

Introduction

Margot Young¹

Allard School of Law, University of British Columbia, Canada

The genesis of this small collection lies in a series of discussions among faculty in the Department of Law at the University of Gothenburg. I was lucky enough to be a Visiting International Scholar at the Department at this time and served as commentator on the papers as they developed. Initial versions of the papers were presented at the 2022 Law and Society Association Meetings in Lisbon, Portugal, Dr. Sara Stendahl was instrumental in initiating the process out of which this collection came and in orchestrating publication with this journal. She was an essential initial collaborator and deserves strong thanks for her role in bringing this issue to fruition. While the number of articles for this publication is smaller than the range presented at the Lisbon panel, these three papers reflect well the quality of discussion. The papers each display a distinct approach to social justice research. Thus, the papers illustrate well the diversity of Swedish legal scholars looking to issues of equality, fairness, social welfare, and social activism. They also capture the centrality of issues of social justice and the welfare state to Swedish legal scholarship. As a Canadian, I can add that the conversations in this issue are critical for liberal democracies from other corners of the globe.

The Nordic Model is well known internationally and it is typically a key and distinctive framing for Swedish social welfare scholarship. And as Canadian social justice scholars, for example, often note, Sweden, and other Nordic countries, do better in comparative analysis with most other western nations on social welfare indicators. Yet, as these papers illustrate, Sweden is not immune from stubborn and growing social injustice. The Nordic model, in particular the Swedish variant of it, is not immune to the neoliberalism of this moment. The challenge to the foundations of the Swedish social democratic welfare state model began in the 1980s, resulting, it is argued, in a gradual makeover in favour of neoliberal ideals (Mulinari 2024). These papers provide useful ways of both understanding this challenge and modelling research to be effective in the face of social injustice. In sum, we live in a time of crisis for the social welfare state, as it is broadly conceived and referenced in many countries, including Sweden. These papers are responsive to that crisis. Below I provide a brief overview of some aspects of current injustices in Sweden that variously frame the discussions of the papers in this collection.

¹ Email: myoung@allard.ubc.ca



First, liberal democracies around the world are called to face the challenges of housing accessibility and affordability. Sweden is no exception: “[h]omelessness is now a major social problem in Sweden (Larsson 2023; Oredsson 2024). In 2023, it was reported that 27,383 individuals were homeless in Sweden (National Board 2024). Scholars argue that this has not always been the case: Sweden has long had a reputation for a generous welfare state, and, it has been argued, the word “homelessness” was only rarely relevant, until now (The Borgen Project 2020; Larsson 2023). Researchers also note that the challenges of housing shortage and affordability are particularly evident in Sweden’s urban centres, especially Stockholm. In 2016, the Swedish National Board of Housing, Building and Planning stated that the then current housing crisis was the worst in Sweden’s history [Fox and Syvixay 2020]. Other researchers note that the housing regulations and policies of the former stronger welfare state are in tension with the neoliberal turn to market intrusion [Fox and Syvixay 2020]. Prolonged wait-times for affordable housing in urban settings, such as Stockholm, have led to a range of dysfunctional coping strategies and outcomes—such as a black market in rental contracts [Fox and Syvixay 2020]. Difficulties are particularly acute for migrants and racialized groups [Fox and Syvixay 2020]. Housing availability, consequently, as emerged as a significant political and economic concern.

Gender inequality is also a pressing concern in Sweden. Here, as in other countries like Canada, it is systemic, grounded in the institutions and practices of society. Traditionally, gender justice in Sweden was sought primarily through political measures based on socio-economic research and delivered by legislation and state policy. Increasingly, however, strategies for gender equality have turned away from this model, as you will read in the article by Gustafsson and Svensson. High rankings from international measurements aside, challenges to achieving gender equality persist. Indeed, Swedish scholars have written that there is “a rather depressing picture of gender-related socioeconomic inequalities” in Sweden. (Gunnarsson, Svenaeus and Svensson 2023, 20) Gender continues to have negative effects across a woman’s full life span: women have lower average income, lower rates of full employment, lower average hourly pay, and female-dominated work is valued less. They have lower levels of capital and wealth business ownership and leadership continue to be dominated by men. (Gunnarsson, Svenaeus and Svensson 2023, 27) It is the double image of a country extolled for sex equality, yet deeply marked by dogmatic and resistant sex-segregation (Svensson 2001, 71). The Swedish welfare state gender equality project “can be characterized as a kaleidoscope. It can be described as both successful and not so successful (Gunnarsson, Svenaeus and Svensson 2023, 68). Sweden has also not been immune from unaddressed and ramped up racism (Paulsson 2023). Several studies document how minorities and non-European immigrants face racism from public institutions, such as systems established around political participation, school and education, the legal system, the labour

market, and health care (Country Report 2020). It is argued that structural racism is a “pervasive and deeply ingrained problem that affects various aspects of Swedish society” (Groglopo 2023). Discrimination is thus manifest in many aspects of daily life. A report by the Swedish nonprofit organization Save the Children documents racist abuse directed at children with immigrant background (Save the Children). Scholars have observed elevated levels of economic, social and political marginalisation of migrants and their descendants (Mulinari 2024). Racialized ethnic groups have especially been subject to discrimination and exclusion. And, in particular, there is a persistent history of racism against the Roma (Lappalainen 2020). A 2014 Government White Paper notes how difficult the lives of Roma have been made because of discrimination: their communities have been marked by far-reaching and negative state intervention (White Paper 2014).

The three papers in this collection speak directly to these three sets of Swedish social justice concerns. Of course, these are not the only forms of injustice that need attention and challenge. But the three topics are important backdrops to the papers in this collection. I want to note as well that Sweden is not alone facing these concerns: the injustices and inequalities addressed in this collection are widely relevant. In Canada, for example, similar problems are well-documented (FAFIA 2024).

While the articles are all motivated by concern about the social and economic inequalities that characterize current Swedish society, they do not cover these concerns in the same way or with the same research focus. Patrik Emblad and Erik Björling each take on a specific slice of the larger picture—one discussion looks to housing structures and the other to education policy. Håkan Gustafsson and Eva-Maria Svensson focus on larger structural issues that set the stage for specific, concrete injustices. Gustafsson and Svensson’s piece does have focused discussion of specific policy but the import of their piece is concern about a larger legal, economic, and social context that challenges and overwrites the traditional Swedish model of state ensured social welfare provision. But the pieces all together have a productive synergy. Gustafsson and Svensson’s critique of rights discourse and deployment is an important lens to bring to the different focus of the two other articles. Emblad and Björling each reference specific rights guarantees—to housing and education. And the calls for complex interdisciplinarity from Emblad and for thoughtful, carefully-calibrated transformative research relationships from Björling are valuable methodological insights for all law and society researchers.

More specifically, the piece by Gustafsson and Svensson puts the stories told by Emblad and Björling into a larger background of ideological transformation. This shift is marked in Sweden, the authors argue, but also forceful in other nations and jurisdictions. A redistributive welfare model, characterized by state universal programmatic provision of services and goods, what many call the Nordic Model, is under challenge from the neoliberal model of marketisation and

privatization. In the legal realm, this has been accompanied by what the authors term “rightification:” the turn to individual rights assertion at the expense of universal welfare legislation. Both rights and social legislation claim fealty to social justice ambitions, but this article argues that the makeover of the welfare state into a domain of individual rights delivers less than it promises. The gap between the ideals of the Nordic Model, still very much in imaginary currency, and what the transforming state can in practice deliver is growing. The negative effects of rightification—individualization, fragmentation, and disciplining—as they shape both discourse and legal approaches are examined. A key thread in this piece is the effect of the neoliberal transformation on the terms and practices of democracy. Political discourse is increasingly displaced by individual rights assertion, something the authors demonstrate in relation to three areas of public policy: elder care; disability assistance; and, discrimination. The authors conclude with thoughts about what a different constituted rights regime might contribute to, rather than displace, social justice struggles.

Patrik Emblad’s contribution unpacks what is meant by housing inequality and how the housing crisis is shaped by the legal and economic systems. Emblad’s discussion occurs across both home ownership and rental forms of housing, tying a range of economic features, practices and paradigms to current housing dynamics. This is a valuable contribution to the literature, providing an ambitious interdisciplinary perspective on the housing crisis that argues that the issue is not simply a shortage of housing but, rather, a shortage of affordable housing and inequality in housing wealth. Housing inequality from this perspective is a product of mutually reinforcing market forces and public policies. Confounding these, as well, are the effects of the legal system. Emblad details the effect of the neoliberal turn, taking up close examination of neoliberal fiscal policy, credit and bank law, and tax law as they affect housing, across a range of countries. At its base, Emblad argues, his piece is about the potential of “law”, a term he uses broadly to capture the rules of legal, economic and monetary systems, to bring about progressive change. As a sustain feature of the current economic system, housing inequality requires fundamental reorganization of law in this broader sense. He ends with the claim that the neoliberal economic order depends on housing inequality. This conclusion, then, is a call for change across dominant paradigms of social and economic ordering.

Erik Björling’s contribution centres around the theoretical work of Martin Buber and Buber’s distinction between “I-Thou” and “I-It” relationships (Buber 1958). Björling argues that when researchers collaborate with community groups, particularly community organizations representing marginalized individuals, there is an ideal transition from an I-It relationship to an I-Thou relationship. In the context of persistent epistemic injustice, researchers have a responsibility to ensure that the voices of the marginalized are heard and credited in legal research. The non-instrumental relationship of I-Thou captures the sort of mutual constitution that is essential to an effective and revealing

research relationship. The author relies on Miranda Fricker's theory about testimonial and hermeneutical injustices to capture the forms of systemic inequality that must be overcome (Fricker 2009). Buber's distinction, Björling argues, represents one method of working towards this important goal. This discussion is anchored in the case study of a specific research collaboration by students and faculty of the Law Department at the University of Gothenburg. Björling details work with a local Roma organization, Trajosko Drom, focusing on Roma children's right to education. Björling ends his piece with specific examples of how Buber's theoretical framework facilitated key observations from this project, enhancing how the right to education must be understood for the Roma in Sweden, particularly given the backdrop of persistent antigypsyism. The article is an engaging glimpse into a creative, ambitious, and productive community organization, faculty researcher and student project. It contributes to a larger literature about methodological tools for justice-focused research.

So, these three articles make a compelling and inspiring package. Each speaks to pressing social justice concerns. A call for rich contextualism informs all of these papers and a valuable scholarly conversation emerges across the range of focus: complex interdisciplinary work, research methodologies for innovative community research, and complex issues of how inequalities are best targeted in the current ideological climate. These articles represent well the importance of sociolegal research and thinking in a time that calls for renewed efforts and nuanced thinking to combat injustice.

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