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Vanessa Barker

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Introduction: Why Close the Border?

- 1 In 2015, Sweden gained international attention by opening its borders to people fleeing the war in Syria, receiving over 163 000 asylum seekers with a peak of 10 000 per week in the fall of 2015¹. As the Prime Minister declared “My Europe does not build walls,” and as citizens streamed into city centers affirming “Refugees, Welcome,” Sweden was on track to realizing a substantial, if not self-described, humanitarian effort. By November, it was over. The government closed the border with Denmark, erected fencing, tightened entry restrictions, blocked family reunification, and increased expulsions. How can we explain this dramatic shift in policy? How did a well-known open society suddenly become closed?
- 2 To explain this puzzling development, several explanations emerged in the wake of the border closures and tightening migration restrictions, from warnings of a system collapse to xenophobia. For example, from the highest levels of government, Swedish elites feared a “system collapse,” they worried that the country’s infrastructure and social institutions could not handle the pressure from the sheer numbers of the newly arrived². This anticipated breakdown would affect not only the newly arrived but the general population as well who would be denied crucial services and depleted resources. To put these anxieties into context, we should note that Sweden is a relatively small country with 10 million people but had received the second most arrivals per capita in Europe. Hospitals, healthcare, police, childcare, schools, emergency services, the Migration Agency, and especially housing facilities were overwhelmed with processing the newly arrived in a safe and secure manner. The housing shortage sparked dire predictions of a “tent city” popping up in Stockholm, the

nation's historic capital, an unthinkable development. At the same time, in the late fall, a terrorist shooting at a Parisian nightclub, killing over one hundred people, compounded security concerns in Sweden. Säpo, the Swedish Secret Services, warned of threats to Swedish Parliament members, on both sides of the issue³. In response to perceived a governing crisis and security risks, the Swedish government reversed course and shut down the border.

- 3 From a critical perspective, several academic accounts pushed past this official, albeit plausible account, which in many ways, functions more as a justification than a sociological explanation. Commentators contextualized Sweden's restrictions within broader, more global power dynamics and inequalities. For example, social scientists Öberg and Sager (2017) argue the closure was the result of a large-scale solidarity crisis as affluent societies of the Global North closed ranks and literally shut the door on people coming from the Global South⁴. As Gurminder Bhambra (2017) succinctly explains, European migration control is the latest expression of neocolonial domination and fear of outsiders, particularly people of color⁵. Political analysts have emphasized the ongoing pressure from the Sweden Democrats, the far-right anti-immigrant party, to tighten restrictions. Lars Trägårdh (2018), a Swedish historian and public commentator, explains how the unresolved tension between national and global solidarity and the lack of truly global policy instruments would ultimately force governments to prioritize the needs of citizens and the national polity above all else⁶. Public opinion reflected this nationalistic and protectionist view, shifting from strong support for the newly arrived to growing opposition to migration more generally by early 2016.
- 4 These accounts all offer insights into the Swedish government's actions and decisions and help us understand the competing pressures on society at the time. Yet they are partial accounts. What is missing is an understanding of the actual technology used to close the border, why it was perceived to be natural and legitimate in a society known for its humane penal regime and limits on hard power. To get at the pivotal role penal technologies such as the police and other criminal justice measures played in restricting migration in Sweden, a more criminological, specifically, a sociology of punishment analytical perspective is needed. The following snapshot into these complex processes provides this perspective. It offers a novel conceptualization of migration control called *penal nationalism*. Penal nationalism aims to capture the synergy between criminal justice measures and national interests⁷, and in the case of the 2015 border closure, in regulating and controlling unwanted mobility and repressing and punishing unwanted migrants. The concept builds on the related field of "crimmigration"⁸, in which crime control merges with migration control, but incorporates specific nationalist goals and purposes as part of the criminalization and penalization campaign.

Penal technology: Symbolic and Material Violence of the State

- 5 Penal nationalism is a form of state power that relies on criminal justice to uphold national order and national interests. It is coercive as it relies on state power to suppress another's will by blocking mobility and depriving a person liberty and self-determination. It is productive as it contributes to meaning-making about state

authority⁹, citizenship, worthiness and belonging¹⁰. Penal nationalism integrates the material violence of the state with its symbolic power to carry out a number of national interests, depending on the context. Penal power has been intertwined with statecraft since ancient Greece¹¹, historical developments well beyond the scope of this paper, but important to acknowledge here since this configuration has long standing roots and perceived legitimacy.

- 6 In the contemporary era, penal power is increasingly being used as migration control for a range of specific purposes. For example, sociologist Lynne Haney (2016) first identified penal nationalism operating in post socialist Central Europe as a mechanism to affirm national sovereignty in the face of EU pressure to moderate punishment, among other demands¹². In Britain, criminologists have shown how the creation of new migrant prisons¹³ and immigration detention centers¹⁴ functions to sort out and separate national identities and reproduce ideals of Britishness¹⁵. In the Nordic countries, scholars have found penal nationalism operating as a key mechanism to uphold and preserve the welfare state, but for members only¹⁶. These kinds of penal technologies are effective in bringing to bear the full weight of the criminal justice system against what are essentially noncriminal offenses.
- 7 What this means in practice is that democratic states such as Sweden, Denmark, the United States, Britain, members of the European Union, for example, routinely use prison like institutions to house unwanted migrants and those awaiting expulsion, deportation – that is removal from one country and repatriation to another (Global Detention Project 2021)¹⁷. They routinely use police departments to monitor, check and detain suspected migration violations. They use the criminal law to create new kinds of migration violations and transform what once was considered an administrative issue into a criminal one, but without the full protection of due process¹⁸. Here we see the repressive side of criminal law without any of its protections we have come to expect in liberal democracies.
- 8 The intertwining of crime control with migration control is not a new phenomenon but it has seriously intensified and become fairly routine after 9/11 in the United States and in Europe, after the European Union expansion in 2004. In the EU, new protocols and security programs were grafted onto principles of free movement, known as the Stockholm Program for an “open and secure Europe”¹⁹. More recently, member states have expanded control measures through the EU Returns Directive²⁰, prioritizing prevention and expulsion over entry into the EU. This policy is graphically represented by the EU-Turkey Statement and the confinement of Syrians in refugee camps in Turkey²¹. What is more, EU member states have agreed to expand these types of security and migration control measures rather than compromise or agree on a shared asylum policy. That said, it is nevertheless the domain and authority of member states to set migration policy, including rights to settlement and residency, within their territory, recognized as matters of national sovereignty. Member states did in fact take a number of different approaches to the refugee crisis in 2015, with some members refusing to take any refugees and other members, such as Italy and Greece, receiving the majority of new arrivals as the first point of entry into the EU along the southern border.
- 9 In contrast to popular views of Sweden as a moral superpower and protector of human rights, the Swedish government, as noted above, closed its borders and ramped up its use of penal power to monitor, detain, and remove unwanted migrants. The police

force was enlisted into border control, mixing its crime control function with its national security function, to conduct ID checks as well as escort new arrivals to Migration Reception. The Swedish police met the newly arrived at train stations as they entered the territory. Images of the police escorting the newly arrived to Reception centers are commonplace and may appear innocuous. But it does represent a shift in policing duties and a blurring of the issue itself. Instead of defining the newly arrived as people exercising their political rights of movement and the right to claim asylum, fleeing danger, the high visibility of police presence communicates risk, suspicion, danger. It communicates that people crossing borders may pose a threat to Sweden, they may be criminals. Over the long term, the conflation of migrants with criminals further exacerbates social conflict in Sweden and other Nordic regions in a process Katja Franko conceptualizes as the ‘crimmigrant other’²².

- 10 In addition, the expansive and intrusive use of criminal justice institutions to control migration erodes another long-held view of Sweden, renowned for its mild and humane approach to punishment, known as Scandinavian exceptionalism²³. Penal measures such as the loss of liberty, usually associated with violation of the criminal law, have been used against migrants who have not committed a crime. Housed in immigration detention centers, which critical scholars call immigration prisons, migrants awaiting removal from the territory sit in secure facilities that limit mobility while imposing harm, uncertainty, stigma and insecurity²⁴. Immigrant prisons exercise penal harms on people for crossing borders. While some legal scholars argue that immigration detention is not formally a penal measure, the bulk of the empirical research and theorization on the criminalization of migration²⁵, shows quite clearly that these measures are mobilized to communicate wrong-doing (censure) and to impose a specific kind of sanction (penal harm), the two core components of punishment²⁶ on migrants. They are mobilized to deem outsiders as wrong-doers, unworthy, suspect, if not dangerous²⁷. And as much of the research has found, this kind of coercive power is used to limit and restrict unwanted migration and tends to reproduce ethnic, racial and gender hierarchies²⁸.
- 11 In 2015, Sweden rapidly expanded its detention capacity, including housing a small number of migration cases in the prison ward, and removed over 27 000 people²⁹. The numbers and scale of penal harm may pale in comparison to figures in the United States, standing at 400 000 migrants in detention centers (Global Detention Project 2021). Yet, in Sweden, the use of these kinds of facilities and practices exposes the character of society itself, not as an idealized protector or the future of human rights, but rather as protector of its own interests, first and foremost. We have to ask ourselves how is it possible that the arrival of 160 000 people could cause a governing crisis, in one of the most affluent and well-ordered societies? What else is going on here?

Welfare Nationalism and Sustainability

- 12 Understanding why Sweden closed its borders and escalated the use of penal technologies as migration control, over a relatively small number of people in the global scale of migration, requires unpacking another layer of society itself. As noted above, several arguments were put forward explain why Sweden closed its border, from a governing crisis to a solidarity crisis, including pressures from a rising far right and

anti-immigrant political party. On this point, it is absolutely essential to recognize that the historic border closure and ensuing penal measures, were conducted under a Red-Green coalition government, that is the Social Democrats and their junior partners the Greens, the embodiment of core social democratic values and principles.

- 13 The Sweden Democrats, the far-right party, actively opposed the government's open-door policy and had advocated various restrictive measures for years. This political party, while represented in the Swedish Parliament, was not part of the formal opposition parties in 2015, called the Alliance, made up of four centre right parties, including the Moderates, the Centre Party, Liberal People's Party, and the Christian Democrats. The Sweden Democrats have certainly been influential in shaping public debate around migration but in terms of governing decisions and influence, they have been cordoned off, quarantined. But perhaps more importantly, we should note that anti-immigrant sentiments did not emerge spontaneously from the Sweden Democrats, and they are certainly not restricted to other far-right groups. They are not exogenous. They come from society itself. The dramatic move to close the border and restrict migration came from *within*. It speaks to the harsh reality of the welfare state: its hard edges, its illiberal uses of state power, and its fervent nationalism, not often advertised internationally, these features are basic building blocks of the society. These are not exceptional features mobilized during exceptional times but rather they are part and parcel of the state's foundation and lasting legacy³⁰. Who belongs in society? Who is the welfare state for? Who is a legitimate member? Who is worthy? Who is recognized as such? These are perennial questions that are tied to the foundation of the welfare state and continue to exist today.
- 14 The history of the Swedish welfare state, especially in relation to migration policies, is well beyond the scope of this article. We can, however, point out a few highlights that help to illustrate key concepts and structural foundations, illustrated in detail in *Nordic Nationalism*³¹ with references to much of the historical and secondary literature. In the 1930s, the Social Democrats swept to power and ushered in the *Folkhemmet*, the People's Home. The People's Home would literally provide a place for everyone, regardless of status, rank, or class³². It would provide safety and security, housing, health care, unemployment insurance, and perhaps most importantly, social investments in the population and its future. This is what became known as the universal welfare state, generous and protective. The Social Democrats seeking to unite and overcome social divisions, including class politics, pursued the People's Home as a national project for nationals rather than as a class project for workers³³. This strategy was successful in aligning popular support for the growth and development of the welfare state, but it also meant that internationalization and transnational class politics were downplayed in favor of national, nation-state frames of citizenship and membership. The People's Home did provide a place for everyone, *folk*, *the people*, *a demos*, but the people were circumscribed by national borders and by *ethnos*, a kind of people, namely the ethnic and culturally-identified Swedish people. The welfare state is conditional, not universal. There is a long history of how the people's home has excluded and only partially accepted racial and ethnic minorities³⁴, conflicts that are unresolved today and are expressed through restrictive migration policies³⁵.
- 15 In terms of migration policy, Sweden is similarly characterized as an open and multicultural society. But multiculturalism was in reality a short-lived public policy, not a social fact of how people live their lives. Restrictions on migration have oscillated

over the course of the twentieth and twenty-first centuries, with closures repeatedly invoked. Migration policy in Sweden does not follow a linear path towards greater openness or tolerance. Today, the Red-Green coalition government pursues a “sustainable migration policy”³⁶ (Migration and Asylum Policy 2019). That means that the priorities, needs and interests of the welfare state take precedence over the needs, rights, and interests of migrants. Sustainability is for society, not necessarily for migrants.

- 16 Taken together, these historical, institutional and political factors set the stage of the border closure. The state and society would do what it takes to hold up its generous and enviable set of social policies that promote equality and a high quality of life. The Swedish welfare state, reconfigured but not retrenched, still seeks to provide a sense of economic security and social well-being, *trygghet* in Swedish, for its citizens and members. Opening Parliament, the Prime Minister explained: “Generations before us have built one of richest and fairest countries in the world. Our task is to build a stronger nation – one that can make the transition to a new era. We must ensure that our children inherit a sustainable, safe and equal society”³⁷ (Statement of Government Policy 2019). But faced with a self-defined governing crisis or system collapse, overwhelmed by the logistics and perceived social threat of new arrivals, compounded by the penal technologies used to control migration in the first place, the government took dramatic action. Driven by nationalism, in its welfare state and penal forms, the government rescinded its invitation to people fleeing war and destruction to protect its own interests. As it closed the border, it excluded those on the outside to maintain a way of life for those on the side. It meant privileging social security over human security. It meant protecting the particular over the universal.

Conclusion: Penal Nationalism beyond Borders

- 17 Sweden’s restrictive response to the refugee crisis in 2015 did not stop at the territorial border of Sweden. As often the case when relying on criminal justice to respond to social problems, penal power at the border tends to be expansive rather than retractive — meaning once in place, they are difficult to moderate, reform, let alone remove. In the case of migration control, penal power has extended well beyond territorial borders into international and transnational spaces. For example, the Swedish Government recently appointed a new Ambassador of crime-fighting. Positioned within the Ministry of Foreign Affairs, this new position is tasked with coordinating law enforcement responses to cross-border crime, particularly organized crime from abroad. While this position is more traditional in the sense that it clearly deals with criminal justice issues — drugs, gun trafficking, organized crime — it does so outside the bounds of the nation-state but with the goal of providing for the safety and security for nationals. It aims to prevent or deter crime before it crosses the border.
- 18 As legal scholars have shown, we can see the emergence of a transnational criminalization regime that focuses on intersection of migration and crime control (Mitsilegas 2015). We can see this merger between migration control and penal measures, particularly the loss of liberty, confinement, and detention centers at the external border of the European Union where refugees, migrants, and people on the move are trapped in camps, unable to move forward to seek asylum in Europe and faced with dire conditions. This violation of human rights serves to keep migration

sustainable, for Europe. At what point will Europeans and Swedes recognize how our way of life hinges on taking it away from others? At what point does the inherent illiberalism of liberal democracies reach a tipping point?

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ABSTRACTS

This research note highlights key findings from a sociological analysis of Sweden's response to the refugee crisis in 2015. It argues that welfare state nationalism is the underlying driving logic of restrictive migration policies, including the dramatic border closure. Sweden's welfare state, praised for its generosity and universality, is in reality conditional, dependent on membership,

and unafraid to use its harsh edge to exclude noncitizens. Moreover, the state has come to rely increasingly on penal technology specifically, penal nationalism, a form of state power that relies on the logics and legitimacy of criminal justice to protect national interests, national security, national identities and, particularly, to reserve the benefits of the welfare state for members only.

Cette note de recherche met en évidence les principales conclusions d'une analyse sociologique de la réponse de la Suède à la crise des réfugiés de 2015. Elle fait valoir que le nationalisme de l'État-providence est la logique sous-jacente des politiques migratoires restrictives, y compris la fermeture dramatique des frontières. L'État-providence suédois, loué pour sa générosité et son universalité, est en réalité conditionnel, s'adapte au profil des possibles bénéficiaires et n'a pas peur d'utiliser son régime d'avantages pour exclure les non-citoyens. De plus, l'État en est venu à s'appuyer de plus en plus sur la technologie pénale, sur le nationalisme pénal, une forme de pouvoir d'État qui repose sur les logiques et la légitimité de la justice pénale pour protéger les intérêts nationaux, sur la sécurité nationale, les identités nationales, et en particulier sur les avantages de l'État-providence pour les réserver aux seuls citoyens.

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AUTHOR

VANESSA BARKER

Vanessa Barker is Professor of Sociology at Stockholm University