these two categories we identified Van Leeuwen's discursive categories in the comments before interpreting the discursive dichotomy of inclusion/exclusion through the concept of discursive violence. Introduced above, the concept of discursive violence is defined as processes and practices through which statements are made, recorded and legitimised through linguistic and other means of circulation.

Discursive violence, then, involves using these processes and practices to script groups or persons *in* places, and in ways that counter how they would define themselves. In the process, discursive violence obscures the socio-spatial relations through which a group is subordinated. The end effect is that groups or persons are cast into subaltern positions. (Jones et al., 1997, p. 394, italics in original).

### Authorisation

The category of authorisation contains several subcategories: the authority of conformity, authority of tradition, expert authority, personal authority, role model authority and impersonal authority (for an example of laws and courts, see Van Leeuwen, 2008, p. 106). When de-legitimising the court's

decision, references to the Migration Agency and (their interpretation of) migration regulations are made, for instance in this quote:

She is registered and documented as a refugee in Croatia. Therefore, the Migration Agency made a correct decision, as the rules say that you should stay in the first safe country ... The authority must comply with the rules, then it is up to the Court if they want to break or follow them. If it becomes custom to break them due to high age being ground for asylum, it will be tough on the municipalities.<sup>4</sup>

This comment refers to impersonal authority when de-legitimising the court's decision whilst at the same time legitimising the Agency's decision. Furthermore, the last sentence can be seen as an example of mythopoesis and its subcategory of cautionary tales: The author claims that the court, a part of the Swedish state bureaucracy, is acting illegitimately. This comment refers to the Migration Agency's decision to legitimise Sahar's expulsion, thus excluding her because she is a non-citizen, because it is, as the commentator states, in accordance with the law. Thus, the commentator refers to the bureaucratic implementation of Swedish migration law to legitimise exclusion: 'Invoking the power of the Law legitimises the means by which inclusion and exclusion takes place' (Lynn and Lea, 2003, p. 427).

### **Moral evaluation**

Van Leeuwen's category of moral evaluation concerns discourses connected to moral values. Such moral values are contextual and dependent on cultural values of 'common sense'. The values can be more or less explicit, or implied by using adjectives such as 'bad' or 'good'. The category of moral evaluation is also divided into two subcategories: abstractions and analogies. (De-)legitimation through evaluation links adjectives describing how a practice, action or phenomenon occurs, to a quality, which the discussants either praise or criticise. Abstractions refer to practices connected to moral qualities or values (Van Leeuwen, 2008, pp. 109–112). The subcategory of analogies refers to comparisons between actions, or events, which relate to certain moral values. The comments that are identified as belonging to the category of moral evaluation almost exclusively legitimise the court's decision. This corresponds to Van Leeuwen and Wodak's (1999, p. 111) conclusion that 'legal systems must ultimately always be grounded in moral systems'. Only two of the comments that de-legitimise the decision fall into the subcategory of abstractions. These comments question Sahar's age and her sincerity in claiming that she is 106 years old. By doing so, they refer to the practice of lying, which is generally considered immoral. Since she is perceived to be lying, she does not deserve a residence permit. Interdiscursively,<sup>5</sup> these comments can be seen as similar to certain streams of the

discourse about unaccompanied refugee children in Sweden. In such discourse, people argue that the children are lying about their age, claiming to be younger than eighteen (Stretmo, 2014, pp. 41, 151–153). This is also seen in several of the comments analysed, where one commentator writes: ‘Funny that she knows her age when there are grown men who do not know if they are 16 or 40 (laughing smiley).’<sup>6</sup> Asylum seekers are also accused of lying about other things, such as their sexuality (Parker, 2015) or their religious beliefs (Lillian, 2006). This adds up to a violent discursive construction of asylum seekers as liars. By linking asylum seekers to an immoral practice these discourses ascribe refugees with negative attributes, which serve to other them (van Dijk, 1999).

Although the most commonly found subcategory in the legitimising comments is that of evaluation, there are also several legitimising comments that use abstractions. These comments are often short and contain words such as ‘humanity’, ‘unethical’, ‘charitable’, ‘inhumane’, ‘humanistic’, ‘shameful’ and ‘humane’.<sup>7</sup> Their shared feature is that they include some kind of adjective regarding a quality that encompasses a moral value. In addition to de-legitimising the Migration Agency’s decision, these comments also de-legitimise the comments that oppose the court’s decision in favour of Sahar’s asylum application, and in doing so they legitimise the court’s position.

One longer comment of moral abstractions also contains theoretical rationalisation and evaluation by referring explicitly to bureaucratisation: ‘She is old and sick and will not live for many more years, you have to be humane by letting her stay and not be so damn bureaucratic (two angry smileys)’. This commentator uses ‘humane’ as a moral value, putting it in contrast to bureaucracy and its practices. A similar comment states that: ‘It shouldn’t have been any hassle from the start. What kinds of robots are working with this? Happy for her sake.’<sup>8</sup> This comment uses the metaphor of ‘robots’ making decisions at the Migration Agency – and robots cannot be humane. Correspondingly, the following comment indicates that bureaucracies tend to interpret rules in a rigid way, with no room for values and humanity: ‘I understand that there are regulations et cetera, but to throw out a 106-year-old??!! Thank God that someone used their brain and [showed] some humanity’.<sup>9</sup> Furthermore, the comment can be seen as referring to theoretical rationalisation (which is legitimation by referring to truth claims, as discussed later in this chapter) in stating that Sahar is old and sick, since it is known that this will result in her passing away in the somewhat near future – thus, she does not risk becoming a burden on the welfare state and its taxpayers. This refers to a common fear of the risk of migration (see the Introduction to this volume) and of a lack of (economic) integration of newcomers.

There are a few comments that can be placed into the subcategory of analogies. For example, one commentator writes that one should: ‘Show solidarity with those who are vulnerable in the world. However, I get very

sad when those who are wanted due to links to terrorist groups are not expelled at once! They should not be here for one second longer!’<sup>10</sup> Constructing asylum seekers as potential terrorists, and thus a potential threat to the host society, is a common phenomenon when asylum seekers and refugees are represented in public discourse (for example, see Goodman and Speer, 2007; Innes, 2010; Abdelhady and Malmberg, 2018). Other comments in the thread contain slander about migrants in general (including asylum seekers as well as refugees), such as the claim that they commit crimes and are engaged in raping, killing and shooting. This construction is also manifest in other studies on discourses about migrants (see e.g. Masocha, 2015; Devlin and Grant 2017; Moore et al., 2018). It forms a part of the discourse that constructs asylum seekers as a threat. When claiming that some are involved in criminal (read: immoral) practices, so posing a threat to the citizens of the nation, the above comments also serve to position certain groups (for example retired native Swedes versus asylum seekers, refugees and migrants in general) against each other.

The discursive construction of the asylum seeker as a threat is related to the discursive construction of ‘genuine’ and ‘bogus’ asylum seekers. The ‘bogus asylum seeker’ is portrayed as the problem (Lynn and Lea, 2003, p. 433). It is claimed that these are people who are not in sincere need of protection, whilst ‘genuine’ asylum seekers have a real need for refuge. ‘Genuine asylum-seekers appear to earn their claim to citizenship rights’ (Lynn and Lea, 2003, p. 434), while the ‘bogus’ asylum seeker does not. ‘Bogus’ asylum seekers are presented as being a threat to, and sabotage for, the ‘genuine’ ones (Lynn and Lea, 2003). This construction has generated a perception that many asylum seekers are bogus, which in turn questions ‘the legitimacy of all asylum seekers’ (Goodman et al., 2017, p. 106). This construction is also used as a rhetorical strategy by politicians to legitimise a restrictive immigration policy (van Dijk, 1993). Along with other studies, for example the one provided by Lynn and Lea (2003), this chapter shows that the discursive construction of bogus asylum seekers has become so established in Sweden and many other countries that it is no longer questioned.

The quote above also shows how the discursive construction of genuine and bogus asylum seekers is used as a rhetorical disclaimer against accusations of racism (see Hewitt and Stokes, 1975). By stating, ‘Show solidarity with those who are vulnerable in the world’, the commentator alleviates criticism of being a racist in the forthcoming argument that some asylum seekers and migrants are terrorists: ‘However, I get very sad when those who are wanted due to links to terrorist groups are not expelled at once! They should not be here for one second longer!’ The main moral aspect of the legal decision on the case of Sahar (that is, should an elderly and sick woman be granted refugee status?) is often illuminated in the media (Jenkins, 2009) and tends to engage the public (Eriksen and Weigård, 2000). Even

if there is no consensus within the legitimation process in Sahar's case on social media as we analysed, the dominant position legitimises the decision by appealing to morality. Habermas argues that moral norms transcend diversity and plurality in a modern society, but it is not only moral norms that are important and visible in legal discourse (Habermas, 1996, pp. 106–111). Collective goals, social problems and material conflicts are also significant (Eriksen and Weigård, 2000, p. 175). This becomes evident in the comments below that refer to cost, taxes and other problems that should be prioritised. Such comments claim to be concerned about the welfare of 'our own' Swedish pensioners, which we discuss in the next section.

### **Rationalisation**

The category of rationalisation describes the legitimation strategy by reference to rationality (though it can also contain traces of morality). Following Van Leeuwen's model, there are two subcategories of rationalisation: instrumental rationalisation and theoretical rationalisation. The first subcategory is applicable when discussants (de-)legitimise a practice by referring to goals, purposes, uses and effects together with an element of moralisation (Van Leeuwen, 2008, pp. 113–117). Theoretical rationalisation is (de-)legitimation through 'truth claims', such as a discussant claiming to describe 'the way things are' (Van Leeuwen, 2008, p. 116).

A few comments suggest that giving Sahar a residence permit poses a threat to Swedish welfare. Several commentators question who is paying for her living costs (health care, accommodation, dental care, etc.), and argue, for example, that: 'She has not contributed a penny to the pension system. Nor paid taxes. [But only] takes from Swedish pensioners!'<sup>11</sup> This comment, along with similar comments that de-legitimise the court's decision to let Sahar stay, refers to instrumental rationalisation inasmuch as it claims that it is an immoral practice to use someone else's money (which Sahar does not deserve, as the argument continues). The principle idea of this argument is that those who pay taxes are those who are eligible to benefit from the welfare system in Sweden (see also Introduction in this volume). Such discourse shifts the focus from asylum seekers' need of protection (Lynn and Lea, 2003) to constructing asylum seekers as scroungers (Anderson, 2013).

It also implies a rhetoric of 'us versus them', in which the refugees are 'them' in their deviancy. In the case of Sahar, the 'us' is akin to Swedish citizens (or possibly even white native Swedes), with an emphasis on Swedish pensioners. Meanwhile, Sahar is categorised as 'them'. The 'us' are those who should be the primary beneficiaries of the Swedish welfare system, whereas 'their' claims to such rights are highly disputed. By presenting a group, in this case Swedish pensioners, as vulnerable, such comments try



to seize the ‘opportunity to maximize the sense of injustice, and heighten the feelings of animosity generated’ (Lynn and Lea, 2003, pp. 437).

There are several similar arguments where asylum seekers and refugees are considered to pose a threat to the Swedish economy. One commentator writes: ‘We cannot take care of all foreigners over 100. Contrary to what some think, we do not have unlimited resources. She should have never come here!’<sup>12</sup> Conclusively, Sahar is considered a threat to the Swedish welfare state because she needs welfare provisions, and so is seen as taking from Swedish citizens who are legitimate welfare recipients. A similar inter-discursive argument is evident in a study by Joormann (2019, p. 125) on asylum cases decided by the Swedish Migration Court of Appeal. In ‘the legal discourse of MIG 2007:25 [one of the court’s decisions] ... one important argument for the final decision is the “threat” of every sick child in the world coming to Sweden for healthcare.’ Many such descriptions are also found in the wake of the refugee crisis of 2015. This has been defined as ‘the *economisation frame* [which] perpetuates the image of asylum seekers and refugees as economic burdens and threat to the host country’s economic prosperity and welfare by referring to large quantities of money’ (Greussing and Boomgaarden, 2017, p. 1756, italics in original). When asylum seekers and refugees are constructed as an economic threat to the host state and its welfare system, they are, at the same time, being delegitimised as eligible recipients of Swedish welfare resources. Swedish citizens are, in such discourses (as represented in the quote above), perceived as legitimate inhabitants of the nation state, hence eligible to the state’s welfare resources. By constructing refugees as a threat to the Swedish welfare system, the ‘walling’ of the welfare state through restrictive migration laws and policies (Barker, 2018) appears to be the rational response in the Nordic context (see also chapters 6 and 7).

Some of the legitimising comments also refer to instrumental rationalisation. Several of them state that they do not mind if their taxes go to Sahar, or individuals in her situation. This can be seen as creating a counter discourse to the one trying to safeguard native Swedes’ welfare. One commentator, for instance, writes: ‘Don’t be afraid, I can cover all the costs, if the Migration Agency accepts it (heart emoji)’.<sup>13</sup> This comment entails the (moralised) purpose of letting Sahar stay, and the means to achieve that goal is the commentator’s money. This is a more humanitarian approach visible in the discourse on refugees in the aftermath of the perceived refugee crisis. It opposes the *economisation frame*, addressing humanitarianism (see Greussing and Boomgaarden, 2017). As seen above, this humanitarian approach is also evident when legitimising the court’s decision due to moral evaluation.

Another comment from this counter discourse states that: ‘She will get about 3,800–4,300 Swedish crowns a month, so do not worry, your tax money will probably not go to her.’<sup>14</sup> This comment contains elements of

theoretical rationalisation as the commentator argues that Sahar will get a very low pension, as if this was the truth and ‘the way things are’ (Van Leeuwen, 2008, p. 116). On the other hand, other comments containing truth claims de-legitimise the court’s decision by referring to theoretical rationalisation: ‘Afghanistan is safe almost everywhere’<sup>15</sup> and ‘You do not have to flee from Croatia!’<sup>16</sup> They are stated as short sentences and as truth claims, with no need for the commentator to provide further arguments.

### **Discursive violence and inclusion/exclusion**

In the comments on social media about the case of Sahar, discursive violence is manifest through the exclusionary discourses that ascribe migrants and asylum seekers with inferior attributes. These discourses define who is legitimately excluded from, or included within, the borders of the state. For example, when a commentator claims that Sahar does not have valid reasons for seeking asylum, the discourse constructs her as a liar, which undermines her credibility. This is an example of discursive violence inasmuch as someone is described in a degrading way. The process of discursive violence may have material effects when the discourse serves to legitimate a decision that will deny Sahar asylum.

Imperative to the inclusion/exclusion dichotomy of the borders of the nation state is the construction of the legal identity of being an asylum seeker or refugee. To belong to this identity is not built upon anything like a common origin, ethnicity or culture. It is rather the experience of being ‘a victimised object of bureaucratic intervention’ (Fernando, 2016, p. 395). To be recognised as an asylum seeker or refugee makes a person hyper-visible, such as in public discourses like the case of Sahar.

Many of the comments that legitimise the decision refer to morality, where the consensus is that it is wrong of the Swedish migration bureaucracy to expel Sahar. By doing so, they argue that what would be morally legitimate is to let her stay and to include her in Swedish welfare provisions. Reasons for being inclusionary in this case are frequently illuminated in the comments that ‘we’ should take care of Sahar, being sick, elderly and female. The understanding and framing of the comments are that Sahar is a victim in need of protection (i.e. inclusion), where health status, age and gender are of great significance. These attributes match the construction of the female asylum seeker as being vulnerable and helpless (Malkki, 1996; Fernando, 2016; Lugones, 2016). Accordingly, she is perceived by the authors of these comments as a ‘legitimate refugee’, meaning that she ‘deserves’ the inclusion within the Swedish state through a residence permit. An inclusionary discourse is also evident in comments referring to instrumental rationalisation on economic resources; for instance, where one commentator argues that they are willing to pay for her.

This inclusive discourse is countered by an exclusionary one, based on who is considered as an illegitimate recipient of the Swedish state's welfare resources. Such comments claim that Sahar has not paid any taxes and therefore should be excluded from Swedish welfare provisions such as health care and pensions. This exclusionary discourse is based on a rhetoric of 'us versus them', in which Swedish pensioners are the core of the 'us', and Sahar and other asylum seekers are not only constructed as 'them' but even claimed to be a threat to, for instance, Swedish pensioners and welfare resources more generally. In this discourse, Swedish citizens are already included in the welfare system. They have paid taxes and are, therefore, to be considered legitimate recipients of welfare resources.

Another example of an inclusionary discourse is that Sahar is asserted to be a 'genuine' asylum seeker by some commentators. Nonetheless, when expressing solidarity and inclusion towards Sahar, there is also a construction of the 'bogus' asylum seeker embedded in their argument. The construction of the 'bogus' asylum seekers, who pose a threat towards the welfare state, is mainly built on the argument that it is the perceived mass of migrants that is problematic (Lynn and Lea, 2003). By referring to masses of bogus asylum seekers there is a legitimate case for excluding all asylum seekers. This discourse legitimises the exclusionary practice of re-bordering through restrictive migration laws and border controls, in order to protect the welfare state against such risks (see also the Introduction to this volume).

## Conclusion

The chapter contributes to the understanding of the discursive underpinnings of contemporary discourses about asylum seekers and migrants. In critically analysing how discourses on social media (de-)legitimise the court's decision on the case of Sahar through an inclusionary/exclusionary perspective, we have also identified discursive violence against asylum seekers, refugees and migrants in general. There are nearly twice as many Facebook comments that legitimise the court's decision to grant Sahar a thirteen-month residence permit compared to those that de-legitimise it. The analysed material also includes, however, discursive violence against asylum seekers, refugees and migrants through the use of binaries such as Us and Them on the one hand and 'genuine and bogus' asylum seekers on the other. Discursive violence is also illustrated in the comments that ascribe asylum seekers with inferior attributes and supposedly immoral behaviour, such as lying. Asylum seekers are constructed as a threat to the welfare state through an economic framing where the monetary costs are attached to the de-legitimation of claims for asylum like Sahar's.

This study adds a contemporary layer to socio-legal studies of migration by focusing on social media discourses. Adopting a contemporary

Habermasian perspective on law's legitimacy as something attained through public discourses on social media, we have illustrated how these discourses not only (de-)legitimise the court's decision in the case of Sahar, but also how the recently adopted restrictive migration laws and policies in Sweden can be legitimised. According to Habermas, it is crucial to study the discursive 'deliberative legitimisation process' (Habermas, 2006, p. 415) on three levels, one of them being that of civil society. Thus, in order to understand the complexities of the legitimisation processes of the current re-bordering of the Swedish state, we argue that it is important to study the discourses in civil society by using a bottom-up approach. Our analysis of social media comments on the case of Sahar exemplifies this approach. This analysis does not only contribute to an understanding of the normative and discursive dimensions of the legitimisation process in civil society, but also constitutes a novel addition to critical migration research in Sweden. At the same time as we learn a lot about Sahar, which arguably serves to humanise her, both the discourses that legitimise and de-legitimise the court's decision also contribute to the dehumanisation of Sahar in the sense of othering her. That is, by debating and scrutinising Sahar and her story on social media she is made into an object. The refugee. The Other.

## Notes

- 1 'Hon är gammal och sjuklig och kommer inte leva så många år till då måste man va human och låta henne stanna och inte va så jävla byråkratisk (två arga smileys)'.
- 2 The Swedish Migration Agency makes the initial decision on applications for visa, residence permit, Swedish citizenship or asylum. In the event of a rejection, the applicant can appeal the decision to the Migration Agency. If the Agency does not change its decision, the appeal is brought to the Migration Court (The Swedish Courts, 2018; see also chapter 2 above).
- 3 Chapter 5 paragraph 6 of the Aliens Act SFS 2005:716.
- 4 Hon är registrerad och dokumenterad flykting i Kroatien. Då beslutade migrationsverket rätt då reglerna är sådana att man ska stanna i första säkra land.. Myndigheten ska följa reglerna sen får domstolen välja om de skall bryta mot dem eller inte. Blir det praxis att bryta mot dem med hög ålder som asylskäl blir det tufft för kommunerna.
- 5 Interdiscursivity is the link between different discourses (Vaara and Tienari, 2010, p. 245).
- 6 'Roligt att hon vet sin ålder när det finns vuxna män som inte vet om de är 16 eller 40 (skrattande smiley).'
- 7 'mänsklighet', 'oetiskt', 'välvilligt', 'omänskligt', 'humanistiskt', 'skamligt' and 'humant'.
- 8 'Skulle inte varit strul från början. Vad är det för robotar som jobbar med detta? Glad för hennes skull.'

- 9 'Jag förstår att det finns regelverk osv men att slänga ut en 106-åring??!! Tack och lov att nån använde hjärnan och använde lite medmänsklighet.'
- 10 'Visa solidaritet med de utsatta i världen. Däremot blir jag väldigt ledsen när de som är efterlysta för kopplingar till terrorgrupper inte blir utvisade med det samma! De ska inte vistas här en enda sekund!'
- 11 'Hon har inte tillfört pensionssystemet ett öre. Inte betalat skatt. Alltså tar hon från Svenska pensionärer!'
- 12 'Vi kan itnte ta hand om alla utlänningar över 100. Till skillnad från vad somliga tror har vi inte gränslösa resurser. Hon skulle aldrig kommit hit!'
- 13 'Va inte rädda jag kan stå för alla kostnader om migrationsverket accepterar <3'.
- 14 'Hon kommer få ca 3800–4300 I månaden så va inte orolig din skatt går förmodligen inte till henne.'
- 15 'Afghanistan är säkert nästan överallt.'
- 16 'Man behöver inte fly från Kroatien!'

## References

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